ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to the Utah Division of Administrative Rules, R307–300 Series; Area Source Rules for Attainment of Fine Particulate Matter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of portions of the fine particulate matter (PM2.5) State Implementation Plan (SIP) and other general rule revisions submitted by the State of Utah. The revisions affect the Utah Division of Administrative Rules (DAR), R307–300 Series; Requirements for Specific Locations. The revisions had submission dates of May 9, 2013, May 20, 2014, September 8, 2015, and March 8, 2016. The March 8, 2016 submittal contains rule revisions to address our February 25, 2016 conditional approval of several Utah DAR R307–300 Series rules submitted on February 2, 2012, May 9, 2013, and May 20, 2014. These area source rules control emissions of direct PM2.5 and PM2.5 precursors, which are sulfur dioxides (SO2), nitrogen oxides (NOx) and volatile organic compounds (VOC).

Additionally, the EPA is proposing to approve the State’s reasonably available control measure (RACM) determinations for the rule revisions that pertain to the PM2.5 SIP. This action is being taken under section 110 of the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before September 19, 2016.

ADDRESSES: Submit your comments, identified by EPA–R08–OAR–2016–0311 at http://www.regulations.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, 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: All documents in the docket are listed in the http://www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly-available docket materials are available at http://www.regulations.gov or in hard copy at the EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado, 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the FOR FURTHER INFORMATION CONTACT section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, ostigaard.crystal@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

a. Submitting 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 in 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.

b. Tips for Preparing Your Comments. When submitting comments, remember to:

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

ii. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

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

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

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

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

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

II. Background

A. Regulatory Background

On October 17, 2006 (71 FR 61144), the EPA strengthened the level of the 24-hour PM2.5 National Ambient Air Quality Standards (NAAQS), lowering the primary and secondary standards from 65 micrograms per cubic meter (µg/m3), the 1997 standard, to 35 µg/m3. On November 13, 2009 (74 FR 58688), the EPA designated three nonattainment areas in Utah for the 24-hour PM2.5 NAAQS of 35 µg/m3. These are the Salt Lake City, Utah; Provo, Utah; and Logan, Utah-Idaho nonattainment areas. The EPA originally designated these areas under CAA title I, part D, subpart 1, which required Utah to submit an attainment plan for each area no later than three years from the date of their nonattainment designations. These plans needed to provide for the attainment of the PM2.5 standard as expeditiously as practicable, but no later than five years from the date the areas were designated nonattainment.

Subsequently, on January 4, 2013, the U.S. Court of Appeals for the District of Columbia held that the EPA should have implemented the 2006 PM2.5 24-hour standard based on both CAA title I, part D, subpart 1 and subpart 4. NRDC v. EPA, 706 F.3d 428 (D.C. Cir. 2013). Under subpart 4, nonattainment areas are initially classified as moderate, and
moderate area attainment plans must address the requirements of subpart 4 as well as subpart 1. Additionally, CAA subpart 4 sets a different SIP submittal due date and attainment year. For a moderate area, the attainment SIP is due 18 months after designation, and the attainment year is the end of the sixth calendar year after designation. On June 2, 2014 (79 FR 31566), the EPA finalized the Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate (PM$_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 PM$_{2.5}$ NAAQS (“the Classification and Deadline Rule”). This rule classified to moderate the areas that were designated in 2009 as nonattainment, and set the attainment SIP submittal due date for those areas at December 31, 2014. This rule did not affect the moderate area attainment date of December 31, 2015.

On March 23, 2015, the EPA proposed the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (“PM$_{2.5}$ Implementation Rule”), 80 FR 15340, which partially addresses the January 4, 2013 court ruling. This proposed rule details how air agencies should meet the statutory SIP requirements that apply under subparts 1 and 4 to areas designated nonattainment for any PM$_{2.5}$ NAAQS, such as: General requirements for attainment plan due dates and attainment demonstrations; provisions for demonstrating reasonable further progress (RFP); quantitative milestones; contingency measures; Nonattainment New Source Review (NNSR) permitting programs; and RACM (including reasonably available control technology (RACT)), among other things. The statutory attainment planning requirements of subparts 1 and 4 were established to ensure that the following goals of the CAA are met: (i) That states implement measures that provide for attainment of the PM$_{2.5}$ NAAQS as expeditiously as practicable; and, (ii) that states adopt emissions reduction strategies that will be the most effective, and the most cost-effective, at reducing PM$_{2.5}$ levels in nonattainment areas. The PM$_{2.5}$ Implementation Rule proposed a process for states to determine the control strategy for PM$_{2.5}$ attainment plans. The process consists of identifying all technologically and economically feasible control measures, including control technologies for all sources of direct PM$_{2.5}$ and PM$_{2.5}$ precursors in the emissions inventory for the nonattainment area which are not otherwise exempted from consideration for controls. From that list of measures, the state must identify those that it can implement within four years of designation of the area (and which would thus meet the statutory requirements for RACM and RACT) and any “additional reasonable measures,” which the EPA is proposing in the PM$_{2.5}$ Implementation Rule to define as those technologically and economically feasible measures that the state can only implement on sources in the nonattainment area after the four-year deadline for RACM and RACT has passed. See proposed 40 CFR 51.1000. The EPA is currently in the process of preparing its final action on the proposed rule.

