

International Business Reply Service
Competitive Contract 1
International Business Reply Service
Competitive Contract 3
Inbound Direct Entry Contracts with
Customers
Inbound Direct Entry Contracts with Foreign
Postal Administrations
Inbound Direct Entry Contracts with
Foreign Postal Administrations
Inbound Direct Entry Contracts with
Foreign Postal Administrations 1
Inbound EMS
Inbound EMS 2
Inbound Air Parcel Post (at non-UPU rates)
Royal Mail Group Inbound Air Parcel Post
Agreement
Inbound Competitive Multi-Service
Agreements with Foreign Postal
Operators
Inbound Competitive Multi-Service
Agreements with Foreign Postal
Operators 1

Special Services *

Address Enhancement Services
Greeting Cards, Gift Cards, and Stationery
International Ancillary Services
International Money Transfer Service—
Outbound
International Money Transfer Service—
Inbound
Premium Forwarding Service
Shipping and Mailing Supplies
Post Office Box Service
Competitive Ancillary Services

Nonpostal Services *

Advertising
Licensing of Intellectual Property other than
Officially Licensed Retail Products
(OLRP)
Mail Service Promotion
Officially Licensed Retail Products (OLRP)
Passport Photo Service
Photocopying Service
Rental, Leasing, Licensing or other Non-Sale
Disposition of Tangible Property
Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program

Market Tests *

Customized Delivery
Global eCommerce Marketplace (GeM)

Stacy L. Ruble,

Secretary.

[FR Doc. 2019-09096 Filed 5-2-19; 8:45 am]

BILLING CODE 7710-FW-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2018-0569; FRL-9993-25-
Region 5]

Air Plan Approval; Wisconsin; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving, as a State Implementation Plan (SIP) revision, Wisconsin's certification that its SIP satisfies the nonattainment new source review (NNSR) requirements of the Clean Air Act (CAA) for the 2008 ozone National Ambient Air Quality Standard (NAAQS). The State's submittal is in response to EPA's February 3 and December 11, 2017, Findings of Failure to Submit (FFS) final rule, which found that Wisconsin failed to satisfy CAA requirements for implementation of the 2008 ozone NAAQS in nonattainment areas.

DATES: This final rule is effective on June 3, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2018-0569. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *i.e.*, 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 either through www.regulations.gov or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Rachel Rineheart, Environmental Engineer, at (312) 886-7017 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Rachel Rineheart, Environmental Engineer, Air Permits Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-7017, Rineheart.rachel@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. Background
- II. What action is EPA taking?
- III. Statutory and Executive Order Reviews

I. Background

A. Background on the 2008 Ozone Standard

On March 27, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm).¹ Promulgation of a revised NAAQS triggers a requirement for EPA to designate areas of the country as nonattainment, attainment, or unclassifiable for the standard. For the ozone NAAQS, this also involves classifying any nonattainment areas at the time of designation.² Ozone nonattainment areas are classified based on the severity of their ozone levels (as determined based on the area's "design value," which represents air quality in the area for the most recent 3 years). The classifications for ozone nonattainment areas are marginal, moderate, serious, severe, and extreme.³

Areas that EPA designates nonattainment for the ozone NAAQS are subject to the general nonattainment area planning requirements of CAA section 172 and also to the ozone-specific planning requirements of CAA section 182. Ozone nonattainment areas in the lower classification levels have fewer and/or less stringent mandatory air quality planning and control requirements than those in higher classifications. For marginal areas, a state is required to submit a baseline emissions inventory, adopt provisions into the SIP requiring emissions statements from stationary sources, and implement a NNSR program for the relevant ozone NAAQS.⁴ For moderate areas, a state needs to comply with the marginal area requirements, plus additional moderate area requirements, including the requirement to submit a modeled demonstration that the area will attain the NAAQS as expeditiously as practicable but no later than 6 years after designation, the requirement to submit a reasonable further progress (RFP) plan, the requirement to adopt and implement certain emissions controls, such as Reasonably Available Control Technology and Vehicle Emissions Inspection and Maintenance, and the requirement for greater emissions offsets for new or modified major stationary sources under the state's NNSR program.⁵

¹ 73 FR 16436.

