

**§ 165.784 Safety Zone, Schuylkill River; Philadelphia, PA**

(a) *Location.* The following area is a safety zone: All waters of the Schuylkill River in Philadelphia, PA, inside a boundary described as originating from 39°54'50" N., 075°12'12" W.; then West to 39°54'50" N., 075°12'15" W.; then Northeast to 39°55'10" N., 075°12'05" W.; the East to 39°55'10" N., 075°12'04" W.; then back to 39°54'50" N., 075°12'12" W.

(b) *Enforcement period.* (1) This regulation is enforced during times when a barge having a beam (width) of up to 80 feet is moored at the Deloach dock of Philadelphia Energy Solutions near Point Breeze.

(2) Prior to commencing enforcement of this regulation, the COTP or designated on-scene patrol personnel will notify the public whenever the regulation is being enforced, to include dates and times. The means of notification may include, but are not limited to, Broadcast Notice to Mariners, Local Notice to Mariners, Marine Safety Information Bulletins, or other appropriate means.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23.

(2) All persons and vessels transiting through the Safety Zone must be authorized by the Captain of the Port or his representative.

(3) All persons or vessels wishing to transit through the Safety Zone must request authorization to do so from the Captain of the Port or his representative 30 minutes prior to the intended time of transit.

(4) Vessels granted permission to transit must do so in accordance with the directions provided by the Captain of the Port or his representative to the vessel.

(5) To seek permission to transit the Safety Zone, the Captain of the Port or his representative can be contacted via Sector Delaware Bay Command Center (215) 271-4940.

(6) This section applies to all vessels wishing to transit through the Safety Zone except vessels that are engaged in the following operations:

- (i) Enforcing laws;
- (ii) Servicing aids to navigation; and
- (iii) Emergency response vessels.

(7) No person or vessel may enter or remain in a safety zone without the permission of the Captain of the Port;

(8) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port;

(9) No person may board, or take or place any article or thing on board, any vessel in a safety zone without the

permission of the Captain of the Port; and

(10) No person may take or place any article or thing upon any waterfront facility in a safety zone without the permission of the Captain of the Port.

(d) *Definitions.* The Captain of the Port means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the Safety Zone by Federal, State, and local agencies.

Dated: July 31, 2015.

**B.A. Cooper,**

*Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.*

[FR Doc. 2015-21687 Filed 8-31-15; 8:45 am]

**BILLING CODE 9110-04-P**

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2015-0161; FRL-9933-32-Region 4]

#### Approval and Promulgation of Implementation Plans; Georgia: Changes to Georgia Fuel Rule and Other Miscellaneous Rules

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the State of Georgia's February 5, 2015, State Implementation Plan (SIP) revision, submitted through the Georgia Environmental Protection Division (GA EPD), to modify the SIP by removing Georgia's Gasoline Marketing Rule and Consumer and Commercial Products Rule, revising the Nitrogen Oxide (NO<sub>x</sub>) Emissions from Stationary Gas Turbines and Stationary Engines Rule, and adding measures to offset the emissions increases expected from the changes to these rules. This modification to the SIP will affect, in varying ways, the 45 counties in and around the Atlanta, Georgia, metropolitan area covered by the Georgia Gasoline Marketing Rule (hereinafter referred to as the "Georgia Fuel Area"). Additionally, EPA is also approving structural changes to the NO<sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines Rule included in a SIP revision submitted by GA EPD on September 26, 2006. EPA has determined that the portion of Georgia's September 26, 2006, SIP revision

addressing changes to the NO<sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines Rule and the February 5, 2015, SIP revision meet the applicable provisions of the Clean Air Act (CAA or Act).

**DATES:** This rule is effective October 1, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2015-0161. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard Wong of the Air Regulatory Management Section, in the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Mr. Wong may be reached by phone at (404) 562-8726 or via electronic mail at [wong.richard@epa.gov](mailto:wong.richard@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background for Final Action

On November 16, 1991, EPA designated and classified the following counties in Georgia, either in their entirety or portions thereof, as a serious ozone nonattainment area for the 1-hour ozone NAAQS (hereinafter referred to as the "Atlanta 1-Hour Ozone Area"): Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. Among the requirements applicable to the nonattainment area for the 1-hour ozone NAAQS was the

requirement to meet certain volatility standards (known as Reid Vapor Pressure or RVP) for gasoline sold commercially. See 55 FR 23658 (June 11, 1990). Subsequently, in order to comply with the 1-hour ozone NAAQS, Georgia opted to implement Georgia Rule 391–3–1-.02(2)(bbb), *Gasoline Marketing* (hereinafter referred to as the “Georgia Fuel Rule”), which requires the sale of low sulfur, 7.0 RVP gasoline in the 45-county Georgia Fuel Area during the high ozone season.<sup>1</sup> EPA incorporated the Georgia Fuel Rule into the Georgia SIP on July 19, 2004. See 69 FR 33862 (June 17, 2004).

On February 5, 2015, GA EPD submitted a SIP revision to modify the SIP by removing Georgia Rule 391–3–1-.02(2)(aaa), *Consumer and Commercial Products*,<sup>2</sup> and Georgia Rule 391–3–1-.02(2)(bbb), *Gasoline Marketing*, and revising Georgia Rule 391–3–1-.02(2)(mmm), *NO<sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity*.<sup>3</sup> The SIP revision also includes measures to offset the emissions increases expected from the changes to these rules and a technical demonstration that these changes will not interfere with attainment or maintenance of any national ambient air quality standards (NAAQS or standard) or with any other applicable requirement of the CAA. Additionally, the State submitted a SIP revision on September 26, 2006, that contains structural changes to Georgia Rule 391–3–1-.02(2)(mmm).

Georgia Rule 391–3–1-.02(2)(mmm) reduces emissions from stationary, peak performing engines that tend to operate during high electricity demand days in the 45-county Georgia Fuel Area. The State’s February 5, 2015, SIP revision

<sup>1</sup> The Georgia Fuel Area consists of the following 45 counties: Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Walton and Upson. This Area encompasses the 20-county 8-hour Atlanta ozone maintenance area for the 1997 ozone NAAQS and the 15-county 8-hour Atlanta ozone nonattainment area for the 2008 ozone NAAQS. Georgia received a waiver under section 211(c)(4)(C) of the CAA to adopt a state fuel program that is more stringent than that which was federally required for the Atlanta 1-Hour Ozone Area. The Georgia Fuel Rule requires the sale of low sulfur, 7.0 psi RVP gasoline in the Georgia Fuel Area.

<sup>2</sup> The Consumer and Commercial Products Rule applies in the following 13 counties that make up the former Atlanta 1-hour ozone nonattainment area: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

<sup>3</sup> Georgia Rule 391–3–1-.02(2)(mmm) only applies in the Georgia Fuel Area.

modifies the rule to exempt stationary engines at data centers from the rule’s NO<sub>x</sub> emission limits provided that the engines operate for less than 500 hours per year and only for routine testing and maintenance, when electric power from the local utility is not available, or during internal system failures. The rule change also limits routine testing and maintenance of these engines during the high ozone season to the hours of 10 p.m. to 4 a.m. to reduce the possibility of ozone formation due to these emissions. The September 26, 2006, SIP revision makes a structural change to the SIP-approved version of the regulation, pulling the emergency engine exemption into a new paragraph (Paragraph 7) and limits the exemption to the emission limits in Paragraph 1 of the rule.

The February 5, 2015, SIP revision includes two offset measures—school bus replacements and rail locomotive conversions—to obtain the necessary emissions reductions to offset the rule changes identified in that submittal. The State’s school bus replacement program permanently replaced 60 older school buses in DeKalb, Fayette, Henry, and Madison Counties with the newer and cleaner 2015 model year buses by October 2014. The locomotive conversion program consists of two components: (1) The conversion of 28 locomotives from Norfolk Southern Railway Company and CSX Transportation to EPA Tier 3 switch duty, Tier 3 Line-Haul, and Tier 2 Switch emissions standards, and (2) the installation of an electric layover system at the Norfolk Southern Atlanta Terminal. The State demonstrated that the offset measures result in equivalent or greater emissions reductions that are permanent, enforceable, quantifiable, surplus, and contemporaneous.