B. RACT and RACM Requirements for PM$_{2.5}$ Attainment Plans

Section 172(c)(1) of the Act (from subpart 1) requires that attainment plans, in general, provide for the implementation of all RACT as expeditiously as practicable (including RACT) and shall provide for attainment of the national primary ambient air quality standards. Section 189(a)(1)(C) (from subpart 4) requires moderate area attainment plans to contain provisions to assure that RACT is implemented no later than four years after designation. The EPA stated its interpretation of the RACT and RACM requirements of subparts 1 and 4 in the 1992 General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13498 (Apr. 6, 1992). For RACT, the EPA followed its “historic definition of RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.” 57 FR 13541. Like RACT, the EPA has historically considered RACM to consist of control measures that are reasonably available, considering technological and economic feasibility. See PM$_{2.5}$ Implementation Rule, 80 FR 15373.

C. Utah’s PM$_{2.5}$ Attainment Plan Submittals

Under section 110(k)(4) of the Act, the EPA may approve a SIP revision based on a commitment by the state to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision. If we finalize our proposed conditional approval, Utah must adopt and submit the specific revisions it has committed to within one year of our finalization. If Utah does not submit these revisions within one year, or if we find Utah’s revisions to be incomplete, or we disapprove Utah’s revisions, this conditional approval will convert to a disapproval. If any of these occur and our conditional approval converts to a disapproval, that will constitute a disapproval of a required plan element under part D of title I of the Act, which starts an 18-month clock for sanctions, see section 179(a)(2), and the two-year clock for a federal implementation plan (FIP), see section 110(c)(1)(B).

Prior to the January 4, 2013 decision of the D.C. Circuit Court of Appeals, Utah developed a PM$_{2.5}$ attainment plan intended to meet the requirements of subpart 1. The EPA submitted written comments dated November 1, 2012, to the Utah Division of Air Quality (UDAQ) on Utah’s draft PM$_{2.5}$ SIP, technical support document (TSD), and area source and other rules. After the court’s decision, Utah amended its attainment plan to address requirements of subpart 4. On December 2, 2013, the EPA provided comments on Utah’s revised draft PM$_{2.5}$ SIPs for the Salt Lake City and Provo areas, including the TSDs and rules in Section IX, Part H. These written comments from the EPA included some comments applicable to the rules we are proposing to act on today. The comment letters can be found within the docket for this action on www.regulations.gov.

In addition, Utah submitted a commitment letter dated August 4, 2015, committing to revise R307–101, General Requirements; R307–312, Aggregate Processing Operations for PM$_{2.5}$ Nonattainment Areas; and R307–328, Gasoline Transfer and Storage. The EPA issued a conditional approval of the revisions on February 25, 2016 (81 FR 9343), based on the commitment letter. In that action, the EPA also approved other area source rules and conditionally approved the determination of RACM for these specific rules from Utah’s moderate PM$_{2.5}$ SIPs. When the EPA takes final action on today’s proposal, it will complete the action on the revisions described earlier and the determination of RACM for these specific rules from Utah’s moderate PM$_{2.5}$ SIPs.


Such exemptions could be due to a demonstrated lack of significant contribution of a certain PM$_{2.5}$ precursor to the area’s elevated PM$_{2.5}$ concentrations or due to a presumptive determination that a certain source category contributes only a de minimis amount toward PM$_{2.5}$ levels in a nonattainment area.
on the May 19, 2016 commitment letter submitted by UDAQ. This rule is applicable to the Utah SIPs for PM\textsubscript{2.5} nonattainment areas.

