I. Background and Overview

On June 22, 2010 (75 FR 35520), EPA revised the primary SO₂ NAAQS to an hourly standard of 75 parts per billion (ppb) based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs for the 2010 1-hour SO₂ NAAQS to EPA no later than June 2, 2013.¹

In a proposed rulemaking published on February 5, 2016, EPA proposed to approve Georgia’s 2010 1-hour SO₂ NAAQS infrastructure SIP submission submitted on October 22, 2013, as supplemented on July 25, 2014, with the exception of the interstate transport requirements of section 110(a)(2)(D)(ii)(I) and (II) (prongs 1, 2, and 4), for which EPA did not propose any action.² FR 6200. The details of Georgia’s submission and the rationale for EPA’s actions are explained in the proposed rulemaking. Comments on the proposed rulemaking were due on or before March 7, 2016. EPA received no adverse comments on the proposed action.

II. Final Action

With the exception of interstate transport provisions pertaining to the contribution to nonattainment or interference with maintenance in other states and visibility protection requirements of section 110(a)(2)(D)(ii)(I) and (II) (prongs 1, 2, and 4), EPA is taking final action to approve Georgia’s infrastructure submission submitted on October 22, 2013, and supplemented on July 25, 2014, for the 2010 1-hour SO₂ NAAQS. EPA is taking final action to approve Georgia’s infrastructure SIP submission for the 2010 1-hour SO₂ NAAQS because the submission is consistent with section 110 of the CAA.

¹ Today, EPA is providing clarification for an inadvertent typographical error that was included in the February 5, 2016, proposed rulemaking, for this final action. In the February 5, 2016, proposed rulemaking it was stated that the 2010 1-hour SO₂ NAAQS infrastructure SIPs were due no later than June 22, 2013. The 2010 1-hour SO₂ NAAQS infrastructure SIPs were actually due to EPA from states no later than June 2, 2013.

² Georgia’s 2010 1-hour SO₂ NAAQS infrastructure SIP submission dated October 22, 2013, and supplemented on July 25, 2014, is also collectively referred to as “Georgia’s SO₂ infrastructure SIP” in this action.
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 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, 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).

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.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 27, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: April 14, 2016.

Heather McTeer Toney,
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—[APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS]

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO2 National Ambient Air Quality Standard.</td>
<td>Georgia..........</td>
<td>10/22/2013</td>
<td>4/28/2016 [Insert citation of publication].</td>
<td>With the exception of interstate transport requirements of section 110(a)(2)(D)(i)(l) and (ii) (prongs 1, 2, and 4).</td>
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[FR Doc. 2016–09861 Filed 4–27–16; 8:45 am]

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