

## EPA-APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Comments
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<p>* * * * *</p> <p>[FR Doc. E9-9040 Filed 4-20-09; 8:45 am]</p> <p><b>BILLING CODE 6560-50-P</b></p> <p><b>ENVIRONMENTAL PROTECTION AGENCY</b></p> <p><b>40 CFR Part 52</b></p> <p><b>[R08-ND-2008-0001; FRL-8892-7]</b></p> <p><b>Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Update to Materials Incorporated by Reference</b></p> <p><b>AGENCY:</b> Environmental Protection Agency (EPA).</p> <p><b>ACTION:</b> Final rule; Notice of administrative change.</p> <p><b>SUMMARY:</b> EPA is updating the materials submitted by North Dakota that are incorporated by reference (IBR) into the State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the Governor of North Dakota and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the Regional Office.</p> <p><b>DATES:</b> <i>Effective Date:</i> This action is effective April 21, 2009.</p> <p><b>ADDRESSES:</b> SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection Monday through Friday, 8 a.m. to 4 p.m., excluding federal holidays, at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that, if at all possible, you contact the individual listed in the <b>FOR FURTHER INFORMATION CONTACT</b> section to arrange a time to view the hard copy of the North Dakota SIP compilation. An electronic copy of the North Dakota regulations we have approved for incorporation into the SIP are also available by accessing <a href="http://www.epa.gov/region8/air/sip.html">http://www.epa.gov/region8/air/sip.html</a>. A hard copy of the regulatory and source-specific portions of the compilation will also be maintained at the Air and Radiation Docket and Information</p>	<p>Center, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460 and the National Archives and Records Administration (NARA). If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number (202) 566-1742. For information on the availability of this material at NARA, call (202) 741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p><b>FOR FURTHER INFORMATION CONTACT:</b> Amy Platt, EPA Region 8, at (303) 312-6449, or <a href="mailto:Platt.Amy@epa.gov">Platt.Amy@epa.gov</a>.</p> <p><b>SUPPLEMENTARY INFORMATION:</b> Throughout this document, wherever “we” or “our” is used it means the EPA.</p> <p><b>I. Background</b></p> <p>The SIP is a living document that the State revises as necessary to address its unique air pollution problems. Therefore, EPA, from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and “Identification of plan” format are discussed in further detail in the May 22, 1997 <b>Federal Register</b>. On March 1, 2007 (72 FR 9263), EPA published a document in the <b>Federal Register</b> beginning the new IBR procedure for North Dakota. Today’s action is an update to the March 1, 2007 document.</p> <p><b>II. EPA Action</b></p> <p>In this document, EPA is doing the following: (1) Announcing an update to the IBR material for North Dakota’s revisions to its SIP as of March 1, 2009, including revisions that were approved by EPA on July 19, 2007 (72 FR 39564) and May 27, 2008 (73 FR 30308); and (2) Revising the entries in paragraphs 52.1820(b), (c), (d), and (e) to reflect this update.</p>			<p><b>III. Good Cause Exemption</b></p> <p>EPA has determined that today’s action falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon a finding of “good cause,” authorizes agencies to dispense with public participation, and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today’s rule simply codifies provisions which are already in effect as a matter of law. Under section 553 of the APA, an agency may find good cause where procedures are “impractical, unnecessary, or contrary to the public interest.” Public comment is “unnecessary” and “contrary to the public interest” since the codification only reflects existing law. Likewise, there is no purpose served by delaying the effective date of this action. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.</p> <p><b>IV. Statutory and Executive Order Review</b></p> <p><b>A. General Requirements</b></p> <p>Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the <b>SUPPLEMENTARY INFORMATION</b> section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 <i>et seq.</i>), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA.</p>

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action based on health or safety risks.

This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rules is discussed in previous actions taken on the State's rules.

#### *B. Submission to Congress and the Comptroller General*

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency

makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. Today's action simply reformats the codification of provisions which are already in effect as a matter of law. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of April 21, 2009. EPA will submit a report containing this rule 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**. This update to the Identification of plan for North Dakota is not a "major rule" as defined by 5 U.S.C. 804(2).

#### *C. Petitions for Judicial Review*

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the North Dakota SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need to reopen the 60-day period for filing such petitions for judicial review for this reorganization of the "Identification of plan" section of 40 CFR 52.1820 for North Dakota.

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

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

Dated: March 31, 2009.

**Stephen S. Tuber,**

*Acting Regional Administrator, Region 8.*

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

#### **PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

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

#### **Subpart JJ—North Dakota**

■ 2. Section 52.1820 is amended by revising paragraphs (b), (c), (d), and (e) to read as follows:

##### **§ 52.1820 Identification of plan.**

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(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to March 1, 2009, was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the State to EPA, and notice of any change in the material will be published in the **Federal Register**. Entries for paragraphs (c), (d), and (e) of this section with EPA approval dates after March 1, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of March 1, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202–1129; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA approved regulations.*

## STATE OF NORTH DAKOTA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date and citation <sup>1</sup>	Explanations
33-15-01 General Provisions				
33-15-01-01 .....	Purpose .....	10/1/87	5/12/89, 54 FR 20574.	Excluding subsection 2(b) which was subsequently revised and approved. See below.
33-15-01-02 .....	Scope .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-03 .....	Authority .....	9/1/97	4/2/04, 69 FR 17302.	
33-15-01-04 .....	Definitions .....	1/1/07	5/27/08, 73 FR 30308.	
33-15-01-05 .....	Abbreviations .....	1/1/07	5/27/08, 73 FR 30308.	
33-15-01-06 .....	Entry onto premises—Authority .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-07 .....	Variances: Subsection 1 and .....	10/1/87	5/12/89, 54 FR 20574.	
	Subsection 2 .....	6/1/90	6/26/92, 57 FR 28619.	
33-15-01-08 .....	Circumvention .....	6/1/90	6/26/92, 57 FR 28619.	
33-15-01-09 .....	Severability .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-10 .....	Land use plans and zoning regulations .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-11 .....	Reserved .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-12 .....	Measurements of emissions of air contaminants.	6/1/01	2/28/03, 68 FR 9565.	
33-15-01-13 .....	Shutdown and malfunction of an installation—Requirements for notification.	10/1/87	5/12/89, 54 FR 20574 ....	
33-15-01-13.2(b) .....	Malfunctions .....	9/1/97	8/27/98, 63 FR 45722.	
33-15-01-14 .....	Time schedule for compliance .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-15 .....	Prohibition of air pollution .....	6/1/01	2/28/03, 68 FR 9565.	
33-15-01-16 .....	Confidentiality of records .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-17 .....	Enforcement .....	3/1/03	10/21/04, 69 FR 61762.	
33-15-01-18 .....	Compliance certifications .....	3/1/03	10/21/04, 69 FR 61762.	
33-15-02 Ambient Air Quality Standards				
33-15-02-01 .....	Scope .....	10/1/87	5/12/89, 54 FR 20574.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33-15-02-02 .....	Purpose .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-02-03 .....	Air quality guidelines .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-02-04 .....	Ambient air quality standards .....	9/1/98	8/31/99, 64 FR 47395 ....	
33-15-02-05 .....	Method of sampling and analysis .....	12/1/94	10/8/96, 61 FR 52865.	Excluding subsection 3 and 4 which were subsequently revised and approved. See below.
33-15-02-06 .....	Reference conditions .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-02-07 .....	Concentration of air contaminants in the ambient air restricted.	10/1/87	5/12/89, 54 FR 20574 ....	
33-15-02, Table 1 .....	Ambient Air Quality Standards .....	12/1/94	10/8/96, 61 FR 52865.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33-15-02-07.3 33-15-02-07.4 and 33-15-02, Table 2.	Concentration of air contaminants in the ambient air restricted and National Ambient Air Quality Standards table.	9/1/98	8/31/99, 64 FR 47395 ....	
33-15-03 Restrictions of Visible Air Contaminants				
33-15-03-01 .....	Restrictions applicable to existing installations.	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-02 .....	Restrictions applicable to new installations and all incinerators.	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-03 .....	Restrictions applicable to fugitive emissions.	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-03.1 .....	Restrictions applicable to flares .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-04 .....	Exceptions .....	2/1/82	11/12/82, 47 FR 51131.	
33-15-03-05 .....	Method of measurement .....	10/1/87	5/12/89, 54 FR 20574.	
33-15-04 Open Burning Restrictions				
33-15-04-01 .....	Refuse burning restrictions .....	1/1/07	5/27/08, 73 FR 30308.	Excluding subsections 1.b, 1.e, 1.g, and 2.k which were subsequently revised and approved. See below.
33-15-04-02 .....	Permissible open burning .....	1/1/96	4/21/97, 62 FR 19224 ....	
33-15-04-02.1.b, 33-15-04-02.1.e, 33-15-04-02.1.g, and 33-15-04-02.2.k..	Permissible open burning .....	1/1/07	5/27/08, 73 FR 30308.	

## STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation <sup>1</sup>	Explanations
33–15–05 Emissions of Particulate Matter Restricted				
33–15–05–01 .....	Restrictions of emissions of particulate matter from industrial processes.	10/1/87	5/12/89, 54 FR 20574.	
33–15–05–02 .....	Maximum allowable emission of particulate matter from fuel burning equipment used for indirect heating.	3/1/03	10/21/04, 69 FR 61762.	
33–15–05–03 .....	Incinerators (repealed) .....	8/1/95	4/21/97, 62 FR 19224.	
33–15–05–03.1 .....	Infectious waste incinerators (repealed)	7/12/00	2/28/03, 68 FR 9565.	
33–15–05–03.2 .....	Refuse incinerators .....	8/1/95	4/21/97, 62 FR 19224.	
33–15–05–03.3 .....	Other waste incinerators .....	3/1/03	10/21/04, 69 FR 61762.	
33–15–05–04 .....	Methods of measurement .....	3/1/03	10/21/04, 69 FR 61762.	
33–15–06 Emissions of Sulfur Compounds Restricted				
33–15–06–01 .....	Restrictions of emissions of sulfur dioxide from use of fuel.	3/1/03	10/21/04, 69 FR 61762 ..	See additional interpretive materials cited in 63 FR 45722, 8/27/98.
33–15–06–02 .....	Restriction of emissions of sulfur oxides from industrial processes.	6/1/92	10/20/93, 58 FR 54041.	
33–15–06–03 .....	Methods of measurement .....	3/1/03	10/21/04, 69 FR 61762.	
33–15–06–04 .....	Continuous emission monitoring requirements.	6/1/92	10/20/93, 58 FR 54041.	
33–15–06–05 .....	Reporting and recordkeeping requirements.	6/1/92	10/20/93, 58 FR 54041.	
33–15–07 Control of Organic Compounds Emissions				
33–15–07–01 .....	Requirements for construction of organic compounds facilities.	6/1/92	8/21/95, 60 FR 43396 ....	Excluding subsection 1 which was subsequently revised and approved. See below.
33–15–07–01.1 .....	Scope .....	9/1/98	8/31/99, 64 FR 47395.	
33–15–07–02 .....	Requirements for organic compounds gas disposal.	6/1/92	8/21/95, 60 FR 43396.	
33–15–08 Control of Air Pollution from Vehicles and Other Internal Combustion Engines				
33–15–08–01 .....	Internal combustion engine emissions restricted.	7/1/78	11/2/79, 44 FR 63102.	
33–15–08–02 .....	Removal or disabling of motor vehicle pollution control devices prohibited.	7/1/78	11/2/79, 44 FR 63102.	
33–15–10 Control of Pesticides				
33–15–10–01 .....	Pesticide use restricted: Subsection 1 and Subsection 2.	10/1/87	5/12/89, 54 FR 20574.	Excluding subsections 2, 3, 4, and 5 which were subsequently revised and approved. See below.
33–15–10–02 .....	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	1/1/89 10/1/87	8/9/90, 55 FR 32403. 5/12/89, 54 FR 20574 ....	
33–15–10–02.2, 33–15–10–02.3, 33–15–10–02.4.	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	1/1/89	8/9/90, 55 FR 32403.	
33–15–10–02.5 .....	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	6/1/90	6/26/92, 57 FR 28619.	
33–15–11 Prevention of Air Pollution Emergency Episodes				
33–15–11–01 .....	Air pollution emergency .....	10/1/87	5/12/89, 54 FR 20574.	
33–15–11–02 .....	Air pollution episode criteria .....	10/1/87	5/12/89, 54 FR 20574.	
33–15–11–03 .....	Abatement strategies emission reduction plans.	10/1/87	5/12/89, 54 FR 20574.	
33–15–11–04 .....	Preplanned abatement strategies plans	10/1/87	5/12/89, 54 FR 20574.	
33–15–11—Table 6	Air pollution episode criteria .....	8/1/95	4/21/97, 62 FR 19224.	
33–15–11—Table 7	Abatement strategies emission reduction plans.	8/1/95	4/21/97, 62 FR 19224.	
33–15–14 Designated Air Contaminant Sources, Permit To Construct, Minor Source Permit To Operate, Title V Permit To Operate				
33–15–14–01 .....	Designated air contaminant sources ....	8/1/95	4/21/97, 62 FR 19224.	
33–15–14–01.1 .....	Definitions .....	1/1/96	4/21/97, 62 FR 19224.	

## STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation <sup>1</sup>	Explanations
33–15–14–02 .....	Permit to construct .....	3/1/94	8/21/95, 60 FR 43396 ....	Excluding subsections 12, 3.c, 13.b.1, 5, 13.c, 13.i(5), 13.o, and 19 (one sentence) which were subsequently revised and approved. See below. See additional interpretive materials cited in 57 FR 28619, 6/26/92, regarding the State's commitment to meet the requirements of EPA's "Guideline on Air Quality Models (Revised)."
33–15–14–02.12 ....	[Reserved] .....	8/1/95 & 1/1/96	4/21/97, 62 FR 19224 ....	Moved this section related to fees for Permit to Construct to a new chapter, 33–15–23, Fees.
33–15–14–02.3.c ...	Alterations to a source .....	9/1/98	8/31/99, 64 FR 47395 ....	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33–15–14–02.13.b.1.	Exemptions .....	6/1/01	2/28/03, 68 FR 9565.	
33–15–14–02.5 and 33–15–14–02.13.i(5).	Review of application—Standard for granting permits to construct and Exemptions.	3/1/03	8/8/05, 70 FR 45539.	
33–15–14–02.13.c and 33–15–14–02.13.o.	Exemptions .....	1/1/07	5/27/08, 73 FR 30308.	
33–15–14–02.19 (one sentence—see explanation).	Amendment of permits .....	3/1/03	1/24/06, 71 FR 3764 .....	Only one sentence was revised and approved with this action. That sentence reads: "In the event that the modification would be a major modification as defined in chapter 33–15–15, the department shall follow the procedures established in chapter 33–15–15." The remainder of subsection 19 was approved on 8/21/95 (60 FR 43396). See above.
33–15–14–03 .....	Minor source permit to operate .....	3/1/94	8/21/95, 60 FR 43396 ....	Excluding subsections 10, 1.c, 4, 5.a(1)(d), 11, and 16 (one sentence) which were subsequently revised and approved. See below. Also see 40 CFR 52.1834.
33–15–14–03.10 ....	[Reserved] .....	8/1/95 & 1/1/96	4/21/97, 62 FR 19224 ....	Moved this section related to fees for Permit to Operate to a new chapter, 33–15–23, Fees.
33–15–14–03.1.c ...	Permit to operate required .....	6/1/01	2/28/03, 68 FR 9565.	
33–15–14–03.4, 33–15–14–03.5.a(1)(d) & 33–15–14–03.11.	Performance testing, Action on applications, and Performance and emission testing.	3/1/03	8/8/05, 70 FR 45539.	
33–15–14–03.16 (One sentence—see explanation).	Amendment of permits .....	3/1/03	1/24/06, 71 FR 3764 .....	Only one sentence was revised and approved with this action. That sentence reads: "In the event that the modification would be a major modification as defined in chapter 33–15–15, the department shall follow the procedures established in chapter 33–15–15." The remainder of subsection 16 was approved on 8/21/95 (60 FR 43396). See above.
33–15–14–04 .....	Permit fees (repealed) .....	3/1/94	8/21/95, 60 FR 43396.	
33–15–14–05 .....	Common provisions applicable to both permit to construct and permit to operate (repealed).	3/1/94	8/21/95, 60 FR 43396.	
33–15–14–07 .....	Source exclusions from title V permit to operate requirements.	6/1/01	2/28/03, 68 FR 9565.	

## STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation <sup>1</sup>	Explanations
33–15–15 Prevention of Significant Deterioration of Air Quality				
33–15–15–01 .....	General provisions (repealed) .....	2/1/05	7/19/07, 72 FR 39564 ....	See additional interpretive materials cited in 56 FR 12848, 3/28/91, regarding NOx increments and in 57 FR 28619, 6/26/92, regarding the State's commitment to meet the requirements of EPA's "Guideline on Air Quality Models (Revised)." Also see 40 CFR 52.1829.
33–15–15–01.1 .....	Purpose .....	2/1/05	7/19/07, 72 FR 39564.	
33–15–15–01.2 .....	Scope .....	2/1/05	7/19/07, 72 FR 39564.	
33–15–15–02 .....	Reclassification .....	2/1/05	7/19/07, 72 FR 39564.	
33–15–17 Restriction of Fugitive Emissions				
33–15–17–01 .....	General provisions—Applicability and designation of affected facilities.	6/1/01	2/28/03, 68 FR 9565.	
33–15–17–02 .....	Restriction of fugitive particulate emissions.	1/1/07	5/27/08, 73 FR 30308.	
33–15–17–03 .....	Reasonable precautions for abating and preventing fugitive particulate emissions.	6/20/78	11/2/79, 44 FR 63102.	
33–15–17–04 .....	Restriction of fugitive gaseous emissions.	6/20/78	11/2/79, 44 FR 63102.	
33–15–18 Stack Heights				
33–15–18–01 .....	General provisions .....	10/1/87	11/14/88, 53 FR 45763.	
33–15–18–02 .....	Good engineering practice demonstrations.	10/1/87	11/14/88, 53 FR 45763.	
33–15–18–03 .....	Exemptions .....	10/1/87	11/14/88, 53 FR 45763.	
33–15–19 Visibility Protection				
33–15–19–01 .....	General provisions .....	10/1/87	9/28/88, 53 FR 37757.	
33–15–19–02 .....	Review of new major stationary sources and major modifications.	10/1/87	9/28/88, 53 FR 37757.	
33–15–19–03 .....	Visibility monitoring .....	10/1/87	9/28/88, 53 FR 37757.	
33–15–20 Control of Emissions from Oil and Gas Well Production Facilities				
33–15–20–01 .....	General provisions .....	6/1/92	8/21/95, 60 FR 43396.	
33–15–20–02 .....	Registration and reporting requirements	6/1/92	8/21/95, 60 FR 43396.	
33–15–20–03 .....	Prevention of significant deterioration applicability and source information requirements.	6/1/92	8/21/95, 60 FR 43396.	
33–15–20–04 .....	Requirements for control of production facility emissions.	6/1/90	6/26/92, 57 FR 28619.	
33–15–23 Fees				
33–15–23–01 .....	Definitions .....	8/1/95	4/21/97, 62 FR 19224.	
33–15–23–02 .....	Permit to construct fees .....	8/1/95	4/21/97, 62 FR 19224.	
33–15–23–03 .....	Minor source permit to operate fees .....	8/1/95	4/21/97, 62 FR 19224.	

<sup>1</sup> In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

Name of source	Nature of requirement	State effective date	EPA approval date and citation <sup>2</sup>	Explanations
Leland Olds Station Units 1 & 2 ..... Milton R. Young Unit 1 Heskett Station Units 1 & 2 Stanton Station Unit 1 American Crystal Sugar at Drayton	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order	5/6/77	10/17/77, 42 FR 55471.	
Tesoro Mandan Refinery .....	SIP Chapter 8, Section 8.3.1, Continuous Opacity Monitoring for Fluid Bed Catalytic Cracking Units: Tesoro Refining and Marketing Co., Mandan Refinery.	2/27/07	5/27/08, 73 FR 30308.	