III. EPA’s Evaluation of Utah’s Submittals


Additionally, SIP revisions were submitted for R307–302 on May 9, 2013, May 20, 2014, and September 8, 2015. However, the EPA identified an issue with R307–302 relating to startup, shutdown, and malfunction provisions, and Utah provided a commitment letter dated May 9, 2016, that contains a commitment to revise R307–302 to address this issue. The EPA is proposing conditional approval of the three submittals based on Utah’s May 19, 2016 commitment letter. These final rule submissions, except for revisions to R307–101 and R307–328, are submitted as RACM components of the PM\textsubscript{2.5} SIP submitted by the State of Utah. The area source rules for RACM, R307–302 and R307–312, provide specific requirements for emissions of direct PM\textsubscript{2.5}, VOCs, NO\textsubscript{x}, and SO\textsubscript{2} from a few specific sources. All of these rule revision submittals and commitment letters can be found on www.regulations.gov.

The following is a summary of EPA’s evaluation of the rule revisions. In general, we reviewed the rules for: enforceability; RACM requirements (for those rules submitted as RACM); and other applicable requirements of the Act.

1. R307–101, General Requirements

Rule R307–101 provides general requirements that pertain to all UDAQ R307 rules, which constitute the basis for control of air pollution sources in the State of Utah. The primary section is R307–101–2 Definitions, which provide definitions that are applicable to all R307 rules, except for those definitions as specified in individual rules. UDAQ committed in its letter dated August 4, 2015, to remove the definition of “PM\textsubscript{2.5} precursor,” as that definition is not used for regulatory purposes in Utah’s SIP. Additionally, a “Nonsubstantive Rule Amendment” was made by Utah to correct a citation to the United States Code of Federal Regulations 40 CFR 51.100. In accordance with Utah Code Title 19, Chapter 2, Air Conservation Act, Utah Code Title 63G, Chapter 3, Administrative Rulemaking Act, and Utah Administrative Code, R15, Administrative Rules, this change was made without public comment, as appropriate for a non-substantive change. This submittal was made by UDAQ on May 20, 2014, and was included in the conditional approval finalized by the EPA on February 25, 2016. With UDAQ’s March 8, 2016 submittal, the definition “PM\textsubscript{2.5} precursor” was removed, which satisfies the commitment letter on which the EPA’s conditional approval was based and completes the EPA’s actions on the May 9, 2013 and May 20, 2014 submittals for R307–101 from UDAQ. (February 25, 2016; 81 FR 9343.) Additionally, UDAQ submitted to the EPA other revisions to R307–101–2 on March 8, 2016. These revisions included revisions to the “Clean Air Act” definition and the “Maintenance Area” definition, specific to coarse particulate matter (PM\textsubscript{10}). The definition for “Clean Air Act” was revised to mean “federal Clean Air Act as found in 42 U.S.C. Chapter 85.” The revisions to the “Maintenance Area” definition, specific to PM\textsubscript{10}, updated the date on when the Board adopted the maintenance plans for Salt Lake County, Utah County, and Ogden City to “December 2, 2015.”

The Board proposed for public comment the removal of the definition “PM\textsubscript{2.5} Precursor” in R307–101–2 on October 7, 2015, and the public comment period was held from November 1, 2015, through December 1, 2015. No comments were received and no hearing was requested for this comment period. The Board adopted the revision to R307–101–2 on February 3, 2016, and it became effective on February 4, 2016. Amendments to R307–101–2 were proposed by the Board on December 2, 2015, and were out for a comment period of January 1, 2016, through January 14, 2016. No comments were received and no hearing was requested for this comment period. The final revision of Rule R307–101–2 was adopted by the Board on March 2, 2016, and became effective on March 3, 2016, and is applicable to the entire state of Utah.

With UDAQ’s March 8, 2016 submittal, section R307–101 was revised to represent what was in the commitment letter, which satisfies the EPA’s conditional approval.

Additionally, the EPA is proposing to approve the other definition revisions to R307–101 as stated earlier.


Rule R307–302 is an existing rule that was approved by the EPA on February 14, 2006 (71 FR 7679). This rule establishes emission standards for fireplaces and solid fuel burning devices used in residential, commercial, institutional and industrial facilities and associated outbuilding used to provide comfort heating.

The Board proposed revisions to R307–302 for public comment on October 7, 2015, with the public comment period held from November 1 to December 1, 2015. No comments were received and no public hearing was requested. The Board adopted the latest revision to R307–302 on February 3, 2016, and it became effective on February 4, 2015.

The EPA requested that UDAQ commit to revise R307–302–5 which states “R307–302–5. Opacity for Heating Appliances. Except during no-burn periods as required by R307–302–2 and 4, visible emissions from solid fuel burning devices and fireplaces shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following: (1) An initial fifteen minute start-up period, and (2) A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.” The requested change is to provide continuous controls to cover startup, shutdown, and malfunction requirements. UDAQ committed in its May 19, 2016 letter to add continuous controls that extend to startup, shutdown, and malfunction, by establishing a prohibition on fuel types that can’t be burned in a solid fuel burning device at any time.

Utah’s RACM and rule analysis can be found in the docket posted on regulations.gov. For direct PM\textsubscript{2.5}, the RACM analysis considered the effect of lowering the wood burning prohibition action level from 35 \textmu g/m\textsuperscript{3} to 25 \textmu g/m\textsuperscript{3} and alternatively to 15 \textmu g/m\textsuperscript{3}, and the sales restriction of solid fuel devices to only EPA-approved wood stoves. In choosing a wood burning prohibition action level, UDAQ determined that 25 \textmu g/m\textsuperscript{3} was representative of RACM, and chose to establish the 15 \textmu g/m\textsuperscript{3} action level as a contingency measure. UDAQ also established a sales restriction on solid fuel devices to EPA-approved wood stoves, with a phase-in schedule of 90% by 2014, 92.5% by 2017, and 95% by 2019. The Board agrees with the revisions that UDAQ has committed to and is proposing a conditional approval of the
revisions to R307–302; and also proposing to find that R307–302, as revised, constitutes RACM for the Nonattainment Areas for Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, and Weber Counties for the Utah PM$_{2.5}$ SIP, with the commitment to adopt measures to address startup, shutdown, and malfunction events.

3. R307–312, Aggregate Processing Operations for PM$_{2.5}$ Nonattainment Areas

R307–312 establishes emission standards for sources in the aggregate processing industry, including aggregate processing equipment, hot mix asphalt plants, and concrete batch plants. The rule applies to all crushers, screens, conveyors, hot mix asphalt plants, and concrete batch plants located within a PM$_{2.5}$ nonattainment and maintenance area as defined in 40 CFR 81.345 (July 1, 2011). The provisions of R307–312 do not apply to temporary hot mix asphalt plants.

The EPA requested that UDAQ commit to revise R307–312–5(2)(a) which states “Production shall be determined by scale house records or equivalent method on a daily basis.” The EPA requested that UDAQ identify what could be used as an “equivalent method” in its rule. UDAQ committed in their August 4, 2015 letter to remove “equivalent method” and state “Production shall be determined by scale house records, scale house or belt scale records, or manifest statements on a daily basis.” The EPA finalized this commitment and conditional approval on February 25, 2016 (81 FR 9343). With UDAQ’s March 8, 2016 submittal, section R307–312–5(2)(a) was revised to represent what was in the commitment letter, which satisfies the condition specified in the conditional approval and completes the EPA’s action on the May 9, 2013 submittal for R307–312 from UDAQ.

The Board proposed revisions to R307–312 for public comment on October 7, 2015, with the public comment period held from November 1 to December 1, 2015. No comments were received and no public hearing was requested. The Board adopted the revision to R307–312 on February 3, 2016, and it became effective on February 4, 2016.

Utah’s RACM and rule analysis can be found in the docket posted on regulations.gov. For direct PM$_{2.5}$, the RACM analysis considered the following as technologically feasible control measures for aggregate processing: water application, enclosures, and add-on control devices, including a baghouse, electrostatic precipitator, wet scrubber, and cyclone. UDAQ considered enclosures and add-on controls to not be economically feasible for aggregate processing equipment and determined water application to be RACM at a cost-effectiveness of $650/ton. However, water application was not considered feasible for the one existing concrete batch plant; and UDAQ determined RACM to be the existing baghouse and fabric filter controls. The RACM analysis considered the following add-on controls as technologically feasible for filterable particulate matter (PM) from hot mix asphalt plants: baghouse, electrostatic precipitator, wet scrubber, and cyclone. UDAQ did not find any controls technologically feasible for condensable PM. The analysis considered all the add-on controls to be economically feasible; and UDAQ correspondingly set a direct PM$_{2.5}$ limit of 0.024 gr/dscf. For NO$_X$, UDAQ considered low-NO$_X$ burners, NSCR, SCR, and use of natural gas to be technically feasible. UDAQ determined that use of natural gas was RACM.

The EPA agrees with the revisions that UDAQ has made to R307–312 and is proposing approval. Additionally, the EPA is proposing to find that R307–312, as revised, constitutes RACM for the Nonattainment Areas for Aggregate Processing Operations for the Utah PM$_{2.5}$ SIP. This proposal is based on our review of the RACM analysis provided in Utah’s PM$_{2.5}$ SIP.