² CAA sections 107(d)(1) and 181(a)(1).

³ CAA section 181(a)(1).

⁴ CAA section 182(a).

⁵ CAA section 182(b).

B. Background on the Wisconsin Ozone Nonattainment Areas

On June 11, 2012,⁶ EPA designated the Chicago area as a marginal nonattainment area for the 2008 ozone NAAQS. The Chicago area includes Cook, DuPage, Kane, Lake, McHenry, and Will Counties and part of Grundy and Kendall Counties in Illinois; Lake and Porter Counties in Indiana; and part of Kenosha County in Wisconsin. On May 4, 2016,⁷ pursuant to section 181(b)(2) of the CAA, EPA determined that the Chicago area failed to attain the 2008 ozone NAAQS by the July 20, 2015 marginal area attainment deadline and thus reclassified the area from marginal to moderate nonattainment. In that action, EPA established January 1, 2017, as the due date for all moderate area nonattainment plan SIP requirements applicable to newly reclassified areas. Pleasant Prairie and Somers townships in Kenosha County are part of the Chicago area nonattainment area. The remainder of Kenosha County is designated as unclassifiable/attainment.

On May 21, 2012,⁸ EPA designated Sheboygan County in Wisconsin as a marginal nonattainment area for the 2008 ozone NAAQS. On December 19, 2016,⁹ pursuant to section 181(b) of the CAA, EPA determined that Sheboygan County failed to attain the 2008 ozone NAAQS by the July 20, 2016 marginal area attainment deadline and thus reclassified the area from marginal to moderate nonattainment. In that action, EPA established January 1, 2017, as the due date for all moderate area nonattainment plan SIP requirements applicable to newly reclassified areas. Effective March 6, 2017, EPA found that 15 states and the District of Columbia failed to submit SIP revisions in a timely manner to satisfy certain requirements for the 2008 ozone NAAQS.¹⁰ This finding established certain deadlines for the imposition of sanctions if a state does not submit a timely SIP revision addressing the requirements for which the finding was made and for EPA to promulgate a Federal Implementation Plan (FIP) to address any outstanding SIP requirements. As part of that action, EPA made a finding that Wisconsin failed to submit a marginal NNSR SIP for the Wisconsin portion of the Chicago area and for Sheboygan County.

C. Wisconsin's Submittal

On July 19, 2018, Wisconsin submitted a SIP revision requesting EPA approve Wisconsin's certification that its existing SIP-approved NNSR regulations fully satisfy the NNSR requirements set forth in 40 CFR 51.165 for both marginal and moderate ozone nonattainment areas for the 2008 ozone NAAQS. EPA proposed to approve Wisconsin's certification on February 12, 2019, with a comment period ending on March 14, 2019 (84 FR 3376). No comments were received during the comment period.

II. What action is EPA taking?

EPA is approving Wisconsin's July 18, 2018, SIP revision addressing the NNSR requirements for the 2008 ozone NAAQS for the Wisconsin portion of the Chicago Nonattainment Area and for Sheboygan County. EPA has concluded that Wisconsin's submission fulfills the 40 CFR 51.1114 revision requirement, meets the requirements of CAA sections 110 and 172 and the minimum SIP requirements of 40 CFR 51.165. Approval of the NNSR requirements addresses EPA's finding that Wisconsin failed to submit moderate ozone NNSR requirements and EPA's approval turns off the sanctions and FIP clock.

III. 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 (Public Law 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).

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 section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 2, 2019. 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

⁶ 77 FR 34221, effective July 20, 2012.

⁷ 81 FR 26697.

⁸ 77 FR 30088 (May 21, 2012).

⁹ 81 FR 91841 (December 19, 2016).

¹⁰ 82 FR 9158 (February 3, 2017).

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 section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 24, 2019.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

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.*

■ 2. Section 52.2585 is amended by adding paragraph (hh) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(hh) Approval—On July 19, 2018, Wisconsin submitted a SIP revision certifying that the existing SIP-approved nonattainment new source review regulations fully satisfy the nonattainment new source review requirements for marginal and moderate ozone nonattainment areas for the 2008 ozone NAAQS.