In addition, Georgia’s SIP revision includes a contingency offset measure in the event that the locomotive conversion program cannot be fully completed. The contingency measure would obtain NO<sub>x</sub> offsets from the permanent retirement of Unit 3 at Georgia Power’s Eugene A. Yates Steam-Electric Generating Plant. Upon a determination that sufficient offsets will not be achieved within one year from the date of EPA’s final action on Georgia’s February 5, 2015, SIP submission, GA EPD will revise Georgia Rule 391–3–1-.02(12)(f), Clean Air Interstate Rule NO<sub>x</sub> Annual Trading Program, for the purposes of retiring or reducing the appropriate New Source Set Asides and submit that rule revision, along with the Title V permit condition that requires the shutdown of Unit 3, as a SIP revision. GA EPD will

use the necessary substitute emissions reductions to replace any emissions shortfall in the event the locomotive conversions are not completed. EPA has determined that the State has successfully demonstrated that 660 tons of NO<sub>x</sub> offset is available through implementation of the contingency measure in the event the locomotive conversion program is not completed and that the measures will be permanent, enforceable, quantifiable, contemporaneous, surplus, and equivalent.

In a notice of proposed rulemaking (NPR) published on June 26, 2015, EPA proposed to approve the February 5, 2015, SIP revision and the portion of the September 26, 2006, submission that contains structural changes to Georgia Rule 391–3–1-.02(2)(mmm). See 80 FR 36750. The details of Georgia’s submittals and the rationale for EPA’s action is explained in the NPR.

EPA received one comment on the NPR. This comment, submitted by the Society of Independent Gasoline Marketers of America and provided in the docket for today’s final action, supports approval of the February 5, 2015, SIP revision but expresses concern about the timing of the action. A summary of the comment and EPA’s response to the comment are provided below.

## II. EPA’s Response to Comment

The Commenter supports EPA’s proposal to approve the State’s February 5, 2015, SIP revision but notes that it is “very disturbed by rumors that EPA will approve and implement this change [during the week of July 27, 2015], which will be right in the middle of the summer fuel season.” The Commenter “requests that EPA approve and implement the Georgia SIP in a manner that will not damage the fuel marketing industry and ultimately penalize those who have complied with the Agency’s environmental mandate.”

EPA does not view this comment as adverse, and the basis for the Commenter’s concerns regarding the finalization of the rule during the week of July 27, 2015 is unclear. EPA has proposed and finalized this action under its standard rulemaking process, and it will be effective on October 1, 2015.

## III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporate by reference of Georgia Rule 391–3–1-.02(2)(mmm), *NO<sub>x</sub> Emissions from*

*Stationary Gas Turbines and Stationary Engines used to Generate Electricity.* EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

**IV. Final Action**

EPA is taking final action to approve Georgia's February 5, 2015, SIP revision, including the section 110(l) demonstration that modifying the SIP to remove Georgia Rules 391-3-1-.02(2)(aaa) and 391-3-1-.02(2)(bbb) and revising Georgia Rule 391-3-1-.02(2)(mmm) will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. EPA is also taking final action to approve the portion of the State's September 26, 2006, SIP revision that contains structural changes to Georgia Rule 391-3-1-.02(2)(mmm).

**V. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submittal that complies with the provisions of the Act and applicable federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not propose to impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735,

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249,

November 9, 2000) nor will it impose substantial direct costs on tribal governments or preempt tribal law.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by Reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 19, 2015.

