ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Plan for the North Reading Area for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania). This revision pertains to the Commonwealth’s attainment plan for the North Reading nonattainment area (“North Reading Area” or “Area”) for the 2008 lead national ambient air quality standards (NAAQS), and includes a base year emissions inventory, an analysis of reasonably available control measures (RACT) (including reasonably available control technology (RACT)), a plan for reasonable further progress (RFP), a modeling demonstration of lead NAAQS attainment, and contingency measures.

This action is being taken under the Clean Air Act (CAA). Thus, EPA is proposing to approve Pennsylvania’s attainment plan for the North Reading area (“North Reading Area” or “Area”) for the 2008 lead NAAQS in the North Reading Area. Pennsylvania’s attainment plan specifically includes paragraph 3 of the COA between Exide and PADEP, dated June 15, 2015, and paragraphs 5 and 22 of the COA between Yuasa and PADEP, dated June 12, 2015.

EPA has determined that Pennsylvania’s attainment plan for the 2008 lead NAAQS for the North Reading Area meets the applicable requirements of the CAA. Thus, EPA is proposing to approve Pennsylvania’s attainment plan for the North Reading Area and paragraphs 3, 5, and 22, respectively, of the COAs between PADEP and Exide and Yuasa, as submitted on August 12, 2015.

EPA’s analysis and findings are discussed for each applicable requirement in this rulemaking action. The three Technical Support Documents (TSDs) for this proposed action contain additional details on the base year inventory, modeling, control strategies, RFP, and contingency measures of the attainment demonstration. Copies of these TSDs can be found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at www.regulations.gov.

I. Background

The North Reading attainment plan assesses lead emissions within the Area. Lead is a metal found naturally in the environment and present in some manufactured products. Human exposure to lead can cause a variety of adverse health effects, especially in children.1

Lead is emitted into the air from many sources, encompassing a wide variety of stationary and mobile source types. In the United States, there has been a decrease in the emissions of lead from mobile sources, resulting from the reduction of lead additives to fuel. Most of the lead emissions in the North Reading Area come from permitted stationary sources within the Area.

On November 12, 2008 (73 FR 66964), EPA established a 2008 primary and secondary lead NAAQS at 0.15 micrograms per cubic meter (μg/m3).2

1 A more detailed analysis of adverse health effects associated with lead exposure can be found in the Preamble of the 2008 lead NAAQS final rule, published in the Federal Register on November 12, 2008. See 73 FR 66964.

2
based on a maximum arithmetic 3-month mean concentration for a 3-year period. See 40 CFR 50.16. Following promulgation of a new or revised NAAQS, EPA is required by the CAA, as described in section 107(d)(1), to designate areas throughout the United States as attaining or not attaining the NAAQS. On November 22, 2010 (75 FR 71033), EPA published its initial air quality designations and classifications for the 2008 lead NAAQS based upon air quality monitoring data for calendar years 2007–2009. The November 22, 2010 notice included the nonattainment designation of the North Reading Area; an area within Berks County in the Commonwealth of Pennsylvania, bounded by Alsace Township, Laureldale Borough, and Muhlenberg Township. See 76 FR 72097. The November 22, 2010 designations, including the North Reading Area nonattainment designation, became effective on December 31, 2010.2

The designation of the North Reading Area as nonattainment for the 2008 lead NAAQS requires EPA to implement a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant in the nonattainment area. In the 2008 lead NAAQS rulemaking on November 12, 2008, EPA finalized guidance related to the emissions inventories requirements for lead. See 73 FR 66964.

For the base year inventory of actual lead emissions for CAA 172(c)(3), EPA recommends using either 2010 or 2011 as the base year, but does provide flexibility for using other inventory years if states can show another year is more appropriate. Additionally, EPA guidance provides that actual emissions should be used for purposes of the base year inventory.4 PADEP submitted a requirement for stationary sources down to those that emit 0.5 tpy of lead among other changes. See 75 FR 81126.

Pennsylvania’s lead monitoring network consists of lead monitors that have been designated by EPA as either Reference or Equivalent monitors and are subject to the federal quality assurance requirements of 40 CFR part 58, appendix A. All samplers are located at sites that have met the minimum siting requirements of 40 CFR part 58, appendices D and E. PADEP currently operates two ambient air monitors in the North Reading Area. The Laureldale South monitor has been in place since 1976 and the Laureldale North monitor since January 1, 2010.3 As required in 40 CFR 58.10, Pennsylvania must provide EPA with an annual network design plan in order to inform both EPA and the public of any planned changes to the sampling network for the next year. EPA approved Pennsylvania’s 2015 Annual Air Quality Monitoring Network Design Plan, the most recent year available at the time of this evaluation, on November 12, 2015.

1. Emissions Inventory Requirements

Section 172(c)(3) of the CAA requires a state to submit a SIP that includes a “comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant” in the nonattainment area. In the 2008 lead NAAQS rulemaking on November 12, 2008, EPA finalized guidance related to the emissions inventories requirements for lead. See 73 FR 66964.

For the base year inventory of actual lead emissions for CAA 172(c)(3), EPA recommends using either 2010 or 2011 as the base year, but does provide flexibility for using other inventory years if states can show another year is more appropriate. Additionally, EPA guidance provides that actual emissions should be used for purposes of the base year inventory.4 PADEP submitted a

II. Summary of SIP Revision

On August 12, 2015, in accordance with section 172(c) of the CAA, Pennsylvania submitted an attainment plan for the North Reading Area which includes a base year emissions inventory, an attainment demonstration, an analysis of RACM and RACT, provisions for RFP, and contingency measures. The SIP revision also includes paragraph 3 of the COA between Exide and PADEP and paragraphs 5 and 22 of the COA between Yuasa and PADEP. EPA’s analysis of the submitted attainment plan includes a review of these elements for the North Reading Area.

As part of the promulgation of the 2008 lead NAAQS, EPA revised the air monitoring requirements for lead. In accordance with the revised monitoring requirements, air monitors near sources in Pennsylvania that emit one ton per year (tpy) or more were in place by January 2010. The monitoring requirements for lead were further revised on December 27, 2010, when EPA lowered the monitoring 0.5 tpy of lead among other changes. See 75 FR 81126.

Pennsylvania’s lead monitoring network consists of lead monitors that have been designated by EPA as either Reference or Equivalent monitors and are subject to the federal quality assurance requirements of 40 CFR part 58, appendix A. All samplers are located at sites that have met the minimum siting requirements of 40 CFR part 58, appendices D and E. PADEP currently operates two ambient air monitors in the North Reading Area. The Laureldale South monitor has been in place since 1976 and the Laureldale North monitor since January 1, 2010. As required in 40 CFR 58.10, Pennsylvania must provide EPA with an annual network design plan in order to inform both EPA and the public of any planned changes to the sampling network for the next year. EPA approved Pennsylvania’s 2015 Annual Air Quality Monitoring Network Design Plan, the most recent year available at the time of this evaluation, on November 12, 2015.

1. Emissions Inventory Requirements

Section 172(c)(3) of the CAA requires a state to submit a SIP that includes a “comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant” in the nonattainment area. In the 2008 lead NAAQS rulemaking on November 12, 2008, EPA finalized guidance related to the emissions inventories requirements for lead. See 73 FR 66964.

For the base year inventory of actual lead emissions for CAA 172(c)(3), EPA recommends using either 2010 or 2011 as the base year, but does provide flexibility for using other inventory years if states can show another year is more appropriate. Additionally, EPA guidance provides that actual emissions should be used for purposes of the base year inventory.4 PADEP submitted a

2 The Laureldale North monitor (AQS 42–011–0026) is associated with the Exide facility located in Berks County and was installed in accordance with EPA’s network design requirements for the 2008 lead NAAQS. 73 FR 66964. EPA reaffirmed placement of lead ambient air monitors in Pennsylvania when approving Pennsylvania’s lead infrastructure SIP for the 2008 NAAQS as meeting requirements in section 110(a)(1) and (2) of the CAA. See 79 FR 19009 (April 7, 2014). EPA’s approval of the lead infrastructure SIP, particularly regarding the approval of Pennsylvania’s monitoring locations for section 110(a)(2)(B), was upheld in 2015 by the United States Court of Appeals for the Third Circuit. Berks County v. EPA, 3rd Cir. No. 14–2913, 2015 U.S. App. LEXIS 14650 (August 11, 2015).

4 See “Addendum to the 2008 Lead NAAQS Implementation Questions and Answers” dated August 10, 2012, which is included in EPA’s SIP 2010 inventory for the point sources of lead emissions in the North Reading Area, which includes Exide and Yuasa.

For the nonpoint sources of lead emissions, PADEP submitted EPA’s 2011 National Emissions Inventory (NEI) v2 data as a surrogate for the 2010 inventory. The nonpoint source values for the North Reading Area were calculated using Berks County data apportioned by population.

EPA reviewed the results, procedures, and methodologies for Pennsylvania’s submission and found them to be reasonable for calculating the lead base year inventory for section 172(c)(3) of the CAA and in accordance with 40 CFR 51.117(e). A more detailed description of the PADEP’s use and calculation of inventories as well as EPA’s analysis of PADEP’s base inventory for CAA requirements is included in the TSD prepared in support of this proposed rulemaking action. A copy of the Base Inventory TSD can be found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at www.regulations.gov. In this action, EPA is proposing to approve the base year emissions inventory submitted by Pennsylvania on August 12, 2015, as it meets requirements in section 172(c)(3) of the CAA.

2. Attainment Planning Modeling

Section 172(c)(4) of the CAA and the lead SIP regulations found at 40 CFR 51.117 require states to employ atmospheric dispersion modeling for the demonstration of attainment of the lead NAAQS for areas in the vicinity of point sources. These requirements comprise the “attainment plan” that is required for lead nonattainment areas.

As part of a state’s attainment plan, 40 CFR 51.117(a) provides that states must include an analysis showing that the SIP will attain and maintain the standard in areas in the vicinity of certain point sources that are emitting significant emissions of lead and also in “[a]ny other area that has lead air concentrations in excess of the national ambient air quality standard concentration.” These sources include primary and secondary lead smelters, primary copper smelters, lead gasoline additive plants, lead-acid storage battery

Toolkit located at www3.epa.gov/airquality/lead/ implement.html.
commonwealth for both Exide and
and 2015 lead emissions compiled by the
emission sources for Exide and
Yuasa. 5 PADEP modeled seventy-seven
between Pennsylvania and Exide and
emission limits identified in the COAs
NESHAP) and from the stack-specific
sources (Secondary Lead Smelting
Pollutants for Secondary Lead Smelting
Emission Standards for Hazardous Air
measures set forth in the National
the implementation of the control

In its SIP submittal, Pennsylvania
identified one facility as having the
total potential to emit 0.5 tpy or more of
lead in the North Reading Area. This facility, Exide Technologies, a secondary lead
smelter, was included in PADEP’s
modeling analysis. Yuasa, a lead-acid
battery assembly plant located across
the street from Exide, was also included
in the modeling analysis. Lead
emissions from nonpoint sources and
mobile sources were also examined but
found to be insignificant and while
included in PADEP’s lead inventory,
they were not included in the lead
modeling demonstration due to their
insignificance.

In accordance with 40 CFR part 51,
appendix W, PADEP completed an air-
dispersion modeling analysis for base
year and future year emission
inventories representing Exide and
Yuasa, with reported lead emissions in
2010 and projected emissions for 2015.
The 2015 lead emissions were used in
the modeled attainment demonstration
to determine if projected lead emission
rates would comply with the 2008 lead
NAAQS. The 2015 lead emissions for
Exide and Yuasa were determined by
incorporating emission reductions from
the implementation of the control
measures set forth in the National
Emission Standards for Hazardous Air
Pollutants for Secondary Lead Smelting
sources (Secondary Lead Smelting
NESHAP) and from the stack-specific
emission limits identified in the COAs
between Pennsylvania and Exide and
Yuasa. 5 PADEP modeled seventy-seven
lead emission sources for Exide and
twenty-seven lead emission sources for
Yuasa. Table 1 summarizes 2010 and
2015 lead emissions compiled by the
Commonwealth for both Exide and
Yuasa.

<table>
<thead>
<tr>
<th>Lead source</th>
<th>2010 lead emissions (actual)</th>
<th>2015 lead emissions (projected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exide</td>
<td>1.0417</td>
<td>0.8991</td>
</tr>
<tr>
<td>Yuasa</td>
<td>0.1520</td>
<td>0.0850</td>
</tr>
</tbody>
</table>

TABLE 1—NORTH READING LEAD SOURCE EMISSIONS SUMMARY (TPY)

EPA has found that PADEP’s
modeling demonstration was done in
accordance with appendix W of 40 CFR
part 51 and the modeling indicates that
the Area will meet the 2008 lead
NAAQS.

