

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
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Standard No. 1 Section I	Emissions from Fuel Burning Operations. Visible Emissions	9/23/2016	8/16/2017	[Insert Federal Register citation].
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Section III	Sulfur Dioxide Emissions	9/23/2016	8/16/2017	[Insert Federal Register citation].
* * * * *				
Section VI	Periodic Testing	9/23/2016	8/16/2017	[Insert Federal Register citation].
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Standard No. 4 Section II	Emissions From Process Industries. Sulfuric Acid Manufacturing	6/24/2016	8/16/2017	[Insert Federal Register citation].
Section III	Kraft Pulp and Paper Manufacturing Plants.	6/24/2016	8/16/2017	[Insert Federal Register citation].
Section IV	Portland Cement Manufacturing	6/24/2016	8/16/2017	[Insert Federal Register citation].
Section V	Cotton Gins	6/24/2016	8/16/2017	[Insert Federal Register citation].
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Section VIII	Other Manufacturing	6/24/2016	8/16/2017	[Insert Federal Register citation].
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Section XI	Total Reduced Sulfur Emissions of Kraft Pulp Mills.	6/24/2016	8/16/2017	[Insert Federal Register citation].
Section XII	Periodic Testing	6/24/2016	8/16/2017	[Insert Federal Register citation].
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[FR Doc. 2017-17226 Filed 8-15-17; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2016-0709, FRL-9966-05-Region 8]

Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2010 SO₂ and 2012 PM_{2.5} National Ambient Air Quality Standards; South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of State Implementation Plan (SIP) revisions from the State of South Dakota to demonstrate the State meets infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for sulfur dioxide (SO₂) on June 2, 2010 and fine particulate matter (PM_{2.5}) on December 14, 2012.

DATES: This rule is effective on September 15, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2016-0709. 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., 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 <http://www.regulations.gov> or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Abby Fulton, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6563, fulton.abby@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Infrastructure requirements for SIPs are set forth in section 110(a)(1) and (2) of the CAA. Section 110(a)(2) lists the specific infrastructure elements that a SIP must contain or satisfy. The elements that are the subject of this action are described in detail in our notice of proposed rulemaking published on June 6, 2017 (82 FR 26007).

In our proposed rule, the EPA proposed to approve and take no action on some infrastructure elements for the 2010 SO₂ and 2012 PM_{2.5} NAAQS from the State's certifications.¹ In this rulemaking, we are taking final action to approve infrastructure elements from the State's certifications.

II. Response to Comments

No comments were received on our June 6, 2017 notice of proposed rulemaking.

¹ "Where an air agency determines that the provisions in or referred to by its existing EPA approved SIP are adequate with respect to a given infrastructure SIP element (or subelement) even in light of the promulgation of a new or revised NAAQS, the air agency may make a SIP submission in the form of a certification." EPA's "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and (2)," September 13, 2013, at 7.

III. Final Action

For reasons expressed in the proposed rule, the EPA is taking final action to approve infrastructure elements from the State’s certifications as shown in Table 1. Elements we are taking no action on are reflected in Table 2.

A comprehensive summary of infrastructure elements and new rules being approved into the South Dakota SIP through this final rule action are provided in Table 1 and Table 2.

TABLE 1—LIST OF SOUTH DAKOTA INFRASTRUCTURE ELEMENTS AND REVISIONS THAT THE EPA IS APPROVING

Approval
<i>December 20, 2013 submittal</i> —2010 SO ₂ NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
<i>January 25, 2016 submittal</i> —2012 PM _{2.5} NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).

TABLE 2—LIST OF SOUTH DAKOTA INFRASTRUCTURE ELEMENTS AND REVISIONS THAT THE EPA IS TAKING NO ACTION ON

No action (Revision to be made in separate rulemaking action.)
<i>December 20, 2013 submittal</i> —2010 SO ₂ NAAQS: (D)(i)(I) prongs 1 and 2.
<i>January 25, 2016 submittal</i> —2012 PM _{2.5} NAAQS: (D)(i)(I) prongs 1 and 2.

IV. Statutory and Executive Orders Review

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, the 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 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 the 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, the SIP is not approved to apply on any Indian reservation land or in any other area where the 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. The 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 16, 2017. 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 CAA Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: July 28, 2017.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended to read 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 QQ—South Dakota

- 2. Section 52.2170 is amended in the table in paragraph (e) by adding an entry for “XX. Section 110(a)(2) Infrastructure Requirements for the 2010 SO₂ and 2012 PM_{2.5} NAAQS” to read as follows:

§ 52.2170 Identification of plan.

* * * * *
(e) * * *

Rule title	State effective date	EPA effective date	Final rule citation, date	Comments
XX. Section 110(a)(2) Infrastructure Requirements for the 2010 SO ₂ and 2012 PM _{2.5} NAAQS.	Submitted: 12/20/2013 and 01/25/2016.	8/16/2017	[Insert Federal Register page number where the document begins].	Excluding 110(D)(i)(I), interstate transport for the 2010 SO ₂ and 2012 PM _{2.5} NAAQS which will be acted on separately.

[FR Doc. 2017-17221 Filed 8-15-17; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2016-0626; FRL-9966-37-Region 1]

Air Plan Approval; Vermont; Regional Haze Five-Year Progress Report

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving Vermont’s regional haze progress report, submitted on February 29, 2016 as a revision to its State Implementation Plan (SIP). Vermont’s SIP revision addresses requirements of the Clean Air Act (CAA) and EPA’s rules that require states to submit periodic reports describing the progress toward reasonable progress goals (RPGs) established for regional haze and a determination of adequacy of the State’s existing regional haze SIP. EPA is approving Vermont’s progress report on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period covering through 2018.

DATES: This direct final rule will be effective October 16, 2017, unless EPA receives adverse comments by September 15, 2017. 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 No. EPA-R01-OAR-2016-0626 at <http://www.regulations.gov>, or via email to arnold.anne@epa.gov. For comments submitted at *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 comment 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 <http://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.

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

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I. Background

States are required to submit a progress report in the form of a SIP revision that evaluates progress towards the RPGs for each mandatory Class I Federal area (Class I area)¹ within the

¹ 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

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 26, 2009, the Vermont Department of Environmental Conservation (VT DEC) submitted the State’s first regional haze SIP in accordance with the requirements of 40 CFR 51.308.²

On February 29, 2016, VT DEC submitted a revision to the Vermont SIP detailing the progress made in the first planning period toward implementation of the Long Term Strategy (LTS) outlined in the Vermont’s 2009 regional haze SIP submittal, the visibility improvement measured at the State’s one Class I area, and a determination of the adequacy of the State’s existing regional haze SIP. EPA is approving Vermont’s February 29, 2016 SIP revision on the basis that it satisfies the requirements of 40 CFR 51.308(g) and (h).

II. EPA’s Evaluation of Vermont’s SIP Revision

On February 29, 2016, Vermont submitted its “Regional Haze Five-Year Progress Report” (Progress Report) to EPA as a SIP revision.

Vermont is home to one Class I area, the Lye Brook Wilderness Area (Lye Brook). During the regional haze planning process, an area-of-influence modeling analysis based on back trajectories was used to assess Vermont’s contribution to visibility impairment at Lye Brook and other Class I areas in other states.³ Based on

that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). Listed at 40 CFR part 81, subpart D.

² On May 22, 2012, EPA approved Vermont’s August 26, 2009 regional haze SIP to address the first implementation period for regional haze. See 77 FR 30212.

³ *Contributions to Regional Haze in the Northeast and Mid-Atlantic United States*, August 2006 http://www.nescaum.org/documents/contributions-to-regional-haze-in-the-northeast-and-mid-atlantic-united-states/mane-vu_haze_contribution_assessment-2006-0831.pdf.