

located in the state, and EPA notes that it will not 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 October 28, 2013. 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 14, 2013.  
**William K. Honker,**  
*Acting Regional Administrator, Region 6.*

40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

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

**Subpart E—Arkansas**

■ 2. The third table in § 52.170(e) entitled “EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP” is amended by adding an entry at the end for “Interstate transport for the 1997 and 2006 PM<sub>2.5</sub> NAAQS” to read as follows:

**§ 52.170 Identification of plan.**

\* \* \* \* \*  
 (e) \* \* \*  
 \* \* \* \* \*

**EPA-APPROVED NON-REGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
* * *	* * *	* * *	* * *	* * *
Interstate transport for the 1997 and 2006 PM <sub>2.5</sub> NAAQS (contribute to non-attainment or interfere with maintenance).	Statewide .....	12/17/2007 9/16/2009	8/29/2013 [Insert FR page number where document begins].	

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2013-0064; FRL-9813-9]

**Revision of Air Quality Implementation Plan; California; Sacramento Metropolitan Air Quality Management District; Stationary Source Permits**

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

**ACTION:** Final rule and technical amendments.

**SUMMARY:** EPA is finalizing approval of two permitting rules submitted by California as a revision to the Sacramento Metropolitan Air Quality Management District (SMAQMD or District) portion of the California State Implementation Plan (SIP). These revisions were proposed in the **Federal Register** on February 14, 2013 and

concern construction and modification of stationary sources of air pollution within Sacramento County. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA). Final approval of these rules makes the rules federally enforceable and corrects program deficiencies identified in a previous EPA rulemaking (76 FR 43183, July 20, 2011). EPA is also making technical amendments to the Code of Federal Regulations (CFR) to reflect this previous rulemaking, which removed an obsolete provision from the California SIP.

**DATES:** *Effective Date:* This rule is effective on September 30, 2013.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2013-0064 for this action. Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents 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, multi-volume reports), 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:** Laura Yannayon, EPA Region IX, (415) 972-3534, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

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

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- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Statutory and Executive Order Reviews

**I. Proposed Action**

On February 14, 2013 (78 FR 10589), EPA proposed to fully approve the following rules that were submitted for incorporation into the California SIP.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Amended/adopted	Submitted
SMAQMD .....	214	Federal New Source Review .....	Amended 8/23/12 .....	9/26/12
SMAQMD .....	217	Public Notice Requirements for Permits .....	Adopted 8/23/12 .....	9/26/12

We proposed to approve these rules based on a conclusion that they satisfy the applicable CAA requirements. Our proposed rule and related Technical Support Document (TSD) contain more information on the basis for this rulemaking and on our evaluation of the submitted rules.

## II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received one comment from the SMAQMD. We summarize the comment and provide our response below.

*Comment:* The SMAQMD requested confirmation that EPA's final rule to approve Rule 214 and Rule 217 into the SIP will remove the 1984 version of Rule 202 ("New Source Review") from the California SIP. The District stated that, based on EPA's statements in the TSD for a previous rulemaking action on SMAQMD permitting rules that were intended to replace Rule 202 in the SIP (76 FR 43183, July 20, 2011), the District had expected that Rule 202 would be removed from the SIP but that the necessary language to amend the California SIP in 40 CFR part 52 had not been included in EPA's final rule. The SMAQMD stated that it supports EPA's proposed approvals and requests only that the regulatory language to delete Rule 202 from the SIP be included in EPA's final action on Rule 214 and Rule 217.

*EPA Response:* We agree with the District that SMAQMD Rule 202 should have been removed from the California SIP as a result of the referenced July 20, 2011 final action on SMAQMD permitting rules that were intended to replace Rule 202. Specifically, on July 20, 2011, EPA finalized a full approval of Rule 203 and limited approval/limited disapproval of Rule 214. See 76 FR 43183 (July 20, 2011). EPA explained in the proposal for this rulemaking that "[t]hese two new rules will replace in its entirety, the existing SIP approved NSR/PSD programs contained in Rule 202." 76 FR 28942 at 28943 (May 19, 2011); see also U.S. EPA, Region IX, Technical Support Document for EPA's Notice of Proposed Rulemaking for the California SIP, Sacramento Metropolitan Air Quality Management District, Rule 214 (Federal New Source Review), Rule

203 (Prevention of Significant Deterioration), May 6, 2011, at 1 ("Upon approval into the SIP, [Rules 214 and 203] will replace current SIP Rule 202—*New Source Review*, which was approved into the SIP by EPA on June 19, 1985 (50 FR 25417)." EPA received no comments on this proposed rule and finalized the rulemaking as proposed. See 76 FR 43183 (July 20, 2011). In the final regulatory text codifying this final action, however, EPA incorporated Rule 214 and Rule 203 into the SIP but neglected to remove Rule 202. See 76 FR at 43185.

In response to SMAQMD's comment, we are making a technical amendment to 40 CFR 52.220 to correct this error by removing Rule 202 from the SMAQMD portion of the California SIP. This technical amendment makes no change to the substance of our July 20, 2011 final action or to today's final action to fully approve Rule 214 and Rule 217 into the California SIP.