**Heather McTeer Toney,**  
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart L—Georgia**

- 2. Section 52.570 is amended:
  - a. In paragraph (c):
    - i. By removing the entries for “391-3-1-.02(2)(aaa)” and “391-3-1-.02(2)(bbb).”; and
    - ii. By revising the entry for “391-3-1-.02(2)(mmm).”; and
  - b. In paragraph (e) by adding an entry to the end of the table entitled “Offset measures associated with the repeal of Georgia Rules 391-3-1-.02(2)(aaa) and 391-3-1-.02(2)(bbb) and the revision to Georgia Rule 391-3-1-.02(2)(mmm).”.

The revisions and additions read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED GEORGIA REGULATIONS**

State citation	Title/Subject	State effective date	EPA Approval date	Explanation
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391-3-1-.02(2)(mmm) .....	NO <sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.	May 4, 2014	September 1, 2015 [Insert <b>Federal Register</b> citation].	
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\* \* \* \* \* (e) \* \* \*

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/ Effective date	EPA Approval date	Explanation
* Offset measures associated with the repeal of Georgia Rules 391-3-1-.02(2)(aaa) and 391-3-1-.02(2)(bbb) and the revision to Georgia Rule 391-3-1-.02(2)(mmm).	* Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Walton and Upton.	* May 4, 2014	* September 1, 2015 [Insert <b>Federal Register</b> citation].	* Includes the contingency offset measure in the event that the locomotive conversion program cannot be fully completed.

[FR Doc. 2015-21536 Filed 8-31-15; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2012-0098; FRL-9931-78-Region 6]

**Approval and Promulgation of Implementation Plans; Texas; Attainment Demonstration for the Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area; Determination of Attainment of the 1997 Ozone Standard**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is disapproving revisions to the Texas State Implementation Plan (SIP) submitted to meet certain requirements under section 182(c) of the Clean Air Act (CAA) for the Dallas/Fort Worth (DFW) nonattainment area under the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard). The revisions address the attainment demonstration submitted on January 17, 2012, by the Texas Commission on Environmental Quality (TCEQ) for the DFW Serious nonattainment area. The EPA has also determined that the DFW nonattainment area is currently attaining the 1997 ozone NAAQS. This determination is based upon complete, quality-assured and certified ambient air monitoring data that show the area has monitored attainment of the 1997 ozone NAAQS

for the 2012-2014 monitoring period. Thus, the requirements to submit an attainment demonstration and other planning SIPs related to attainment of the 1997 ozone NAAQS, and the sanctions clock and the EPA's obligation to promulgate an attainment demonstration Federal Implementation Plan (FIP) for the DFW area are suspended for so long as the area continues to attain the 1997 ozone NAAQS.

**DATES:** This final rule is effective on October 1, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2012-0098. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Carrie Paige, (214) 665-6521, [paige.carrie@epa.gov](mailto:paige.carrie@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us," and "our" means the EPA.

**I. Background**

The background for this action is discussed in detail in our April 28, 2015

Proposal (80 FR 23487). In that notice, we proposed to disapprove the TCEQ's 8-hour ozone attainment demonstration for the DFW Serious nonattainment area because the area failed to attain the 1997 ozone NAAQS by the June 15, 2013 attainment date.<sup>1</sup> Our analysis and findings are discussed in the proposed rulemaking. We also proposed to determine that the DFW ozone nonattainment area is currently in attainment of the 1997 ozone standard based on the most recent 3 years of quality-assured air quality data. Certified ambient air monitoring data show that the area has monitored attainment of the 1997 ozone NAAQS for the 2012-2014 monitoring period and continues to monitor attainment of the NAAQS based on preliminary 2015 data.

Our Proposal and the technical support document (TSD) that accompanied the proposed rule provide our rationale for this rulemaking. Please see the docket for these and other documents regarding our Proposal. The public comment period for our Proposal closed on May 28, 2015.

**II. Response to Comments**

We received one comment letter dated May 28, 2015, from the TCEQ (the Commenter) regarding our Proposal. A summary of the comments and our responses follow.

*Comment:* The Commenter agrees with our Proposal to determine that the DFW ozone nonattainment area is

<sup>1</sup> The DFW Serious ozone nonattainment area under the 1997 ozone standard is comprised of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant counties.