

**§ 52.2570 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(133) On February 24, 2014, the Wisconsin Department of Natural Resources submitted revisions to its nitrogen oxide (NO<sub>x</sub>) combustion turbine rule for the Milwaukee-Racine former nonattainment area for the 1997 ozone standard. This revision is contained in “2013 Wisconsin Act 91—Senate Bill 371” which allows alternative NO<sub>x</sub> emission requirements for simple cycle combustion turbines, that undergo a modification on or after February 1, 2001, if dry low NO<sub>x</sub> combustion is not technically or economically feasible. This revision is approvable because it provides for alternative NO<sub>x</sub> requirements subject to EPA approval on a case-by-case basis and therefore satisfies the reasonably available control technology (RACT) requirements of the Clean Air Act (Act).

(i) *Incorporation by reference.* Wisconsin statute, Section 285.27(3m), Exemption from Standards for Certain Combustion Turbines, as revised by 2013 Wisconsin Act 91 enacted December 13, 2013. (A copy of 2013 Wisconsin Act 91 is attached to Section 285.27(3m) to verify the enactment date.)

[FR Doc. 2014–28727 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA–R05–OAR–2011–0968; FRL–9920–15–Region 5]****Approval and Promulgation of Air Quality Implementation Plans; Indiana; Open Burning Rule****AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a November 14, 2011, request by Indiana to revise the state implementation plan (SIP) to update the open burning provisions in Title 326 of the Indiana Administrative Code (IAC), Article 4, Rule 1 (326 IAC 4–1), Open Burning Rule. This action applies statewide, with the exception of Clark, Floyd, Lake and Porter counties. EPA is approving this rule for attainment counties and is taking no action on the rule for Clark, Floyd, Lake and Porter counties which are nonattainment or maintenance areas for ozone (O<sub>3</sub>) or particulate matter (PM).

**DATES:** This final rule is effective on January 8, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2011–0968. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, 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](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886–6031 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, [hatten.charles@epa.gov](mailto:hatten.charles@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is EPA addressing in this document?
- II. Public Comments Received and EPA’s Response
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

**I. What is EPA addressing in this document?**

On September 17, 2014 (79 FR 55641, 79 FR 55712), EPA published a direct final approval of revisions to 326 IAC 4–1, Indiana’s open burning rule. The revisions improve and expand the applicability of open burning and its impact on air quality statewide.

On November 5, 2014, EPA withdrew the direct final approval because of an adverse comment (79 FR 65589). In this document EPA is responding to the comment and taking final action to approve Indiana’s SIP revision request.

**II. Public Comment Received and EPA’s Response**

EPA received one adverse comment on the September 17, 2014, proposed approval of this Indiana rule.

*Comment:* Commenter disagrees with approval of Indiana’s open burning rule. Commenter says the wind in Indiana moves in an easterly direction and that fine PM emissions from Indiana contributes to the cause of serious health effects (lung cancer, heart attacks, strokes, asthma, pneumonia, and allergies) for all people breathing the polluted air from Indiana. The commenter also said that the allowance of open burning hurts the nation and raises the concern of huge health costs for people breathing dirty air from Indiana.

*EPA Response:* EPA agrees that exposure to fine PM may be linked to a number of health related problems. The revision to rule 326 IAC 4–1 strengthens Indiana’s existing open burning rule by reducing the amount of open burning allowed to take place in Indiana, thereby reducing the exposure of the general population to PM emissions and minimizing health care costs.

**III. What action is EPA taking?**

EPA is approving the November 14, 2011, request by IDEM to revise Indiana’s SIP to update 326 IAC 4–1, Indiana’s Open Burning Rule, because reducing open burning will reduce PM, volatile organic compounds, and other pollutants. EPA’s action applies statewide, with the exception of Clark, Floyd, Lake and Porter counties. EPA is taking no action in Clark, Floyd, Lake, and Porter counties which are nonattainment or maintenance areas for O<sub>3</sub> or PM.

**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 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 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 (Public Law 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).
- This rule 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, the 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.

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).

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 February 9, 2015. 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, Emission reporting, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: November 24, 2014.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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.*

- 2. In § 52.770, the table in paragraph (c) is amended by revising the entries under the subheading entitled “Article 4. Burning Regulations” and by adding footnote 1 to the end of the table to read as follows:

**§ 52.770 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED INDIANA REGULATIONS**

Indiana citation	Subject	Indiana effective date	EPA Approval date	Notes
*	*	*	*	*

**Article 4. Burning Regulations**

**Rule 1. Open Burning<sup>1</sup>**

4-1-0.5	Definitions	02/10/2001	12/9/2014, [insert <b>Federal Register</b> citation].
4-1-1	Scope	02/10/2001	12/9/2014, [insert <b>Federal Register</b> citation].
4-1-2	Prohibition against open burning	02/10/2001	12/9/2014, [insert <b>Federal Register</b> citation].
4-1-3	Exemptions	10/28/2011	12/9/2014, [insert <b>Federal Register</b> citation].
4-1-4	Emergency burning	10/28/2011	12/9/2014, [insert <b>Federal Register</b> citation].
4-1-4.1	Open burning approval; criteria and conditions.	12/15/2002	12/9/2014, [insert <b>Federal Register</b> citation].
4-1-4.2	Open burning; approval revocation	02/10/2001	12/9/2014, [insert <b>Federal Register</b> citation].
4-1-4.3	Open burning approval; delegation of authority.	02/10/2001	12/9/2014, [insert <b>Federal Register</b> citation].

**Rule 2. Incinerators**

4-2-1	Applicability	12/15/2002	11/30/2004, 69 FR 69531.
4-2-2	Incinerators	12/15/2002	11/30/2004, 69 FR 69531.
4-2-3	Portable incinerators (Repealed)	12/15/2002	11/30/2004, 69 FR 69531.

## EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA Approval date	Notes
------------------	---------	------------------------	-------------------	-------

<sup>1</sup> EPA is approving this rule for the counties of Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, La Porte, Lagrange, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley.

\* \* \* \* \*  
[FR Doc. 2014–28798 Filed 12–8–14; 8:45 am]  
BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA–R09–OAR–2012–0781; FLR–9920–18–Region 9]

### Redesignation Request and Maintenance Plan for PM<sub>2.5</sub>; Yuba City-Marysville; California

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve, as a revision of the California state implementation plan (SIP), the State's request to redesignate the Yuba City-Marysville nonattainment area to attainment for the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard. The EPA is also taking final action to approve the PM<sub>2.5</sub> maintenance plan and the associated motor vehicle emissions budgets for use in transportation conformity determinations necessary for the Yuba City-Marysville area. Finally, the EPA is taking final action to approve the attainment year emissions inventory. The EPA is approving this revision because it meets the requirements of the Clean Air Act and EPA guidance for such plans, motor vehicle emissions budgets, and inventories.

**DATES:** This final rule is effective on January 8, 2015.

**ADDRESSES:** The EPA has established a docket for this action: Docket ID No. EPA–R09–2012–0781. Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the

hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** John Ungvarsky, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 972–3963, [ungvarsky.john@epa.gov](mailto:ungvarsky.john@epa.gov).

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

#### Table of Contents

- I. Summary of Today's Final Action
  - A. Background
  - II. What comments did the EPA receive on the proposed rule?
  - III. What action is the EPA taking?
  - IV. Statutory and Executive Order Reviews

#### I. Summary of Today's Final Action

Under Clean Air Act (CAA or “the Act”) section 107(d)(3)(D), the EPA is approving the State's request to redesignate the Yuba City-Marysville PM<sub>2.5</sub> nonattainment area <sup>1</sup> to attainment for the 2006 24-hour PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS or “standard”). We are doing so based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E): (1) That the area has attained the 24-hour PM<sub>2.5</sub> NAAQS in the 2010–2012 time period and that the area continues to attain the PM<sub>2.5</sub> standard since that time; (2) that relevant portions of the California state implementation plan (SIP) are fully approved; (3) that the improvement in air quality is due to permanent and enforceable reductions in emissions; (4) that California has met all requirements applicable to the Yuba City-Marysville PM<sub>2.5</sub> nonattainment area with respect to section 110 and part D of the CAA; and (5) that the *Yuba City-Marysville PM<sub>2.5</sub> Redesignation Request and*

<sup>1</sup> The boundaries for this area are described in 40 CFR 81.305.

*Maintenance Plan* (“Yuba City-Marysville PM<sub>2.5</sub> Plan” or “Plan”)<sup>2</sup> meets the requirements of section 175A of the CAA.

In addition, under CAA section 110(k)(3), the EPA is approving the Yuba City-Marysville PM<sub>2.5</sub> Plan as a revision to the California SIP. The EPA finds that the maintenance demonstration shows how the area will continue to attain the 2006 24-hour PM<sub>2.5</sub> NAAQS for at least 10 years beyond redesignation (i.e., through 2024), and that the contingency provisions describing the actions that the Feather River Air Quality Management District (FRAQMD) will take in the event of a future monitored violation meet all applicable requirements for maintenance plans and related contingency provisions in CAA section 175A. The EPA is also approving the motor vehicle emissions budgets (MVEBs) in the Yuba City-Marysville PM<sub>2.5</sub> Plan because we find that the MVEBs meet the applicable transportation conformity requirements under 40 CFR 93.118(e). Finally, the EPA is approving the 2011 emissions inventory included in the Yuba City-Marysville PM<sub>2.5</sub> Plan as the attainment year emissions inventory because it meets the requirements of CAA section 172(c)(3).

The EPA is finalizing these actions because they meet the requirements of the CAA, its implementing regulations,

<sup>2</sup> See letter from Richard W. Corey, Executive Officer, California Air Resources Board, to Jared Blumenfeld, Regional Administrator, EPA Region 9, dated May 23, 2013, with attachments. On February 20, 2014, the California Air Resources Board (CARB) submitted to the EPA a technical supplement to the Yuba City-Marysville PM<sub>2.5</sub> Plan (“technical supplement”). The technical supplement included: A Staff Report titled “Minor Updates to Yuba City-Marysville PM<sub>2.5</sub> Maintenance Plan and Redesignation Request” (“CARB 2014 Staff Report”); a letter from Christopher D. Brown, Air Pollution Control Officer, FRAQMD to Deborah Jordan, Director, Air Division, USEPA Region 9, and Richard Corey, Executive Officer, CARB, clarify the contingency plan; a notice of February 20, 2014 public meeting to consider approval of minor updates to the Yuba City-Marysville PM<sub>2.5</sub> Maintenance Plan and Redesignation Request; transcripts from February 20, 2014 CARB Board meeting; and Board Resolution 14–6.