## III. EPA Action

No comments were submitted that change our assessment that submitted Rule 214 and Rule 217 satisfy the applicable CAA requirements. Therefore, under CAA section 110(k)(3) and for the reasons set forth in our February 14, 2013 proposed rule, we are fully approving Rule 214 and Rule 217. This action incorporates the submitted rules into the SMAQMD portion of the California SIP and makes them federally enforceable.

Simultaneously, we are making a technical amendment to 40 CFR 52.220 to remove Rule 202 from the SIP, consistent with the District's intent and EPA's final rule at 76 FR 43183 (July 20, 2011).

## 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 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 final 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 disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this final rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

## List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter,

Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 25, 2013.

**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 52.220 is amended by adding paragraphs (c)(159)(i)(B) and (c)(427) to read as follows:

#### **§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(159) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(B) Previously approved on February 6, 1985 and now deleted without replacement: Rule 202.

\* \* \* \* \*

(427) New and amended regulations for the following APCDs were submitted on September 26, 2012, by the Governor's Designee.

(i) Incorporation by Reference.

(A) Sacramento Metropolitan Air Quality Management District.

(1) Rule 214, "Federal New Source Review," amended on August 23, 2012.

(2) Rule 217, "Public Notice Requirements for Permits," adopted on August 23, 2012.

[FR Doc. 2013-20920 Filed 8-28-13; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Parts 52 and 81**

[EPA-R05-OAR-2011-0673; FRL-9900-49-Region5]

### **Approval and Promulgation of Air Quality Implementation Plans; Michigan; Redesignation of the Detroit-Ann Arbor Area to Attainment of the 1997 Annual Standard and the 2006 24-Hour Standard for Fine Particulate Matter**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving, under the Clean Air Act (CAA), the state of Michigan's request to redesignate the Detroit-Ann Arbor nonattainment area (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties) to attainment for the 1997 annual and 2006 24-hour national ambient air quality standards (NAAQS or standard) for fine particulate matter (PM<sub>2.5</sub>). On July 5, 2011, the Michigan Department of Environmental Quality (MDEQ) submitted a request for EPA to redesignate the Detroit-Ann Arbor Michigan nonattainment area. EPA determined that the Detroit-Ann Arbor area has attained the 1997 annual and 2006 24-hour PM<sub>2.5</sub> standard, and proposed on July 2, 2013, to approve Michigan's request to redesignate the area. EPA is taking final action today on that proposal. EPA also is taking final action in this rulemaking on several related proposals. EPA is approving, as a revision to the Michigan state implementation plan (SIP), the state's plan for maintaining the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS in the area through 2023. Finally, EPA finds adequate and is approving Michigan's nitrogen oxides (NO<sub>x</sub>) and PM<sub>2.5</sub> Motor Vehicle Emission Budgets (MVEBs) for 2023 for the Detroit-Ann Arbor area. EPA, therefore, grants Michigan's request to redesignate the Detroit-Ann Arbor area to attainment for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> standards.

**DATES:** *Effective Date:* This rule will be effective August 29, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification EPA-R05-OAR-2011-0673. All documents in these dockets are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the U.S. 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 Carolyn Persoon at (312) 353-8290 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Carolyn Persoon, Environmental Engineer, Control Strategies Section, Air

Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8290, [persoon.carolyn@epa.gov](mailto:persoon.carolyn@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 the background for the actions?
- II. What actions is EPA taking?
- III. What is EPA's response to comments?
- IV. Why is EPA taking these actions?
- V. Final Action
- VI. Statutory and Executive Order Reviews

#### **I. What is the background for the actions?**

On July 5, 2011, MDEQ submitted its request to redesignate the Detroit-Ann Arbor nonattainment area to attainment for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS, and for EPA approval of the state's SIP revision containing a maintenance plan for the area. On July 2, 2013, (78 FR 39654), EPA proposed approval of Michigan's redesignation request and plan for maintaining the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS. EPA also proposed approval of Michigan's MVEBs for PM<sub>2.5</sub> and NO<sub>x</sub> for 2023 for the area. Additional background for today's action is set forth in EPA's July 2, 2013, proposed rulemaking.

#### **II. What actions is EPA taking?**

EPA has determined that the entire Detroit-Ann Arbor area is attaining the 1997 annual and 2006 24-hour PM<sub>2.5</sub> standards (78 FR 39654) and that the Detroit-Ann Arbor area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. Thus, EPA is approving the requests from the state of Michigan to change the legal designation of the Detroit-Ann Arbor area from nonattainment to attainment for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS. EPA is also taking several additional actions related to Michigan's PM<sub>2.5</sub> redesignation requests, as discussed below.

EPA is approving Michigan's PM<sub>2.5</sub> maintenance plan for the Detroit-Ann Arbor area as a revision to the Michigan SIP (such approval being one of the CAA criteria for redesignation to attainment status). The maintenance plan is designed to keep the Detroit-Ann Arbor area in attainment of the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS through 2023.

EPA also finds adequate and is approving Michigan's 2023 primary PM<sub>2.5</sub> and NO<sub>x</sub> MVEBs for the Detroit-Ann Arbor area. These MVEBs will be