(e) *EPA-approved nonregulatory provisions*

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/Adopted date	EPA approval date and citation <sup>3</sup>	Explanations
(1) Implementation Plan for the Control of Air Pollution for the State of North Dakota.	Statewide .....	Submitted: 1/24/72; Adopted: 1/24/72; Clarification submitted: 6/14/73, 2/19/74, 6/26/74, 11/21/74, 4/23/75.	5/31/72, 37 FR 10842; with all clarifications on 3/2/76, 41 FR 8956.	Excluding subsequent revisions, as follows: Chapters 6, 11, and 12 and Sections 2.11, 3.2.1, 3.7, 5.2.1, 6.10, 6.11, 6.13, 8.3, and 8.3.1. Revisions to these non-regulatory provisions have subsequently been approved. See below.
Chapters: 1. Introduction 2. Legal Authority 3. Control Strategy 4. Compliance Schedule 5. Prevention of Air Pollution Emergency Episodes 7. Review of New Sources and Modifications 8. Source Surveillance 9. Resources 10. Inter-governmental Cooperation 11. Rules and Regulations With subsequent revisions to the chapters as follows:				
(2) Revisions to SIP Chapter 8, Section 8.3.	.....	Submitted: 5/26/77	10/17/77, 42 FR 55471.	
(3) Revisions to SIP Chapter 2, Section 2.11.	.....	Submitted: 1/17/80	8/12/80, 45 FR 53475.	
(4) SIP Chapter 6, Air Quality Surveillance.	.....	Submitted: 1/17/80	8/12/80, 45 FR 53475.	
(5) Revisions to SIP Chapter 6, Section 6.10.	.....	Submitted: 1/26/88	9/28/88, 53 FR 37757.	
(6) Revisions to SIP Chapter 3, Section 3.7.	.....	Submitted: 4/18/89	10/5/89, 54 FR 41094.	
(7) Revisions to SIP Chapter 3, Section 3.2.1.	.....	Submitted: 4/18/89	8/9/90, 55 FR 32403.	
(8) Revisions to SIP Chapter 5, Section 5.2.1.	.....	Submitted: 4/18/89	8/9/90, 55FR 32403.	
(9) Revisions to SIP Chapter 6, Section 6.11.	.....	Submitted: 4/18/89	8/9/90, 55 FR 32403.	
(10) Revisions to SIP Chapter 6, Section 6.13.	.....	Submitted: 1/9/96 ..	4/21/97, 62 FR 19224.	
(11) Revisions to Chapter 11, Rules & Regulations.	.....	.....	.....	See the table listed above under § 52.1820(c)(1) for most current version of EPA-approved North Dakota regulations.

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/Adopted date	EPA approval date and citation <sup>3</sup>	Explanations
(12) SIP to meet Air Quality Monitoring 40 CFR part 58, subpart c, paragraph 58.20 and public notification required under section 127 of the Clean Air Act.	Statewide .....	Submitted: 1/17/80	8/12/80, 45 FR 53475.	
(13) Stack Height Demonstration Analysis.	Statewide .....	Submitted: 4/18/86 and 7/21/87.	6/7/89, 54 FR 24334.	
(14) Visibility New Source Review and Visibility Monitoring.	Statewide .....	Submitted: 1/26/88	9/28/88, 53 FR 37757.	
(15) Commitment to revise stack height rules in response to NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988).	Statewide .....	Submitted: 5/11/88	11/14/88, 53 FR 45763.	See also 40 CFR 52.1832.
(16) Visibility General Plan and Long-term Strategy.	Statewide .....	Submitted: 4/18/89	10/5/89, 54 FR 41094.	See also 40 CFR 52.1831.
(17) Group III PM10 SIP .....	Statewide .....	Submitted: 4/18/89	8/9/90, 55 FR 32403.	See additional interpretive materials cited in 55 FR 32403, 8/9/90.
(18) Commitment to meet all requirements of EPA's Guideline on Air Quality Models (revised) for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources to be located in non-attainment areas.	Statewide .....	Submitted: 2/14/92	6/26/92, 57 FR 28619.	See additional interpretive materials cited in 57 FR 28619, 6/26/92. Also see 40 CFR 52.1824.
(19) Small Business Assistance Program (SIP Chapter 12).	Statewide .....	Submitted: 11/2/92 and 1/18/93.	1/11/94, 59 FR 1485.	See additional interpretive materials cited in 59 FR 1485, 1/11/94.
(20) Revisions to SIP Chapter 8, Section 8.3.1.	.....	Submitted: 3/8/07	5/27/08, 73 FR 30308.	

<sup>3</sup>In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. E9-9020 Filed 4-20-09; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2008-0863; FRL-8784-2]

#### Revisions to the California State Implementation Plan, Approval of the Ventura County Air Pollution Control District—Reasonably Available Control Technology Analysis

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of revisions to the Ventura County Air Pollution Control District portion of the California State Implementation Plan

(SIP). These revisions were proposed in the **Federal Register** on December 12, 2008 and concern the District's analysis of whether its rules met reasonably available control technology (RACT) under the 8-hour ozone National Ambient Air Quality Standards (NAAQS). We are approving the analysis under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** *Effective Date:* This rule is effective on May 21, 2009.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2008-0863 for this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and

some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Stanley Tong, EPA Region IX, (415) 947-4122, [tong.stanley@epa.gov](mailto:tong.stanley@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

#### Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Statutory and Executive Order Reviews

#### I. Proposed Action

On December 12, 2008 (73 FR 75626), EPA proposed to approve the following document into the California SIP.

Local agency	Document	Adopted	Submitted
VCAPCD .....	2006 Reasonably Available Control Technology Analysis .....	06/27/06 .....	01/31/07