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 29, 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 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, Carbon monoxide, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.


Jared Blumenfeld, Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

2. Section 52.220, is amended by adding paragraphs (c)(428)(i)(B) and (c)(429)(i)(B) to read as follows:

§52.220 Identification of plan.

(c) * * * * *

(428) * * * * 

(i) * * * *

(B) Antelope Valley Air Quality Management District.


(429) * * * *

(i) * * * *

(B) Antelope Valley Air Quality Management District.


* * * * *

[FR Doc. 2013–23247 Filed 9–27–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81


Approval and Promulgation of Air Quality Implementation Plans; West Virginia: West Virginia’s Redesignation Request for the Wheeling, WV–OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a redesignation request and State Implementation Plan (SIP) revision submitted by the State of West Virginia. The West Virginia Department of Environmental Protection (WVDEP) requested that the West Virginia portion of the Wheeling, WV–OH fine particulate matter (PM_{2.5}) nonattainment area (“Wheeling Area” or “Area”) be redesignated as attainment for the 1997 annual PM_{2.5} national ambient air quality standard (NAAQS). In this rulemaking action, EPA is approving the 1997 annual PM_{2.5} redesignation request for the West Virginia portion of the Area. EPA is also approving the maintenance plan SIP revision that the State submitted in conjunction with its redesignation request. The maintenance plan provides for continued attainment of the 1997 annual PM_{2.5} NAAQS for 10 years after redesignation of the West Virginia portion of the Area. The maintenance plan includes a comprehensive emissions inventory that EPA is approving in this rulemaking. The maintenance plan also includes an insignificance determination for the onroad motor vehicle contribution of PM_{2.5}, nitrogen oxides (NOx), and sulfur dioxide (SO_{2}) for the West Virginia portion of the Area for purposes of transportation conformity. EPA is also approving West Virginia’s insignificance determination for transportation conformity. In addition, EPA is also finding that the Area continues to attain the standard. This rulemaking action approving the 1997 annual PM_{2.5} NAAQS redesignation request, maintenance plan, comprehensive emissions inventory, and insignificance determination for transportation conformity for the West Virginia portion of the Area is based on EPA’s determination that the Area has met the criteria for redesignation to attainment specified in the Clean Air Act (CAA).

DATES: This final rule is effective on September 30, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2012–0368. All documents in the docket are listed in 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 West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by email at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 8, 2012, the State of West Virginia, through the West Virginia Department of Environmental Protection (WVDEP), submitted a request to redesignate the West Virginia portion of the Wheeling Area nonattainment area to attainment for the 1997 annual PM_{2.5} NAAQS. The Wheeling Area is composed of Marshall and Ohio Counties in West Virginia and Belmont County in Ohio. On December 11, 2012 (77 FR 73575), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. Pursuant to sections 107(d)(3)(E) and 175A of the CAA, the NPR proposed approval of West Virginia’s redesignation request, a SIP revision that establishes a maintenance plan for the Wheeling Area portion of the Area that provides for continued attainment of the 1997 annual PM_{2.5} NAAQS for at least 10 years after redesignation, a comprehensive emissions inventory for
PM$_2.5$, NO$_x$ and SO$_2$, and the
insignificance determination for the
onroad motor vehicle contribution of
PM$_2.5$, NO$_x$ and SO$_2$ for transportation
conformity purposes for the West Virginia
portion of the Area.

On July 24, 2013 (78 FR 44487), EPA
published a supplemental NPR that
revised and expanded the basis for
proposing approval of West Virginia’s
request in light of developments since
EPA issued its initial proposal on
December 11, 2012. Principally, the
supplemental NPR addressed the effects
of the decision of the D.C. Circuit
Court’s January 4, 2013 decision to
remand to EPA two final rules
implementing the PM$_2.5$ NAAQS. In the
supplemental NPR, EPA proposed to
proceed with the approval of the request
to designate the Wheeling Area to
attainment for the 1997 annual PM$_2.5$
NAAQS and the associated maintenance
plan. On June 24, 2013, WVDEP
supplemented its March 8, 2012 SIP
submittal with the 2008 ammonia and
volatile organic compound (VOC)
emissions inventory which EPA
proposed to approve in the
supplemental NPR, in conjunction with
the PM$_2.5$, NO$_x$ and SO$_2$ emissions
inventory that EPA previously proposed
to approve, as meeting the
comprehensive emissions inventory
requirements of section 172(c)(3) of the
CAA. See December 11, 2012 (77 FR
73575) and July 24, 2013 (78 FR 44487).
In addition, EPA also proposed to
approve the insignificance
determination for the onroad motor
vehicle contribution of PM$_2.5$, NO$_x$ and
SO$_2$ for transportation conformity
purposes for the West Virginia portion
of the Area.

Other specific details of West
Virginia’s redesignation request, the
associated maintenance plan SIP
revision, the comprehensive emissions
inventory, and insignificance
determination, and the rationales for
EPA’s proposed actions are explained in
both the NPR and the supplemental
NPR and will not be restated here. No
public comments were received on
either of the NPRs.

II. Final Action

EPA is approving the redesignation
request, the maintenance plan, the
comprehensive emissions inventory,
and the insignificance determination for
transportation conformity for the West Virginia
portion of the Area because the
requirements for approval have been
satisfied. EPA has evaluated West Virginia’s
designation request, and determined
that it meets the
designation criteria set forth in section
107(d)(3)(E) of the CAA. Approval of
this redesignation request will change
the designation of the West Virginia
portion of the Area from nonattainment
to attainment for the 1997 annual PM$_2.5$
NAAQS. EPA is also approving the
associated maintenance plan for the
West Virginia portion of the Area as a
revision to the West Virginia SIP,
because it meets the requirements of
section 175A of the CAA. In addition,
EPA is also approving the
comprehensive emissions inventory as a
revision to the West Virginia SIP
because it meets the requirements of
section 172(c)(3) of the CAA.

Furthermore, EPA is approving the
transportation conformity insignificance
determination submitted by West
Virginia for this Area in conjunction
with its redesignation request.

In accordance with 5 U.S.C. 553(d),
EPA finds there is good cause for this
action to become effective immediately
upon publication. A delayed effective
date is unnecessary due to the nature of
a redesignation to attainment, which
eliminates CAA obligations that would
otherwise apply. The immediate
effective date for this action is
authorized under both 5 U.S.C.
553(d)(1), which provides that
rulemaking actions may become
effective less than 30 days after
publication if the rule “grants or
recognizes an exemption or relieves a
restriction,” and section 553(d)(3),
which allows an effective date less than
30 days after publication “as otherwise
provided by the agency for good cause
found and published with the rule.”
The purpose of the 30-day waiting
period prescribed in section 553(d) is to
give affected parties a reasonable time to
adjust their behavior and prepare before
the final rule takes effect. Today’s rule,
however, does not create any new
regulatory requirements such that
affected parties would need time to
prepare before the rule takes effect.
Rather, today’s rule relieves West
Virginia of the obligation to comply
with nonattainment-related planning
requirements for this PM$_2.5$
Area pursuant to Part D of the CAA. For these
reasons, EPA finds good cause under 5
U.S.C. 553(d) for this action to become
effective on the date of publication of
this notice.

III. 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 contain 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
26355, May 22, 2001);
• is not subject to requirements of Section 12(d) of the National
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 (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.

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 1995, 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 November 29, 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 approving the redesignation request, the maintenance plan, the comprehensive emissions inventory and transportation conformity insignificance determination for the West Virginia portion of the Wheeling Area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52
Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81
Air pollution control, National parks, Wilderness areas.

<table>
<thead>
<tr>
<th>Name of non-regulatory SIP revision</th>
<th>Applicable geographic area</th>
<th>State submittal date</th>
<th>EPA-approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997 Annual PM$_{2.5}$ Maintenance Plan for the Wheeling WV–OH Area.</td>
<td>Marshall and Ohio Counties</td>
<td>3/8/12, 6/24/13</td>
<td>9/30/13, [Insert page number where the document begins].</td>
<td>See §52.2526(i) and §52.2531(f).</td>
</tr>
</tbody>
</table>

3. Section 52.2526 is amended by adding paragraph (i) to read as follows:

§52.2526 Control strategy: Particulate matter.
*(i) EPA approves the maintenance plan for the West Virginia portion of the Wheeling, WV–OH 1997 PM$_{2.5}$ Nonattainment Area (Marshall and Ohio Counties). The maintenance plan establishes a determination of insignificance for PM$_{2.5}$, NO$_x$ and SO$_2$ for transportation conformity purposes.

4. Section 52.2531 is amended by adding paragraph (f) to read as follows:

§52.2531 Base year emissions inventory.
*(f) EPA approves as a revision to the West Virginia State Implementation Plan the comprehensive emissions inventory for the Wheeling, WV–OH fine particulate matter (PM$_{2.5}$) nonattainment area submitted by the West Virginia Department of Environmental Protection on March 8, 2012 and June 24, 2013. The emissions inventory includes emissions estimates that cover the general source categories of point sources, nonroad mobile sources, area sources, onroad mobile sources and biogenic sources. The pollutants that comprise the inventory are nitrogen oxides (NO$_x$), volatile organic compounds (VOC), PM$_{2.5}$, ammonia (NH$_3$), and sulfur dioxide (SO$_2$).

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

5. The authority citation for Part 81 continues to read as follows:

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

6. In §81.349, the table for West Virginia—PM$_{2.5}$ (Annual NAAQS) is amended by revising the entry for the Wheeling, WV–OH Area to read as follows:

§81.349 West Virginia.
* * * * *