

TABLE 4 TO PARAGRAPH (c)—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

County citation	Title/subject	State effective date	EPA Approval Date	Additional explanation
Rule 323	Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources.	June 23, 2021	[INSERT Federal Register CITATION], February 7, 2023.	Submitted on June 30, 2021, under an attached letter dated June 24, 2021.
Rule 324	Stationary Reciprocating Internal Combustion Engines (RICE).	June 23, 2021	[INSERT Federal Register CITATION], February 7, 2023.	Submitted on June 30, 2021, under an attached letter dated June 24, 2021.

\* \* \* \* \*

■ 4. In § 52.124 revise paragraph (b)(2)(i) to read as follows.

§ 52.124 Part D disapproval.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(2) \* \* \*

(i) RACT determinations for CTG source categories for Aerospace Coating and Industrial Adhesives (“National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework” (59 FR 29216), “Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations” (EPA-453/R-97-004), and “Control Techniques Guidelines for Miscellaneous Industrial Adhesives” (EPA-453/R-08-005)), in the submittal titled “Analysis of Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) State Implementation Plan (RACT SIP),” dated December 5, 2016, as adopted on May 24, 2017 and submitted on June 22, 2017.

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[FR Doc. 2023-02477 Filed 2-6-23; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2021-0802; FRL-9401-02-R6]

**Air Plan Approval; Texas; Control of Air Pollution From Visible Emissions and Particulate Matter**

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving the revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas to EPA on October 22, 2021. The revisions pertain to particulate matter and outdoor burning regulations. This action allows volunteer firefighters to fulfill supervision requirements for the burning of certain waste types generated from specific residential properties.

**DATES:** This rule is effective on March 9, 2023.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2021-0802. 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 or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Randy Pitre, EPA Region 6 Office, Infrastructure and Ozone Section, 214-665-7299, [pitre.randy@epa.gov](mailto:pitre.randy@epa.gov). Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID-19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

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

**I. Background**

The background for this action is discussed in detail in our November 15, 2022, proposal (87 FR 68413). In that document, we proposed to approve

revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas to EPA on October 22, 2021. The revisions allow volunteer firefighters to fulfill supervision requirements for the burning of trees, grass, leaves, branch trimmings, or other plant growth generated from specific residential properties at designated sites for consolidated burning of waste, located outside of a municipality, and within a county with a population of less than 50,000 people. We did not receive any comments regarding our proposal.

**II. Final Action**

The EPA is approving revisions to the Texas SIP submitted by the State of Texas to EPA on October 22, 2021, that pertain to particulate matter and outdoor burning regulations. This rulemaking action is being taken under Section 110 of the CAA. Specifically, we are approving the revision to 30 TAC 111.209(5).

**III. Incorporation by Reference**

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the revisions to the Texas regulations as described in Section II of this preamble, Final Action. The EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) (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 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 in the next update to the SIP compilation.

**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. 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 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);
- 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).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. 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 April 10, 2023. 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, Particulate matter.

Dated: January 30, 2023.

**Earthea Nance,**  
*Regional Administrator, Region 6.*

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 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 SS—Texas**

- 2. In § 52.2270(c), the table titled “EPA Approved Regulations in the Texas SIP” is amended by revising the entry for Section 111.209.

The revision reads as follows:

**§ 52.2270 Identification of plan.**

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

**EPA APPROVED REGULATIONS IN THE TEXAS SIP**

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
<b>Chapter 111 (Reg 1)—Control of Air Pollution From Visible Emissions and Particulate Matter</b>				
*	*	*	*	*
<b>Subchapter B: Outdoor Burning</b>				
*	*	*	*	*
Section 111.209 .....	Exception for Disposal Fires.	10/22/2021	2/7/2023, [Insert Federal Register citation].	*
*	*	*	*	*

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[FR Doc. 2023-02349 Filed 2-6-23; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R04-OAR-2022-0436; FRL-10401-02-R4]