Because the Area had monitored
violations of the 2008 lead NAAQS in
January 2013, before Exide began idling,
the Area will not attain the NAAQS by
December 2015 (the Area’s attainment
date pursuant to section 192 of the
CAA) based on ambient air quality over
36 consecutive 3-month periods.
However, there have been no monthly
periods which have exceeded 0.15 μg/
m³ since March 2013. 6 7 As such, the
3-month rolling averages from mid-year
2013 and after have been below 0.15 μg/
m³ and the Area is on track to meet the
2008 lead NAAQS. EPA and PADEP
expect the 2008 lead NAAQS to be
attained on the basis of 2014–2016
ambient data as a result of
implementation of PADEP’s August 12,
2015 SIP revision.

The projected 2015 emissions
inventory used the maximum allowable
lead emissions for both Exide and
Yuasa. While Exide is currently idling,
it has not installed all of the control
measures necessary for the Secondary
Lead Smelting NESHAP and its Plan
Approval No. 06–05066I. However,
pursuant to the COA between Exide and
Pennsylvania, Exide cannot resume
operations at the facility without
demonstrating compliance with the control
measures specified in the Plan
Approval No. 06–05066I and in its COA.
The future year maximum allowable
lead emissions were developed from the
control measures included in
Pennsylvania’s attainment plan.
However, even if Exide’s operations
remain idled and controls not installed
until it resumes operations, its potential
lead emissions while idling will
continue to be less than if it were
operating under the NESHAP and COA
controls and limits.

EPA has evaluated the information
provided in the Commonwealth’s
attainment plan for the North Reading
Area and concludes that the
Commonwealth’s model attainment
demonstration shows current lead
control and emission limits will provide
for attainment of the 2008 lead NAAQS
and the modeling meets the
requirements in the CAA and its
implementing regulations.

More detailed information on the
modeling system tools and documents
used for the model attainment
demonstration for the Area and EPA’s
analysis of PADEP’s modeling can be
found on the EPA Technology Transfer
Network Support Center for Regulatory
Atmospheric Modeling (SCRAM), in
Pennsylvania’s August 12, 2015
submittal, and in the EPA’s Modeling
TSO which can be found in the docket
for this proposed action (EPA–R03–
OAR–2015–0773) at

3. RACM, RACT, and RFP Analysis

According to section 172(c)(1) of the
CAA and 40 CFR 51.112, Demonstration
of Adequacy, attainment plans shall
provide for RACM and RACT and must
demonstrate that the measures, rules,
and regulations contained in it are
adequate to provide for the timely
attainment and maintenance of the
national standard that it implements.

In order to bring the North Reading
Area into attainment for the 2008 lead
NAAQS, Pennsylvania developed and
modeled a control strategy for emissions
from stacks at stationary sources and
fugitive emissions from stationary
sources from the two point sources of
lead in the nonattainment area. Section
IV of Pennsylvania’s attainment plan
SIP revision details the control
measures and emission limits for the
North Reading Area.

Pursuant to section 172(c)(1) of the
CAA, attainment plans must provide for
the implementation of all RACM as
expeditiously as practicable for each
nonattainment area. Section 172(c)(1) of
the CAA requires RACM and emission
reductions from sources through RACT
to provide for attainment of the NAAQS.
In March 2012, EPA issued guidance
titled, “Guide to Developing Reasonably
Available Control Measures (RACM) for
Controlling Lead Emissions” (RACM
Guidance).

In the final rule for the 2008 lead
NAAQS, EPA recommended that at least
all stationary sources emitting 0.5 tpy or

5 PADEP’s RACM/RACT proposal for Exide,
which includes measures that would require the
facility to meet the requirements of the Secondary
Lead Smelting NESHAP, is contained within
Exide’s Plan Approval No. 06–05066I.

6 The daily averages used to calculate 3-month
averages are given in appendices A–2 and A–3 in
PADEP’s August 12, 2015 submittal, which can be
found in docket for this rulemaking action.
7 Environmental Protection Agency. Air Quality
System Data Mart [internet database] available at
December 3, 2015.

8 http://www.epa.gov/ttn/scram/.
9 http://www3.epa.gov/airquality/lead/pdfs/2012
ImplementationGuide.pdf.
more should undergo a RACT review. At the time Pennsylvania was developing its attainment plan SIP, Exide was the only stationary source within the North Reading Area that had the potential to emit 0.5 tpy or more of lead emissions. Therefore, Exide was the only point source within the North Reading Area which PADEP required to complete a RACT analysis. Exide performed a RACT analysis following EPA’s RACM guidance for controlling lead emissions which PADEP adopted in Plan Approval No. 06–050661 and proposes as RACT.

Exide’s RACT analysis is located in appendix C–3 of Pennsylvania’s SIP revision. The control measures the PADEP implemented as RACT for Exide include a variety of control measures for the attainment plan which also address requirements in the Secondary Lead Smelting NESHAP. See 77 FR 556 (January 5, 2012). A descriptive list of the measures which Exide must implement are included in PADEP’s SIP revision. EPA’s review and analysis of Pennsylvania’s RACT proposal for Exide can be found in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at www.regulations.gov. EPA is proposing to approve Pennsylvania’s determination that the controls for lead emissions at Exide constitute RACM/RACT because PADEP conducted a reasonable analysis of controls that are technically and economically feasible and set the lowest achievable limits given those controls in accordance with the CAA requirements. By approving these control measures as RACM/RACT for Exide for purposes of the North Reading attainment plan, these control measures will become permanent and federally enforceable and will meet the requirements of the CAA and the 2008 lead NAAQS. In addition to the RACT analysis performed for Exide, Pennsylvania evaluated other sources and actions that could contribute meaningful emission reductions for RACM. In order to establish further enforceable controls as RACM to reduce lead emissions from lead point sources and fugitive lead sources, the Commonwealth developed and entered into two separate COAs, one COA with Exide and one COA with Yuasa. These COAs are located within the Pennsylvania attainment SIP revision in appendices C–1 and C–2 and, upon EPA approval of Pennsylvania’s submittal, the portions of these COAs submitted for the SIP will become federally enforceable.

According to PADEP, the COA between Exide and Pennsylvania specifies control measures that have been demonstrated with air dispersion modeling to reduce Exide’s lead emission contributions to the North Reading Area. Also in the COA are emission limits that are to be included in the Commonwealth’s SIP as limiting factors for lead emissions control from the lead emitting stacks at the Exide facility. The COA limits the total stack lead emissions for Exide to 0.024790667 grams of lead per second (g/s). However, Exide has been in an idling state since February 2013, and as a result its lead emissions have been reduced dramatically. Exide submitted to PADEP a deactivation cover letter and Maintenance and Activation Plan on January 31, 2014, which indicated that only two lead-emitting sources remain active during the facility’s idling state. Source 131 Lime Storage Bin and Source 133 Plant Roadways continue to operate under the controls currently identified in the facility’s Title V operating permit. In 2014, under this idled state, Exide emitted a total of 0.00004 tpy of lead, reflecting significant reductions from its prior lead emissions due to idling.

Included in the COA between Pennsylvania and Exide is the requirement that Exide shall not resume operation of any portion of the facility until Exide has completed all of the modification work specified in Exide’s Plan Approval No. 06–050661, which includes all requirements for the Secondary Lead Smelting NESHAP.

According to PADEP’s attainment plan, the COA between Yuasa and Pennsylvania specifies control measures that have been demonstrated with air dispersion modeling to reduce Yuasa’s contribution to lead emissions in the North Reading Area. The COA with Yuasa includes emission limits as well as requirements for stack testing, recordkeeping, monitoring, and progress reports. The COA limits the total stack lead emissions for Yuasa to 0.002279522 g/s, to which Yuasa must adhere by December 31, 2015. Yuasa must demonstrate compliance with these limits, via reference method stack testing, by no later than June 30, 2016. Upon EPA final approval of the Pennsylvania lead attainment plan SIP revision for the North Reading Area, the limits and measures (in paragraph 3 for Exide and paragraphs 3 and 22 for Yuasa) within the COAs for Exide and Yuasa will become federally enforceable. EPA finds the measures contained in the COAs for Yuasa and Exide provide for implementation of all RACM as expeditiously as practicable to provide for attainment of the 2008 lead NAAQS in accordance with the requirements in section 172(c)(1) of the CAA and its implementing regulations. Further details of EPA’s review of the RACM for Yuasa and Exide is provided in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at www.regulations.gov.

