

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 Clean Air Act; 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.

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 July 29, 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 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 16, 2014.

**Judith A. Enck,**  
Regional Administrator, Region 2.

Therefore, 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.*

- 2. In § 52.1670, add a new entry at the end of the table in paragraph (e) to read as follows:

#### § 52.1670 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

#### EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Action/SIP element	Applicable geographic or nonattainment area	New York submittal date	EPA approval date	Explanation
* * *	* * *	* * *	* * *	* * *
Approval of CO maintenance plan, CO motor vehicle budgets, and 2007 CO base year emissions inventory.	New York portion of the New York-Northern New Jersey-Long Island (NYCMA) CO area.	05/09/13	5/30/14 [insert page number where the document begins].	This is the 2nd 10-year CO maintenance plan for the New York portion of the NYCMA.

- 3. In § 52.1682, add paragraph (d) to read as follows:

#### § 52.1682 Control strategy: Carbon monoxide.

\* \* \* \* \*

(d) Approval—The May 9, 2013 revision to the carbon monoxide (CO) maintenance plan for the New York portion of the New York-Northern New Jersey-Long Island, NYCMA, CO area. This revision contains a second ten-year maintenance plan that demonstrates continued attainment of the National Ambient Air Quality Standard for CO through the year 2022, 2007 CO base

year emissions inventory and CO motor vehicle emissions budgets through the maintenance period.

[FR Doc. 2014–12465 Filed 5–29–14; 8:45 am]

**BILLING CODE 6560–50–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R06–OAR–2011–0495; FRL–9909–35–Region 6]

#### Approval and Promulgation of Implementation Plans; Texas; Revisions for Permitting of Particulate Matter With Diameters Less Than or Equal to 2.5 Micrometers (PM<sub>2.5</sub>)

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on May 19, 2011. The May 19, 2011, SIP submission adopts revisions to the Texas General Air Quality Definitions and Permits by Rule (PBR) program consistent with certain federal rules implementing the 1997 and 2006 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). EPA finds that the Texas Prevention of Significant Deterioration (PSD) New Source Review (NSR) SIP meets all EPA PM<sub>2.5</sub> PSD SIP rules. These rules include permitting components such as the PM<sub>2.5</sub> precursors of sulfur dioxide and nitrogen oxides, condensables, significant emissions rates (SER), and increment. EPA is approving these actions under section 110 and part C of the Clean Air Act (CAA or the Act).

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

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2011-0495. All documents in the docket are listed on the <http://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 <http://www.regulations.gov> or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment.

**FOR FURTHER INFORMATION CONTACT:** Adina Wiley, Air Planning Section (6PD-R), telephone (214) 665-2115, email address [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).

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

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- I. Background
- II. Response to Comments
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**I. Background**

The background for today's action is discussed in detail in our February 14, 2014 proposal (79 FR 8916). In that notice, we proposed to approve revisions to the Texas SIP at 30 TAC Sections 101.1 and 106.4 submitted on May 19, 2011, for the implementation of the 1997 and 2006 PM<sub>2.5</sub> NAAQS. EPA also proposed to find that the Texas PSD NSR SIP met the PM<sub>2.5</sub> PSD requirements contained in the federal regulations as of December 9, 2013, including regulation of NO<sub>x</sub> and SO<sub>2</sub> as PM<sub>2.5</sub> precursors, regulation of condensables, and PM<sub>2.5</sub> increments.

**II. Response to Comments**

We received comments from the Texas Industry Project (TIP) on our February 14, 2014 proposal. The comments we received can be accessed in their entirety from the [www.regulations.gov](http://www.regulations.gov) Web site (Docket No. EPA-R06-OAR-2011-0495). The TIP generally expressed support for our proposed rulemaking, but did request clarification on certain issues. Following is a summary of the comments submitted from TIP and EPA's response.

*Comment:* TIP requests that EPA acknowledge that ammonia is not regulated as a precursor for PM<sub>2.5</sub> for PSD permitting under the Texas SIP. The commenter also presented information about EPA's treatment of ammonia and volatile organic compounds (VOC) as precursors to PM<sub>2.5</sub> in the federal PSD Program. Specifically, the commenter referenced EPA's May 16, 2008 NSR PM<sub>2.5</sub> Implementation Rule; the lack of a significant emission rate for VOC or ammonia in the federal PSD rules at 40 CFR 51.166(b)(23)(i); and the definition of “regulated NSR pollutant” where VOC is presumed out and ammonia is not mentioned at 40 CFR 51.166(b)(49).

