

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.02.11	Procedures for Obtaining Permits to Construct Certain Significant Sources.	12/10/15	8/28/17, [insert Federal Register citation].	Previous Approval 2/27/2003, 68 FR 9012, (c) (182)
26.11.02.12	Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Certain Permits to Construct, and Case-by-Case MACT Determinations in Accordance with 40 CFR part 63, Subpart B.	12/10/15	8/28/17, [insert Federal Register citation].	Previous Approval 8/2/2012, 77 FR 45949

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R10-OAR-2017-0184; FRL-9966-80-Region 10]

Approval and Promulgation of Implementation Plans; AK: Adoption Updates and Rule Revisions**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the State of Alaska Department of Environmental Conservation (ADEC) on September 15, 2016. These revisions primarily update adoptions of Federal regulations in the Alaska SIP. The revisions also strengthen the State of Alaska's (Alaska or State) minor source permitting requirements and remove obsolete source-category specific regulations. In addition, EPA is approving SIP revisions to Alaska's general and transportation conformity regulations submitted by ADEC on March 10, 2016. The EPA is taking action only on the conformity related portions of the March 2016 submittal. The other portions of the submittal are or will be addressed in separate actions.

DATES: This final rule is effective September 27, 2017.**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2017-0184. All

documents in the docket are listed on the <https://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and is publicly available only in hard copy form. Publicly available docket materials are available at <http://www.regulations.gov> or at EPA Region 10, Office of Air and Waste, 1200 Sixth Avenue, Seattle, Washington 98101. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section below, to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Randall Ruddick, Air Planning Unit, Office of Air and Waste (OAW-150), Environmental Protection Agency, Region 10, 1200 Sixth Ave, Suite 900, Seattle, WA 98101; phone: (206) 553-1999; email: ruddick.randall@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us," or "our" is used, it is intended to refer to the EPA.

Table of Contents

- I. Background
- II. Final Action
- III. Incorporation by Reference
- IV. Statutory and Executive Orders Review

I. Background

On March 10, 2016 and September 15, 2016, Alaska submitted SIP revisions to EPA for approval. On June 13, 2017, the EPA proposed to approve the conformity portions of Alaska's March 10, 2016 submittal and all of the

revisions requested in the September 15, 2016 submittal (82 FR 27031). Please see our proposed rulemaking for further explanation and the basis for our finding. The public comment period for this proposal ended on July 13, 2017. We received two supportive comments.

II. Final Action

EPA is approving, and incorporating by reference where appropriate in Alaska's SIP, all revisions requested by Alaska on September 15, 2016 (state effective August 20, 2016) to the following provisions:

- 18 AAC 50.010(4) (Ambient Air Quality Standards)
- 18 AAC 50.020(a) (Baseline Dates and Maximum Allowable Increases)
- 18 AAC 50.035(a)(3) and (a)(7) (Documents, Procedures, and Methods Adopted by Reference)
- 18 AAC 50.040(f) and (h) (Federal Standards Adopted by Reference)
- 18 AAC 50.215(a)(3) (Ambient Air Quality Analysis Methods)
- 18 AAC 50.345(o) (Construction, Minor and Operating Permits: Standard Permit Conditions)
- 18 AAC 50.502(c), (e), (f), (f)(1)(C), (f)(5), (g), (h)(3)(A), and (h)(3)(B) (Minor Permits for Air Quality Protection)
- 18 AAC 50.540 (c)(2)(A) (Minor Permit: Application)
- 18 AAC 50.542(b)(5) and (d)(1) (Minor Permit: Review and Issuance)

At Alaska's request, EPA is also removing from the SIP the following provisions that ADEC repealed as a matter of state law: 18 AAC 50.055(a)(2), (a)(3), (a)(7), (a)(8), (b)(4), (b)(6), (f) (Industrial Process and Fuel-Burning Equipment) and 18 AAC 50.060 (Pulp Mills).

Finally, EPA is approving revisions to 18 AAC 50, Article 7, Transportation

Conformity, submitted by Alaska on March 10, 2016; specifically, the revisions to transportation conformity provisions in 18 AAC 50.715 and 50.720, and the removal of the general conformity provisions in 50.735.

We have determined that the submitted SIP revisions are consistent with section 110 and part C of Title I of the CAA.

III. Incorporation by Reference

In this rule, EPA is approving regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are incorporating by reference the provisions described above in Section II. Final Action and set forth below, as amendments to 40 CFR part 52. EPA has made, and will continue to make, these documents generally available electronically through <http://www.regulations.gov> and/or at the EPA Region 10 office (please contact the person identified in the **FOR FURTHER INFORMATION, CONTACT** section of this preamble for more information).

IV. Statutory and Executive Orders Review

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 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 this action does not involve technical standards; 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, 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 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 CAA section 307(b)(1), petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by October 27, 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, Administrative practice and procedure, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: August 10, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons set forth in the preamble, 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 C—Alaska

■ 2. In § 52.70, the table in paragraph (c) is amended by:

- a. Revising entries 18 AAC 50.010, 18 AAC 50.020, 18 AAC 50.035, 18 AAC 50.040, 18 AAC 50.055;
- b. Removing entry 18 AAC 50.060;
- c. Revising entries 18 AAC 50.215, 18 AAC 50.345, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.715, and 18 AAC 50.720; and
- d. Removing entry 18 AAC 50.735.

The revisions read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALASKA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50 Air Quality				
Control (18 AAC 50)				
18 AAC 50 Article 1. Ambient Air Quality Management				
18 AAC 50.010	Ambient Air Quality Standards	8/20/16	8/28/17 [Insert Federal Register citation].	Except (8).
18 AAC 50.020	Baseline Dates and Maximum Allowable Increases.	8/20/16	8/28/17 [Insert Federal Register citation].	
18 AAC 50.035	Documents, Procedures and Methods Adopted by Reference.	8/20/16	8/28/17 [Insert Federal Register citation].	Except (a)(6) and (b)(4).
18 AAC 50.040	Federal Standards Adopted by Reference.	8/20/16; 11/9/14	8/28/17 [Insert Federal Register citation].	Except (a), (b), (c), (d), (e), (g), (j), and (k).
18 AAC 50.055	Industrial Processes and Fuel-Burning Equipment.	8/20/16	8/28/17 [Insert Federal Register citation].	Except (d)(2)(B).
18 AAC 50 Article 2. Program Administration				
18 AAC 50.215	Ambient Air Quality Analysis Methods ..	8/20/16	8/28/17 [Insert Federal Register citation].	Except (a)(4).
18 AAC 50 Article 3. Major Stationary Source Permits				
18 AAC 50.345	Construction, Minor and Operating Permits: Standard Permit Conditions.	8/20/16	8/28/17 [Insert Federal Register citation].	Except (b), (c)(3), and (l).
18 AAC 50 Article 5. Minor Permits				
18 AAC 50.502	Minor Permits for Air Quality Protection	8/20/16	8/28/17 [Insert Federal Register citation].	
18 AAC 50.540	Minor Permit: Application	8/20/16	8/28/17 [Insert Federal Register citation].	
18 AAC 50.542	Minor Permit: Review and Issuance	8/20/16	8/28/17 [Insert Federal Register citation].	Except (b)(2).
18 AAC 50 Article 7. Transportation Conformity				
18 AAC 50.715	Interagency Consultation Procedures	3/2/16	8/28/17 [Insert Federal Register citation].	
18 AAC 50.720	Public Involvement	3/2/16	8/28/17 [Insert Federal Register citation]	

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52****[EPA-R03-OAR-2017-0394; FRL-9966-96-
Region 3]****Approval and Promulgation of Air
Quality Implementation Plans;
Maryland; Approval of an Alternative
Volatile Organic Compound Emission
Standard****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the State of Maryland's state implementation plan (SIP). Maryland requested EPA incorporate by reference into the Maryland SIP a Maryland Department of the Environment (MDE) order that establishes an alternative volatile organic compound (VOC) emission standard for National Gypsum Company (NGC) that will ensure that this source remains a minor stationary source of VOCs. EPA is approving the SIP submittal incorporating by reference MDE's order for NGC in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on November 27, 2017 without further notice, unless EPA receives adverse written comment by September 27, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2017-0394 at <https://www.regulations.gov>, or via email to stahl.cynthia@epa.gov. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, 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. 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://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:Gregory A. Becoat, (215) 814-2036, or by email at becoat.gregory@epa.gov.**SUPPLEMENTARY INFORMATION:****I. Background**

On June 24, 2016, MDE submitted a formal revision to the Maryland SIP. The SIP revision consists of a request to incorporate by reference a MDE departmental order that establishes an alternative VOC emission standard for NGC as it appears in the permit-to-construct conditions issued by MDE in order to ensure that it remains a minor stationary source of VOCs. The alternative VOC emissions limit of 195 pounds per operating day with at least a 99% overall VOC control efficiency will achieve a stringent emissions discharge reduction and is more stringent than any established standard for reasonably available control technology (RACT) for major stationary sources of VOCs in COMAR 26.11.19. Under the Code of Maryland Regulations (COMAR) 26.11.06.06E—"Exceptions," a source may request an exception to a VOC emissions limit from MDE if the source is not subject to new source review (NSR) and if the source is unable to comply with COMAR 26.11.06.06B—"Control of VOC from Installations."

Located in the Baltimore ozone nonattainment area, NGC is a wallboard manufacturing facility that emits both nitrogen oxides (NO_x) and VOCs. Ground level ozone is formed when NO_x and VOCs react in the presence of sunlight. NO_x and VOC are referred to as ozone precursors and are emitted by many types of pollution sources, including motor vehicles, power plants, industrial facilities, and area wide sources, such as consumer products and lawn and garden equipment. Scientific evidence indicates that adverse public health effects occur following exposure to ozone. These effects are more pronounced in children and adults with lung disease. Breathing air containing

ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases. In response to this scientific evidence, EPA promulgated in 1979 the first ozone national ambient air quality standard (NAAQS), the 0.12 part per million (ppm) 1-hour ozone NAAQS. See 44 FR 8202 (February 8, 1979).¹ Under the 1979 1-hour ozone NAAQS, the Baltimore Area (specifically, Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County) was designated as a severe nonattainment area. 56 FR 56694 (November 6, 1991). On July 18, 1997, EPA revised the health-based NAAQS for ozone based on 8-hour average concentrations. 62 FR 38856. Under the 1997 8-hour ozone NAAQS, the Baltimore Area was designated as a moderate nonattainment area. 69 FR 23858 (April 30, 2004). Later, the Baltimore Area was reclassified as a serious nonattainment area for the 1997 8-hour ozone NAAQS. 77 FR 4901 (February 1, 2012). On March 27, 2008 (78 FR 16436), EPA strengthened the 8-hour ozone NAAQS (2008 8-hour ozone NAAQS). Under the 2008 8-hour ozone NAAQS, the Baltimore Area was designated as a moderate nonattainment area. 69 FR 23858 (April 30, 2004).

On April 30, 2004 (69 FR 23858), EPA announced its revocation of the 1979 1-hour ozone NAAQS for all purposes and for all areas in the country, effective June 15, 2005. In the final rulemaking, EPA determined that certain nonattainment planning requirements would continue to be in effect under the revoked standard for nonattainment areas under the 1979 1-hour ozone NAAQS, including RACT. Under the anti-backsliding provisions codified at 40 CFR 51.905, the Baltimore Area remains subject to the anti-backslide obligations for the revoked 1979 1-hour ozone NAAQS. Since the Baltimore Area was designated as a severe nonattainment area for the 1979 1-hour ozone NAAQS, all sources in the nonattainment area emitting greater than 25 tons per year (tpy) of VOC or NO_x are major stationary sources.

NGC is a major stationary source of NO_x, but is not a major stationary source for VOCs. NGC consists of two major manufacturing lines, Board Kiln No. 1 and Board Kiln No. 2. When NGC modified Board Kiln No. 1 to manufacture new silicone wallboard products, NGC needed limits to remain a minor stationary source of VOC (under

¹ EPA had previously promulgated a NAAQS for total photochemical oxidants.