7. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks—This action is not subject to Executive Order 13045 because it is not economically significant and it is not based on health or safety risks;

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use: This action is not subject to Executive Order 13211 because it is not a significant regulatory action as defined in Executive Order 12866;

9. National Technology Transfer Advancement Act: This provision directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards and bodies. EPA approves State programs so long as the State programs adequately meet the criteria set out in 40 CFR part 258. It would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets the 40 CFR part 258 criteria. Thus, the National Technology Transfer Advancement Act does not apply to this action;

10. Congressional Review Act: EPA will submit a report containing this action and other information required by the Congressional Review Act (5 U.S.C. 801 et seq.) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the Federal Register.

List of Subjects

40 CFR Part 239

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Waste treatment and disposal.

40 CFR Part 258

Reporting and recordkeeping requirements, Waste treatment disposal, Water pollution control.

Authority: This action is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6945 and 6949(a).


Ira W. Leighton,
Acting Regional Administrator, EPA New England, Region 1.

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Approval and promulgation of air quality implementation plans; Maryland; reasonabily available control technology requirements for volatile organic compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. These revisions pertain to the adoption of various test methods, calculations methods, work practice standards and exemptions which make Maryland Department of the Environment (MDE) regulations more consistent with EPA’s Control Techniques Guidelines (CTGs) for seven source categories. These categories are: Paper, film, and foil coatings; industrial cleaning solvents; miscellaneous metal and plastic parts coatings; large appliance coatings; offset lithographic printing and letterpress printing; flat wood paneling coatings; and flexible package printing. EPA is approving these revisions to reduce volatile organic compound (VOC) emissions from these seven categories which will help Maryland attain and maintain the National Ambient Air Quality Standards (NAAQS) for ozone in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on February 25, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2012–0610. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179, or by email at cripps.christopher@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 23, 2012 (77 FR 64787), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of revisions to Maryland regulations for the control of emissions of VOC from seven categories of sources covered by a CTG. The State of Maryland submitted the formal SIP revision (Revision No. 12–03) on April 4, 2012.

II. Summary of SIP Revision

On April 5, 2012, EPA received a SIP revision submittal from the Maryland Department of the Environment (MDE) which addressed sources of VOC emissions covered by EPA’s CTGs for the following seven source categories: (1) Paper, film, and foil coatings; (2) industrial cleaning solvents; (3) miscellaneous metal and plastic parts coatings; (4) large appliance coatings; (5) offset lithographic printing and letterpress printing; (6) flat wood paneling coatings; and (7) flexible package printing. This SIP revision submittal included amended Regulation .04 “Testing and Monitoring” under COMAR 26.11.01 “General Administrative Provisions” (COMAR 26.11.01.04) and Regulation .02 “Applicability, Determining Compliance, Reporting and General Requirements” under COMAR 26.11.19 “Volatile Organic Compounds from Specific Processes” (COMAR 26.11.19.02). These amendments pertain to the adoption of various test methods, calculations methods, work practice standards and exemptions which make MDE’s regulations more consistent with EPA’s CTGs for these seven source categories.

An explanation of the CAA’s reasonably available control technology (RACT) requirements for the 1997 8-hour ozone NAAQS as they apply to Maryland, the specific details of the amendments to COMAR 26.11.01.04 and COMAR 26.11.19.02 and EPA’s rationale for approving this SIP revision were provided in the NPR and will not be restated here.
Only one set of comments was received during the comment period established by EPA’s October 23, 2012 NPR. A summary of the comment and EPA’s response is provided in Section III of this document.

III. Summary of Public Comment and EPA Response

These comments supported approving into the SIP MDE amendments to COMAR 26.11.01.04 and COMAR 26.11.19.02.

Comment:

In sum, the comments stated that these revisions to the Maryland SIP controlling VOC emissions from these seven different industries should be approved. The commenter agrees with all the amendments and stated that the “EPA should, without question, approve all of them. The amendments made to COMAR by the MDE only make the 7 industries safer and update their practices with VOC to be more in accordance with EPA’s updated CTG for them under the CAA.”

Response:

EPA appreciates the support for this action.

IV. Final Action

EPA is approving as a revision to the Maryland SIP the amendments to COMAR 26.11.01.04 and COMAR 26.11.19.02 pertaining to the adoption of various test methods, calculations methods, work practice standards and exemptions for seven CTG source categories.

