

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 1, 2011. 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, Particulate matter.

Dated: May 19, 2011.

**Gwendolyn Keyes Fleming**,  
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

- 1. The authority citation for part 52 continues to read as follows:

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

#### Subpart B—Alabama

- 2. Section 52.62 is amended by adding paragraph (b) to read as follows:

**§ 52.62 Control strategy: Sulfur oxides and particulate matter.**

\* \* \* \* \*

(b) *Determination of Attaining Data.* EPA has determined, as of May 31, 2011, the Chattanooga, Tennessee, nonattainment area has attaining data for the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area

continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

#### Subpart L—Georgia

- 3. Section 52.578 is amended by adding paragraph (b) to read as follows:

**§ 52.578 Control Strategy: Sulfur oxides and particulate matter.**

\* \* \* \* \*

(b) *Determination of Attaining Data.* EPA has determined, as of May 31, 2011, the Chattanooga, Tennessee, nonattainment area has attaining data for the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

#### Subpart RR—Tennessee

- 4. Section 52.2231 is amended by adding paragraph (c) to read as follows:

**§ 52.2231 Control strategy: Sulfur oxides and particulate matter.**

\* \* \* \* \*

(c) *Determination of Attaining Data.* EPA has determined, as of May 31, 2011, the Chattanooga, Tennessee, nonattainment area has attaining data for the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

[FR Doc. 2011-13269 Filed 5-27-11; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-1-FRL-9310-9]

### Prevention of Significant Deterioration (PSD) Program; Massachusetts; Announcing Delegation Agreement Between EPA and Massachusetts Department of Environmental Protection

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Announcement of delegation agreement.

**SUMMARY:** This document announces that effective April 11, 2011, EPA Region 1 has signed an agreement with the Massachusetts Department of Environmental Protection (MassDEP) delegating authority to implement and enforce the Federal Prevention of Significant Deterioration (PSD) program to the MassDEP. Therefore, effective that date, MassDEP is the implementing authority for the PSD program in Massachusetts. This document explains the consequences of this change for owners and operators of sources that have PSD permits or that will need such permits in the future.

**DATES:** *Effective Date:* EPA's PSD program delegation agreement with the MassDEP is effective on April 11, 2011.

**ADDRESSES:** The Delegation Agreement is available either electronically through <http://www.epa.gov/NE/communities/nsemissions.html> or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Copies of the Delegation Agreement are also available for public inspection during normal business hours, by appointment at the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA.

**FOR FURTHER INFORMATION CONTACT:** Brendan McCahill, EPA Region 1, (617) 918-1652, or send an e-mail to [mccahill.brendan@epa.gov](mailto:mccahill.brendan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

*I. Background:* On June 30, 1982 EPA delegated authority to implement the Federal PSD program in 40 CFR 52.21 to the MassDEP. On December 31, 2002, EPA published in the **Federal Register** revisions to the Federal PSD regulations (67 FR 80186). A final rule revising the Federal portions of implementation plans in 40 CFR part 52 to include the revisions to the Federal PSD regulations was published in the **Federal Register** on March 10, 2003. Both of these actions were effective on March 3, 2003.

On February 27, 2003, the MassDEP notified the Regional Administrator of EPA Region 1 that the MassDEP would not accept authority for the

implementation of the amended PSD program and was ending its June 30, 1982, agreement with EPA to assume responsibility for implementing the Federal PSD regulations. The letter from the MassDEP explained that the MassDEP would no longer implement the Federal PSD program as of March 3, 2003. Consequently, as of March 3, 2003, sources of air pollution located in Massachusetts and subject to the Federal PSD program were required to apply for and receive a PSD permit from EPA New England before beginning actual construction.

On June 17, 2003, EPA published a **Federal Register** announcing the MassDEP's decision to end its delegation agreement with the EPA and explaining the consequences of this decision for owners and operators of sources that have PSD permits or that will need such permits in the future (68 FR 35881).

On April 4, 2011, the Commissioner of the MassDEP signed a delegation agreement under which EPA would again delegate responsibility for conducting source review under the Federal PSD regulations to the MassDEP.

*II. Final Action:* On April 11, 2011, the Regional Administrator of EPA Region 1 signed the delegation agreement, which is entitled "Agreement for Delegation of the Federal Prevention of Significant Deterioration Program by the United States Environmental Protection Agency, Region 1 to the Massachusetts Department of Environmental Protection," and which sets forth the terms and conditions according to which the MassDEP agrees to implement and enforce the Federal PSD program. The Regional Administrator's signature on the delegation agreement grants full delegation of the Federal PSD regulations at 40 CFR 52.21 to the MassDEP pursuant to the terms and conditions of the delegation agreement, 40 CFR 52.21(u), and the requirements of the Clean Air Act.

Effective on April 11, 2011, all permit applications for new or modified major sources and all other information pursuant to 40 CFR 52.21 for sources in

the Commonwealth of Massachusetts, and all inquiries regarding the implementation of 40 CFR 52.21 in the Commonwealth, should be sent directly to the MassDEP at the following address: Massachusetts Department of Environmental Protection, One Winter Street, Boston, MA, 02108. In addition, the MassDEP will assume responsibility to administer and enforce all PSD permits issued in Massachusetts, including those PSD permits already issued by EPA. EPA retains authority to issue and administer permits in certain limited areas of federal jurisdiction defined in the delegation agreement, and also retains authority to issue a PSD permit to Pioneer Valley Energy Center (PVEC) in Westfield, Massachusetts. Finally, EPA retains certain oversight roles regarding federal requirements, which are set forth in detail in the delegation agreement.

**List of Subjects in 40 CFR Part 52**

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

Dated: May 13, 2011.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. 2011-12950 Filed 5-27-11; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2010-0418; FRL-9249-3]

**Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing a limited approval and limited disapproval of revisions to the Santa Barbara County

Air Pollution Control District (SBCAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on August 2, 2010 and concerns oxides of nitrogen (NOx) emissions from boilers, steam generators and process heaters with a rated heat input rate greater than 2 million BTU/hr and less than 5 million BTU/hr and internal combustion engines with a rated brake horse power of 50 or greater. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves local rules that regulates these emission sources and directs California to correct rule deficiencies.

**DATES:** *Effective Date:* This rule is effective on June 30, 2011.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2010-0418 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:** Idalia Perez, EPA Region IX, (415) 942-3248, [perez.idalia@epa.gov](mailto:perez.idalia@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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**I. Proposed Action**

On August 2, 2010 (75 FR 45082), EPA proposed a limited approval and limited disapproval of the following rules that were submitted for incorporation into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
SBCAPCD .....	361	Small Boilers, Steam Generators and Process Heaters.	01/17/08	07/18/08
SBCAPCD .....	333	Control of Emissions from Reciprocating Internal Combustion Engines.	06/19/08	10/20/08

We proposed a limited approval because we determined that these rules

improve the SIP and are largely consistent with the relevant CAA

requirements. We simultaneously proposed a limited disapproval because