In accordance with section 172(c)(2) of the CAA, attainment plans must also provide for RFP. Section 171(1) of the CAA defines RFP as annual incremental reductions in emissions of the relevant air pollutants as required by Title I, Part D of the CAA, or emission reductions that may reasonably be required by EPA to ensure attainment of the applicable NAAQS by the applicable date. EPA believes that RFP for lead nonattainment areas should be met by “adherence to an ambitious compliance schedule” which is expected to periodically yield significant emission reductions, and as appropriate, linear progress. In its August 12, 2015 submittal, PADEP presented the COAs with Exide and Yuasa as providing for RFP. Overall, EPA finds that the control strategies for both Exide and Yuasa will provide for immediate reductions in lead emissions in the Area. Yuasa’s reductions will be implemented by December 2015. Although Exide’s reductions in lead from the control strategies in the COA have not been implemented yet, the plant has no lead smelting in operation and thus reductions in lead have already occurred. While the lead emissions reductions are not staggered or phased and therefore the ambient air quality concentrations are not expected to decrease over a long period of time, the lead reductions have already most notably occurred after Exide began its idling state in February 2013. Since shortly after Exide began idling, all of the North Reading Area’s ambient air monitors have been reporting 3-month rolling averages well below the 2008 lead NAAQS. As ambient air quality concentrations have dropped, and have remained, below 0.15 μg/m³, EPA believes that the Area has made RFP towards attainment.

As provided in the COA between Exide and PADEP, if Exide seeks to resume its lead smelting operations at its facility, Exide would first need to
comply with all of the control measures necessary to comply with the Secondary Lead Smelting NESHAP as well as the control measures specified in the COA. Upon implementation of these control strategies, Pennsylvania’s modeling shows the ambient air quality concentrations should continue below the attainment level. Therefore, the Area should continue to attain the 2008 lead NAAQS whether Exide is operating or not and EPA thus finds that PADEP has met its RFP requirements for the North Reading Area.

In summary, EPA finds the Pennsylvania attainment plan for North Reading Area meets CAA requirements in section 172 of the CAA for RACM/RACT and RFP. Further EPA analysis and reasoning supporting EPA’s conclusion is available in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at www.regulations.gov.

4. Contingency Measures

As required by section 172(c)(9) of the CAA, an attainment demonstration must include contingency measures to be implemented if EPA determines that the nonattainment area in question has failed to make RFP or if the area fails to attain the NAAQS by the attainment date in December 2015. These measures must be fully adopted rules or control measures that can be implemented quickly and without additional EPA or state action if the area fails to meet RFP requirements or fails to meet its attainment date. Contingency measures should contain trigger mechanisms and an implementation schedule. In addition, these measures should not already be included in the SIP control strategy for attaining the standard.

For the North Reading Area attainment plan, Pennsylvania’s SIP submission provides that if the air quality data for any 3-month rolling period after the implementation of the control measures identified in the COAs and Plan Approval No. 06–050661 exceed the 0.15 µg/m³ lead NAAQS, at least one of the contingency measures set forth in the COAs shall be implemented.

The COA between Pennsylvania and Exide includes for contingency measures: Upgrade of existing fugitive dust control devices; increase existing lead emission stack heights; increased frequency of plant roadway surface cleaning; and an investigative study. PADEP will use two types of triggers, ambient air quality and emission events, for the implementation of contingency measures in the North Reading Area. Detailed information regarding the contingency measure actions and contingency measure triggers for Exide and Yuasa as well as EPA’s analysis of these contingency measures for compliance with CAA requirements, can be found in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD located in the docket for this proposed action (EPA–R03–OAR–2015–0773) at www.regulations.gov.

EPA finds these contingency measure triggers and actions will help ensure compliance with the 2008 lead NAAQS and meet the requirements of section 172(c)(9) of the CAA to ensure continued attainment of the NAAQS if any events occur interfering with attainment. EPA proposes to approve Pennsylvania’s SIP revision as meeting section 172(c)(9) of the CAA.

