ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

Outer Continental Shelf Air Regulations; Consistency Update for California

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Final rule.

SUMMARY: EPA is finalizing the update of the Outer Continental Shelf ("OCS") Air Regulations proposed in the Federal Register on December 21, 2009. Requirements applying to OCS sources located within 25 miles of States’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 ("the Act"). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the South Coast Air Quality Management District ("South Coast AQMD" or "District") is the designated COA. The intended effect of approving the OCS requirements for the South Coast AQMD is to regulate emissions from OCS sources in accordance with the requirements onshore.

DATES: Effective Date: This rule is effective on October 12, 2010.

The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of October 12, 2010.

ADDRESSES: EPA has established docket number OAR–2004–0091 for this action. The index to the docket is available electronically at http://www.regulations.gov and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. 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 in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the FOR FURTHER INFORMATION CONTACT section.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947–4120, allen.cynthia@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, the terms “we,” “us,” or “our” refer to U.S. EPA. Organization of this document: The following outline is provided to aid in locating information in this preamble.

I. Background
II. Public Comment
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Background

On December 21, 2009 (74 FR 67845), EPA proposed to incorporate various South Coast AQMD air pollution control requirements into the OCS Air Regulations at 40 CFR part 55. We are incorporating these requirements in response to the submittal of these rules by the District. EPA has evaluated the proposed requirements to ensure that they are rationally related to the attainment or maintenance of Federal or State ambient air quality standards or Part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e).

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States’ seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA’s flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA’s State implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of State or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements...
of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

II. Public Comment

EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments on the proposed action.

III. EPA Action

In this document, EPA takes final action to incorporate the proposed changes into 40 CFR part 55. No changes were made to the proposed action except for minor technical corrections to the list of rules in the part 55 regulatory text to accurately reflect the action we proposed. EPA is approving the proposed action under section 328(a)(1) of the Act, 42 U.S.C. 7627. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States’ seaward boundaries that are the same as onshore requirements.

To comply with this statutory mandate, EPA must incorporate applicable onshore rules into Part 55 as they exist onshore.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of States’ seaward boundaries that are the same as onshore air control requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore.

PART 55—[AMENDED]

§ 55278 Federal Register / Vol. 75, No. 175 / Friday, September 10, 2010 / Rules and Regulations

1. The authority citation for Part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 et seq.) as amended by Public Law 101–549.

2. Section 55.14 is amended by revising paragraph (e)(3)(ii)(G) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States seaward boundaries, by State.

(a)(3)

20 C.F.R. 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. A major rule cannot take effect until 60 days after it is published 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 2010. 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)).
(ii) * * *

(G) South Coast Air Quality Management District Requirements Applicable to OCS Sources (Parts I, II, and III), September 2009.

* * * * * * *

3. Appendix A to CFR Part 55 is amended by revising paragraph (b)(7) under the heading “California” to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * * *

California
(b) * * *

(7) The following requirements are contained in South Coast Air Quality Management District Requirements Applicable to OCS Sources (Parts I, II, and III):

Rule 218.1 Continuous Emission Monitoring Performance Specifications

Rule 218 Continuous Emission Monitoring

Rule 210 Applications (Adopted 01/05/90)

Rule 209 Transfer and Voiding of Permits (Adopted 01/05/90)

Rule 208 Permit and Burn Authorization for Open Burning (Adopted 12/21/01)

Rule 207 Altering or Falsifying of Permit (Adopted 01/09/76)

Rule 206 Posting of Permit to Operate (Adopted 01/05/90)

Rule 205 Expiration of Permits to Construct (Adopted 01/05/90)

Rule 204 Permit Conditions (Adopted 03/6/92)

Rule 203 Permit to Operate (Adopted 12/03/04)

Rule 202 Temporary Permit to Operate (Adopted 12/23/04)

Rule 201 Permit to Construct (Adopted 12/03/04)

Rule 200 Definition of Terms (Adopted 12/3/04)

Rule 199 Definition of Geographical Areas (Adopted 01/9/76)

Rule 198 Reporting of Source Test Data and Analyses (Adopted 01/9/76)

Rule 197 Alternative Emission Control Plans (Adopted 04/6/90)

