

No. MC2012–26; MCS § 2640.1.g). In related proceedings, the Postal Service explained that the delivery of private carrier packages would provide a service frequently requested by its customers, addressing a concern posed by the fact that some eCommerce merchants will not ship to a PO Box address (See *id.* at 6). A description of the Street Addressing feature was subsequently added to DMM 508.4.5.4.a, which states that customers who choose to use the street addressing designation also have the option of receiving packages from private carriers at the customer's Post Office Box address, if the packages conform to the maximum standards of 70 pounds in weight and 130 inches in combined length and girth. The street addressing feature may be used when the merchant or retailer does not accept the PO Box address format as a deliverable address.

When the Postal Service first introduced PO Box Street Addressing, there were very few private carriers or delivery competitors who would deliver packages to a PO Box customer. This made it simple for Premium PO Box Post Offices to accept and deliver packages that bore the street address equivalent of the PO Box address. They could easily recognize a private carrier, and accept and deliver the PO Box customer's packages with little concern as to whether the carrier was legitimate or the customer actually had requested that the package be delivered to the PO Box. However, as the shipping and delivery industry has evolved, so has the competition for last mile delivery.

Since the introduction of PO Box Street Addressing, a number of pilot efforts have aimed to reduce the delivery time of packages to the customer. These efforts include, but are not limited to, employees delivering packages using their personally owned vehicles, online retailers creating their own delivery operations, and retailers using crowdsourcing or taxi services to deliver packages. Where once the term "private carriers" would be commonly understood to include traditional shipping providers such as UPS and FedEx, now there are many more delivery options, including "regional" delivery companies such as LaserShip and localized or crowdsourced delivery startups such as PostMates and Deliv. Not all employees or persons who might deliver a package to a PO Box wear uniforms or are readily identified as being associated with a legitimate "private carrier." Nor do all items submitted for delivery meet the traditional definition of a "package" according to Postal Service mailability standards. As one example, some Post

Offices have been asked to accept open, tote-style shopping bags containing merchandise, in lieu of a sealed box or envelope. Others have been presented with packages labeled only with the customer's name but without the street address, and delivered by employees or contractors of a merchant with no clear indication of where the package originated.

As a practical matter, the advances in last mile delivery have created confusion as to who may deliver packages to a Premium PO Box customer when the customer uses the street address equivalent of their PO Box address to order merchandise. Therefore, the Postal Service seeks input on how the term "private carriers," as used in DMM 508.4.5.4.a, should be defined, and how best to clarify that only properly sealed items mailed as a "package" may be delivered. These clarifications are necessary to ensure that Postal Service employees follow proper procedures, which helps prevent fraud and ensures the safety and security of customers and Postal Service personnel.

We will publish an appropriate amendment to 39 CFR part 551 if the Postal Service adopts any changes to the definition of "packages from private carriers," as used in connection with Street Addressing, in DMM 508.4.5.4.a.

**Ruth B. Stevenson,**

*Attorney, Federal Compliance.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2019–0036; FRL–9992–64–Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submittal from the State of Maryland for the 2015 ozone national ambient air quality standard (NAAQS or standard). Whenever EPA promulgates a new or revised NAAQS, states are required to make a SIP submission showing how the existing approved SIP has all the

provisions necessary to meet the requirements of the new or revised NAAQS, or to add any needed provisions necessary to meet the revised NAAQS. The SIP revision is required to address basic program elements, including, but not limited to, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. Maryland has made a submittal addressing the infrastructure requirements for the 2015 ozone NAAQS. EPA is proposing to approve Maryland's SIP revision addressing the infrastructure requirements for the 2015 ozone NAAQS in accordance with the requirements of section 110(a) of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before May 24, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R03–OAR–2019–0036 at <http://www.regulations.gov>, or via email to [spielberger.susan@epa.gov](mailto:spielberger.susan@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:** Ellen Schmitt, Planning and Implementation Branch (3AD30), Air and Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5787. Ms. Schmitt can also be reached via

electronic mail at [schmitt.ellen@epa.gov](mailto:schmitt.ellen@epa.gov).

**SUPPLEMENTARY INFORMATION:** On October 11, 2018, the Maryland Department of the Environment (MDE) submitted a revision to its SIP to satisfy the requirements of section 110(a) of the CAA for the 2015 ozone NAAQS.

## I. Background

On October 26, 2015, EPA issued a final rule revising both the primary and secondary NAAQS for ozone based on 8-hour average concentrations to 0.070 parts per million (ppm). Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(1) of the CAA provides the procedural and timing requirements for SIPs, while section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The content of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 2015 ozone NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with the 1997 and 2008 ozone NAAQS.

## II. Summary of SIP Revision and EPA Analysis

On October 11, 2018, EPA received a SIP revision submittal from MDE to satisfy the requirements of section 110(a) of the CAA for the 2015 ozone NAAQS (Maryland's submittal). Maryland's submittal addressed the following infrastructure elements, or portions thereof, for the 2015 ozone NAAQS: CAA section 110(a)(2)(A), (B), (C), D(i)(II), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). EPA is proposing to make a determination that the submittal

meets the requirements of section 110(a)(2)(A), (B), (C), D(i)(II), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M), or portions thereof, of the CAA. Following EPA guidance, which was issued on September 13, 2013 (2013 guidance),<sup>1</sup> Maryland's October 11, 2018 SIP submittal did not address the portion of section 110(a)(2)(C) pertaining to permit programs, known as nonattainment new source review (NNSR), under part D, title I of the CAA, and section 110(a)(2)(I), referred to as element (I), also pertaining to the nonattainment requirements of part D, title I of the CAA. Both element (I) and the NNSR portion of element (C) pertain to SIP revisions that are collectively referred to as a nonattainment SIP or an attainment plan and, if required due to an area being designated nonattainment, would be due by the dates statutorily prescribed under subparts 2 through 5 under part D of the CAA. Because the CAA directs states to submit these plan elements on a separate schedule, EPA does not believe it is necessary for states to include these elements in the infrastructure SIP submission due three years after adoption or revision of a NAAQS.

Maryland's submittal also did not include a portion to address section 110(a)(2)(D)(i)(I) (significant contribution to nonattainment or interference of maintenance through interstate transport of air emissions). Therefore, EPA will take later, separate action on section 110(a)(2)(D)(i)(I) for the 2015 ozone NAAQS, once this portion has been submitted.

A detailed summary of EPA's review and rationale for approving Maryland's submittal may be found in the technical support document (TSD) for this proposed rulemaking action which is available online at [www.regulations.gov](http://www.regulations.gov), docket number EPA-R03-OAR-2019-0036.

## III. EPA's Approach To Review Infrastructure SIPs

Pursuant to EPA's interpretation of section 110(a) of the CAA, states must provide SIP revisions addressing relevant infrastructure SIP elements from section 110(a)(2)(A) through (M) or provide certification that the existing SIP contains provisions adequately addressing these elements for the 2015 ozone NAAQS.

Due to ambiguity in some of the language of section 110(a)(2) of the CAA, EPA believes that it is appropriate

<sup>1</sup> "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)." Memorandum from Stephen D. Page, September 13, 2013.

to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.<sup>2</sup> In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.<sup>3</sup> EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

## IV. Proposed Action

EPA is proposing to approve Maryland's October 11, 2018 SIP revision which provides the basic program elements, or portions thereof, specified in section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) necessary to implement, maintain, and enforce the 2015 ozone NAAQS. This proposed rulemaking is not taking action on section 110(a)(2)(I) nor on the NNSR permitting program requirements of section 110(a)(2)(C), which pertain to the nonattainment planning requirements of part D, title I of the CAA. Such SIP revisions are required when an area is designated nonattainment and, if required, would be due to EPA by the dates statutorily prescribed in CAA part D, subparts 2 through 5. Because the CAA directs states to submit these plan elements on a separate schedule, EPA does not believe it is necessary for states to include these elements in the infrastructure SIP submission due three years after adoption or revision of a NAAQS. Additionally, EPA is not taking action on CAA section 110(a)(2)(D)(i)(I) (significant contribution to nonattainment or interference of maintenance through interstate transport of air emissions) for the 2015 ozone NAAQS because Maryland's submittal did not include this element. EPA will take later, separate

<sup>2</sup> EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available at [https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance\\_on\\_Infrastructure\\_SIP\\_Elements\\_Multipollutant\\_FINAL\\_Sept\\_2013.pdf](https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf)), as well as in numerous agency actions, including EPA's prior action on Maryland's infrastructure SIP to address the 2008 ozone NAAQS (79 FR 25054 (May 2, 2014)).

<sup>3</sup> See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center v. EPA*, No. 16-71933 (Aug. 30, 2018).

action on this element once it has been submitted.

EPA is seeking public comment on whether Maryland's SIP revision meets the infrastructure requirements in 110(a)(2). These comments will be considered before taking final rulemaking action. Please refer to the TSD for this rulemaking which is available online at [www.regulations.gov](http://www.regulations.gov), docket number EPA-R03-OAR-2019-0036, for further discussion of each element being associated with this approval.

## 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 proposed 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, this proposed rule, pertaining to Maryland's section 110(a) infrastructure requirements for the 2015 ozone NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: April 12, 2019.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2018-0822; FRL-9992-58-Region 4]

### Air Plan Approval; KY; Jefferson County Existing and New Miscellaneous Metal Parts and Products Surface Coating Operations

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve two revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), provided by the Commonwealth of Kentucky, through the Kentucky Division of Air Quality (KDAQ), through a letter dated March 15, 2018. The revisions were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District (LMAPCD) (also referred to herein as Jefferson County) and add a recordkeeping provision for certain sources of volatile organic compounds

(VOC) along with other administrative changes. EPA is proposing to approve the changes because they are consistent with the Clean Air Act (CAA or Act).

**DATES:** Comments must be received on or before May 24, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2018-0822 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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, 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:

Evan Adams of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9009. Mr. Adams can also be reached via electronic mail at [adams.evan@epa.gov](mailto:adams.evan@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. What action is EPA proposing?

Through a letter dated March 15, 2018, KDAQ submitted SIP revisions to EPA for approval that include changes to the Jefferson County portion of the Kentucky SIP.<sup>1</sup> In this action EPA is proposing to approve the changes to Jefferson County Regulation 6.31, *Standards of Performance for Existing Miscellaneous Metal Parts and Products Surface Coating Operations*, and Regulation 7.59, *Standards of Performance for New Miscellaneous Metal Parts and Products Surface*

<sup>1</sup> EPA notes that the Agency received these SIP revisions on March 23, 2018, along with other revisions to the Jefferson County portion of the Kentucky SIP. EPA will be considering action for those SIP revisions in a separate rulemaking.