

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

Name of source	Order/Permit No.	State effective date	EPA Approval date	Explanation
(30) Americold Logistics, LLC 24-Hour Particulate Matter (PM ₁₀) National Ambient Air Quality (NAAQS) Consent Judgment.	Consent Judgment 14AP-CC00036.	4/27/14	1/28/16, [insert Federal Register citation].

[FR Doc. 2016-01660 Filed 1-27-16; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2015-0545; FRL-9941-72-Region 9]

Disapproval of California Air Plan Revisions, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing disapproval of revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). This

action was proposed in the **Federal Register** on November 24, 2015 and concerns rules regulating Vehicle Scrapping, Employee Trip Reduction, and procedures for the hearing board concerning variances and subpoenas. The submitted SCAQMD rules are discretionary and this disapproval does not reveal a deficiency in the SIP.

DATES: *Effective Date:* This rule is effective on February 29, 2016.

ADDRESSES: The EPA has established docket number EPA-R09-OAR-2015-0545 for this action. Generally, documents in the docket for this action are available electronically at www.regulations.gov or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94015-3901. While all documents in the docket are listed at 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: Idalia Pérez, EPA Region IX, (415) 972-3248, perez.idalia@epa.gov.

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

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I. Proposed Action

On November 24, 2015 (80 FR 73156), the EPA proposed to disapprove the following rules that were submitted for incorporation into the California SIP.

Local agency	Rule #	Rule title	Adopted or amended	Submitted
SCAQMD	1610	Old-Vehicle Scrapping	05/09/97 ..	06/03/97
SCAQMD	2202	On-Road Motor Vehicle Mitigation Options	10/09/98 ..	06/03/99
SCAQMD	503.1	Ex Parte Petitions for Variances	02/05/88 ..	02/07/89
SCAQMD	504	Rules from which Variances Are Not Allowed	01/05/90 ..	05/13/91
SCAQMD	511.1	Subpoenas	02/05/88 ...	02/07/89

We proposed to disapprove these rules because some rule provisions do not satisfy the requirements of section 110 and part D of the Act.

We proposed to disapprove the SIP revision for Rule 1610 based at least in part on the following deficiencies:

1. The Section (e)(2) requirement that engines of scrapped vehicles be destroyed is insufficiently federally enforceable for various reasons.

2. The Section (f)(2)(A) requirement that the vehicle be registered for two years within SCAQMD is not fully enforceable by allowing the Executive Officer to approve different documentation.

3. The Section (g) requirement of a visual and functional inspection of the vehicle has no recordkeeping requirements.

4. There is no recordkeeping requirement to demonstrate compliance

with the Section (g)(1) requirement that vehicles be driven under their own power to the scrapping site.

5. There is no requirement to maintain records for the life of Mobile Source Emission Reduction Credits.

We proposed to disapprove the SIP revision for Rule 2202 based at least in part on the following deficiencies:

1. Per Section (f)(1), the rule relies on Regulation XVI, which is not currently in the SIP.

2. Per Section (f)(3), the rule relies on the Air Quality Investment Program (Rule 2501), which is not currently in the SIP.

3. Per Section (f)(4), the rule relies on emission reduction strategies approved on a case-by-case basis by the Executive Officer.

4. Per Section (g)(4), the rule relies on vehicle miles travelled reduction programs approved on a case-by-case basis by the Executive Officer.

We proposed to disapprove the SIP revision for Rules 503.1 and 504 because they conflict with CAA sections 110(a) and (i) and fail to address that a state- or district-issued variance has no effect on enforcing the underlying federal requirement unless the variance is submitted to and approved by EPA as a SIP revision.

We proposed to disapprove the SIP revision for Rule 511.1 to avoid potential conflict with EPA’s independent authorities provided in CAA section 113, section 114 and elsewhere.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittal.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is finalizing a full disapproval of the submitted rules. This final disapproval does not trigger sanctions or a requirement for the EPA to issue a federal implementation plan (FIP). Sanctions will not be imposed under CAA 179(b) because the submittal of Rules 1610, 2202, 503.1, 504 and 511.1 is discretionary (*i.e.*, these rules are not required to be included in the SIP), and the EPA will not promulgate a FIP in this instance under CAA 110(c)(1) because the disapproval does not reveal a deficiency in the SIP for the area that such a FIP must correct. Specifically: (1) Rule 1610 is voluntary and only serves to provide for an alternative method of compliance for stationary and other emission sources subject to other District regulations that allow the use of credits as a compliance option; and (2) Rule 2202 is not a required CAA submittal because the CAA gives state and local agencies discretion, but does not require, employers "to implement programs to reduce work-related vehicle trips and miles travelled by employees" (see CAA section 182(d)(1)(B)). Additionally, at this time, we have not credited emission reductions from Rules 1610 or 2202 in an approved SIP and we are not aware of a SCAQMD plan submitted to EPA that relies on emission reductions from these rules to fulfill a CAA requirement. Accordingly, the failure of the SCAQMD to adopt revisions to Rules 1610 and 2202 would not adversely affect the SIP's compliance with the CAA's requirements, such as the requirements for section 182 ozone RACT, reasonable further progress, and attainment demonstrations. Rules 503.1, 504 and 511.1 regulate hearing board procedures and do not control emission sources or otherwise generate emission reductions nor are they required elements of the SIP. Thus, EPA does not need to impose sanctions or promulgate a FIP upon their disapproval. Note that the submitted rules have been adopted by the SCAQMD, and a final disapproval by the EPA would not prevent the local agency from enforcing them or the revised versions of these rules