V. Statutory and Executive Order Reviews

A. General Requirements

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 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);
• 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; 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 (64 FR 43281, August 10, 2009), 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.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 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).

C. Petitions for Judicial Review

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 March 26, 2013. 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 concerning Maryland’s adoption of various test methods, calculations methods, work practice standards and exemptions in accordance with CTGs for VOC RACT 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.


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

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

2. In §52.1070, the table in paragraph (c) is amended by revising the entries for COMAR 26.11.01.04 and 26.11.19.02 to read as follows:

§52.1070 Identification of plan.

* * * * * *

(c) * * *
Enhanced Motor Vehicle Inspection
Massachusetts and New Hampshire;
Quality Implementation Plans;
OAR–2012–0149; A–1–FRL–9754–6
40 CFR Part 52
AGENCY
ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 52

Approval and Promulgation of Air
Quality Implementation Plans;
Massachusetts and New Hampshire;
Enhanced Motor Vehicle Inspection
and Maintenance Program

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State
Implementation Plan (SIP) revisions
submitted by the Commonwealth of
Massachusetts and the State of New
Hampshire. These revisions include
regulations to update the enhanced
motor vehicle inspection and
maintenance (I/M) programs in
Massachusetts and New Hampshire. The
revised programs in Massachusetts
and New Hampshire include a test and
repair network for an on-board
diagnostic (OBD2) testing program for
model year 1996 and newer vehicles.
The intended effect of this action is to
approve the revised programs into the
Massachusetts and New Hampshire
SIPs. This action is being taken in
accordance with the Clean Air Act.

DATES: This direct final rule will be
effective March 26, 2013, unless EPA
receives adverse comments by February
25, 2013. If adverse comments are
received, EPA will publish a timely
withdrawal of the direct final rule in the
Federal Register informing the public
that the rule will not take effect.

ADDRESSES: Submit your comments,
identified by Docket ID Number EPA–
R01–OAR–2009–0433 for comments
pertaining to our approval action for
Massachusetts or EPA–R01–OAR–2012–
0149 for comments pertaining to our
approval action for New Hampshire by
one of the following methods:

1. www.regulations.gov: Follow the
on-line instructions for submitting
comments.
2. Email: arnold.anne@epa.gov.
3. Fax: (617) 918–0047.
4. Mail: “Docket Identification
Number EPA–R01–OAR–2009–0433 or
EPA–R01–OAR–2012–0149,” Anne
Arnold, U.S. Environmental Protection
Agency, EPA New England Regional
Office, Office of Ecosystem Protection,
Air Quality Planning Unit, 5 Post Office
Square—Suite 100, (Mail code OEP05–
2), Boston, MA 02109–3912.
5. Hand Delivery or Courier. Deliver
your comments to: Anne Arnold,
Manager, Air Quality Planning Unit,
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, (Mail code OEP05–2), Boston,
MA 02109–3912. Such deliveries are
only accepted during the Regional
Office’s normal hours of operation. The
Regional Office’s official hours of
business are Monday through Friday,
8:30 to 4:30, excluding legal holidays.

Instructions: Direct your comments to
Docket ID No. EPA–R01–OAR–2009–
0433 for comments pertaining to our
approval action for Massachusetts or
EPA–R01–OAR–2012–0149 for
comments pertaining to our approval
action for New Hampshire. EPA’s policy
is that all comments received will be
included in the public docket without
change and may be made available
online at www.regulations.gov,
including any personal information
provided, unless the comment includes
information claimed to be Confidential
Business Information (CBI) or other
information whose disclosure is
restricted by statute. Do not submit
through www.regulations.gov, or email,
information that you consider to be CBI
or otherwise protected. The
www.regulations.gov Web site is an
“anonymous access” system, which
means EPA will not know your identity
or contact information unless you
provide it in the body of your comment.
If you send an email comment directly
to EPA without going through
www.regulations.gov your email address
will be automatically captured and
included as part of the comment that is
placed in the public docket and made
available on the Internet. If you submit
an electronic comment, EPA
recommends that you include your
name and other contact information in
the body of your comment and with any
disk or CD–ROM you submit. If EPA
cannot read your comment due to
technical difficulties and cannot contact
you for clarification, EPA may not be
able to consider your comment.
Electronic files should avoid the use of
special characters, any form of
encryption, and be free of any defects or
viruses.

Docket: All documents in the
electronic docket are listed in the