

■ 2. Add § 165.1342 to subpart F under the undesignated center heading Thirteenth Coastguard District to read as follows:

**§ 165.1342 Regulated Navigation Area; Middle Waterway Superfund Cleanup Site, Commencement Bay; Tacoma, WA**

(a) *Regulated Areas.* The following areas are regulated navigation areas: All waters within the Middle Waterway south of a line connecting a point on the shore at 47°15'51" N, 122°25'53" W; thence southwest to 47°15'47" N, 122°25'59" W [Datum: NAD 1983].

(b) *Regulations.* (1) All vessels and persons are prohibited from activities that would disturb the seabed, such as grounding, anchoring, dragging, trawling, spudding, or other activities that involve disrupting the integrity of the caps within the designated regulated navigation area, pursuant to the remediation efforts of the U.S. Environmental Protection Agency (EPA) in the Middle Waterway's EPA superfund cleanup site. Vessels may otherwise transit or navigate within this area in accordance with the Navigation Rules.

(2) The prohibition described in paragraph (b)(1) of this section does not apply to vessels or persons engaged in activities associated with remediation efforts in the Middle Waterway superfund sites, provided that the Captain of the Port, Puget Sound (COTP), is given advance notice of those activities by the EPA.

(c) *Waivers.* Upon written request stating the need and proposed conditions of the waiver, and any proposed precautionary measures, the COTP may authorize a waiver from this section if the COTP determines that the activity for which the waiver is sought can take place without undue risk to the remediation efforts described in paragraph (b)(1) of this section. The COTP will consult with EPA in making this determination when necessary and practicable.

Dated: June 22, 2015.

**R. T. Gromlich,**

*Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.*

[FR Doc. 2015-17481 Filed 7-16-15; 8:45 am]

**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R05-OAR-2013-0193; FRL-9930-40-Region 5]

**Approval of Air Quality Implementation Plans; Indiana; Lead Rule Revisions**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a request submitted on March 14, 2013, and supplemented on November 17, 2014, by the Indiana Department of Environmental Management to revise the state implementation plan for lead. The submittal updates Indiana's lead rule at Title 326 of the Indiana Administrative Code (IAC), Article 15. It also amends 326 IAC Article 20, to incorporate some of the provisions of EPA's National Emission Standard for Hazardous Air Pollutants for secondary lead smelters. IDEM made the revisions to increase the stringency and clarity of Indiana's lead SIP rules.

**DATES:** Comments must be received on or before August 17, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2013-0193 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email:* [blakley.pamela@epa.gov](mailto:blakley.pamela@epa.gov).

3. *Fax:* (312) 692-2450.

4. *Mail:* Pamela Blakley, Chief, Control Strategies Section (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Charles Hatten, Environmental Engineer, Control Strategies Section, Air

Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6031, [hatten.charles@epa.gov](mailto:hatten.charles@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving a portion of the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA does not receive adverse comments in response to this rule, no further activity is contemplated. If EPA receives adverse comments, EPA will withdraw the direct final rule and will address all public comments received in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule, and if that provision can be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: July 2, 2015.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2015-17473 Filed 7-16-15; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2010-0283; FRL-9930-68-Region 6]

**Approval and Promulgation of Implementation Plans; Texas; Revisions to the Minor New Source Review (NSR) State Implementation Plan (SIP) for Portable Facilities**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on March 19, 2010 and July 2, 2010. These revisions to the Texas SIP revise the minor New Source Review (NSR)

program to provide for the relocation and change of location of permitted portable facilities, establish definitions related to portable facilities, and establish public participation for changes of location to portable facilities. The EPA proposes to find that these revisions to the Texas SIP comply with the Federal Clean Air Act (the Act or CAA) and are consistent with our regulations and policy for minor NSR. The EPA is proposing these actions under section 110 of the Act.

**DATES:** Written comments must be received on or before August 17, 2015.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA-R06-OAR-2010-0283, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitted comments.
- *Email*: Ms. Aimee Wilson at [wilson.aimee@epa.gov](mailto:wilson.aimee@epa.gov).
- *Mail or delivery*: Ms. Aimee Wilson, Air Permits Section (6PD-R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

**Instructions:** Direct your comments to Docket ID No. EPA-R06-OAR-2010-0283. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through <http://www.regulations.gov> or email, if you believe that it is CBI or otherwise protected from disclosure. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means that the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD-ROM submitted. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI).

**FOR FURTHER INFORMATION CONTACT:** Ms. Aimee Wilson, (214) 665-7596; email [wilson.aimee@epa.gov](mailto:wilson.aimee@epa.gov). To inspect the hard copy materials, please schedule an appointment with Ms. Wilson or contact Mr. Bill Deese at (214) 665-7253.

