

## 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 D—Arizona

■ 2. Section 52.120 is amended by adding paragraph (c)(157)(i)(A)(11) to read as follows:

#### § 52.120 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(157) \* \* \*

(i) \* \* \*

(A) \* \* \*

(11) Arizona Department of Environmental Quality, Air Quality Division, Dust Action General Permit, including attachments A, B, and C, issued December 30, 2011.

\* \* \* \* \*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R03-OAR-2013-0090; FRL-9908-88-Region-3]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Approval of the Redesignation Requests and the Associated Maintenance Plans of the Charleston Nonattainment Area for the 1997 Annual and the 2006 24-Hour Fine Particulate Matter Standards

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the State of West Virginia's requests to redesignate to attainment the Charleston nonattainment area (hereafter "the Charleston Area" or "the Area") for both the 1997 annual and the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS or standards). EPA is also approving as a revision to the West Virginia State Implementation Plan (SIP), the associated maintenance plans to show maintenance of the 1997 annual and the 2006 24-hour PM<sub>2.5</sub> NAAQS through 2025 for the Area. West Virginia's maintenance plans include insignificance findings for the mobile source contribution of PM<sub>2.5</sub> and

nitrogen oxides (NO<sub>x</sub>) emissions to the Area for both the 1997 annual and 2006 24-hour PM<sub>2.5</sub> standards, which EPA agrees with and is approving for transportation conformity purposes. In addition, EPA is approving the 2008 emissions inventory for the Area for the 2006 24-hour PM<sub>2.5</sub> NAAQS. These actions are being taken under the Clean Air Act (CAA).

**DATES:** This final rule is effective on April 30, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2013-0090. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, 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 for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, or by email at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On December 6, 2012, the West Virginia Department of Environmental Protection (WVDEP) formally submitted a request to redesignate the Charleston Area from nonattainment to attainment for the 1997 annual and the 2006 24-hour PM<sub>2.5</sub> NAAQS. Concurrently, WVDEP submitted maintenance plans as SIP revisions to ensure continued attainment of the standards throughout the Area over the next 10 years. The December 6, 2012 submittal also includes a 2008 comprehensive emissions inventory for PM<sub>2.5</sub>, sulfur dioxide (SO<sub>2</sub>) and NO<sub>x</sub> for the 2006 24-hour PM<sub>2.5</sub> NAAQS, which WVDEP supplemented on June 24, 2013 to include emissions of volatile organic compounds (VOC) and ammonia (NH<sub>3</sub>). The Charleston Area is comprised of Kanawha and Putnam Counties.

On January 24, 2014 (79 FR 4121), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. In the NPR, EPA proposed approval of West Virginia's redesignation requests for the Charleston Area for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS. EPA also proposed approval of the associated maintenance plans as SIP revisions for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> standards, which included insignificance determinations for PM<sub>2.5</sub> and NO<sub>x</sub> for both standards for purposes of transportation conformity. Also, EPA proposed approval of the 2008 comprehensive emissions inventory for the 2006 24-hour PM<sub>2.5</sub> standard to meet the requirement of section 172(c)(3) of the CAA. EPA proposed to find that the Area continues to attain both standards.

In the NPR, EPA addressed the effects of two decisions of the United States Court of Appeals for the District of Columbia (D.C. Circuit Court): The D.C. Circuit Court's August 21, 2012 decision to vacate and remand to EPA the Cross-State Air Pollution Control Rule (CSAPR); and the D.C. Circuit Court's January 4, 2013 decision to remand to EPA two final rules implementing the 1997 annual PM<sub>2.5</sub> standard. Specific details of West Virginia's submittals and the rationale for EPA's proposed actions are explained in the NPR and will not be restated here. No public comments were received on the NPR.

##### II. Final Action

EPA is taking final actions on the redesignation requests and SIP revisions for the Charleston Area submitted by the State of West Virginia on December 6, 2012 for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS. First, EPA is approving West Virginia's redesignation requests for the Charleston Area for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS, because EPA has determined that the requests meet the redesignation criteria set forth in section 107(d)(3)(E) of the CAA for these NAAQS. Second, EPA is finding that the Charleston Area is attaining and will continue to attain both the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS. Third, EPA is approving the associated maintenance plans for the Area as revisions to the West Virginia SIP for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS because they meet the requirements of section 175A of the CAA. EPA is also approving for both standards West Virginia's transportation conformity insignificant determinations for PM<sub>2.5</sub> and NO<sub>x</sub> emissions for the Area. Finally, EPA is approving the 2008 comprehensive emissions inventory for the Area for the 2006 24-

hour PM<sub>2.5</sub> NAAQS as a revision to the West Virginia SIP because it meets the requirements of section 172(c)(3) of the CAA. Approval of these redesignation requests will change the official designations of the Charleston Area from nonattainment to attainment for the 1997 annual and the 2006 24-hour PM<sub>2.5</sub> NAAQS.

**III. Statutory and Executive Order Reviews**

**A. General Requirements**

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 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 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, this 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.

**B. Submission to Congress and the Comptroller General**

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).

**C. Petitions for Judicial Review**

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 May 30, 2014. 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 approving the redesignation requests, the maintenance plans, the comprehensive emissions inventory and transportation conformity insignificance determination for the Charleston Area for the 1997 annual and the 2006 24-hour PM<sub>2.5</sub> NAAQS, 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, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: March 13, 2014.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

40 CFR parts 52 and 81 are 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 XX—West Virginia**

- 2. In § 52.2520, the table in paragraph (e) is amended by adding an entry for the 1997 Annual and the 2006 24-Hour PM<sub>2.5</sub> Maintenance Plan for the Charleston Area at the end of the table to read as follows:

**§ 52.2520 Identification of plan.**

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

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * * * *				
1997 Annual and 2006 24-Hour PM <sub>2.5</sub> Maintenance Plan for the Charleston Area.	Kanawha and Putnam Counties.	12/6/12 6/24/13	3/31/14 [Insert page number where the document begins].	See § 52.2526(j) and § 52.2531(g).

■ 3. Section 52.2526 is amended by adding paragraph (j) to read as follows:

**§ 52.2526 Control strategy: Particular matter.**

\* \* \* \* \*

(j) EPA approves the maintenance plan for the Charleston PM<sub>2.5</sub> Nonattainment Area (Kanawha and Putnam Counties). The maintenance plan establishes a determination of insignificance for PM<sub>2.5</sub> and NO<sub>x</sub> for transportation conformity purposes.

■ 4. Section 52.2531 is amended by adding paragraph (g) to read as follows:

**§ 52.2531 Base year emissions inventory.**

\* \* \* \* \*

(g) EPA approves as a revision to the West Virginia State Implementation Plan the comprehensive emissions inventory for the Charleston fine particulate matter (PM<sub>2.5</sub>) nonattainment area submitted by the West Virginia Department of Environmental Protection on December 6, 2012 and June 24, 2013. The emissions inventory includes emissions estimates that cover the general source categories of point sources, nonroad mobile sources, area sources, onroad mobile sources and biogenic sources. The pollutants that comprise the inventory are nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), PM<sub>2.5</sub>, ammonia (NH<sub>3</sub>), and sulfur dioxide (SO<sub>2</sub>).

**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

■ 5. The authority citation for Part 81 continues to read as follows:

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

■ 6. In § 81.349, the tables for West Virginia—PM<sub>2.5</sub> (Annual NAAQS) and West Virginia—PM<sub>2.5</sub> (24-hour NAAQS) are amended by revising the entries for the Charleston Area to read as follows:

**§ 81.349 West Virginia.**

\* \* \* \* \*

**WEST VIRGINIA—PM<sub>2.5</sub>**  
[Annual NAAQS]

Designated area	Designation <sup>a</sup>	
	Date <sup>1</sup>	Type
Charleston, WV:		
Kanawha County .....	3/31/14	Attainment
Putnam County .....	3/31/14	Attainment
* * * * *		

<sup>a</sup> Includes Indian County located in each county or area, except as otherwise specified.

<sup>1</sup> This date is 90 days after January 5, 2005, unless otherwise noted.

**WEST VIRGINIA—PM<sub>2.5</sub>**  
[24-hour NAAQS]

Designated area	Designation for the 1997 NAAQS <sup>a</sup>		Designation for the 2006 NAAQS <sup>a</sup>	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
Charleston, WV:				
Kanawha County .....		Unclassifiable/Attainment .....	3/31/14	Attainment
Putnam County .....		Unclassifiable/Attainment .....	3/31/14	Attainment
* * * * *				

<sup>a</sup> Includes Indian County located in each county or area, except as otherwise specified.

<sup>1</sup> This date is 90 days after January 5, 2005, unless otherwise noted.

<sup>2</sup> This date is 30 days after November 13, 2009, unless otherwise noted.

\* \* \* \* \*  
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**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Part 62**  
[EPA-R03-OAR-2013-0164; FRL-9908-89-Region-3]  
**Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Emissions From Existing Sewage Sludge Incineration Units**  
**AGENCY:** The Environmental Protection Agency (EPA).

**ACTION:** Final rule.  
**SUMMARY:** The Environmental Protection Agency (EPA) is approving a section 111(d)/129 plan submitted by the Commonwealth of Virginia for sewage sludge incineration (SSI) units. The section 111(d)/129 plan contains a state rule for existing SSI units that was submitted as a result of the March 21, 2011, promulgation of Federal new source performance standards (NSPS) and emission guidelines for SSI units. This action is being taken under sections 111(d) and 129 of the Clean Air Act (CAA).