The CAA section 172(c)(3) emissions inventory is developed by the incorporation of data from multiple sources. States were required to develop and submit to EPA a triennial emissions inventory according to the Consolidated Emissions Reporting Rule (CERR) for all source categories (i.e., point, area, nonroad mobile and on-road mobile). The review and evaluation of the methods used for the emissions inventory submitted by West Virginia are found in the Technical Support Document dated August 12, 2010, available online at www.regulations.gov, Docket No. EPA–R03–OAR–2012–0119.

III. Proposed Action

EPA is proposing to approve the 2002 base year emissions inventory portion of the SIP revision submitted by the State of West Virginia on May 28, 2009 for the Huntington Area. We have made the determination that this action is consistent with section 110 of the CAA. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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 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 impact 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 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 CAA;
- 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 proposed rule, pertaining to the PM$_{2.5}$ 2002 base year emissions inventory portion of the West Virginia SIP for the Huntington Area, 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 et seq.
Irene Shandruk, (215) 814–2166, or by email at shandruk.irene@epa.gov.

SUPPLEMENTARY INFORMATION:
I. Background

Throughout this document, whenever “we,” “us,” or “our” is used, we mean EPA. On July 18, 1997 (62 FR 38652), EPA promulgated the 1997 PM$_{2.5}$ NAAQS, including an annual standard of 15.0 micrograms per cubic meter ($\mu g/m^3$) based on a 3-year average of annual mean PM$_{2.5}$ concentrations, and a 24-hour (or daily) standard of 65 $\mu g/m^3$ based on a 3-year average of the 98th percentile of 24-hour concentrations. EPA established the standards based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to PM$_{2.5}$.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the United States as attaining or not attaining the NAAQS; this designation process is described in section 107(d)(1) of the CAA. In 1999, EPA and state air quality agencies initiated the monitoring process for the 1997 PM$_{2.5}$ NAAQS and, by January 2001, established a complete set of air quality monitors. On January 5, 2005, EPA promulgated initial air quality designations for the 1997 PM$_{2.5}$ NAAQS (70 FR 944), which became effective on April 5, 2005, based on air quality monitoring data for calendar years 2001–03.

On April 14, 2005, EPA promulgated a supplemental rule amending the agency’s initial designations (70 FR 19844), with the same effective date (April 5, 2005) at 70 FR 944. As a result of this supplemental rule, PM$_{2.5}$ nonattainment designations are in effect for 39 areas, comprising 208 counties within 20 states (and the District of Columbia) nationwide, with a combined population of approximately 88 million. The Parkersburg Area, which is the subject of this rulemaking, was included in the list of areas not attaining the 1997 PM$_{2.5}$ NAAQS. The West Virginia portion of the Parkersburg Area consists of Wood County and the Grant Tax District of Pleasant County.

On November 20, 2009 (74 FR 60199), EPA determined that West Virginia had attained the 1997 PM$_{2.5}$ NAAQS in the Parkersburg Area. That determination was based on complete, quality-assured, quality-controlled, and certified ambient air monitoring data for the 2006–2008 three-year period that showed the area attained the 1997 PM$_{2.5}$ NAAQS and continues to attain the standard. The November 20, 2009 determination suspended the requirements for West Virginia to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIP revisions related to attainment of the standard for so long as the nonattainment area continues to meet the 1997 PM$_{2.5}$ NAAQS. Section 172(c)(3) of the CAA requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. This proposed approval is limited to the emissions inventory for the Parkersburg Area. Separate action will be taken on the remainder of West Virginia’s SIP submittal.

II. Summary of SIP Revision

The 2002 base year emission inventory submitted by WVDEP on September 9, 2008 for the Parkersburg Area includes emissions estimates that cover the general source categories of point sources, non-road mobile sources, area sources, on-road mobile sources, and biogenic sources. The pollutants that comprise the inventory are nitrogen oxides (NO$_x$), volatile organic compounds (VOCs), PM$_{2.5}$, coarse particles (PM$_{10}$), ammonia (NH$_3$) and sulfur dioxide (SO$_2$). EPA has reviewed the results, procedures and methodologies for the base year emissions inventory submitted by WVDEP. The year 2002 was selected by WVDEP as the base year for the emissions inventory per 40 CFR 51.1008(b). A discussion of the emissions inventory development as well as the emissions inventory for the Parkersburg Area can be found in Appendices C and D of the September 9, 2008 SIP submittal.

Table 1, below, provides a summary of the annual 2002 emissions of NO$_x$, VOCs, PM$_{2.5}$, PM$_{10}$, NH$_3$ and SO$_2$ for the West Virginia portion of the Parkersburg Area submittal.
TABLE 1—2002 BASE YEAR INVENTORY—WEST VIRGINIA PORTION OF PARKERSBURG AREA IN TONS PER YEAR (TPY)

<table>
<thead>
<tr>
<th>Source sector</th>
<th>NH₃</th>
<th>NOₓ</th>
<th>PM₁₀</th>
<th>PM₂.₅</th>
<th>SO₂</th>
<th>VOC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>52</td>
<td>21,835</td>
<td>1,769</td>
<td>1,068</td>
<td>70,293</td>
<td>1,162</td>
</tr>
<tr>
<td>Nonroad</td>
<td>117</td>
<td>749</td>
<td>5,005</td>
<td>1,139</td>
<td>1,311</td>
<td>3,859</td>
</tr>
<tr>
<td>Onroad</td>
<td>1</td>
<td>2,506</td>
<td>130</td>
<td>120</td>
<td>134</td>
<td>1,138</td>
</tr>
<tr>
<td>Biogenic</td>
<td>86</td>
<td>2,667</td>
<td>62</td>
<td>44</td>
<td>111</td>
<td>1,956</td>
</tr>
<tr>
<td>Total</td>
<td>255</td>
<td>27,856</td>
<td>6,966</td>
<td>2,372</td>
<td>71,849</td>
<td>18,368</td>
</tr>
</tbody>
</table>

The CAA section 172(c)(3) emissions inventory is developed by the incorporation of data from multiple sources. States were required to develop and submit to EPA a triennial emissions inventory according to the Consolidated Emissions Reporting Rule (CERR) for all source categories (i.e., point, area, nonroad mobile and on-road mobile). The review and evaluation of the methods used for the emissions inventory submitted by West Virginia are found in the Technical Support Document dated June 16, 2010, available online at www.regulations.gov, Docket No. EPA–R03–OAR–2010–0077. EPA finds that the process used to develop this emissions inventory for the Parkersburg Area is adequate to meet the requirements of CAA section 172(c)(3), the implementing regulations, and EPA guidance for emission inventories.

III. Proposed Action

EPA is proposing to approve the 2002 base year emissions inventory portion of the SIP revision submitted by the State of West Virginia on September 9, 2008 for the Parkersburg Area. We have made the determination that this action is consistent with section 110 of the CAA. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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 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);
• Does not have Federalism implications as specified in Executive Order 13211 (66 FR 23493, 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 CAA; 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 proposed rule, pertaining to the PM₂.₅ 2002 base year emissions inventory portion of the West Virginia SIP for the Parkersburg Area, 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: September 13, 2012.

W.C. Early,
Acting Regional Administrator, Region III.

[FR Doc. 2012–24244 Filed 10–1–12; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FR Doc. 2012–24244 Filed 10–1–12; 8:45 am]

Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determination of Attainment of the 2006 24-Hour Fine Particulate Standard for the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to make a determination of attainment regarding the Philadelphia-Wilmington, PA-NJ-DE fine particulate (PM₂.₅) nonattainment area (hereafter referred to as “the Philadelphia Area” or “the Area”). EPA is proposing to determine that the Philadelphia Area has attained the 2006 24-hour PM₂.₅ National Ambient Air Quality Standard (NAAQS), based upon complete, quality-assured and certified ambient air monitoring data for the 2008–2010 and 2009–2011 periods and upon preliminary data available to date for 2012. If EPA finalizes this proposed determination of attainment, the requirements for the Area to submit an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning State Implementation Plan (SIP) revisions related to the attainment of the standard shall be suspended for as long as the Area continues to attain the 2006 24-