

#### IV. Incorporation by Reference

In this document, as described in the amendments to 40 CFR part 52 set forth below, the EPA is removing provisions of the EPA Approved Maricopa County rules from the Arizona State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

#### V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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 Clean Air Act; and

- Does not provide the 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 the 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. The 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 21, 2020. 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 section 307(b)(2).)

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

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

Dated: November 4, 2019.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 D—[Amended]

■ 2. Section 52.120 is amended in paragraph (c), Table 4, by removing the entries for "Rule 325," "Rule 334" and "Rule 339".

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R04-OAR-2018-0711; FRL-10002-46-Region 4]

#### Air Plan Approval; GA; Miscellaneous 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 Georgia, through the Georgia Environmental Protection Division (GA EPD) of the Department of Natural Resources, in letters dated September 19, 2006, with a clarification submitted on November 6, 2006, and July 31, 2018. EPA is approving miscellaneous changes to several Georgia rules. This action is being finalized pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

**DATES:** This rule will be effective December 23, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2018-0711. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information 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 electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sean Lakeman, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9043. Mr. Lakeman can also be reached via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

GA EPD submitted a SIP revision through a letter dated July 31, 2018, to EPA for review and approval into the Georgia SIP that contains changes to a number of Georgia's air quality rules in Rule 391-3-1.<sup>1</sup> The changes that EPA is approving into the SIP through this rulemaking revise Rule 391-3-1-.01, "Definitions,"<sup>2</sup> Rule 391-3-1-.02(2)(c), "Incinerators," Rule 391-3-1-.03(6), "Exemptions," and Rule 391-3-1-.03(11) "Permits by Rule."

See EPA's June 29, 2017 (82 FR 29418)<sup>3</sup> direct final rule (DFR) and accompanying June 29, 2017 (82 FR 29469) notice of proposed rulemaking (NPRM) for further detail on the changes

<sup>1</sup> EPA received the submittal on August 2, 2018. The cover letter includes other rule changes that have been or will be addressed in separate EPA actions.

<sup>2</sup> Consistent with Georgia's request, EPA is approving only the changes to the following definitions: 391-3-1-.01(oo), "Manager," 391-3-1-.01(kkk), "Small Business Compliance Advisory Panel," 391-3-1-.01(III), "Small business stationary source or facility," and 391-3-1-.01(mmm), "Small business stationary source technical and environmental office."

<sup>3</sup> EPA published a DFR and accompanying NPRM to approve changes to Rule 391-3-1-.03(6) and other changes on June 29, 2017 (82 FR 29418). EPA received adverse comments on the direct final rule—though not on the portion of the rule approving changes to Rule 391-3-1-.03(6)—and published a document withdrawing the DFR on August 22, 2017 (82 FR 39671). EPA is finalizing approval of the changes submitted to 391-3-1-.03(6) based on the June 29, 2017 (82 FR 29469) NPRM.

made in the September 19, 2006, submittal and EPA's rationale for approving the revision. Comments were due on July 31, 2017. EPA received adverse comments related to other portions of the DFR, but withdrew the entire DFR on August 22, 2017 (82 FR 39671). EPA received no comments on the changes made to Rule 391-3-1-.03(6), "Exemptions." Therefore, EPA is finalizing approval of those changes in this action.

See also EPA's July 10, 2019 (84 FR 32851) NPRM<sup>4</sup> for further detail on the changes made in the July 31, 2018, submittal and EPA's rationale for approving the revision. Comments were due on August 9, 2019, and EPA received no significant, adverse comments on the NPRM. EPA is approving these SIP revisions because they are consistent with the CAA.

##### II. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Georgia's air quality Rules 391-3-1-.01, "Definitions," 391-3-1-.02(2)(c), "Incinerators," and 391-3-1-.03(11) "Permits by Rule," State effective July 23, 2018, and Rule 391-3-1-.03(6), "Exemptions," State effective August 9, 2012,<sup>5</sup> which contain clarifying and administrative edits as described in the NPRMs. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by

<sup>4</sup> EPA posted a memorandum of record in the Docket Identification No EPA-R04-OAR-2018-0711, to provide non-substantive clarification for two inadvertent errors in the NPRM, related to characterizing the changes as non-attainment new source review related in the summary only and incorrectly listing the state-effective date in the incorporation by reference section. The changes were correctly characterized in the remainder of the NPRM, and the submittal, with the correct effective date and changes noted, was available during the comment phase. Please see the memorandum for more information.

<sup>5</sup> In this action, EPA is approving changes to Rule 391-3-1-.03(6), "Exemptions" with a State-effective date of July 13, 2006. However, for purposes of the State-effective date included at 40 CFR 52.570(c), this change to Georgia's rule is captured and superseded by EPA's April 9, 2013 (78 FR 21065) action, which approved changes to Rule 391-3-1-.03(6) with a State-effective date of August 9, 2012. EPA is therefore retaining the later State-effective date for Rule 391-3-1-.03(6) at 40 CFR 52.570(c).

reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>6</sup>

##### III. Final Action

EPA is approving the aforementioned changes to Georgia's SIP submitted on September 19, 2006, and August 2, 2018, that make revisions to Rule 391-3-1-.01, "Definitions," Rule 391-3-1-.02(2)(c), "Incinerators," Rule 391-3-1-.03(6), "Exemptions," and Rule 391-3-1-.03(11) "Permit by Rule." EPA views these changes as being consistent with the CAA.

##### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 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. These actions merely approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are 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);
- Are not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or

<sup>6</sup> See 62 FR 27968 (May 22, 1997).