Rule 196 Recordkeeping for Volatile Organic Compound Emissions (Adopted 08/18/00)

Rule 195 Baseline Source Test Data and Emission Inventory (Adopted 08/05/88)

Rule 194 Compliance Audits (Adopted 08/07/91)

Rule 193 Exception—Net Increase in Emissions (Adopted 08/07/81)

Rule 192 Plans (Adopted 01/04/85)

Rule 191 Permitting and Associated Fees (Adopted 5/2/08) except (c)(3) and (e)

Rule 190 Permits (Adopted 01/05/90)

Rule 189 Authority to Adjust Fees and Due Dates (Adopted 5/2/08)

Rule 188 Visible Emissions (Adopted 11/09/01)

Rule 187 Fugitive Dust (Adopted 06/03/05)

Rule 186 Particulate Matter—Concentration (Adopted 02/07/86)

Rule 185 Solid Particulate Matter—Weight (Adopted 02/07/86)

Rule 184 Liquid and Gaseous Air Contaminants (Adopted 04/02/82)

Rule 183 Circumvention (Adopted 05/07/76)

Rule 182 Combustion Contaminants (Adopted 08/07/81)

Rule 181 Start-Up and Shutdown Exemption Provisions for Oxides of Nitrogen (Adopted 12/21/90)

Rule 180 Breakdown Provisions, (a) and (b) only (Adopted 07/12/96)

Rule 179 Sulfur Content of Gaseous Fuels (Adopted 06/12/88)

Rule 178 Sulfur Content of Liquid Fuels (Adopted 11/13/95)

Rule 177 Sulfur Content of Fossil Fuels (Adopted 03/7/76)

Rule 176 Research Operations (Adopted 05/7/76)

Rule 175 Usage of Solvents (Adopted 12/15/00)

Rule 174 Organic Liquid Storage (Adopted 06/05/05)

Rule 173 Refinery Vacuum-Producing Devices or Systems (Adopted 08/13/99)

Rule 172 Recovery of Fuel from Commercial Boilers, Steam Generators, and Process Heaters (Adopted 9/5/08)

Rule 171 Natural Gas Fired Control Devices (Adopted 10/08/76)

Rule 170 Disposal of Solid and Liquid Wastes (Adopted 05/07/76)

Rule 169 Fuel Burning Equipment-Oxides of Nitrogen (Adopted 12/04/81)

Rule 168 Electric Power Generating Equipment (Adopted 08/07/76)

Rule 167 Steam Generating Equipment (Adopted 10/08/76)

Rule 166 Organic Liquid Storage (Adopted 06/05/05)

Rule 165 Refinery Vacuum-Producing Devices or Systems (Adopted 08/13/99)

Rule 164 Recovery of Fuel from Commercial Boilers, Steam Generators, and Process Heaters (Adopted 9/5/08)

Rule 163 Natural Gas Fired Control Devices (Adopted 10/08/76)

Rule 162 Recovery of Fuel from Commercial Boilers, Steam Generators, and Process Heaters (Adopted 9/5/08)

Rule 161 Electric Power Generating Equipment (Adopted 08/07/76)

Rule 160 Steam Generating Equipment (Adopted 10/08/76)

Rule 159 Refinery Vacuum-Producing Devices or Systems (Adopted 08/13/99)

Rule 158 Recovery of Fuel from Commercial Boilers, Steam Generators, and Process Heaters (Adopted 9/5/08)

Rule 157 Natural Gas Fired Control Devices (Adopted 10/08/76)

Rule 156 Electric Power Generating Equipment (Adopted 08/07/76)

Rule 155 Steam Generating Equipment (Adopted 10/08/76)

Rule 154 Refinery Vacuum-Producing Devices or Systems (Adopted 08/13/99)

Rule 153 Recovery of Fuel from Commercial Boilers, Steam Generators, and Process Heaters (Adopted 9/5/08)

Rule 152 Natural Gas Fired Control Devices (Adopted 10/08/76)

Rule 151 Electric Power Generating Equipment (Adopted 08/07/76)

Rule 150 Steam Generating Equipment (Adopted 10/08/76)

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64


AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the Federal Register on a subsequent date.

DATES: Effective Dates: The effective date of each community’s scheduled suspension is the third date (“Susp.”) listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 et seq.; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth.