Bankruptcy Code,” as amended, when applicable, which was issued by the American Institute of Certified Public Accountants on November 19, 1990.

(i) Certification of Periodic Reports’ accuracy. The Periodic Reports must be certified under penalty of perjury that they are true and accurate by an individual who is authorized under applicable law to certify on behalf of the debtor or trustee. The debtor’s or trustee’s attorney must maintain possession of the Periodic Reports with original signatures for five years, unless otherwise provided in local court rules. A pro se debtor must submit the Periodic Reports with original signatures to the Office of United States Trustee that is responsible for supervising the case.

(j) Mandatory usage of Periodic Reports. The Periodic Reports must be utilized by debtors and trustees when completing their monthly operating reports or post-confirmation reports. All debtors and chapter 11 trustees serving in districts where a United States Trustee is serving must use the Periodic Reports in the administration of their cases, in the same manner and with the same content, as set forth in this Rule.

(1) All Periodic Reports may be electronically or mechanically reproduced so long as the content and the form remain consistent with the Periodic Reports as they are posted on EOUST’s Web site; and

(2) The Periodic Reports shall be filed via the United States Bankruptcy Courts’ Case Management/Electronic Case Filing System (CM/ECF) as a “smart form,” meaning the reports are data-enabled.

Dated: October 24, 2014.
Clifford J. White III
Director, Executive Office for United States Trustees

For Further Information Contact: Ms. Adina Wiley at wiley.adina@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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I. Background for Our Proposed Action

A. General Information on SIPs

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that air quality meets the National Ambient Air Quality Standards (NAAQS) established by the EPA. The NAAQS are established under section 109 of the CAA and currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. A SIP is a set of air pollution regulations, control strategies, other means or techniques, and technical analyses developed by the state, to ensure that air quality in the state meets the NAAQS. It is required by section 110 and other provisions of the CAA. A SIP protects air quality primarily by addressing air pollution at its point of origin. SIPs can be extensive, containing state regulations or other enforceable documents, and supporting information such as emissions inventories, monitoring networks, and modeling demonstrations. Each state must submit regulations and control strategies to the EPA for approval and incorporation into the federally-enforceable SIP.

B. Preconstruction Review and Permitting Programs

The Act at section 110(a)(2)(C) requires SIPs to include preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants. These requirements apply in attainment and nonattainment areas and cover both major and minor new sources and modifications. Collectively, these SIP requirements are referred to as the New Source Review (NSR) SIP. The CAA NSR SIP program is composed of three separate programs: Prevention of significant deterioration (PSD), nonattainment new source review (NNSR), and Minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the NAAQS—“attainment areas”—as well as areas where there is insufficient information to determine if the area meets the NAAQS—“unclassifiable areas.” The NNSR SIP program is established in part D of title I of the CAA and applies in areas that are designated as “nonattainment areas” because they are not in attainment of the NAAQS. The Minor NSR SIP program addresses construction or modification activities for sources that will not emit, or have the potential to emit, above certain thresholds and thus do not qualify as “major.” Minor NSR applies regardless of the designation of the area in which a source is located. EPA regulations governing the criteria that states must satisfy for EPA approval of the NSR programs as part of the SIP are contained in 40 CFR sections 51.160–51.166.

C. Summary of State Submittals

The ADEQ submitted a collection of revisions to the Arkansas SIP on July 26, 2010; November 6, 2012; and September 10, 2014. Together, these revisions update the Arkansas SIP to implement the requirements of the 1997 and 2006 PM2.5 NAAQS, regulate emissions of PM2.5 and its precursors through the Arkansas PSD program, and make general updates throughout the entirety of the Arkansas SIP to address grammar, formatting, and updates to incorporation by reference dates. Additionally, on December 17, 2007, Arkansas submitted a letter certifying that its SIP addressed the CAA requirements for interstate transport of air pollution (CAA 110(g)(2)(i)) for the 1997 PM2.5 NAAQS. These SIP submittals are available in the electronic docket found in the www.regulations.gov Web site (Docket number EPA–R06–OAR–2014–0700).

1. The July 26, 2010 Submittal

On December 5, 2008, the Arkansas Pollution Control and Ecology Commission (APC&EC) adopted revisions to the Regulation 19—Regulations of the Arkansas Plan of Implementation for Air Pollution Control. Governor Beebe submitted these regulations as a revision to the Arkansas SIP in a letter dated July 26, 2010. On November 23, 2010, Teresa Marks, Director of Arkansas Department of Environmental Quality (ADEQ), provided a clarification letter regarding the July 26, 2010 submittal. This clarification letter was a resubmission of the SIP revision resulting from the previous submittal containing one incorrect hardcopy and electronic copy of the SIP revision. As part of this action, the EPA is addressing the following revisions contained in the July 26, 2010 submittal that were adopted on December 5, 2008, effective January 25, 2009:

- Substantive revisions to Regulation 19, Chapter 1 to correct formatting, clarify the incorporation by reference dates, and clarify acronyms.
- Substantive revisions to Regulation 19, Chapter 2 to add new definition for “PM2.5” and “Title I modification” and to revise the definition of “Volatile organic compounds”. Non-substantive revisions to correct formatting, clarify the incorporation by reference dates, and clarify acronyms.
- Non-substantive revisions to Regulation 19, Chapter 3 to correct formatting.
- Non-substantive revisions to Regulation 19, Chapter 5 to correct formatting and clarify acronyms.
- Non-substantive revisions to Regulation 19, Chapter 6 to correct formatting and clarify acronyms.
- Non-substantive revisions to Regulation 19, Chapter 7 to clarify incorporation by reference dates.
- Non-substantive revisions to Regulation 19, Chapter 10 to correct formatting and clarify acronyms.
- Non-substantive revisions to Regulation 19, Chapter 11 to correct formatting.
- Non-substantive revisions to Regulation 19, Chapter 13 to correct formatting and clarify acronyms.

2. The November 6, 2012 Submittal

On June 22, 2012, the APC&EC adopted revisions to Regulation 9—Permit Fee Regulations, Regulation 19—Regulations of the Arkansas Plan of Implementation for Air Pollution Control, and Regulation 26—Regulations of the Arkansas Operating Air Permit Program. On October 26, 2012, APC&EC adopted additional revisions to Regulation 19. Governor Beebe submitted these regulations as a revision to the Arkansas SIP in a letter dated November 6, 2012. As part of this action, the EPA is addressing the following revisions contained in the November 6, 2012 submittal that were adopted on June 22, 2012, and October 26, 2012, effective July 9, 2012, and November 18, 2012, respectively:

- Substantive revision to Regulation 19, Chapter 1 to address greenhouse gases (GHGs).
- Substantive revisions to Regulation 19, Chapter 2 to add new definition for “CO2 equivalent emissions” and revise the definition of “Federally regulated pollutant”.

3. The September 10, 2014 Submittal

On September 10, 2014, Teresa Marks, Director of the ADEQ, submitted a request for parallel processing of proposed AR SIP revisions to Regulation 19—Regulations of the Arkansas Plan of Implementation for Air Pollution Control. As part of this action, the EPA is addressing the following revisions
whether or not each submittal is a separate and independent matter. We have discretion to address the submitted provisions separately. Accordingly, the EPA is not obligated to address all provisions on the same time line.

We are also making non-substantive revisions to correct formatting, clarify acronyms. We note that the revisions to the Arkansas Minor NSR Program at Regulation 19, Chapter 4 submitted on July 26, 2010, will be addressed separately by the EPA in a later action.

The EPA is taking no action at this time on the revisions to the Insignificant Activities List in Regulation 19, Appendix A that were submitted on July 26, 2010 and November 6, 2012. These revisions were submitted to EPA on January 7, 2014. The submittal included revisions to the Arkansas Minor NSR Program at Regulation 19, Chapter 4. These revisions were solely to implement the GHG PSD PAL revisions. Since the Supreme Court of the United States rendered its decision on June 23, 2014, in Utility Air Regulatory Group (UARG) v. EPA (No. 12–1146), the EPA does not find it appropriate to take action on provisions implementing permitting provisions for GHG PSD PALs at this time. The EPA will address this submittal from the state in a separate action at a later date.

