

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
Bruce Mansfield Generating Station.	FirstEnergy Redacted Consent Order and Agreement.	Beaver .....	10/1/18	10/1/19, [Insert <b>Federal Register</b> citation].	Sulfur dioxide emission limits and related parameters in unredacted portions of the Consent Order and Agreement dated 9/21/17.
Jewel Acquisition, LLC, Midland Facility.	Jewel Acquisition Redacted Consent Order and Agreement.	Beaver .....	9/21/17	10/1/19, [Insert <b>Federal Register</b> citation].	Operational restrictions and related parameters in unredacted portions of the Consent Order and Agreement.
<p>* * * * *</p> <p>(e) * * *</p> <p>(1) * * *</p>					
Name of non-regulatory SIP revision	Applicable geographic area		State submittal date	EPA approval date	Additional explanation
Attainment Plan for the Beaver, Pennsylvania Nonattainment Area for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard.	Industry Borough, Shippingport Borough, Midland Borough, Brighton Township, Potter Township and Vanport Township.		9/29/17	10/1/19, [Insert <b>Federal Register</b> citation]	52.2033(d)

\* \* \* \* \*

■ 3. Section 52.2033 is amended by adding paragraph (d) to read as follows:

**§ 52.2033 Control strategy: Sulfur oxides.**

(d) EPA approves the attainment demonstration State Implementation Plan for the Beaver, PA Nonattainment Area submitted by the Pennsylvania Department of Environmental Protection on September 29, 2017.

[FR Doc. 2019–20848 Filed 9–30–19; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R05–OAR–2019–0216; FRL–10000–38–Region 5]

**Air Plan Approval; Ohio; Second Maintenance Plan for 1997 Ozone NAAQS; Dayton-Springfield**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving, under the Clean Air Act (CAA), Ohio's plan for maintaining the 1997 ozone National Ambient Air Quality Standard (NAAQS or standard) through 2028 in the Dayton-Springfield area. The Dayton-Springfield area consists of Clark, Greene, Miami and Montgomery Counties. The Ohio Environmental Protection Agency submitted this state implementation plan (SIP) revision to EPA on April 12, 2019.

**DATES:** This final rule is effective October 31, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2019–0216. All documents in the docket are listed in the <http://www.regulations.gov> website. 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 through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Kathleen D'Agostino, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, [dagostino.kathleen@epa.gov](mailto:dagostino.kathleen@epa.gov).

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

**I. What is being addressed in this document?**

This rule approves Ohio's April 23, 2019 submission of a plan to provide for maintenance of the 1997 ozone standard in the Dayton-Springfield area through 2028. The Dayton-Springfield area was designated as nonattainment for the

1997 ozone NAAQS on April 15, 2004 (69 FR 23857) and subsequently redesignated to attainment on August 13, 2007 (72 FR 45169). As a prerequisite to redesignation, Ohio developed a maintenance plan for the Dayton-Springfield area as required by CAA section 175A. The maintenance plan demonstrated that the area would continue to maintain the 1997 ozone standard through 2018 (more than 10 years after redesignation) and contained contingency provisions to assure that violations of the standard would be promptly corrected.

Under CAA section 175A(b), states must submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for ten additional years following the end of the first 10-year period. On April 12, 2019, Ohio submitted a second maintenance plan for the Dayton-Springfield area demonstrating continued maintenance of the 1997 ozone NAAQS through 2028, i.e., through the end of the full 20-year maintenance period.

On July 9, 2019 (84 FR 32678), EPA proposed to approve Ohio's April 12, 2019 submittal. The specific details of Ohio's second 1997 ozone NAAQS maintenance plan for the Dayton-Springfield area and the rationale for EPA's approval are discussed in the notice of proposed rulemaking and will not be restated here.

**II. What comments did we receive on the proposed rule?**

EPA provided a 30-day review and comment period for the July 9, 2019, proposed rule. The comment period

ended on August 8, 2019. We received no comments on the proposed rule.

### III. What action is EPA taking?

EPA is approving, as a revision to the Ohio SIP, the State's plan for maintaining the 1997 ozone NAAQS through 2028 in the Dayton-Springfield area.

### 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 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 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.*);
- 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 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, 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 rule does not have tribal implications 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 December 2, 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: September 11, 2019.

**Cheryl L. Newton,**

*Acting 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 § 52.1870, the table in paragraph (e) is amended under the subheading "Summary of Criteria Pollutant Maintenance Plan" by revising the entry for "Ozone 8-Hour" for Dayton-Springfield (Miami, Montgomery, Clark, and Greene Counties) with a State date of 11/6/2006 to read as follows:

#### § 52.1870 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

### EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
*	*	*	*	*
<b>Summary of Criteria Pollutant Maintenance Plan</b>				
Ozone (8-Hour, 1997) .....	Dayton-Springfield (Miami, Montgomery, Clark, and Greene Counties).	4/12/2019	10/1/2019, [insert <b>Federal Register</b> citation].	2nd maintenance plan.
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2019-20850 Filed 9-30-19; 8:45 am]

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**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 52****[EPA-R04-OAR-2019-0278; FRL-10000-  
49-Region 4]****Air Plan Approval; KY; Existing  
Indirect Heat Exchangers for Jefferson  
County****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) is approving changes to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Energy and Environment Cabinet (Cabinet), through a letter dated March 15, 2018. The changes were submitted by the Cabinet on behalf of the Louisville Metro Air Pollution Control District (District, also referred to herein as Jefferson County). The SIP revision includes changes to Jefferson County Regulations regarding existing indirect heat exchangers.

**DATES:** This rule will be effective October 31, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2019-0278. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information may not be publicly available, *i.e.*, 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](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. Mr. Akers can be reached via electronic mail at [akers.brad@epa.gov](mailto:akers.brad@epa.gov) or via telephone at (404) 562-9089.

**SUPPLEMENTARY INFORMATION:****I. Background**

EPA is approving changes to the Jefferson County portion of the Kentucky SIP that were provided to EPA through Kentucky's Division of Air Quality via a letter dated March 15, 2018.<sup>1</sup> EPA is approving the portions of this SIP revision that make changes to the District's Regulation 6.07, *Standards of Performance for Existing Indirect Heat Exchangers*.<sup>2</sup> The March 15, 2018, SIP revision makes minor and ministerial changes to Regulation 6.07 that do not alter the meaning of the regulation or the emissions levels for sources regulated under the Jefferson County Regulations, such as clarifying changes to its applicability. In addition, other changes in the submittal strengthen the SIP by adding specific test methods and procedures for determining compliance with applicable emissions limits for affected facilities. Accordingly, these rule changes do not relax the emissions reductions to applicable sources, nor do they change any applicable emissions limitations. The SIP revision updates the current SIP-approved version of Regulation 6.07 (version 3) to version 4.

See EPA's July 22, 2019 (84 FR 35052), notice of proposed rulemaking (NPRM) for further detail on these changes and EPA's rationale for approving them. EPA received adverse comments on the NPRM. EPA received one additional comment, available in

<sup>1</sup> EPA received the SIP revision on March 23, 2018.

<sup>2</sup> In 2003, the City of Louisville and Jefferson County governments merged and the "Jefferson County Air Pollution Control District" was renamed the "Louisville Metro Air Pollution Control District." See The History of Air Pollution Control in Louisville, available at <https://louisvilleky.gov/government/air-pollution-control-district/history-air-pollution-control-louisville>. However, each of the regulations in the Jefferson County portion of the Kentucky SIP still has the subheading "Air Pollution Control District of Jefferson County." Thus, to be consistent with the terminology used in the SIP, we refer throughout this notice to regulations contained in the Jefferson County portion of the Kentucky SIP as the "Jefferson County" regulations.

<sup>3</sup> EPA received several submittals revising the Jefferson County portion of the Kentucky SIP transmitted with the same March 15, 2018, cover letter. EPA will consider action on these other SIP revisions in separate rulemakings.

the docket for this action, which is not relevant to this rulemaking. EPA has summarized and responded to the adverse comments in Section II of this action.

**II. Response to Comments**

**Comment:** One commenter states that EPA should disapprove Regulation 6.07 because "it is inconsistent with the National Environmental Policy Act (NEPA) and it violates the Kentucky Clean Air Act."

**Response:** EPA disagrees with this comment. The Agency is taking action pursuant to the Federal CAA, and actions under the CAA are exempt from NEPA. See 15 U.S.C. 793(c)(1). To the extent the commenter intended to reference Kentucky's *Air Pollution Control District Act* (codified at Kentucky Revised Statutes (KRS), Chapter 77, Air Pollution Control) in its comment regarding the "Kentucky Clean Air Act," EPA notes that the District approved the revisions under KRS Chapter 77, stating in the SIP submittal that KRS 77.180 provides for the control of emissions from indirect heat exchangers.<sup>4</sup> Further, EPA notes that the commenter does not provide any rationale or information supporting its assertions.

**Comment:** One commenter states that the rule poses significant risks to public health and the environment and that it will negatively impact Kentucky's electricity market and increase energy prices in Kentucky. Similarly, another commenter suggests that EPA should "revisit" the rule because it does not properly address the community's needs and that the "system in place to assist our community in reducing energy costs is not the 'best' fit today and is not fit in the future for our community."

**Response:** EPA disagrees that the SIP revision poses a significant risk to public health and the environment. The changes to Regulation 6.07 do not alter any applicable emissions limitations and are therefore not expected to increase emissions. Rather, the revisions clarify and strengthen the SIP by providing specific testing requirements for certain sources. In addition, sources regulated pursuant to Regulation 6.07 are not otherwise required by Federal regulations to achieve emissions reductions; therefore, Regulation 6.07 benefits Jefferson County by requiring specific emissions reductions for particulate matter (PM) and sulfur dioxide (SO<sub>2</sub>) from these sources.

<sup>4</sup> The SIP revision also states that KRS 77.180 authorizes the District to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77.