**Air Plan Approval; Georgia; Atlanta Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing approval of a state implementation plan (SIP) revision submitted by the State of Georgia, through the Georgia Environmental Protection Division (EPD), on December 17, 2021. The SIP revision includes the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) Limited Maintenance Plan (LMP) for the Atlanta, Georgia Area (hereinafter referred to as the Atlanta Area or Area). The Atlanta Area consists of 20 counties in Georgia: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton Counties. EPA is approving Georgia's LMP for the Atlanta Area because it provides for maintenance of the 1997 8-hour ozone NAAQS within the Area through the end of the second 10-year portion of the maintenance period. The effect of this action makes certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Area federally enforceable as part of the Georgia SIP.

**DATES:** This rule is effective March 9, 2023.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2022-0436. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information may not be 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:** Sarah LaRocca, 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) 562-8994. Ms. LaRocca can also be reached via electronic mail at [larocca.sarah@epa.gov](mailto:larocca.sarah@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

On April 30, 2004, the Atlanta Area was designated as nonattainment for the 1997 8-hour ozone NAAQS, effective June 15, 2004. *See* 69 FR 23858 (April 30, 2004). In 2013, the Atlanta Area was redesignated to attainment for the 1997 8-hour ozone NAAQS with EPA's approval of the first maintenance plan demonstrating attainment through the initial 10-year maintenance period. *See* 78 FR 72040 (December 2, 2013).

In a notice of proposed rulemaking (NPRM), published on November 28, 2022 (87 FR 72946), EPA proposed to approve the Atlanta Area LMP because the State made a showing, consistent with EPA's prior LMP guidance, that the Area's ozone concentrations are well below the 1997 8-hour ozone NAAQS, have been historically stable, and that it has met all other maintenance plan requirements. The Atlanta Area LMP is designed to maintain the 1997 8-hour ozone NAAQS within the Atlanta Area through the end of the second 10-year portion of the maintenance period beyond redesignation. As a general matter, the Atlanta Area LMP relies on the same control measures and contingency provisions to maintain the 1997 8-hour ozone NAAQS during the second 10-year portion of the maintenance period as the maintenance plan submitted by Georgia EPD for the first 10-year period. The details of Georgia's submission, as well as EPA's rationale for approval, are explained further in the November 28, 2022, NPRM.

EPA is finalizing approval of Georgia's December 17, 2021, LMP because it meets all applicable

requirements under CAA sections 110 and 175A. Comments on the November 28, 2022, NPRM were due on or before December 28, 2022. EPA received comments on the November 28, 2022, NPRM, which are discussed below.

**II. Response to Comments**

EPA received one set of comments in response to the November 28, 2022, NPRM. This set of comments, submitted by a member of the general public, consists of several statements associated with website hyperlinks. It is unclear how these comments are relevant to the proposal, how the hyperlinked materials support the comments, and how, or whether, the commenter would like EPA to change the proposal. Furthermore, as noted in the November 28, 2022, NPRM, EPA generally will not consider comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file-sharing system) such as the hyperlinked materials. For these reasons, the comments require no further response, and we are finalizing the action as proposed.

**III. Final Action**

In accordance with sections 110(k) and 175A of the CAA, and for the reasons set forth in the November 28, 2022, NPRM, EPA is finalizing the Atlanta Area LMP for the 1997 8-hour ozone NAAQS, as submitted by Georgia EPA on December 17, 2021. EPA is finalizing the approval of the Atlanta Area LMP because it includes an acceptable update of various elements of the 1997 8-hour ozone NAAQS maintenance plan approved by EPA for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions) and retains the relevant provisions of the SIP.

EPA also finds that the Atlanta Area qualifies for the LMP option and that the Atlanta Area LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the Area over the second 10-year maintenance period, ending on January 2, 2034.

**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. This action merely approves state law as meeting Federal