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

## I. Background

### A. CAA and SIPs

The Act at section 110(a)(2)(C) requires states to develop and submit to the EPA for approval into the state SIP, preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants for attainment and nonattainment areas that cover both major and minor new sources and modifications, collectively referred to as the NSR SIP. The CAA NSR SIP program is composed of three separate programs: Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and minor NSR.

The minor NSR SIP program addresses construction or modification activities that do not emit, or have the potential to emit, beyond certain major source/major modification thresholds and thus do not qualify as "major" and applies regardless of the designation of the area in which a source is located. Any submitted SIP revision, including revisions to a minor NSR program, must meet the applicable requirements for SIP elements in section 110 of the Act, and be consistent with all applicable statutory and regulatory requirements.

The EPA is proposing to approve portions of the March 19, 2010 and July 2, 2010 Texas SIP submittals as revisions to the Texas minor NSR SIP for portable facilities. This action only addresses the provisions relevant to the portable facilities program—30 Texas Administrative Code (TAC) sections 116.120 and 116.178 submitted on March 19, 2010 and 30 TAC section

39.402(a)(12) submitted on July 2, 2010. These provisions collectively establish the definitions applicable to portable facilities, criteria for relocating and changing the location of portable facilities, and public notice requirements for portable facilities.

### B. Overview of the Portable Facilities Program

#### 1. March 19, 2010 SIP Submittal

The TCEQ submitted to the EPA revisions to the State Implementation Plan (SIP) to address definitions related to portable facilities and rules regarding the relocation and changes of location of portable facilities on March 19, 2010. Texas previously adopted the revisions to the SIP on February 12, 2010; specifically definitions pertaining to portable facilities at 30 TAC section 116.20 and provisions for the relocation and change of location of portable facilities at 30 TAC section 116.178.

#### 2. July 2, 2010 SIP Submittal

On June 2, 2010, the TCEQ adopted revisions to the State Implementation Plan to adopt amendments made to the 30 TAC Chapter 39 Public Notice provisions for NSR permits, including provisions specific to portable facilities at 30 TAC section 39.402(a)(12). The revisions were submitted to the EPA on July 2, 2010. As detailed in the Technical Support Document (TSD), this action will only address 30 TAC section 39.402(a)(12); all other portions of this SIP submittal have been addressed by the EPA in separate actions.

## II. The EPA's Evaluation

The SIP submittals being evaluated as part of this rulemaking provide for the movement of existing portable facilities permitted under the Texas minor NSR program; therefore, the provisions for the change of location or relocation of portable facilities are evaluated against the federal requirements for minor NSR at 40 CFR 51.160–51.164 and in conjunction with the existing SIP-approved provisions of the Texas minor NSR permitting program. All portable facilities are permitted under the existing minor NSR SIP provisions in Chapter 116. The portable facilities are either permitted through a case-by-case minor NSR permit subject to the requirements under 30 TAC sections 116.110–116.115 or through a Standard Permit issued under 30 TAC Chapter 116, Subchapter F. The EPA has previously approved these minor NSR permitting mechanisms as consistent with Federal minor NSR requirements.

The TCEQ issues the underlying minor NSR portable facility permits to be protective of the NAAQS and increment. 30 TAC sections 116.20 and 116.178 provide that once a permit has been issued to a portable facility, the facility can be moved either through a change of location or a relocation. A change of location occurs when a portable facility is moved to a new location and is required to go through the SIP-approved minor NSR public notice requirements of Chapter 39. A relocation of a portable facility is movement of the portable facility without public notice under Chapter 39. Relocations occur in one of two scenarios. First, portable facilities can be relocated to a location in support of a public works project in which the new site is located in or contiguous to the right-of way of the public works project. The second possibility, is that a portable facility relocates to a site in which a portable facility has previously been located at any time during the previous two years and the site was subject Chapter 39 public notice requirements. Public notice requirements for the change of location or relocation of a portable facility are established at 30 TAC section 39.402(a)(12). Our evaluation summarized below, and detailed more fully in our accompanying TSD, demonstrates that the portable facilities program satisfies applicable requirements for minor NSR programs.

The change of location or relocation of a portable facility permit does not change the underlying portable facility permit requirements and does not establish a new minor NSR permit. Rather, these provisions enable an existing permitted facility to move as provided under the portable designation. Under both a change of location or relocation, the minor NSR permit (either a case-by-case minor NSR permit issued under 30 TAC sections 116.110–116.115 or a Standard Permit issued under 30 TAC Chapter 116, Subchapter F) was required to conduct a health impact and air quality analysis prior to issuance. The TCEQ's record demonstrates that emissions associated with portable facilities are typically minimal and the underlying permit contains the appropriate emission limits, permit terms, and conditions to ensure that the portable facility will have minimal environmental impacts at the property line. Additionally, the TCEQ has the responsibility to review each request for a change of location or relocation of a portable facility; the TCEQ will deny a request for a change of location or relocation if movement

will result in adverse impacts on attainment or maintenance of the NAAQS or increment violations.