*Response:* As discussed below, EPA agrees with the commenter's conclusion that this approval action of the Texas PM<sub>2.5</sub> SIP will not result in regulating ammonia or VOCs as precursors to PM<sub>2.5</sub>. Federal rules do not require the Texas PSD program to regulate VOCs or ammonia as precursors to PM<sub>2.5</sub>.

In the May 16, 2008 NSR PM<sub>2.5</sub> Implementation Rule, the EPA finalized revisions to the PSD program to govern regulation of SO<sub>2</sub>, NO<sub>x</sub> and VOCs as regulated NSR pollutants. For purposes of PSD, SO<sub>2</sub> is a regulated NSR pollutant under all circumstances; NO<sub>x</sub> is presumptively regulated as an NSR pollutant, unless the State or EPA demonstrates that emissions of NO<sub>x</sub> from sources in a specific area are not

a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations; and VOCs are presumptively not regulated as an NSR pollutant, unless the State or EPA demonstrates that emissions of VOCs from sources in a specific area are a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations. See 40 CFR 51.166(b)(49)(i)(b)-(d), 52.21(b)(50)(i)(b)-(d). The EPA did not include ammonia as a regulated NSR pollutant for purposes of PSD.

As to nonattainment NSR, States were not required to regulate ammonia as a PM<sub>2.5</sub> precursor for a specific nonattainment area unless either the state or EPA provided a satisfactory demonstration that ammonia emissions from sources in a specific nonattainment area are a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations. See 40 CFR 51.165(a)(1)(xxxvii)(C)(4). However, the EPA clarified that “the action of any State identifying ammonia emissions as a significant contributor to a nonattainment area's PM<sub>2.5</sub> concentrations, or our approval of a nonattainment SIP doing so, does not make ammonia a regulated NSR pollutant for the purposes of PSD in any attainment or unclassifiable areas nationally.” See 73 FR 28321, 28330.

Texas was therefore not required by the EPA to address ammonia in its PSD regulations and there is no indication that Texas intended to identify ammonia as a regulated NSR pollutant for purposes of PSD permitting for PM<sub>2.5</sub>. Texas also did not revise its PSD regulations to regulate VOCs as a PM<sub>2.5</sub> precursor, as neither Texas nor the EPA demonstrated that emissions of VOCs from sources in the State significantly contribute to PM<sub>2.5</sub> concentrations in the State. The EPA is approving the Texas SIP as regulating only SO<sub>2</sub> and NO<sub>x</sub> as PM<sub>2.5</sub> precursors for purposes of PSD permitting. No changes were made to our final rule as a result of this comment.

**III. Final Action**

We are approving the May 19, 2011, submittal for the State of Texas revising 30 TAC Sections 101.1(25), (75), (76), and (78) and 106.4(a)(1) and (a)(4) for the implementation of the 1997 and 2006 PM<sub>2.5</sub> NAAQS and non-substantive revisions to 30 TAC 106.4(a)(2) and (c) as proposed. We also find that the Texas PSD NSR SIP satisfies the PM<sub>2.5</sub> PSD requirements contained in federal regulations as of December 9, 2013. This action is being taken under section 110 and part C of the Act.

Also in this action we are making a ministerial revision to the Texas SIP to reflect a recent EPA final approval of the

Texas PSD program. In Title 40 of the Code of Federal Regulations, Part 52, § 52.2303, paragraph (a)(2) is corrected to reflect the January 6, 2014, **Federal Register** EPA final action (79 FR 551) that replaced two provisions of the Texas PSD Supplement, paragraphs (a) and (b) of Board Order 87–09.

#### 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 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, 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.

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 July 29, 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 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 16, 2014.

**Ron Curry,**

*Regional Administrator, Region 6.*

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.*

#### Subpart SS—Texas

- 2. In § 52.2270 (c), the table titled "EPA APPROVED REGULATIONS IN THE TEXAS SIP" is amended by revising the entries for Sections 101.1 and 106.4 to read as follows:

#### § 52.2270 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
<b>Chapter 101—General Air Quality Rules</b>				
Subchapter A—General Rules				

Section 101.1 .....	Definitions .....	04/20/2011	05/30/2014 [Insert FR page number where document begins].
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## EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submit date	EPA approval date	Explanation
*	*	*	*	*
<b>Chapter 106—Permits by Rule</b>				
Subchapter A—General Requirements				
*	*	*	*	*
Section 106.4 .....	Requirements for Permitting by Rule.	04/20/2011	05/30/2014 [Insert <i>FR</i> page number where document begins].	
*	*	*	*	*

\* \* \* \* \*

■ 3. In § 52.2303 is amended by adding paragraph (a)(1)(x) and revising paragraph (a)(2) to read as follows.

**§ 52.2303 Significant deterioration of air quality.**

(a) \* \* \*

(1) \* \* \*

(x) June 30, 2014 (as revised by the Texas Commission on Environmental Quality on April 20, 2011 and submitted on May 19, 2011) to address PSD permitting requirements for PM<sub>2.5</sub> promulgated by EPA on May 16, 2008, October 20, 2010, and December 9, 2013.

(2) The Prevention of Significant Deterioration (PSD) Supplement document, submitted October 26, 1987 (as adopted by the TACB on July 17, 1987) and revised on July 2, 2010, to remove paragraphs (7)(a) and (7)(b). See EPA's final approval action on January 6, 2014.

\* \* \* \* \*

[FR Doc. 2014-12474 Filed 5-29-14; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2014-0455: FRL-9911-64-Region-10]

### Adequacy Determination for the Kent, Seattle, and Tacoma, Washington PM<sub>10</sub> State Implementation Plan for Transportation Conformity Purposes

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

**ACTION:** Notice of adequacy determination.

**SUMMARY:** The Environmental Protection Agency (EPA) is notifying the public of its finding that the Kent, Seattle, and

Tacoma second 10-year limited maintenance plan (LMP) for particulate matter with an aerodynamic diameter of a nominal 10 microns or less (PM<sub>10</sub>) is adequate for transportation conformity purposes. The LMP was submitted to the EPA by the State of Washington Department of Ecology (Ecology or the State) on November 25, 2013. As a result of our adequacy finding, regional emissions analyses will no longer be required as part of the transportation conformity demonstrations for PM<sub>10</sub> for the Kent, Seattle, and Tacoma areas. **DATES:** This finding is effective June 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** The finding will be available at the EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>. You may also contact Dr. Karl Pepple, U.S. EPA, Region 10 (OAWT-107), 1200 Sixth Ave., Suite 900, Seattle WA 98101; (206) 553-1778; or by email at [pepple.karl@epa.gov](mailto:pepple.karl@epa.gov).

**SUPPLEMENTARY INFORMATION:** This action provides notice of the EPA's adequacy finding regarding the second 10-year PM<sub>10</sub> limited maintenance plan for Kent, Seattle, and Tacoma (LMP) for purposes of transportation conformity. The EPA's finding was made pursuant to the adequacy review process for implementation plan submissions delineated at 40 CFR 93.118(f)(1) under which the EPA reviews the adequacy of a state implementation plan (SIP) submission prior to the EPA's final action on the implementation plan.

The State submitted the LMP to the EPA on November 25, 2013. Pursuant to 40 CFR 93.118(f)(1), the EPA notified the public of its receipt of this plan and its review for an adequacy determination on the EPA's Web site and requested public comment by no later than January 10, 2014. Additionally, the EPA announced the

public comment period on the entire LMP in the **Federal Register** on December 26, 2013 (78 FR 78311). The EPA received a request to extend the comment period and announced a comment period extension to March 10, 2014 in a notice published on February 6, 2014 (79 FR 7126). The EPA received no comments on the on-road vehicle portion of the plan during the comment period. As part of our review, we also reviewed comments on the LMP submitted to the State of Washington during the State's public process. There were no adverse comments directed at the on-road portion of the plan that were submitted during the State hearing process regarding the new Plan.

However, the EPA did receive adverse comments on potential future emissions in the non-road portion of the LMP. Nevertheless, the EPA believes it is appropriate to find this LMP adequate for purposes of transportation conformity while the EPA continues to review the plan and comments received. This adequacy finding is not dispositive of the EPA's ultimate approval or disapproval of the LMP.

The EPA notified Ecology in a letter dated April 9, 2014 (adequacy letter), subsequent to the close of the EPA comment period, that the EPA had found the LMP to be adequate for use for transportation conformity purposes. A copy of the adequacy letter and its enclosure are available in the docket for this action and at the EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

Pursuant to 40 CFR 93.109(l), limited maintenance plans are not required to contain on-road motor vehicle emissions budgets. Accordingly, as a result of this adequacy finding, regional emissions analyses will no longer be required as a part of the transportation conformity demonstrations for PM<sub>10</sub> for