III. Proposed Action

EPA’s review of Pennsylvania’s August 12, 2015 SIP revision for the attainment plan for the North Reading Area satisfies the applicable requirements of the CAA identified in EPA’s final 2008 lead NAAQS rule and in section 172 of the CAA and its implementation regulations. EPA finds the attainment plan will result in attainment of the 0.15 µg/m³ standard for the 2008 lead NAAQS in the North Reading Area. EPA is proposing to approve the Pennsylvania SIP revision, which was submitted on August 12, 2015, for the North Reading nonattainment area for the 2008 lead NAAQS and includes the attainment demonstration, base year emissions inventory, RACM/RACT and RFP analyses, and contingency measures. EPA also proposes to approve for inclusion in the Pennsylvania SIP paragraph 3 of the COA between Exide and PADEP, dated June 15, 2015 and paragraphs 5 and 22 of the COA, dated June 12, 2012, between Yuasa and PADEP, as control measures for the attainment plan. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 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 impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

• is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
• 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); and does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 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, this proposed rule regarding PADEP’s lead attainment plan for the North Reading Area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country.
EPA is proposing this disapproval under section 110 and part C of the Act.

DATES: Written comments must be received on or before February 10, 2016.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0783, at http://www.regulations.gov or via email to wiley.adina@epa.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please contact Ms. Adina Wiley, (214) 665–2115, wiley.adina@epa.gov. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit http://www2.epa.gov/dockets/ commenting-epa-dockets.

Docket: The index to the docket for this action is available electronically at www.regulations.gov and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI).

FOR FURTHER INFORMATION CONTACT: Ms. Adina Wiley, (214) 665–2115, wiley.adina@epa.gov. To inspect the hard copy materials, please schedule an appointment with Ms. Adina Wiley or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. Background

A. The February 6, 2012 Oklahoma SIP Submittal

On February 6, 2012, Oklahoma submitted revisions to the Oklahoma permitting programs for approval by the EPA into the Oklahoma SIP, including new Minor New Source Review (NSR) permitting requirements for GHG emissions at OAC 252:100–7–2.1 and revisions to the Oklahoma PSD program at OAC 252:100–8–31 (the definition of “subject to regulation”) to require PSD permits for sources solely because of GHG emissions. In addition, the submittal included many other updates to the Oklahoma SIP, unrelated to GHG permitting, which the EPA is addressing in separate actions. However, today’s action only addresses the provisions for GHG permitting that are inconsistent with federal laws.

B. The November 6, 2012 Arkansas SIP Submittal

On November 6, 2012, Arkansas submitted revisions to the Arkansas Pollution Control and Ecology Commission’s Regulations, Chapters 2, 4 and 9 for approval by the EPA into the Arkansas SIP. The EPA finalized our approval of the submitted revisions to the Arkansas PSD program at Regulation 19, Chapter 9 that provide the State of Arkansas with the authority to issue PSD permits governing GHG emissions on April 2, 2013, at 63 FR 19596. The EPA finalized approval of the other parts of the submittal on March 4, 2015, with the exception of the severable components of the submittal at Regulation 19, Chapter 4 specific to the Arkansas Minor NSR program, and the severable portion of the definition of “CO2 Equivalent Emissions” implementing the Biomass Deferral at Regulation 19, Chapter 2. Today’s action only addresses the severable portion of the definition of “CO2 Equivalent Emissions” at Regulation 19, Chapter 2 submitted on November 6, 2012. The EPA will address the revisions to the Arkansas Minor NSR program at Regulation 19, Chapter 4 in a separate action, at a later date.

C. The January 8, 2013 New Mexico SIP Submittal

On January 8, 2013, New Mexico submitted regulations specific to the New Mexico PSD permitting program for approval by the EPA into the New Mexico SIP. The EPA finalized approval of a portion of this submittal pertaining to plantwide applicability limits for GHGs on December 11, 2013, at 78 FR 75253. The submittal also included revisions to the PSD permitting provisions that were adopted on January 7, 2013, at 20.2.74 NMAC to defer the application of the PSD requirements to CO2 emissions from bioenergy and other biogenic stationary sources consistent with the Biomass Deferral. The revisions to 20.2.74 NMAC to adopt the Biomass...