The EPA's minor NSR regulations require public notice for each minor NSR permit. Because neither the change of location nor relocation of a portable facility results in a new minor NSR permit than the permit that was originally public noticed, there is no specific federal requirement for a new public notice. Relocations of portable facilities with minor NSR permits can occur since there is no underlying change to the permit terms and conditions and the TCEQ evaluates each requested relocation for adverse environmental impacts on attainment or maintenance of the NAAQS or increment violations.

The EPA has also evaluated the March 19, 2010 and July 2, 2010 revisions pertaining to Portable Facilities under section 110(l) of the Act. We have preliminarily determined that the TCEQ satisfied all procedural requirements pursuant to section 110(l) as detailed in our accompanying TSD. Further, the EPA has preliminarily determined that the Portable Facilities SIP revisions satisfy the minimum requirements for a minor NSR program, including adequate provisions for legal enforceability and public participation to ensure protection of the control strategy and any applicable NAAQS. The Portable Facilities program also contains sufficient safeguards to prevent circumvention of Major NSR permitting requirements. Therefore, we find that the Portable Facilities program is protective of the NAAQS, increment, attainment and reasonable further progress, and any other applicable control strategy requirements and will therefore satisfy the requirements of section 110(l) of the Act.

### III. Proposed Action

The EPA is proposing to approve portions of the March 19, 2010 and July 2, 2010, revisions to the Texas SIP to revise the minor NSR program for portable facilities. We have evaluated the SIP submissions for whether they meet the Act and 40 CFR part 51, and are consistent with EPA's interpretation of the relevant provisions. Based upon our evaluation, the EPA is preliminarily concluding that the March 9, 2010 and July 2, 2010, SIP revision submittals for portable facilities and public participation for portable facilities meet the applicable requirements of the Act and 40 CFR part 51. Therefore, EPA is proposing to approve the following provisions pertaining to portable facilities into the Texas minor NSR SIP:

- 30 TAC section 116.20 adopted on February 10, 2010, submitted on March 19, 2010;
- 30 TAC section 116.178 adopted on February 10, 2010, submitted on March 19, 2010; and
- 30 TAC section 39.402(a)(12) adopted on June 2, 2010, submitted on July 2, 2010.

The EPA is proposing this action under section 110 of the Clean Air Act (CAA). After review and consideration of public comments, we will take final action on the SIP revisions that are identified herein.

### IV. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Texas regulations as described in the Proposed Action section above. We have made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the EPA Region 6 office.

### V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air 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 document merely proposes to approve 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 (Public Law 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.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Particulate matter, Portable facilities, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: July 8, 2015.

**Ron Curry,**

*Regional Administrator, Region 6.*

[FR Doc. 2015-17468 Filed 7-16-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R01-OAR-2012-0950; FRL-9930-53-Region 1]

#### Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Infrastructure State Implementation Plan Requirements

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve

elements of State Implementation Plan (SIP) submissions from New Hampshire regarding the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2008 lead (Pb), 2008 8-hr ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), and 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). EPA is also proposing to convert conditional approvals for several infrastructure requirements for the 1997 and 2006 fine particle (PM<sub>2.5</sub>) NAAQS to full approval under the CAA. Furthermore, we are proposing to update the classifications for several of New Hampshire's air quality control regions for ozone and sulfur dioxide based on recent air quality monitoring data collected by the state, and to grant the state's request for an exemption from the infrastructure SIP contingency plan obligation for ozone. Last, we are proposing to conditionally approve certain elements of New Hampshire's submittal relating to prevention of significant deterioration requirements.

The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

**DATES:** Comments must be received on or before August 17, 2015.

**ADDRESSES:** Submit your comments, identified by the appropriate Docket ID number as indicated in the instructions section below, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email*: [arnold.anne@epa.gov](mailto:arnold.anne@epa.gov).

3. *Fax*: (617) 918-0047.

4. *Mail*: Anne Arnold, Manager, Air Quality Planning Unit, Air Programs Branch, Mail Code OEP05-2, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109-3912.

5. *Hand Delivery*: Anne Arnold, Manager, Air Quality Planning Unit, Air Programs Branch, Mail Code OEP05-2, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109-3912. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID. EPA-R01-OAR-2012-0950. EPA's policy is that all comments received will be included in the public

docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. 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 1, Air Programs Branch, 5 Post Office Square, Boston, Massachusetts. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Bob McConnell, Environmental Engineer, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05-02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109-3912; (617) 918-1046; [mcconnell.robert@epa.gov](mailto:mcconnell.robert@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean