

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans

CFR Correction

■ In Title 40 of the Code of Federal Regulations, Part 52, § 52.2020 to End, revised as of July 1, 2017, on page 17, in § 52.2020, the table in paragraph (c)(1) is amended by removing the entries for Chapter 130—Standards for Products, Subchapter A—Portable Fuel Containers.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2017–0484; FRL–9978–56—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Continuous Opacity Monitoring Requirements for Municipal Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State of Maryland's Clean Air Act (CAA) sections 111(d) and 129 State Plan for municipal waste combustors (MWCs). The revision reflects amendments to Code of Maryland Regulations (COMAR) 26.11.08.08, which update the MWC opacity compliance provisions. The Maryland Department of the Environment (MDE)'s revised regulations provide that quality assurance (QA) and quality control (QC) requirements for continuous opacity monitors (COMs) are found in COMAR 26.11.31, rather than the now discontinued Technical Memorandum (TM 90–01). EPA is approving this revision to Maryland's CAA sections 111(d) and 129 State Plan in accordance with the requirements of the CAA.

DATES: This rule is effective on July 2, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R03–OAR–2017–0484. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index,

some information is not publicly available, e.g., confidential business information (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 <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION, CONTACT: Emily Linn, (215) 814–5273, or by email at linn.emily@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 10, 2016, the State of Maryland submitted a formal revision (MD Submittal #16–05) to its CAA sections 111(d) and 129 State Plan for MWCs. The revision contains Maryland's amendments to COMAR 26.11.08.08, "Requirements for an Existing Large MWC with a Capacity Greater Than 250 Tons Per Day." Among other minor changes,¹ these amendments update the references for opacity compliance which previously referenced a discontinued technical memorandum, TM 90–01, that addressed QA/QC procedures for COMs. COMAR 26.11.08.08 now refers to COMAR 26.11.31, which contains QA and QC procedures for COMs, similar to those previously found in the no longer effective TM 90–01.² EPA is approving this revision to Maryland's 111(d) and 129 State Plan for MWCs in accordance with the requirements of the CAA for sections 111(d) and 129 state plans.

In the same state rulemaking action, MDE also revised the title of COMAR 26.11.08.07, from "Requirements for Certain Municipal Waste Combustors" to "Requirements for Municipal Waste Combustors with a Capacity of 35 tons

¹ Other changes made by Maryland to COMAR 26.11.08.08 include (1) changing the "Emission Standards for a Large MWC" to read "10 percent opacity with COMs," rather than "10 percent opacity with CEMS," and (2) changing the "Performance and Compliance Test Requirements" to include the following statement: "... the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations based on a 6 minute block average" (formerly, it included the following statement: "In case of inconsistencies in data or conflicting data Method 9 results will determine compliance").

² EPA previously approved Maryland's State Plan for large MWCs on April 8, 2008 (see 73 FR 18968). EPA also approved, as a revision to the Maryland state implementation plan, the regulatory requirements for QA/QC controls for COMs in COMAR 26.11.31 on November 7, 2016 (see 81 FR 78048).

or greater per day and less than or equal to 250 Tons Per Day," to clarify that the state regulation applies to small MWCs. The text of 26.11.08.07 remains unchanged, and thus the requirements for MWCs remain unchanged. This clarification to the title of COMAR 26.11.08.07 is a minor administrative change and is not part of this action.

On November 6, 2017 (82 FR 51380 and 82 FR 51350), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the State of Maryland approving revisions to its CAA sections 111(d) and 129 State Plan for MWCs. EPA received an adverse comment on the rulemaking and withdrew the DFR prior to the effective date on December 26, 2017 (82 FR 60872). In this rulemaking, EPA is responding to the comment submitted on the proposed approval of the State Plan revisions and is approving the revisions to Maryland's State Plan for MWCs.

II. State Submittal and EPA Analysis

EPA has reviewed Maryland's submittal to revise its State Plan for MWCs in the context of the requirements of 40 CFR part 60, subparts Cb and Eb. In this action, EPA is finalizing its determination that the submitted revision meets the above-cited requirements. EPA is amending 40 CFR part 62, subpart V (40 CFR 62.5110 and 62.5112), to reflect this approval.

III. Public Comments and EPA Responses

EPA received one adverse comment on the proposed approval of the revisions to the State of Maryland's CAA sections 111(d) and 129 State Plan for MWCs. All other comments received were either supportive of or not specific to this action and thus are not addressed here.

Comment: The commenter asserts that EPA should not be involved in matters of the state's choosing. Additionally, the commenter asserts that if the changes to the plan are largely administrative in nature, EPA should let the state go without making them spend resources to make that administrative change.

Response: EPA disagrees with the commenter's assertions. EPA did not specifically direct Maryland to make these amendments. Instead, Maryland submitted to EPA this revision to its State Plan for MWCs and requested that EPA amend the appropriate sections of 40 CFR part 62, subpart V, to reflect approval of this Plan revision. EPA is required to act on State Plan revisions submitted by states. In response to the commenter's assertion, while these changes are largely administrative in