The following table summarizes which regulatory provisions the EPA is taking action on in today’s proposed approval.

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<tr>
<td>Section</td>
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<td>Insignificant Activities List</td>
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<td>December 5, 2008 ..</td>
<td>No action at this time.</td>
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</table>
We have evaluated the July 26, 2010, November 6, 2012, and September 10, 2014, SIP submissions for whether they meet the CAA and 40 CFR Part 51, and are consistent with the EPA’s interpretation of the relevant provisions. Today’s proposed action and the accompanying Technical Support Document (TSD) present our rational for proposing approval of these regulations as meeting the minimum federal requirements for the adoption and implementation of the NAAQS and required PSD permitting elements. The EPA is parallel processing the revisions proposed on August 22, 2014, based on the request submitted on September 10, 2014. This means that the EPA is proposing approval at the same time that the ADEQ is completing the public comment and rulemaking process at the state level. The September 10, 2014, SIP revision request will not be complete and will not meet all the adequacy criteria until the state public process is complete and the SIP revision is submitted as a final adoption with a letter from the Governor or Governor’s designee. The EPA is proposing to approve the SIP revision request after completion of the state public process and final submittal.

II. The EPA’s Analysis of the State Submittals

A. Revisions to the Arkansas PSD Program To Address PM\textsubscript{2.5} Permitting

The ADEQ adopted revisions to the Arkansas SIP and the Arkansas PSD Program on August 22, 2014. The ADEQ submitted these adopted revisions to the EPA for parallel processing on September 10, 2014. These ADEQ revisions address the regulatory requirements of the EPA’s implementation rules for the 1997 and 2006 PM\textsubscript{2.5} NAAQS as applicable to the State’s general regulatory program and its PSD permitting program. Specifically, the EPA promulgated two rules establishing both required and optional implementation regulations for PM\textsubscript{2.5}: The May 16, 2008 final rule for Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers (PM\textsubscript{2.5}) (referred to as the NSR PM\textsubscript{2.5} Implementation Rule), 73 FR 28321, and the October 20, 2010 final rule for Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers (PM\textsubscript{2.5})—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (referred to as the PM\textsubscript{2.5} PSD Increments—SILs—SMC Rule), 75 FR 64864. Today’s proposed action and the accompanying Technical Support Document (TSD) present our rationale for proposing approval of this submission as part of the Arkansas PSD SIP by finding that the Arkansas PSD SIP includes the requirements to address these two rulemakings concerning the PM\textsubscript{2.5} NAAQS.\footnote{There are no PM\textsubscript{2.5} nonattainment areas in Arkansas; therefore ADEQ is not required to adopt or submit a NNSR program for PM\textsubscript{2.5} implementation as part of the Arkansas SIP.}

1. The NSR PM\textsubscript{2.5} Implementation Rule

   a. How does the September 10, 2014, revision to the Arkansas PSD program address the requirements of the NSR PM\textsubscript{2.5} Implementation Rule?

   The EPA’s final NSR PM\textsubscript{2.5} Implementation Rule required states to submit applicable SIP revisions to the EPA no later than May 16, 2011, to address this Rule’s PSD and NNSR SIP requirements. Based on the analysis presented below and in our accompanying TSD, the EPA is proposing to find that the September 10, 2014, revision to the Arkansas PSD SIP includes all of the PSD requirements of the 2008 final NSR PM\textsubscript{2.5} Implementation Rule for the following reasons:

   (1) Regulation of Direct PM\textsubscript{2.5} and Precursors: The Arkansas SIP at Regulation 19, Chapter 3 and Appendix B gives the ADEQ the authority to implement the 2006 PM\textsubscript{2.5} NAAQS for purposes of PSD. Further, the September 10, 2014, revisions to the definition of “Regulated NSR pollutant” at Regulation 19.903(B) identify that direct emissions of PM\textsubscript{2.5} and its precursors, NO\textsubscript{x} and SO\textsubscript{2}, are regulated under the Arkansas PSD program.

