On June 8, 2010, EPA determined that the Rule 310 and 310.01 submittals from Maricopa County met the completeness criteria in 40 CFR part 51 appendix V; these criteria must be met before formal EPA review begins.

B. Are there other versions of these rules?

There are prior versions of Rule 310, Rule 310.01 and Appendix C in the SIP. On August 21, 2007, EPA approved and incorporated within the SIP the April 7, 2004 adopted versions of Rule 310, Rule 310.01, and Appendix C (see 72 FR 46564). Maricopa County submitted, through the ADEQ, the March 26, 2008 adopted versions of Rule 310, Rule 310.01, and Appendix C to EPA on July 10, 2008. We have not acted on these versions of the rules. The January 27, 2010 version of Rules 310 and 310.01, the subject of this proposal, however, incorporates the 2008 revisions as well as these latest 2010 amendments. Consequently, for this proposal, we reviewed all amendments and the rules as a whole. In the case of Appendix C, we reviewed the submitted March 27, 2008 version since there was no subsequent submittal.

C. What is the purpose of the submitted rule revisions?

PM contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions. Rule 310 is designed to limit the emissions of fugitive dust or particulate matter from activity related to land-clearing, earthmoving, construction, demolition, bulk material hauling, temporary staging areas and...
unpaved parking lots, haul and access roads, vehicle track-out, and disturbed soil associated with these activities. Rule 310.01 is a rule designed to limit the emissions of fugitive dust or particulate matter from disturbed surfaces and vehicle use in open areas and vacant lots, unpaved roadways and parking lots, livestock activities, erosion-caused deposition of bulk material on paved roadways, and easements, rights-of-way, and access roads for utilities.

II. EPA’s Evaluation and Action

A. How is EPA evaluating the rules?

SIP rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). In addition, SIP rules must implement Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), in moderate PM nonattainment areas, and Best Available Control Measures (BACM), including Best Available Control Technology (BACT), in serious PM nonattainment areas (see CAA sections 189(a)(1) and 189(b)(1)). The CAAQD regulates a PM nonattainment area classified as serious (see 40 CFR part 81), so Rule 310 and Rule 4.01 for Best Available BACM.

Guidance and policy documents that we use to evaluate enforceability and RACM or BACM requirements consistently include the following:


B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance. Our Technical Support Documents (TSD) on each rule has our detailed review and evaluation.

C. EPA Recommendations To Further Improve the Rules

We have no recommendation at this time.

D. Public Comment and Final Action

Because EPA believes the submitted rules fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these rules into the federally enforceable SIP.

III. 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, EPA’s role is to approve State choices, provided that they meet the criteria of the Clean Air Act. 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 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 Clean Air Act; 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 rule 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 located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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


Jared Blumenfeld,
Regional Administrator, Region IX.

[FR Doc. 2010–21959 Filed 9–1–10; 8:45 am]

BILLCODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60


RIN 2060–AQ23

Method 16C for the Determination of Total Reduced Sulfur Emissions From Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes a method for measuring total reduced sulfur (TRS) emissions from stationary sources. The EPA is making this method available for general use as requested by a number of source testing companies since it has been allowed for use in the past on a case-by-case basis for Kraft pulp mills and refineries. This proposed method would offer advantages over