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do 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).

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), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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 January 21, 2020. 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* section 307(b)(2).

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

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: November 13, 2019.

**Mary S. Walker,**

*Regional Administrator, Region 4.*

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 L—Georgia**

- 2. Section 52.570(c) is amended by:
  - a. Revising the entry for “391–3–1–.01”;
  - b. Revising the entry for “391–3–1–.02(2)(c)” under the heading “Emissions Standards”; and
  - c. Revising the entries for “391–3–1–.03(6)” and “391–3–1–.03(11)” under the heading “Permits”.

The revisions read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED GEORGIA REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.01	Definitions	7/23/2018	11/22/2019, [Insert citation of publication].	Except the first paragraph, sections (a)–(nn), (pp)–(ccc), (eee)–(jjj), (nnn)–(bbbb), (dddd)–(mmmm), (rrrr)–(ssss), approved on 12/4/2018 with a State-effective date of 7/20/2017; sections (ddd) and (cccc) - approved on 2/2/1996 with a State-effective date of 11/20/1994; (nnnn), approved on 1/5/2017 with a State-effective date of 8/14/2016; and sections (oooo)–(qqqq), which are not in the SIP.
*	*	*	*	*
<b>Emissions Standards</b>				
391–3–1–.02(2)(c).	Incinerators	7/23/2018	11/22/2019, [Insert citation of publication].	
*	*	*	*	*
<b>Permits</b>				
391–3–1–.03(6)	Exemptions	8/9/2012	4/9/2013, 78 FR 21065	
*	*	*	*	*

EPA-APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.03(11).	Permit by Rule .....	7/23/2018	11/22/2019, [Insert citation of publication].	Except sections (a)–(b)(5) and (b)(7)–(b)(10), approved on 2/9/2010 with a State-effective date of 7/20/2005; section (b)(6), approved on 3/13/2000 with a State-effective date of 12/25/1997; and the phrase “or enforceable as a practical matter” in section .03(11)(b)11.(i), which is not in the SIP.

\* \* \* \* \*  
 [FR Doc. 2019–25286 Filed 11–21–19; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

[EPA–R03–OAR–2019–0187; FRL–9999–80–Region 3]

**Approval and Promulgation of State Plans for Designated Facilities and Pollutants; West Virginia; Control of Emissions From Existing Municipal Solid Waste Landfills**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA) section 111(d) plan submitted by the West Virginia Department of Environmental Protection (WVDEP). This plan was submitted to fulfill the requirements of the CAA and in response to EPA’s promulgation of Emissions Guidelines and Compliance Times for municipal solid waste (MSW) landfills. The West Virginia plan establishes emission limits for existing MSW landfills, and provides for the implementation and enforcement of those limits.

**DATES:** This final rule is effective on December 23, 2019. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of December 23, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–EPA–R03–OAR–2019–0187. 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:** Mike Gordon, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2039. Mr. Gordon can also be reached via electronic mail at [gordon.mike@epa.gov](mailto:gordon.mike@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On July 1, 2019 (84 FR 31278), EPA published a notice of proposed rulemaking (NPRM) for the State of West Virginia. In the NPRM, EPA proposed approval of a Clean Air Act (CAA) section 111(d) plan submitted by the WVDEP. The formal State Plan was submitted by West Virginia on September 13, 2018.

**II. Summary of State Plan and EPA Analysis**

EPA has reviewed the West Virginia section 111(d) plan submittal in the context of the requirements of 40 CFR part 60, subparts B and Cf, and part 62, subpart A. In this action, EPA is determining that the submitted section 111(d) plan meets the above-cited requirements. Included within the section 111(d) plan are regulations under the West Virginia Code, specifically, West Virginia legislative rule 45 C.S.R. 23, entitled “Control of Air Pollution from Municipal Solid Waste Landfills.” A detailed explanation of the rationale behind this proposed approval is available in the Technical Support Document (TSD).

Other specific requirements of West Virginia’s State Plan for MSW landfills and the rationale for EPA’s proposed

action are explained in the NPRM and will not be restated here. No public comments were received on the NPRM.

**III. Final Action**

EPA is approving the West Virginia section 111(d) plan for MSW landfills submitted pursuant to 40 CFR part 60, subpart Cf. Therefore, EPA is amending 40 CFR part 62, subpart XX to reflect this action. The scope of the approval of the section 111(d) plan is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the emission guidelines, subpart Cf. The EPA Administrator continues to retain authority for approval of alternative methods to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant (k), as stipulated in 40 CFR 60.30f(c), as well as section 4.8.b, “Implementation of Emission Guidelines for Existing MSW Landfills,” of West Virginia’s 111(d) plan submittal.

**IV. Incorporation by Reference**

In accordance with the requirements of 1 CFR 51.5, EPA is finalizing regulatory text that includes the incorporation by reference of West Virginia Code, specifically, West Virginia legislative rule 45 C.S.R. 23, effective June 1, 2018, entitled “Control of Air Pollution from Municipal Solid Waste Landfills,” which is part of the CAA section 111(d) plan applicable to existing MSW landfills in West Virginia as discussed in section II of this preamble. The regulatory provisions of 45 C.S.R. 23 establish emission standards and compliance times for the control of methane and other organic compounds from certain existing MSW landfills located in West Virginia that commenced construction, modification, or reconstruction on or before July 17, 2014. These provisions set forth requirements meeting criteria promulgated by EPA at 40 CFR part 60, subpart Cf. EPA has made, and will continue to make, 45 C.S.R. 23, as well as the entire West Virginia plan, generally available through