
No further EPA action is required on these earlier submittals.

(i) Incorporation by reference.


(D) Title R307 of the Utah Administrative Code, Environmental Quality, Air Quality, R307–405, Permits: Major Sources in Attainment or Unclassified Areas (PSD), R307–405–2, Applicability; effective February 5, 2009, as proposed in the Utah State Bulletin on November 1, 2008, and published as effective in the Utah State Bulletin on March 1, 2009.

**ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 52


Approval and Promulgation of State Implementation Plan Revisions; Rules, Public Notice and Comment Process, and Renumbering; Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve State Implementation Plan (SIP) revisions submitted by the State of Utah on February 25, 2013, August 5, 2013, and May 5, 2014. These submittals request SIP revisions to incorporate several changes to Utah’s rules, including the permit public notice and comment process requirements, and renumbering for the “Interstate Transport” provisions. EPA is taking this action in accordance with section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on March 29, 2016 without further notice, unless EPA receives adverse comments by February 29, 2016. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect.

ADDRESSES: The EPA has established a docket for this action under Docket Identification Number EPA–R08–OAR–2015–0371. All documents in the docket are listed on the 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 the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either electronically through http://www.regulations.gov or in hard copy at EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that you contact the individual listed in the FOR FURTHER INFORMATION CONTACT section to view the hard copy of the docket. The Regional Office’s official hours of business are Monday through Friday, 8:00 a.m.–4:30 p.m., excluding federal holidays. An electronic copy of the State’s SIP compilation is also available at http://www.epa.gov/region8/air/sip.html.

FOR FURTHER INFORMATION CONTACT: Jody Ostendorf, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7814, ostendorf.jody@epa.gov.

SUPPLEMENTAL INFORMATION:

I. General Information

What should I consider as I prepare my comments for EPA?

1. Submitting Confidential Business Information (CBI). Do not submit CBI to EPA through http://www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Tips for preparing your comments.

When submitting comments, remember to:

• Identify the rulemaking by docket number and other identifying information (subject heading, Federal Register volume, date, and page number).

• Follow directions and organize your comments.

• Explain why you agree or disagree.

• Suggest alternatives and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• Make sure to submit your comments by the comment period deadline identified.

II. Analysis of the State Submittals

The March 5, 2014 SIP revision to R307–401–7, Permit: New and Modified Sources, Public Notice, addresses a previous EPA disapproval by establishing a 30-day public comment period for the public notice and comment period for all permit actions for new or modified sources. Previously, Utah had revised its permit public notice procedures for minor sources to allow for a 10-day public comment period for an approval or disapproval order issued under R307–401–8 and requested EPA to approve that SIP revision. EPA disapproved that request because it is inconsistent with Utah’s current federally approved SIP (79 FR 7072, February 6, 2014). In that disapproval, EPA also noted that federal regulations for Public Availability of Information found at 40 CFR 51.160(a) at minimum a 30-day public comment period for the permitting of a source, including minor source permits. EPA is approving this revision.

III. What action is EPA taking today?

EPA is taking direct final action to approve the SIP revisions submitted by the State of Utah on February 25, 2013, August 5, 2013, and March 5, 2014. EPA is approving a portion of the February 25, 2013 submittal which renumbers R307–110–36, Interstate Transport to R307–110–37, to allow the addition of Section X, Vehicle Inspection and Maintenance Program, Part F., Cache County. EPA is approving the August 5, 2013 SIP revisions, which give the Director of the Division of Air Quality the authority to make regulatory decisions that were previously made by either the Air Quality Board or the Executive Director of the Air Quality Board. Finally, EPA is approving the March 5, 2014 submittal which establishes a 30-day public comment period for the public notice and comment period for permitting actions for new or modified sources.

EPA is approving the proposed SIP revisions as a direct final action without prior proposal because the Agency views the revisions as noncontroversial and anticipates no adverse comments. However, in the Proposed Rules section of today’s Federal Register publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revisions if adverse comments are filed. This rule will be effective March 29, 2016 without further notice unless the Agency receives adverse comments by February 29, 2016. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation of references for the revisions to the Utah Division of Air Quality rules including, the permit public notice and comment process, and renumbering discussed in section II, Analysis of the State Submittals, of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the appropriate EPA office (see the ADDRESSES section of this preamble for more information).

V. Statutory and Executive Orders Review

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 actions, provided that they meet the criteria of the Clean Air Act. Accordingly, this direct final action merely approves some 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 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 in 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 43896, August 21, 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 Clean Air Act; and
• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using
requirements, Sulfur oxides, Volatile organic compounds.

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

**Date:** August 4, 2015.

**Shaun L. McGrath,**
Regional Administrator, Region 8.

**Editorial Note:** This document was received for publication by the Office of Federal Register on January 14, 2016.

40 CFR part 52 is amended to read 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 TT—Utah**

2. Section 52.2320 is amended by adding paragraph (c)(81) to read as follows:

**§ 52.2320 Identification of plan.**

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(c) * * *(81) On February 25, 2013, August 5, 2013, and March 5, 2014, the Governor submitted revisions to the Utah State Implementation Plan (SIP) rules. The February 25, 2013 submittal renumbers Interstate Transport to R307–110–37. The August 5, 2013 SIP revisions give the Director of the Division of Air Quality the authority to make regulatory decisions that were previously made by either the Air Quality Board or the Executive Secretary of the Air Quality Board. The March 5, 2014 submittal establishes a 30-day public comment period for the public notice and comment period for all actions for new or modified sources. EPA is approving these revisions.

(i) **Incorporation by reference.**


(B) Title R307 of the Utah Administrative Code, Environmental Quality, Air Quality, R307–401, Permit: New and Modified Sources, R307–401– 7, Public Notice; effective October 3, 2013, as proposed in the Utah State Bulletin on August 1, 2013, and published as effective in the Utah State Bulletin on November 1, 2013.


**LIST OF SUBJECTS IN 40 CFR PART 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Interstate transport, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping...