ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[68 FR 44612, July 14, 2003; 77 FR 58063, September 19, 2012; 78 FR 19599, April 2, 2013; as amended, 79 FR 8076, February 7, 2014] * * *

ADDRESSES:

DATES:

ACTION:

AGENCY:

BILLING CODE 6560–50–P

40 CFR Part 52

[78 FR 19599, April 2, 2013] * * *

Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is finalizing its proposal to approve revisions to the Texas State Implementation Plan (SIP) for the Houston/Galveston/Brazoria (HGB) 1997 8-Hour ozone nonattainment Area (Area). The HGB Area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties. Specifically, we are finalizing our proposed approval of portions of two revisions to the Texas SIP submitted by the Texas Commission on Environmental Quality (TCEQ) as meeting certain Reasonably Available Control Technology (RACT) requirements for Volatile Organic Compounds (VOC), and Oxides of Nitrogen (NOx) in the HGB Area. We are also finalizing our proposal to approve the 2007 Voluntary Mobile Emission Reduction Program (VMEP) commitments for the HGB Area. This action is in accordance with section 110 of the federal Clean Air Act (the Act, CAA).

DATES: This rule will be effective on May 2, 2013.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2012–0100. All materials in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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 at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas.

75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOLA Review Room between the hours of 8:30am and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the FOR FURTHER INFORMATION CONTACT paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–6651, fax (214) 665–7263, email address shar.alan@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” refer to EPA.

Outline

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I. Background

A. What actions are we approving?

In EPA’s September 19, 2012 (77 FR 58063) rulemaking action we proposed to approve portions of revisions to the Texas SIP. Submitted to EPA in two separate letters dated June 13, 2007 and April 6, 2010 from TCEQ. We are finalizing our proposed approval as described below.

1. The June 13, 2007 Submittal

We are finalizing our proposal to approve the June 13, 2007 submittal, sent to EPA from TCEQ, which in part, included the Voluntary Mobile Emission Reduction Program (VMEP) commitments as strategies to complement existing regulatory programs through voluntary, non-regulatory changes in local transportation activities or changes in in-use vehicle and engine composition. Economic incentive provisions are also available in sections 182 and 108 of the Act. Credits generated through VMEP can be counted toward attainment and maintenance of the NAAQS. Due to the voluntary nature of this program, only up to 3% of the total future year emissions reductions required to attain an appropriate NAAQS may be claimed under the VMEP policy guidance. In addition, the June 13, 2007 submittal included an analysis intended to demonstrate RACT was being implemented in the HGB Area as required by the CAA (Appendix D of the submittal).

2. The April 6, 2010 Submittal

Texas supplemented the RACT analysis contained in the June 13, 2007 submittal as a part of the April 6, 2010 revision to the Texas SIP. We are finalizing the proposal to find, based on the analysis in Appendix D of the April 6, 2010 submittal, in conjunction with the June 13, 2007 submission, that Texas has met certain RACT requirements under section 182(b). Appendix D of the April 6, 2010 submittal is titled “Reasonably Available Control Technology Analysis.” See section B of the September 19, 2012 (77 FR 58063) proposal for more information on RACT evaluation for the HGB Area.

B. When did the public comment period expire?

The public comment period for the 77 FR 58063 proposed approval ended on October 19, 2012, and we received relevant comments from TCEQ and the 8-Hour Ozone SIP Coalition (the Coalition) on this rulemaking action during its comment period. See section II below.

II. Evaluation

A. What are the public comments and EPA’s response to them?

Comment: TCEQ and the Coalition both expressed their support for the September 19, 2012 (77 FR 58063) rulemaking action. TCEQ stated that
EPA should expedite approval of RACT SIP for other CTG categories not included in the proposal.

Response: The EPA appreciates the commenters’ support of our proposed approval. The EPA is cognizant of other VOC CTG categories in the HGB Area. As stated in the proposal, EPA intends to act upon other VOC CTG categories (including the negative declarations) separately in a different rulemaking action.

Comment: TCEQ requested that the EPA provide clarification on how long the VMEP measures submitted on June 13, 2007 must remain in place. TCEQ interprets this time period to be through the year 2009.

Response: The basic framework for ensuring SIP credit for VMEPs is spelled out in guidance issued under a memorandum from Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, dated October 24, 1997, entitled “Guidance on Incorporating Voluntary Mobile Source Emission Reduction Programs in State Implementation Plans (SIPs)” (the Policy). For VMEP credits to be approvable they should be quantifiable, surplus, enforceable, permanent, and adequately supported. The Policy states that “emission reductions produced by the VMEP must continue at least for as long as the time period in which they are used by applicable SIP demonstrations. The VMEP need not continue forever to generate permanent emissions reductions, but must specify an appropriate period of implementation in the SIP.” See page 19 of the Policy. In addition, “the voluntary program should be permanent unless it is replaced by another measure (through a SIP revision) or the State demonstrates in a SIP revision that the emission reductions from the voluntary program are no longer needed.” See page 5 of the Policy. The VMEP for an area can be revised by a SIP revision that substitutes or adds other VMEP measures, if needed. The 2007 VMEP measures are considered permanent and remain part of Texas SIP until the states revises its SIP, or demonstrates in a SIP revision that the emission reductions (for example; the 2.82 tons per day of NOx reductions) from the voluntary program are no longer needed. In 2010, Texas revised the 2007 VMEP measures as a part of the HGB Area attainment demonstration plan. See section 4.6.2.2: Voluntary Mobile Emission Reduction Program (VMEP) and Appendix H of the 2010 submittal. Based on above Policy statements and the supporting record/documentation, the 2010 VMEP measures, submitted with the 2010 HGB Area attainment demonstration plan, supersede and replace the 2007 VMEP measures. We will be taking action on the 2010 VMEP measures in a different rulemaking. In short, EPA interprets the 2007 VMEP measures remain in place through the year 2009 (that is until the year 2010) when the State updated its HGB Area attainment demonstration plan.

This concludes our response to the comments received on the September 19, 2012 (77 FR 58063) proposal during comment period. As a result of comments received no changes were made to the proposed approval action.

B. What is TCEQ’s approach and analysis to RACT in the June 13, 2007 submittal?

Under sections 182(b)(2)(A) and (B), states must insure RACT is in place for each source category for which EPA issued a CTG. As a part of its June 13, 2007 submittal TCEQ conducted a RACT analysis to demonstrate that the RACT requirements for CTG sources in the HGB 8-Hour ozone nonattainment Area have been fulfilled. The TCEQ revised and supplemented this analysis in the April 6, 2010 submittal. For information on how TCEQ conducted its RACT analysis see section E of the September 19, 2012 (77 FR 58065) proposal. We are finalizing our proposal finding that TCEQ has properly conducted its analysis, and their approach to control requirements are in agreement with the CAA RACT requirements for VOC sources in the HGB Area listed in Table 1 below.

C. What CTG source categories are we addressing in this action?

Table 1 below contains a list of VOC CTG source categories, and their corresponding sections of 30 TAC Chapter 115 that fulfill the applicable RACT requirements.

<table>
<thead>
<tr>
<th>Source category in HGB area</th>
<th>Fulfiling RACT requirement, 30 TAC Chapter 115</th>
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<tbody>
<tr>
<td>Bulk Gasoline Plants</td>
<td>§ 115.211–219</td>
</tr>
<tr>
<td>Natural Gas/Gasoline Processing</td>
<td>§ 115.352–359</td>
</tr>
<tr>
<td>Synthetic Organic Chemical Manufacturing Industry—Polymer &amp; Resin Manufacturing</td>
<td>§ 115.352–359</td>
</tr>
<tr>
<td>Gasoline Tank Trucks &amp; Vapor Collection Systems</td>
<td>§ 115.211–219 and § 115.234–239</td>
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<tr>
<td>Refineries—Leaks from Equipment</td>
<td>§ 115.352–359</td>
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<tr>
<td>Synthetic Organic Chemical Manufacturing Industry—High Density Resins</td>
<td>§ 115.120–129</td>
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<tr>
<td>Synthetic Organic Chemical Manufacturing Industry—Synthesized Pharmaceutical Products</td>
<td>§ 115.531–539</td>
</tr>
<tr>
<td>Petroleum Liquid Storage—External Floating Roof Tanks</td>
<td>§ 115.112–119</td>
</tr>
<tr>
<td>Refineries—Vacuum Producing Systems, Wastewater Separators, Unit Turnarounds</td>
<td>§ 115.311–319 and § 115.131–139</td>
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<tr>
<td>Synthetic Organic Chemical Manufacturing Industry—Air Oxidation Processes</td>
<td>§ 115.120–129</td>
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<tr>
<td>Synthetic Organic Chemical Manufacturing Industry—Reactor Processes &amp; Distillation Operations</td>
<td>§ 115.120–129</td>
</tr>
<tr>
<td>Shipbuilding and Ship Repair</td>
<td>§ 115.420–429</td>
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<tr>
<td>Solvent Metal Cleaning</td>
<td>§ 115.412–419</td>
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<tr>
<td>Gasoline Service Stations</td>
<td>§ 115.221–229</td>
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<tr>
<td>Petroleum Liquid Storage—Fixed Roof Tanks</td>
<td>§ 115.112–119</td>
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<tr>
<td>Tank Trucks—Gasoline Loading Terminals</td>
<td>§ 115.211–219 or § 115.221–229</td>
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In addition, Texas declared that there are no existing major sources of rubber tire manufacturing, identified with the Standard Industrial Classification (SIC) 3011, in the HGB Area. As such, TCEQ does not have to adopt VOC regulations for this source category at this time for the HGB Area. We are also finalizing our proposed approval of Texas’ negative declaration for this source category.
D. Does the revision to 30 TAC Chapter 115 of the June 13, 2007 submittal meet RACT for liquid storage sources in the HGB Area?

On March 29, 2010 (75 FR 15348) we approved revisions to 30 TAC, Chapter 115 Control of Air Pollution from Volatile Organic Compounds. On September 19, 2012 (77 FR 58063), we proposed approval of these revisions as satisfying RACT requirements for liquid storage sources in the HGB Area. We are now finalizing our proposed approval of these revisions and finding that by implementing these measures Texas is meeting the VOC RACT for liquid storage sources in the HGB Area.

E. Is Texas’ approach to major Non-CTG sources for RACT determination in the HGB Area acceptable?

Under section 182(b)(2)(C), states must assure that major sources not covered by a CTG have RACT in place. Texas has identified a list, in its Appendix D of the April 6, 2010 submittal, of major VOC sources in the HGB Area to determine if any do not have RACT level controls in place and do not fall into the identified sectors for which EPA has issued a CTG. For information on how TCEQ reviewed the point source emissions inventory and title V databases to identify all major sources of VOC emissions see section I of the September 19, 2012 (77 FR 58063). As a part of our approval of the 1-Hour ozone attainment demonstration plan for the HGB Area at 70 FR 58136, October 5, 2005, and 71 FR 52676, September 6, 2006, we stated that Texas has met RACT for VOC and NOX sources. In its April 06, 2010, submittal to EPA Texas identified major Non-CTG sources, certified that it has RACT in place, and we proposed approval of their determination at September 19, 2012 (77 FR 58063). We are finalizing our proposed approval that VOC control measures in Chapter 115 meet RACT requirements for CTG sources of VOC in the HGB Area under the 1997 8-Hour ozone NAAQS. By implementing these control requirements (Chapter 115), Texas is satisfying the RACT requirements for CTG source categories identified in Table 1 of this document in the HGB Area under the 1997 8-Hour ozone standard.

G. Is Texas’ approach to RACT determination for NOX sources based on the June 13, 2007 and April 6, 2010 submittals acceptable?

As a part of our approval of the 1-Hour ozone attainment demonstration plan for the HGB Area at 70 FR 58136, October 5, 2005; and 71 FR 52676, September 6, 2006, we stated that Texas has met RACT for VOC and NOX sources. In its submittals to EPA, TCEQ stated that it has reviewed the HGB NOX rules, certified that they satisfy RACT requirements for the 8-Hour ozone standard by the application of control technology that is reasonably available considering technological and economic feasibility, and we proposed approval of their determination on September 19, 2012 (77 FR 58063). For more information see section L of the September 19, 2012 (77 FR 58063). We are finalizing the proposed approval that NOX control measures in Chapter 117 meet RACT requirements for NOX sources in the HGB Area under the 1997 8-Hour ozone NAAQS. By implementing these control requirements (Chapter 117), Texas is satisfying the RACT requirements for NOX source in the HGB Area under the 1997 8-Hour ozone standard.

H. Is Texas’ approach to RACT determination for VOC and NOX sources based on the June 13, 2007 and April 6, 2010 submittals acceptable?

As a part of our action on the 1-Hour ozone attainment demonstration plan for the HGB Area at 70 FR 58136, October 5, 2005; and 71 FR 52676, September 6, 2006, we stated that Texas has met RACT for VOC and NOX sources. In its submittals to EPA, TCEQ stated that it has reviewed the HGB VOC rules, certified that they satisfy RACT requirements for the 8-Hour ozone standard by the application of control technology that is reasonably available considering technological and economic feasibility, and we proposed approval of their determination on September 19, 2012 (77 FR 58063). As such, and based upon the above 3 sections (sections E, F, and G), we are finalizing our proposed approval finding that, for major sources of NOX, CTG VOC categories identified in Table 1, and Non-CTG VOC sources, Texas has RACT-level controls in place for the HGB Area under the 1997 8-Hour ozone standard.

III. Final Action

Today, we are finalizing our proposal to find that for VOC CTG categories identified in Table 1 and all major Non-CTG VOC sources, and for NOX, Texas has RACT-level controls in place for the HGB Area under the 1997 8-Hour ozone standard. The EPA had previously approved RACT for VOC and NOX into Texas’ SIP under the 1-Hour ozone standard. We are also finalizing our proposal to approve the 2007 VM MEP into Texas SIP.

IV. 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));
• 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);
ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the State Implementation Plan (SIP) and Operating Permits Program to amend the definitions provisions of the rules. This SIP revision and revision to the Missouri operating permits program add the compounds propylene carbonate and dimethyl carbonate to the list of compounds which are excluded from the definition of Volatile Organic Compound (VOC) for consistency with the Federal definition of VOC. The SIP revision also corrects two asbestos method subpart references. This revision also approves Missouri’s request to amend the SIP to meet the 2008 fine particulate matter \(\text{PM}_{2.5}\) National Ambient Air Quality Standards implementation requirements of the May 16, 2008, New Source Review \(\text{(NSR)}\) \(\text{PM}_{2.5}\) Rule. In this SIP revision, Missouri adopted rule revisions to establish the requirement for NSR permits to address directly emitted \(\text{PM}_{2.5}\) and precursor pollutants; and significant emission rates for direct \(\text{PM}_{2.5}\) and precursor pollutants (sulfur dioxide \(\text{(SO}_2\text{)}\) and nitrogen dioxide \(\text{(NO}_x\text{)}\)).