4. R307–328, Gasoline Transfer and Storage

R307–328 establishes controls of gasoline vapors during the filling of gasoline cargo tank and storage tanks in Utah. The rule is based on federal control technique guidance documents. This requirement is commonly referred to as stage I vapor recovery.

The EPA requested that UDAQ commit to revise R307–328–4(6) which stated “A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads (“bulk plant”) need not comply with R307–328–4 if it does not have a daily average throughput of more than 3,900 gallons (15,000 or more liters) of gasoline based upon a 30-day rolling average. Such installations shall on-load and off-load gasoline by use of bottom or submerged filling. The emission limitation is based on operating procedures and equipment specifications using RACT as defined in EPA documents EPA 450/2–77–026 October 1977, “Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals,” and EPA–450/2–77–035 December 1977, “Control of Volatile Organic Emissions from Bulk Gasoline Plants.” The design effectiveness of such equipment and the operating procedures must be documented and submitted to and approved by the executive secretary.”

The EPA finalized this commitment and conditional approval on February 25, 2016 (81 FR 9343). The Board proposed revisions to R307–328 for public comment on October 7, 2015, with the public comment period held from November 1 to December 1, 2015. No comments were received and no public hearing was requested. The Board adopted the revision to R307–328 on February 3, 2016, and it became effective on February 4, 2016. With UDAQ’s March 8, 2016 submittal, the section, R307–328–4(6), was revised to represent what was in the commitment letter, which satisfies the EPA’s conditional approval and completes the EPA’s action on the February 25, 2016 submittal for R307–328 from UDAQ. Therefore, the EPA is proposing approval of the rule, R307–328.

IV. What action is EPA proposing?

The EPA is proposing approval of the revisions to Administrative Rules R307–101–2, along with the revisions in R307–300 Series; Requirements for Specific Locations (Within Nonattainment and Maintenance Areas), R307–302 (conditional approval described later), R307–328 for incorporation to the Utah SIP as submitted by the State of Utah on May
RACM for the Utah PM
conditionally approve Utah’s
approve revisions to R307–302 and
plan.
remainder of Utah’s PM
Act. We intend to act separately on the
subparts 1 and 4 of Part D, title I of the
requirements regarding RACM under
Utah PM
R307–312 constitutes RACM for the
from UDAQ. We are proposing to
R307–101, R307–312, and R307–328
2013, and May 9, 2014 submittals for
action on the February 2, 2012, May 9,
2013, May 20, 2014, September 8,
2015, and March 8, 2016, are intended to strengthen the SIP and
to serve as RACM for certain area
sources for the Utah PM2.5 SIP.
Therefore, CAA section 110(l)
requirements are satisfied.

VI. Incorporation by Reference

In this rule, the EPA is proposing to
include in a final EPA rule regulatory
text that includes incorporation by
reference. In accordance with
requirements of 1 CFR 51.5, the EPA is
proposing to incorporate by reference
the UDAQ rules promulgated in the
DAR, R307–300 Series as discussed in
section III of this preamble. The EPA
has made, and will continue to make,
these materials generally available
through www.regulations.gov and/or at
the EPA Region 8 Office (please contact
the person identified in the FOR FURTHER
INFORMATION CONTACT section of this
preamble for more information).

VII. Statutory and Executive Order
Reviews

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, the EPA’s role is to
approve state choices, provided that
they meet the criteria of the Clean Air
Act. Accordingly, this action merely
proposes to approve 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 any unfunded
mandate or significantly or uniquely
affect small governments, as described
in the Unfunded Mandates Reform Act of
1995 (Public Law 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 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
application of those requirements would
be inconsistent with the CAA; and

• does not provide the 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 the EPA or
an Indian tribe has demonstrated that
a tribe has jurisdiction. In those areas
of Indian Country, the proposed rule does
not have tribal implications and will not
impose substantial direct costs on tribal
governments or preempt tribal law as
specified by Executive Order 13175 (65
FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air
pollution control, Carbon monoxide,
Intergovernmental relations,
Incorporation by reference, Lead,
Nitrogen dioxide, Ozone, Particulate
matter, Reporting and recordkeeping
requirements, Sulfur oxides, Volatile
organization compounds.

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

Dated: August 5, 2016.

Debra H. Thomas,
Acting Regional Administrator, Region 8.
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BILLING CODE 6560–50–P