   (2) Establish SEPs: The Arkansas PSD program at Regulation 19.904(A)(2) incorporates by reference the significant emission rates for direct PM\textsubscript{2.5} emissions and precursors of PM\textsubscript{2.5} as promulgated by EPA at 40 CFR 52.21(b)(23) on May 16, 2008.

   (3) Condensable PM\textsubscript{10}/PM\textsubscript{2.5} Emissions: The Arkansas PSD program includes condensable emissions of PM\textsubscript{10} and PM\textsubscript{2.5} for purposes of PSD permitting at Regulation 19.903(B)(6). The language submitted on September 10, 2014, is consistent with the federal requirements promulgated on May 16, 2008 at 40 CFR 51.166(b)(49)(vi) and corrected by EPA on October 25, 2012 at 40 CFR 51.166(b)(49)(ii)(a).

b. Litigation on the May 16, 2008 PM\textsubscript{2.5} NSR Implementation Rule

On January 4, 2013, the U.S. Court of Appeals, in Natural Resources Defense Council v. EPA, 706 F.3d 428 (D.C. Cir.), issued a judgment that remanded the EPA’s 2007 and 2008 rules implementing the 1997 PM\textsubscript{2.5} NAAQS, including the NSR PM\textsubscript{2.5} Implementation Rule. The court ordered the EPA to “repromulgate these rules pursuant to Subpart 4 consistent with this opinion.” Id. at 437. Subpart 4 of Part D, Title 1 of the CAA establishes additional provisions for particulate matter nonattainment areas.

The 2008 NSR PM\textsubscript{2.5} Implementation Rule addressed by the court decision described above, promulgated NSR requirements for implementation of PM\textsubscript{2.5} in both nonattainment areas (NNSR) and attainment/unclassifiable areas (PSD). As the requirements of Subpart 4 only pertain to nonattainment areas, the EPA does not consider the portions of the 2008 rule that address requirements for PM\textsubscript{2.5} in attainment and unclassifiable areas to be affected by the court’s opinion. Moreover, the EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 NSR PM\textsubscript{2.5} Rule in order to comply with the court’s decision. Accordingly, the EPA’s proposed approval of Arkansas’s SIP revisions with respect to the PSD requirements promulgated by the 2008 NSR PM\textsubscript{2.5} Rule does not conflict with the court’s opinion.

The Court’s decision with respect to the NNSR requirements promulgated by the 2008 NSR PM\textsubscript{2.5} Rule also does not affect the EPA’s action on the present proposed approval, as this proposed approval does not address any of the PM\textsubscript{2.5} nonattainment NSR requirements.
2. The PM_{2.5} PSD Increment—SILs—SMC Rule

a. How does the September 10, 2014 revision to the Arkansas PSD program satisfy the Required Increment Component of the PM_{2.5} Increment—SILs—SMC Rule?

The EPA finalized the PM_{2.5} PSD Increment—SILs—SMC Rule to provide additional regulatory requirements under the PSD SIP program regarding the implementation of the PM_{2.5} NAAQS. See 75 FR 64864. The PM_{2.5} PSD Increment—SILs—SMC Rule required states to submit SIP revisions to the EPA by July 20, 2012, adopting provisions equivalent to or at least as stringent as the PSD increments and associated implementing regulations. Specifically, the SIP rule requires a state’s submitted PSD SIP revision to adopt and submit for EPA approval the PM_{2.5} increments pursuant to section 166(a) of the CAA to prevent significant deterioration of air quality in areas meeting the NAAQS and associated implementing regulations. More detail on the PM_{2.5} PSD Increment—SILs—SMC Rule can be found in the EPA’s October 20, 2010 final rule. See 75 FR 64864.

With respect to the required increment component of the PM_{2.5} Increment—SILs—SMC Rule, the ADEQ incorporated by reference the federal requirements for PM_{2.5} increment at 40 CFR 52.21(c) as promulgated by EPA on October 20, 2011. The ADEQ also incorporated by reference the required definitions to implement the PM_{2.5} increment promulgated by the EPA on October 20, 2011, such as baseline area at 40 CFR 52.21(b)(15)(i), major source baseline date at 40 CFR 52.21(b)(14)(i), minor source baseline date at 40 CFR 52.21(b)(14)(ii) and (iii), source impact analysis requirements at 40 CFR 52.21(k)(1) and requirements for sources impacting Federal Class I areas at 40 CFR 52.21(p). The EPA is proposing to find that the Arkansas PSD SIP incorporates by reference the federal PM_{2.5} increment and associated implementing regulations, and that the increments and implementing regulations are applicable requirements for sources and modifications that are major for PM_{2.5} and/or the identified precursors of SO_{2} and NO_{X}.

b. How does the September 10, 2014, revision to the Arkansas PSD program address the Optional SILs and SMC Components of the PM_{2.5} Increment—SILs—SMC Rule?

EPA’s October 20, 2010, PM_{2.5} Increment—SILs—SMC Rule also provided that States could discretionarily choose to adopt and submit for EPA approval SILs used as a screening tool to evaluate the impact a proposed new major source or major modification may have on the NAAQS or PSD increment, and a SMC (also a screening tool) to determine the subsequent level of ambient air monitoring data gathering required for a PSD permit application for emissions of PM_{2.5}.

On January 22, 2013, the U.S. Court of Appeals granted a request from the EPA to vacate and remand to the EPA portions of the federal PSD regulations (40 CFR 51.166(k)(2) and 52.21(k)(2)) setting forth provisions for implementing SILs for PM_{2.5} so that the EPA could reconcile the inconsistency between the regulatory text and certain statements in the preamble to the 2010 final rule. Sierra Club v. EPA, 705 F.3d 458, 463–64 (D.C. Cir. 2013). The court declined to vacate the different portion of the federal PSD regulations (40 CFR 51.165(b)(2)) for implementing SILs for PM_{2.5} that did not contain the same inconsistency in the regulatory text. Id. at 465–66. The court further vacated the portions of the PSD regulations (40 CFR 51.166(i)(5)(i)(c) and 52.21(i)(5)(ii)(c)) implementing a PM_{2.5} SMC, finding that the EPA lacked legal authority to adopt and use the PM_{2.5} SMC to exempt permit applicants from the statutory requirement to compile and submit ambient monitoring data. Id. at 468–69. On December 9, 2013, the EPA issued a good cause final rule formally removing the affected SILs and SMC provisions from the CFR. See 78 FR 73698.

The September 10, 2014 revision to the Arkansas PSD program does not include the optional PM_{2.5} SMC and SIL provisions. Unless explicitly identified in Regulation 19.904(A), the Arkansas PSD SIP only incorporates by reference the federal PSD requirements at 40 CFR 52.21(a)(2) through (bb) as in effect on November 29, 2005. Because Regulation 19.904(A) does not explicitly identify 40 CFR 52.21(k)(2) or 52.21(i)(5)(ii)(c) as promulgated by the EPA on October 20, 2011 as being part of the Arkansas PSD program, the EPA proposes to find that the Arkansas PSD program does not include the PM_{2.5} SIL and SMC provisions that have been vacated by the Courts and removed by the EPA on December 9, 2013.

3. Interstate Transport of Air Pollution and PSD

CAA 110(a)(2)(D)(i)(I) calls for the SIP to prohibit emissions to other states which will (1) contribute significantly to nonattainment of the NAAQS or (2) interfere with attainment of the NAAQS. CAA 110(a)(2)(D)(i)(II) calls for the SIP to prohibit emissions to other states which will (1) interfere with measures required to prevent significant deterioration or (2) interfere with measures to protect visibility. The December 17, 2007 SIP submittal addressed CAA 110(a)(2)(D)(i)(I) and (II) for the 1997 PM_{2.5} NAAQS. We previously acted on (1) the contribution to nonattainment and interference with maintenance portion (August 29, 2013, 78 FR 53269) and (2) the visibility protection portion (March 12, 2012, 77 FR 14604). We neglected to act on the portion pertaining to interstate transport of air pollution and PSD.

The CAA 110(a)(2)(D)(i)(II) interstate transport requirement for PSD is met when new major sources and major modifications in a state are subject to a comprehensive EPA-approved PSD permitting program that (1) applies to all regulated NSR pollutants and (2) satisfies the requirements of EPA’s PSD implementation rules. This is because a fully approved PSD program necessarily needs to fully consider source impacts on other States. Because these criteria will be met with our approval of the Arkansas PSD SIP revision, we are proposing to approve the portion of the December 17, 2007 SIP submittal that addresses interstate transport of air pollution and PSD for the 1997 PM_{2.5} NAAQS (CAA 110(a)(2)(D)(i)(II)).

B. Impacts on Existing Federal Implementation Plan Clocks

The EPA previously promulgated a partial approval and partial disapproval of the Arkansas infrastructure SIP for the 1997 ozone NAAQS and the 1997 and 2006 PM_{2.5} NAAQS on August 20, 2012 (77 FR 50033, August 20, 2012). The partial disapproval was based on the State’s failure to submit the required PSD SIP revisions from the May 16, 2008 PM_{2.5} NSR Implementation Rule. The EPA’s partial disapproval of required elements of the Act started a federal implementation plan (FIP) clock for the required 2008 NSR PM_{2.5} Implementation Rule revisions, which expired on September 19, 2014.

The EPA on May 22, 2014, made a separate finding of failure to submit for the State of Arkansas based on the State’s failure to submit revisions to the SIP incorporating the required component of the October 20, 2010 PM_{2.5} PSD Increment—SILs—SMC Rule. See 79 FR 29354. The EPA’s finding of failure to submit established a 24-month deadline by which time the EPA must promulgate a FIP for Arkansas to address the PM_{2.5} PSD requirements for increment and the associated implementation of the NAAQS. CAA 110(a)(2)(D)(i)(II) calls for the SIP to prohibit emissions to other states which will (1) contribute significantly to nonattainment and (2) interfere with attainment of the NAAQS.
before the EPA promulgates a FIP for the State, in accordance with section 110(c)(1).

The EPA’s proposed action today preliminarily finds that the September 10, 2014, submittal for parallel processing satisfies all required elements for PM2.5 PSD implementation as required through EPA’s May 16, 2008, and October 20, 2010, final rules. Accordingly, finalization of today’s proposal will stop the two FIP clocks on the lack of these elements in the Arkansas PSD program and remove any FIP obligation from EPA for the PM2.5 PSD implementation.

C. General Updates to the Arkansas SIP

The July 26, 2010 and November 6, 2012 submittals, included numerous updates throughout the Arkansas SIP at Regulation 19 to update incorporation by reference dates, and correct grammar and formatting. The accompanying TSD provides a line-item analysis of each of these revisions. Our analysis demonstrates that these revisions are non-substantive in nature. Thus EPA is proposing approval.

The September 10, 2014 submittal contains new Appendix B to Regulation 19 that is intended to establish the specific NAAQS that are implemented through the Arkansas SIP and the Arkansas PSD program. Appendix B captures the ambient air quality standards promulgated in 40 CFR Part 50 as of July 27, 2012. Although Appendix B as submitted is approvable, this incorporation by reference date does not capture the 2012 particulate matter primary NAAQS revision (78 FR 3086). Under CAA 110(a)(1), the State is allowed 3 years from the date of promulgation of national ambient air quality primary standard to submit a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within such State. Therefore, Arkansas is required to submit revisions to address the 2012 particulate matter primary NAAQS revision by December 14, 2015.

III. Proposed Action

The EPA proposes to approve the revisions to the Arkansas SIP submitted on July 26, 2010; November 6, 2012; and September 10, 2014, because we have made the preliminary determination that these SIP packages were adopted and submitted in accordance with the CAA and EPA regulations regarding implementation of the PM2.5 NAAQS. Therefore, under section 110 and part C of the Act and for the reasons stated above, the EPA proposes to approve the following revisions to the Arkansas SIP:

- Revisions to Regulation 19, Chapter 1 submitted on July 26, 2010 and November 6, 2012;
- Revisions to Regulation 19, Chapter 2 submitted on July 26, 2010, November 6, 2012, and September 10, 2014, with the exception of the GHC Biomass Deferral provision submitted as part of the definition of CO2e on November 6, 2012;
- Revision to Regulation 19, Chapter 3 submitted on July 26, 2010 and September 10, 2014;
- Revisions to Regulation 19, Chapter 5 submitted on July 26, 2010 and September 10, 2014;
- Revisions to Regulation 19, Chapter 6 submitted on July 26, 2010;
- Revisions to Regulation 19, Chapter 7 submitted on July 26, 2010;
- Revisions to Regulation 19, Chapter 9 submitted on September 10, 2014;
- Revisions to Regulation 19, Chapter 10 submitted on July 26, 2010;
- Revisions to Regulation 19, Chapter 11 submitted on July 26, 2010;
- Revisions to Regulation 19, Chapter 13 submitted on July 26, 2010;
- New Regulation 19, Appendix B submitted on September 10, 2014; and
- A portion of a December 17, 2007 SIP submittal addressing interstate transport of air pollution and PSD for the 1997 PM2.5 NAAQS (CAA 110(a)(2)(D)(i)(II)).

The EPA is also proposing to find that the Arkansas PSD NSR SIP meets all the CAA PSD requirements for implementing the 1997 and 2006 PM2.5 NAAQS, including the PM2.5 PSD requirements contained in the federal regulations as of December 9, 2013, including regulation of NOx and SO2 as PM2.5 PSD precursors, regulation of condensables, and PM2.5 increments. As such, upon finalization of today’s proposed rulemaking, the EPA will stop the two FIP clocks that are currently running on the Arkansas PSD program pertaining to PM2.5 PSD implementation.

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 Clean Air 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 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 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 Clean Air Act; 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401 et seq.
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Motor Vehicle Inspection and Maintenance and Associated Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of State Implementation Plan (SIP) revisions submitted by the State of Utah. The revisions involve amendments to Section X, Part A, Vehicle Inspection and Maintenance Program, General Requirements and Applicability; the addition of Section X, Part F, Cache County Vehicle Inspection and Maintenance Program; and revisions to Utah Administrative Rules R307–110–1, R307–110–31, and R307–110–36. EPA is proposing approval of these SIP revisions in accordance with the requirements of section 110 of the Clean Air Act (CAA).

DATES: Comments must be received on or before December 10, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2014–0370, by one of the following methods:

• http://www.regulations.gov. Follow the on-line instructions for submitting comments.
• Email: russ.tim@epa.gov.
• Fax: (303) 312–6064 (please alert personnel that you are faxing a comment).

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–6479, russ.tim@epa.gov.

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials Act or CAA mean or refer to the Clean Air Act, unless the context indicates otherwise.
(ii) The initials BRHD mean Bear River Health Department.
(iii) The words EPA, we, us or our mean or refer to the United States Environmental Protection Agency.
(iv) The initials DMV mean Department of Motor Vehicles.
(v) The initials I/M mean inspection and maintenance.
(vi) The initials NAAQS mean national ambient air quality standard.
(vii) The initials NOx mean nitrogen oxides.
(viii) The initials OBD mean On-Board Diagnostics.
(ix) The initials PM0.5 mean Particulate Matter equal to or less than 2.5 microns in diameter.
(x) The initials RPM mean revolutions per minute.
(xi) The initials SIP mean or refer to State Implementation Plan.
(xii) The initials TSM mean Two Speed Idle.
(xiii) The initials UQAQ mean Utah Air Quality Board.
(xiv) The initials UDAQ mean Utah Division of Air Quality.
(xv) The words Utah and State mean the State of Utah.
(xvi) The initials VOC mean volatile organic compound.

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I. General Information

1. Submitting CBI. Do not submit CBI to EPA through http://www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that