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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA-R07-OAR-2019-0325; FRL 10000-14-Region 7]

Approval of Air Quality Improvement Plan, Operating Permits Program, and 112(l) Plan; Missouri; Operating Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the State Implementation Plan (SIP), the Operating Permit Program (OPP), and the 112(l) plan submitted on March 7, 2019, by the State of Missouri. The submission revises Missouri's regulations relating to the requirement for sources of air contaminants to obtain operating permits and to establish procedures for sources of air contaminants to obtain and comply with operating permits. These revisions are primarily administrative in nature and do not impact the stringency of the SIP, the OPP, or the 112(l) plan. Specifically, the revisions correct references, change the term "regulated pollutant" to "regulated air pollutant", removes unnecessary words, and add definitions. Approval of these revisions will not impact air quality and ensures Federal enforceability of the State's rules.

DATES: This final rule is effective on October 30, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2019-0325. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, 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 through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Deborah Bredehoft, Environmental Protection Agency, Region 7 Office, Air

Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551-7164; email address bredehoft.deborah@epa.gov.

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

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I. Background

On June 26, 2019, the EPA proposed to approve revisions to the Missouri SIP and Operating Permits Program and 112(l) plan in the **Federal Register**. See 84 FR 30068. The proposed revisions correct references, change the term "regulated pollutant" to "regulated air pollutant", removes unnecessary words, and add definitions. The EPA solicited comments on the proposed revisions to Missouri's SIP and Operating Permits Program, and 112(l) plan, and received no comments.

II. What is being addressed in this document?

The EPA is approving a revision to Missouri's SIP by approving the State's request to revise 10 CSR 10-6.065, *Operating Permits* received March 7, 2019. Missouri revised 10 CSR 10-6.065 to correct references and add definitions.

A detailed discussion of the revision to Missouri's SIP and Operating Permits Program was provided in the EPA's June 26, 2019, **Federal Register** document. See 84 FR 30068.

III. Have the requirements for approval of a SIP revision and Operating Permits Program been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from August 24, 2018, to October 4, 2018, and received seven total comments with three of those from the EPA. The State adequately addressed the public comments.

IV. What action is the EPA taking?

We are taking final action to approve the revisions to Missouri's SIP and Operating Permits Program by

approving the State's request to amend 10 CSR 10-6.065, "*Operating Permits*."

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

VI. Statutory and Executive Order Reviews

Under the CAA, 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 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- 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.*);

¹ 62 FR 27968 (May 22, 1997).

- 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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 the 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).
- 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 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, 2019. 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

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference,

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 18, 2019.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 70 as set forth below:

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 AA—Missouri

- 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry “10–6.065” to read as follows:

§ 52.1320 Identification of plan.

*	*	*	*	*
(c)	*	*	*	

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.065	Operating Permits	3/30/2019	9/30/2019, [insert Federal Register citation].	Section (5) contains provisions pertaining only to Missouri’s part 70 program and is not approved as a revision to the SIP.
*	*	*	*	*

PART 70—STATE OPERATING PERMIT PROGRAMS

- 3. The authority citation for part 70 continues to read as follows:

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

- 4. Appendix A to part 70 is amended by adding paragraph (ii) under “Missouri” to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

*	*	*	*	*
<i>Missouri</i>				
*	*	*	*	*

(ii) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.065, “Operating Permits” on March 7, 2019. The State effective date is March 30, 2019. The revision is effective October 30, 2019.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2019–0262; FRL–10000–27–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation Requests and Maintenance Plans for Delaware County and Lebanon County 2012 Fine Particulate Matter Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving requests for redesignation to attainment status as well as state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. On January 23, 2019 and February 11, 2019, respectively, the Pennsylvania Department of Environmental Protection (PADEP) submitted requests for EPA to redesignate the Delaware County and Lebanon County nonattainment areas (the Delaware and Lebanon Areas or the Areas) to attainment of the 2012 annual fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). EPA is granting PADEP’s requests and determining that the Delaware and Lebanon Areas meet the 2012 annual PM_{2.5} NAAQS, based on the most recent three years of certified air quality data. The effect of this action is to change the designation status of the Delaware and Lebanon Areas from nonattainment to attainment for the 2012 annual PM_{2.5} NAAQS, thereby removing the requirement for a nonattainment new source review (NNSR) permitting program and stopping the sanctions clock associated with a finding of failure to submit NNSR updates for the 2012 annual PM_{2.5} NAAQS. EPA is also approving PADEP’s plans to ensure that the Delaware and Lebanon Areas continue to meet the 2012 PM_{2.5} NAAQS through 2030 (maintenance plans) as revisions to the Pennsylvania SIP. The maintenance plans for the Delaware and Lebanon Areas include 2014, 2022, and 2030 motor vehicle emissions budgets (MVEBs) for mobile

sources of PM_{2.5} and nitrogen oxides (NO_x). Finally, EPA is finding these 2014, 2022, and 2030 MVEBs for PM_{2.5} and NO_x adequate and is approving these MVEBs into the Pennsylvania SIP for transportation conformity purposes. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on October 30, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2019–0262. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2181. Ms. Pino can also be reached via electronic mail at pino.maria@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 18, 2014, the EPA Administrator signed a final action promulgating initial designations for the 2012 primary PM_{2.5} NAAQS based on 2011–2013 air quality monitoring data for the majority of the United States. 80 FR 2206 (January 15, 2015). In that action, the Delaware Area, which consists of Delaware County, Pennsylvania, and the Lebanon Area, which consists of Lebanon County, Pennsylvania, were designated as moderate nonattainment areas for the 2012 annual PM_{2.5} NAAQS. See 40 CFR 81.339.

On April 6, 2018, EPA published a “finding of failure to submit” required SIP elements for the 2012 annual PM_{2.5} NAAQS for several nonattainment areas nationwide, including the Delaware and Lebanon Areas. See 83 FR 14759. EPA’s finding of failure to submit, effective May 7, 2018, included a determination that Pennsylvania had not met its obligations for the NNSR permit

program because Pennsylvania did not regulate emissions of volatile organic compounds (VOCs) and ammonia (NH₃) as PM_{2.5} precursors. Sanctions associated with this finding for the Delaware and Lebanon Areas will take effect on November 7, 2019, unless EPA fully approves the Pennsylvania’s redesignation requests by November 7, 2019. As NNSR is not required in attainment areas, upon final redesignation of the Delaware and Lebanon Areas to attainment, the NNSR updates will no longer be required for the Areas, thus nullifying the findings of failure to submit and stopping the sanctions clock.

On January 23, 2019 and February 11, 2019, respectively, PADEP submitted requests for EPA to redesignate the Delaware and Lebanon Areas to attainment of the 2012 annual PM_{2.5} NAAQS. Section 107(d)(3)(E) of the CAA allows redesignation of an area to attainment of the NAAQS provided that: (1) The Administrator (EPA) determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k) of the CAA; (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP, applicable Federal air pollutant control regulations, and other permanent and enforceable emission reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and (5) the state containing the area has met all requirements applicable to the area for purposes of redesignation under section 110 and part D of title I of the CAA. EPA evaluated Pennsylvania’s redesignation requests for the Delaware and Lebanon County Areas and determined that they met these criteria. Therefore, EPA proposed approval of Pennsylvania’s redesignation requests and the associated maintenance plans for the Delaware and Lebanon County Areas in a notice of proposed rulemaking (NPRM) on July 16, 2019 (84 FR 33886).

II. Summary of SIP Revision and EPA Analysis

EPA is taking several actions related to the redesignation of the Delaware and Lebanon Areas to attainment of the 2012 annual PM_{2.5} NAAQS. EPA is finding that the Delaware and Lebanon moderate nonattainment areas are attaining the 2012 annual PM_{2.5} NAAQS. EPA is approving Pennsylvania’s 2012 annual PM_{2.5}