

STATE OF OREGON AIR QUALITY CONTROL PROGRAM—Continued

SIP citation	Title/subject	State effective date	EPA approval date	Explanation
		4.60, 9/9/2005 .....	4.60, 6/19/2006, 71 FR 35159	4.60 Lakeview PM <sub>10</sub> Maintenance Plan.
		4.61, 9/26/2011 .....	4.61, 4/11/2013, 78 FR 21547	4.61 Eugene-Springfield PM <sub>10</sub> Limited Maintenance Plan.
		4.62, 12/12/2012 .....	4.62, 6/6/2016, 81 FR 36178	4.62, Klamath Falls PM <sub>2.5</sub> Attainment Plan.
		4.63, 4/16/2015 .....	4.63, 7/28/2015, 80 FR 44867	4.63 Grants Pass Second 10-Year Carbon Monoxide Limited Maintenance Plan.
		4.64, 4/16/2015 .....	4.64, 7/30/2015 80 FR 45435	4.64 Grants Pass Second 10-Year PM <sub>10</sub> Limited Maintenance Plan.
		4.65, 12/11/2015 .....	4.65 7/20/2016 [Insert <b>Federal Register</b> citation].	4.65 Medford Second 10-Year Carbon Monoxide Limited Maintenance Plan.
*	*	*	*	*

\* \* \* \* \*  
 [FR Doc. 2016-17060 Filed 7-19-16; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R07-OAR-2015-0708; FRL 9949-13-Region 7]

**Approval and Promulgation of Air Quality Implementation Plans; State of Kansas; 2015 Kansas State Implementation Plan for the 2008 Lead Standard**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) for the State of Kansas. This final action will approve Kansas' SIP for the lead National Ambient Air Quality Standard (NAAQS) nonattainment area of Salina, Saline County, Kansas, received by EPA on February 25, 2015. EPA proposed approval of this plan on February 29, 2016. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008. EPA believes that the SIP submitted by the state satisfies the applicable requirements of the Clean Air Act (CAA) identified in EPA's Final Rule published in the **Federal Register** on October 15, 2008, and will bring the designated portions of Salina, Kansas, into attainment of the 0.15 microgram per cubic meter (ug/m<sup>3</sup>) lead NAAQS.

**DATES:** This final rule is effective on August 19, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2015-0708. 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, *i.e.*, 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 through [www.regulations.gov](http://www.regulations.gov) or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Doolan, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7719, or by email at [doolan.stephanie@epa.gov](mailto:doolan.stephanie@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," or "our" refer to EPA.

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

In this document, EPA is granting final approval of Kansas' attainment demonstration SIP for the lead NAAQS nonattainment area in portions of Salina, Saline County, Kansas. The applicable standard addressed in this action is the lead NAAQS promulgated

by EPA in 2008. EPA believes that the SIP submitted by the state satisfies the applicable requirements of the CAA identified in EPA's Final Rule (73 FR 66964, October 15, 2008), and will bring the area into attainment of the 0.15 microgram per cubic meter (ug/m<sup>3</sup>) lead NAAQS. EPA's proposal containing the background information for this action can be found at 81 FR 10162, February 29, 2016.

**II. Have the requirements for the approval of a SIP revision been met?**

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

**III. EPA's Response to Comments**

The public comment period on EPA's proposed rule opened February 29, 2016, the date of its publication in the **Federal Register**, and closed on March 30, 2016. During this period, EPA received one comment letter from Exide Technologies, dated March 23, 2016. The comment letter contained one comment regarding EPA's process description in section V.A.1 of the proposal which states:

"The Exide facility in Salina, Kansas, manufactures lead acid batteries for automobiles, trucks, and watercraft. Lead emissions result from breaking open used batteries, re-melting the lead and reformulating new batteries."

Exide commented that EPA is in error regarding the description of the facility's processes; the Exide Salina, Kansas, facility does not break open used

batteries, but rather, the facility manufactures new batteries at this location. EPA agrees with this comment. EPA misunderstood this portion of the facility operations. This comment does not substantively impact the decision to approve the attainment SIP, and EPA is therefore not changing its proposed action based on this comment.

#### IV. What action is EPA taking?

EPA is taking final action to amend the Kansas SIP to approve Kansas' attainment demonstration SIP for the 2008 lead NAAQS. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008 (73 FR 66964).

#### *Incorporation by Reference*

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the EPA-Approved Kansas Source-Specific Requirements. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.<sup>1</sup> EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and at the appropriate EPA office (see the ADDRESSES section of this preamble for more information).

#### Statutory and Executive Order Reviews

Under the CAA, 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 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);

- 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).

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, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law 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 September 19, 2016. Filing a petition for reconsideration by the Administrator of this rule does not affect the finality of this rulemaking 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 future 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 8, 2016.

**Mark Hague,**

*Regional Administrator, Region 7.*

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

#### 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 R—Kansas

■ 2. In § 52.870:

■ a. The table in paragraph (d) is amended by adding an entry "(5)" at the end of the table; and

■ b. The table in paragraph (e) is amended by adding an entry "(43)" at the end of the table.

The additions read as follows:

#### § 52.870 Identification of plan.

(d) \* \* \*

<sup>1</sup> 62 FR 27968 (May 22, 1997).

EPA-APPROVED KANSAS SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit or case No.	State effective date	EPA approval date	Explanation
(5) Exide Technologies .....	1690035	8/18/14	7/20/16, [Insert <b>Federal Register</b> citation].	

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

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(43) Attainment plan for 2008 lead NAAQS.	Salina .....	2/3/15	7/20/16, [Insert <b>Federal Register</b> citation].	[EPA-R07-OAR-2015-0708; 9949-13-Region 7].

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R01-OAR-2015-0015; A-1-FRL-9949-17-Region 1]

**Air Plan Approval; RI; Regional Haze Five Year Progress Report**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island on January 7, 2015. This SIP revision includes Rhode Island’s regional haze progress report and adequacy determination for the first regional haze implementation period. This action is being taken under the Clean Air Act (CAA).

**DATES:** This direct final rule will be effective September 19, 2016, unless EPA receives adverse comments by August 19, 2016. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R01-OAR-2015-0015 by one of the following methods at [www.regulations.gov](http://www.regulations.gov), or via email to [arnold.anne@epa.gov](mailto:arnold.anne@epa.gov). For comments submitted at [Regulations.gov](http://Regulations.gov), follow the

online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comments received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Anne K. McWilliams, Air Quality Planning Unit, U.S. Environmental Protection Agency, New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05-2), Boston, MA 02109—3912, telephone (617) 918-1697, facsimile (617) 918-0697, email [mcwilliams.anne@epa.gov](mailto:mcwilliams.anne@epa.gov).

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

Organization of this document. The following outline is provided to aid in locating information in this preamble.

- I. Background
- II. Requirements for the Regional Haze Progress Report SIPs and Adequacy Determinations
- III. EPA’s Evaluation of Rhode Island’s SIP Revision
  - A. Regional Haze Progress Report
  - B. Determination of Adequacy of Existing Regional Haze Plan
- IV. Final Action
- V. Statutory and Executive Order Reviews

**I. Background**

States are required to submit a progress report in the form of a SIP revision every five years which evaluates progress towards the Reasonable Progress Goals (RPGs) for each mandatory Class I Federal area (Class I area)<sup>1</sup> within the state and each Class I area outside of the State which may be affected by emissions from within the state. See 40 CFR 51.308(g). States are also required to submit, at the same time as the progress report, a determination of the adequacy of the state’s existing SIP. See 40 CFR 51.308(h). The first progress report is due five years after submittal of the initial regional haze SIP. On August 7, 2009, Rhode Island submitted the State’s first Regional Haze SIP in accordance with the requirements of 40 CFR 51.308.<sup>2</sup>

<sup>1</sup> Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)).

<sup>2</sup> On May 22, 2012, EPA approved Rhode Island’s August 7, 2009 Regional Haze SIP to address the