

February 14, 2006 and October 6, 2006) establishing a gasoline RVP limit of 7.8 psi for gasoline sold in the Cincinnati and Dayton areas. The revision specifically applied to the Cincinnati and Dayton areas in Ohio. EPA approved Ohio's 7.8 psi RVP program on May 25, 2007 (72 FR 29269), including the program's legal authority and administrative requirements found in the Ohio Administrative Code (OAC) rules 3745-72-1 to 8.

On December 19, 2016, Ohio EPA submitted a SIP revision requesting that EPA approve the removal of the 7.8 psi RVP fuel applicability requirements from the Ohio SIP before the beginning of the 2017 ozone control period. The revision also included a section 110(l) demonstration addressing the emissions impacts associated with the removal of the program. On April 7, 2017 (82 FR 16932) EPA approved the removal of the 7.8 psi RVP fuel applicability requirements in the Cincinnati and Dayton areas from the Ohio SIP. In that action EPA determined that that removal of the 7.8 psi RVP fuel requirements would not interfere with attainment or maintenance of any of the National Ambient Air Quality Standards in the Cincinnati and Dayton areas and would not interfere with any other applicable requirement of the CAA, and thus, were approvable under CAA section 110(l).

## II. What is EPA proposing to approve?

On February 5, 2018, Ohio EPA submitted to EPA a revision to the Ohio SIP for approval. In this action EPA is proposing to approve the removal of all OAC Chapter 3745-72 provisions from the Ohio SIP, as requested. Ohio EPA conducted a public hearing on this matter in Columbus, Ohio on December 7, 2017.

## III. What is EPA's analysis of the state's submittal?

On January 20, 2018, Ohio EPA rescinded rules in OAC 3745-72 that formerly established low RVP fuel requirements for the Cincinnati and Dayton areas. These rules were rescinded by Ohio EPA as they are no longer necessary since on April 7, 2017 (82 FR 16932) EPA approved the removal of the 7.8 psi RVP fuel applicability requirements in the Cincinnati and Dayton areas from the Ohio ozone SIP. In that action EPA determined that that removal of the 7.8 psi RVP fuel requirements would not interfere with attainment or maintenance of any of the National Ambient Air Quality Standards in the Cincinnati and Dayton areas and would not interfere with any other applicable

requirement of the CAA, and thus, were approvable under CAA section 110(l). The removal of the remaining provisions in OAC Chapter 3745-72 from the SIP is only administrative in nature and does not have any negative impact on air quality in the Cincinnati and Dayton areas. No emissions increases will result from the removal of the OAC Chapter 3745-72 provisions from the Ohio SIP.

## IV. What action is EPA proposing to take?

EPA is proposing to approve the revision to the Ohio SIP submitted by the Ohio EPA on February 5, 2018, because the removal of remaining low RVP requirements in OAC Chapter 3745-72 from the SIP meets all applicable requirements and it would not interfere with reasonable further progress or attainment of any of the national ambient air quality standards.

## 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 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- 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 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, 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).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: December 6, 2018.

**Cathy Stepp,**

*Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2018-0393; FRL-9988-23-Region 5]

### Air Plan Approval; Ohio; Open Burning Rules

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the open burning standards in the Ohio State Implementation Plan (SIP) under the Clean Air Act (CAA). On June 4, 2018, Ohio Environmental Protection Agency (Ohio) requested the approval of its revised open burning rules, which include adding requirements for air curtain burners,

allowing law enforcement to burn seized drugs, further restricting the materials that may be burned, and updating definitions and references.

**DATES:** Comments must be received on or before January 25, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2018-0393 at <http://www.regulations.gov>, or via email to [blakley.pamela@epa.gov](mailto:blakley.pamela@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://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:** Matt Rau, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6524, [rau.matthew@epa.gov](mailto:rau.matthew@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is EPA proposing to approve?
- II. Why did Ohio request this SIP revision?
- III. What is EPA's analysis of the revisions?
- IV. What action is EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

**I. What is EPA proposing to approve?**

EPA is proposing to approve revisions to Ohio's open burning rules submitted on June 4, 2018. The state submitted revisions to Ohio Administrative Code (OAC) Chapter 3745-19, "Open Burning Standards." EPA proposes approving

the revised OAC rules 3745-19-01, 3745-19-03, 3745-19-04, and 3745-19-05 into the Ohio SIP.

**II. Why did Ohio request this SIP revision?**

Ohio reviewed and revised its open burning rules to satisfy a state requirement to review its rules every five years. Ohio's submission includes additional revisions that the state made since the last EPA approval of OAC 3745-19 into the Ohio SIP on March 21, 2008 (73 FR 15081).

**III. What is EPA's analysis of the revisions?**

EPA evaluated the revisions to Ohio's open burning standards under the CAA. The rules as effective at the state level on April 30, 2018, were compared to rules approved into the Ohio SIP. The rules OAC 3745-19-01, OAC 3745-19-03, OAC 3745-19-04, and OAC 3745-19-05 have changed. EPA evaluated the revisions within those rules.

Ohio made minor revisions to rules OAC 3745-19-01, OAC 3745-19-03, OAC 3745-19-04, and OAC 3745-19-05 that update citations, renumber sections, and standardize formatting. EPA reviewed these minor revisions, found them acceptable, and is proposing their approval.

*OAC 3745-19-01, "Definitions"*

Ohio made additions to the definitions of agricultural waste and residential waste that are more restrictive than those contained in the current Ohio SIP. Ohio added definitions for air curtain burner, air curtain destructor, building materials, and inhabited building. Other open burning standards use these new definitions. OAC 3745-19-04(C)(6) uses air curtain burner and air curtain destructor. OAC 3745-19-03(C)(3)(e) and 3745-19-04(B)(3)(e) use building material. OAC 3745-19-03 and 3745-19-04 use inhabited building. Ohio also updated the incorporation by references. Ohio further updated the paragraphs to keep the definitions in alphabetical order and made other clerical revisions to OAC 3745-19-01. EPA finds that the additions and revisions to OAC 3745-19-01, "Definitions" support Ohio's open burning standards. EPA is proposing to approve the revisions.

*OAC 3745-19-03, "Open burning in restricted areas"*

The addition of OAC 3745-19-03 (B)(5) allows law enforcement agencies to burn seized drugs without notifying Ohio EPA. Ohio previously allowed this under the "similar purposes" provision of OAC 3745-19-03 (B)(2). Ohio EPA

concluded that adding OAC 3745-19-03 (B)(5) does not affect the scope of the rule and will not interfere with the attainment and maintenance of any National Ambient Air Quality Standard (NAAQS) and meets CAA section 110(l) requirements.

Ohio moved OAC 3745-19-03 (D)(4) to (C)(4). Moving this paragraph on prescribed burns, such as horticultural, silvicultural, and prairie burns, alters the notification requirements. Events meeting the definition and conditions in the rule will require prior notification to Ohio EPA instead of the previous requirement of prior written permission from Ohio EPA. Ohio added conditions at OAC 3745-19-03 (C)(4)(a) to (f). The party must meet the six conditions to burn that are more restrictive than the previous requirement. The conditions enhance notifications for the local fire department and public along with recordkeeping requirements.

Ohio extended authorization for governmental agencies to burn for controlling disease and pests, subject to requirements specified in OAC 3745-19-03 (C)(1), to two additional health agencies, Ohio Department of Health and the Centers for Disease Control and Prevention. Ohio also revised OAC 3745-19-03 (C)(3)(b) and (e) to prohibit smoke from creating a visibility hazard and adding plastic and building materials to materials prohibited from being burned as agricultural waste.

Ohio's revisions to OAC 3745-19-03 adds, restricts, or rearrange, existing standards such that it is reasonable to expect emissions from open burning will not increase. Thus, EPA concurs that the revisions to OAC 3745-19-03 will not interfere with the attainment or maintenance of air quality standards. EPA finds that the revisions to "Open burning in restricted areas" are acceptable and therefore proposes approval into the Ohio SIP.

*OAC 3745-19-04, "Open burning in unrestricted areas"*

Ohio added a size limit, 20 feet diameter and 10 feet height, for residential and agricultural waste burning in OAC 3745-19-04 (B)(3)(f). Waste piles larger than that size require prior notification to Ohio EPA with this revision. In such a situation, Ohio EPA will have an opportunity to review the burning plans and work with the regulated entity such that human health and the environment remain protected.

Ohio added requirements for operating an air curtain burner at OAC 3745-19-04(C)(6). The owner or operator must obtain permit-to-install and title V permits. OAC 3745-19-04(C)(6)(b) to (g) gives the restrictions

on the location of the air curtain burner along with operating conditions. Ohio EPA deems that adding OAC 3745–19–04(C)(6) does not affect the scope of the rule and will not interfere with the attainment and maintenance of any NAAQS and meets CAA section 110(l) requirements. EPA found that air curtain burners are a potential means of reducing waste volume while minimizing potentially harmful emissions, criteria and hazardous air pollutants, in its “Managing Debris after a Natural Disaster” report.<sup>1</sup> Under CAA sections 111 and 129, operators of subject solid waste incinerators must obtain a title V permit. Air curtain burners regulated by 40 CFR 60.2974 or 60.3069 must obtain a title V permit. Ohio’s rule ensures sources meet this permitting requirement.

The other revisions to OAC 3745–19–04 are similar to the revisions made in OAC 3745–19–03. Ohio added OAC 3745–19–04(B)(6) that allows law enforcement to burn seized drugs without notifying Ohio EPA. Ohio moved its prescribed burning rule from OAC 3745–19–04(C)(5) to (D)(2) while adding conditions like those in OAC 3745–19–03(C)(4). Ohio revised OAC 3745–19–04(D), now (D)(1) with the addition of (D)(2), to include two additional agencies, Ohio Department of Health and the Centers for Disease Control and Prevention, into the requirements for health agencies to burn for controlling disease and pests. This is analogous to the revision of OAC 3745–19–03(C)(1). Further, Ohio revised the residential and agricultural waste burning requirements of OAC 3745–19–04(B)(3) to prohibit smoke from creating a visibility hazard and adding plastic and building materials as prohibited materials. This revision is comparable to revisions to OAC 3745–19–03(C)(3)(b) and (e).

Revisions that Ohio made to OAC 3745–19–04 that are similar to revisions made to OAC 3745–19–03 are acceptable for the same reasons. Namely, these revisions are to OAC 3745–19–04(B)(6), OAC 3745–19–04(C)(6), OAC 3745–19–04(D)(1) and (2), plus the deletion of OAC 3745–19–04(C)(5). It is reasonable to expect emissions from open burning will not increase from those revisions. The change to OAC 3745–19–04(B)(3)(f) adds a restriction. The addition of OAC 3745–19–04(C)(6) regulates air curtain burners in a manner consistent with

federal rules. EPA finds the revisions to OAC 3745–19–04 acceptable and thus is proposing the approval of this rule into the Ohio SIP.

*OAC 3745–19–05, “Permission to Individuals and Notification to the Ohio EPA”*

Ohio revised OAC 3745–19–05(A)(1) to clarify that applicants must submit the application to burn at least 10 business days prior to the burn. The revision also clarifies that open burning permissions are effective on the date of issuance. At OAC 3745–19–05(A)(2)(b), Ohio added fire size, quantity or acreage, as one of the required elements of the open burning application. Ohio revised OAC 3745–19–05(A)(3) to add “when atmospheric conditions are appropriate” to the elements the applicant must demonstrate it will satisfy for Ohio to grant permission to open burn.

EPA finds that the revisions to OAC 3745–19–05 improve clarity. Adding the fire size will help Ohio evaluate the impacts from the fire while reviewing the application. Burning during favorable atmospheric conditions will avoid unnecessary impact on the public. EPA expects the revised rule to continue to protect air quality and therefore is proposing to approve OAC 3745–19–05.

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

EPA is proposing to approve revisions to the open burning standards in the Ohio SIP. EPA proposes approval of OAC 3745–19–01, OAC 3745–19–03, OAC 3745–19–04, and OAC 3745–19–05, as submitted by Ohio on June 4, 2018.

#### V. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Ohio Administrative Code Chapter 3745–19–01 “Definitions,” 3745–19–03 “Open burning in restricted areas,” 3745–19–04 “Open burning in unrestricted areas,” and 3745–19–05 “Permission to individuals and notifications to the Ohio EPA”, effective April 30, 2018. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### VI. Statutory and Executive Order Reviews

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);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

- 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 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, 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

<sup>1</sup> U.S. EPA. Managing Debris after a Natural Disaster: Evaluation of the Combustion of Storm-Generated Vegetative and C&D Debris in an Air Curtain Burner: Source Emissions Measurement Results. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–16/353, 2016.

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).

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

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

Dated: December 6, 2018.

**Cathy Stepp,**

*Regional Administrator, Region 5.*

[FR Doc. 2018-27777 Filed 12-21-18; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R05-OAR-2018-0572; FRL-9988-22-Region 5]

#### Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2012 Annual Standard for Fine Particulate Matter

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

**ACTION:** Proposed rule.

**SUMMARY:** On July 24, 2018, the Ohio Environmental Protection Agency (Ohio) submitted a request for the Environmental Protection Agency (EPA) to redesignate the Cleveland area to attainment of the 2012 annual national ambient air quality standards (NAAQS or standards) for fine particulate matter (PM<sub>2.5</sub>) under the Clean Air Act (CAA). EPA is proposing to grant Ohio's request. EPA is proposing to determine that the Cleveland area has attained the 2012 annual PM<sub>2.5</sub> standard, based on the most recent three years of certified air quality data. EPA is proposing to approve a revision to the Ohio state implementation plan (SIP) that the Cleveland area meets the requirements for redesignation under the CAA and for the state's maintenance plan for the 2012 annual PM<sub>2.5</sub> NAAQS through 2030. Ohio's maintenance plan submission includes motor vehicle emission budgets (MVEBs) for the mobile source contribution of PM<sub>2.5</sub> and nitrogen oxides (NO<sub>x</sub>) to the Cleveland area for transportation conformity purposes; EPA is proposing to approve the MVEBs for 2022 and 2030 into the Ohio SIP. EPA is taking these actions in

accordance with the CAA and EPA's implementation regulations regarding the 2012 annual PM<sub>2.5</sub> NAAQS.

**DATES:** Comments must be received on or before January 25, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2018-0572 at <http://www.regulations.gov>, or via email to [blakley.pamela@epa.gov](mailto:blakley.pamela@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, 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:

Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-6680, [leslie.michael@epa.gov](mailto:leslie.michael@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What actions are EPA taking?
- II. What is the background for these actions?
- III. What are the criteria for redesignation to attainment?
- IV. What is EPA's analysis of the state's request?
  1. Attainment Determination (Section 107(d)(3)(E)(i))
  2. Section 110 and Part D Requirements, and Approval SIP under Section 110(k) (Section 107(d)(3)(E)(ii) and (v))
  3. Permanent and Enforceable Reductions in Emissions (Section 107(d)(3)(E)(iii))

4. Maintenance Plan Pursuant to Section 175A of the CAA (Section 107(d)(3)(E)(iv))
5. Motor Vehicle Emissions Budget (MVEBs) for PM<sub>2.5</sub> and NO<sub>x</sub>, and Safety Margin for the Cleveland Area
- V. What are the effects of EPA's actions?
- VI. Statutory and Executive Order Reviews

#### I. What actions are EPA taking?

EPA is taking several actions related to the redesignation of the Cleveland area to attainment of the 2012 annual PM<sub>2.5</sub> NAAQS. EPA is proposing that the Cleveland moderate nonattainment area is attaining the 2012 annual PM<sub>2.5</sub> NAAQS. EPA is proposing to approve Ohio's 2012 annual PM<sub>2.5</sub> maintenance plan for the Cleveland area as a revision to the Ohio SIP.

EPA is proposing to find that Ohio meets the requirements for redesignation of the Cleveland area to attainment of the 2012 annual PM<sub>2.5</sub> NAAQS under section 107(d)(3)(E) of the CAA. EPA is thus proposing to grant Ohio's request to change the designation of the Cleveland area from nonattainment to attainment of the 2012 annual PM<sub>2.5</sub> NAAQS. EPA's analysis of these actions are discussed in Section IV of today's rulemaking.

#### II. What is the background for these actions?

On December 14, 2012, EPA promulgated a revised primary annual PM<sub>2.5</sub> NAAQS to provide increased protection of public health from fine particle pollution (78 FR 3086; January 15, 2013). In that action, EPA strengthened the primary annual PM<sub>2.5</sub> standard from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>, which is attained when the 3-year average of the annual arithmetic means does not exceed 12.0 µg/m<sup>3</sup>. On December 18, 2014, the EPA Administrator signed a final action promulgating initial designations for the 2012 primary PM<sub>2.5</sub> NAAQS based on 2011-2013 air quality monitoring data for the majority of the United States. The Cleveland nonattainment area is in northeastern Ohio and includes Cuyahoga and Lorain counties. Ohio's main PM<sub>2.5</sub> components are primary particles (organic particles, crustal material, and elemental carbon) and NO<sub>x</sub>, which were included in the attainment demonstration analysis. Volatile organic compounds (VOCs), sulfur dioxide (SO<sub>2</sub>) and ammonia (NH<sub>3</sub>) were determined to be insignificant for attainment and New Source Review (NSR) purposes (83 FR 45193), based on a concentration-based contribution analysis and a sensitivity-based analysis conducted in accordance with the