subsequently adopted by SCAQMD as a matter of State law.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA, because this SIP disapproval does not in-and-of itself create any new information collection burdens, but simply disapproves certain State requirements for inclusion in the SIP.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This SIP disapproval does not in-and-of itself create any new requirements but simply disapproves certain State requirements for inclusion in the SIP.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action disapproves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP revision

that the EPA is disapproving would not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because this SIP disapproval does not in-and-of itself create any new regulations, but simply disapproves certain State requirements for inclusion in the SIP.

H. 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 under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 52

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

Dated: January 14, 2016.

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 52.242 is amended by adding paragraphs (a)(1)(iv), (v), (vi), (vii) and (viii) to read as follows:

§ 52.242 Disapproved rules and regulations.

- (a) * * *
- (1) * * *
- (iv) Rule 511.1, “Subpoenas,” submitted on February 7, 1989.
- (v) Rule 503.1, “Ex Parte Petitions for Variances,” submitted on February 7, 1989.
- (vi) Rule 504, “Rules from which Variances Are Not Allowed,” submitted on May 13, 1991.
- (vii) Rule 1610, “Old-Vehicle Scrapping,” submitted on June 3, 1997.
- (viii) Rule 2202, “On-Road Motor Vehicle Mitigation Options,” submitted on June 3, 1999.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2012-0434; FRL-9941-51-Region 6]

Approval and Promulgation of Implementation Plans; Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing its proposal to approve revisions to the State Implementation Plan (SIP) for Louisiana. These rule revisions are the 2007 General Revisions, and 2008–2010 Miscellaneous Rule Revisions to the SIP that were submitted by the State of Louisiana. The overall intended outcome is to make the approved Louisiana SIP consistent with current Federal and State requirements. This action is in accordance with the federal Clean Air Act (the Act).

DATES: This rule is effective on February 29, 2016.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2012-0434. All documents 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 (6MM-AA), 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 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar (6MM-AA), telephone (214) 665–2164, email shar.alan@epa.gov.

SUPPLEMENTARY INFORMATION:

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

I. Background

On November 5, 2015 (80 FR 68481) we proposed to approve revision to the Louisiana SIP that the Louisiana Department of Environmental Quality (LDEQ) submitted to EPA on August 14, 2009, and August 29, 2013.

The Louisiana rule revisions submittals, corresponding Chapters, and type of action that we proposed are in Table 1 below.

TABLE 1—SUBMITTALS, THEIR CORRESPONDING CHAPTERS, AND ACTION TYPE

Submittals	Calendar year	Revisions to LAC 33:III chapters being acted upon	Action
Miscellaneous rules	2008–2010	7, 13	Proposed Approval.
General revisions	2007	1, 9, 11, 13, 14, 21, 22, 23, and 25	Proposed Approval.

On October 2, 2015 LDEQ submitted a letter withdrawing its revisions to Louisiana Administrative Code (LAC) 33:III, Chapter 15.

The revisions to rules adopt the most recent Particulate Matter standards and make numerous other administrative and ministerial changes. As discussed in our proposal, there is no increase in the amount of emissions or number of sources affected as a result of these ministerial or administrative rules revisions; therefore, section 110(l) of the Act has been complied with. Details of these submittals, their evaluation, and individual chapter-specific conclusions were explained in our proposal, and its corresponding Technical Supporting Document.

Certain provisions of the Louisiana SIP (§§ 1107(A), 1507(A)(1), 1507(B)(1), 2153(B)(1)(i), 2201(C)(8), 2307(C)(1), and 2307(C)(2)) are affected by EPA’s June 12, 2015 National SIP Call (80 FR 33967). Approval of amendments to LAC 33:III, Chapters 11, 21, 22, and 23 here should not, in any way, be construed as explicitly or implicitly voiding or minimizing any concerns or inadequacies identified in EPA’s National SIP Call with respect to the above referenced provisions. We continue to expect that issues raised within the context of the EPA’s National SIP Call to be addressed in a timely fashion. See section 110(k)(5) of the Act.

II. Public Comments

The public comment period for the November 5, 2015 (80 FR 68481) proposal expired on December 7, 2015, and we did not receive any comments on the proposed actions during this period. Therefore, we are finalizing the November 5, 2015 (80 FR 68481) proposal without any changes into the Louisiana SIP.

III. Final Actions

We are approving rule revisions to LAC 33:III, Chapter 1, section 111; Chapter 7, sections 701, 703, and 711; Chapter 9, sections 918, and 919; Chapter 11, sections 1105, and 1107; Chapter 13, sections 1323, 1325, 1327,