[FR Doc. 2019-09110 Filed 5-2-19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2018-0593; FRL-9992-97-Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation Number 3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve State Implementation Plan (SIP) revisions submitted by the State of Colorado on February 25, 2015, and May 24, 2017. These SIP revisions are

necessary for Colorado to address current federal prevention of significant deterioration (PSD) and nonattainment new source review (NSR) regulations. In this rulemaking, we are taking final action on all portions of the February 25, 2015, and May 24, 2017 submittals, except for those portions of the submittal which have been previously acted on or do not belong in the SIP. The intended effect of this action is to bring Colorado's PSD and nonattainment NSR permitting programs in line with federal requirements. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective on June 3, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2018-0593. All documents in the docket are listed on the <http://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 <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, EPA, Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6227, leone.kevin@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The EPA is taking final action to approve all revisions as submitted by the State of Colorado on February 25, 2015, and May 24, 2017, with the exception of the revisions that we have previously acted on or proposed to not act on, as outlined in section I. of our proposed rulemaking published on February 28, 2019 (84 FR 6732). On October 12, 2017 (82 FR 47380), we approved the following provisions that were part of the February 25, 2015 submittal: (1) Colorado's revisions to fine particulate matter (PM_{2.5}), significant impact levels (SILs) and significant monitoring concentration (SMC) provisions; (2) Revisions to Colorado's air pollution emission

notices; and (3) Revisions to public notice requirements.

This final action approves the remaining revisions in the February 25, 2015 submittal that include revisions to the State's PSD program in Regulation Number 3, the definitions of carbon dioxide equivalent (CO_{2e}) and regulated NSR pollutant, and the addition of plantwide applicability limit (PAL) provisions for greenhouse gases (GHGs). On March 24, 2017, the State submitted two sets of SIP revisions to Regulation Number 3: The first pertaining to regulatory changes necessary in response to the June 23, 2014 U.S. Supreme Court decision in *Utility Air Regulatory Group v. EPA*; and the second addresses nonattainment NSR applicability in (among other things) ozone nonattainment areas that have been classified or reclassified as serious, severe or extreme. We proposed to approve those revisions in the February 28, 2019 rulemaking and are now taking final action to approve them.

We provided a detailed explanation of the bases for our proposed approval in our February 28, 2019 rulemaking, which will not be restated here. See 84 FR 6732. We invited comment on all aspects of our proposal and provided a 30-day comment period. The comment period ended on April 1, 2019.

II. Response to Comments

We received no comments during the public comment period.

III. Final Action

As outlined in our proposed rulemaking, the EPA is taking final action to approve the addition of new and revised rules to Regulation 3 that were submitted by Colorado on February 25, 2015, and May 24, 2017.

Specifically, we are taking final action to approve the following revisions: *Regulation Number 3, Part A: I. (Applicability)—I.B.10., I.B.23., I.B.25.c., I.B.28., I.B.28e., I.B.43., I.B.44.b., I.B.44.c., I.B.44.e.; V. (Certification And Trading Of Emission Reduction Credits Offset And Netting Transactions)—V.C.6., V.C.7., V.C.8., V.C.12., V.I.1; VI. (Fees)—VI.C.1.c, VI.C.1.; Regulation Number 3, Part D: I. (Applicability)—I.A.2., I.A.3.; I.B.1., I.B.2., I.B.3., I.C.; II. (Definitions)—II.A.1.d., II.A.2., II.A.4., II.A.4.e., II.A.4.f., II.A.5.c., II.A.13.a., II.A.13.a.(i)–(ii), II.A.13.b., II.A.13.b.(i)–(ii), II.A.16.–22., II.A.22.a.–c., II.A.23.–31. II.A.32.–35., II.A.36.–39., II.A.40.a.–c., II.A.40.d., II.A.40.e.–g., II.A.41.–45., II.A.46., II.A.46.a.–b., II.A.47., II.A.47.a.–b., II.A.48.; V. (Requirements Applicable to Nonattainment Areas)—V.A.3.c., V.A.7.c., V.A.7.c.(i)(C), V.A.7.c.(v); VI. (Requirements applicable to attainment*