

## EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
Subsection 2. Sulfur Oxides ...	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Subsection 3. Carbon Monoxide.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Subsection 4. Nitrogen Dioxide.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Subsection 5. Photochemical Oxidants.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Sections VIII through XI: Section VIII—Prevention of Emergency Episodes.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "State Plan." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Section IX—Compliance Schedule.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section X—Source Surveillance System.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section XI—Permit and Registration System.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section XII—Air Quality Surveillance Network:				
Section XII—Air Quality Surveillance Network.	State-wide .....	08/21/80	08/10/81, 46 FR 40512.	
Air Quality Surveillance Network, SIP Amendment—PM <sub>10</sub> .	State-wide .....	09/14/88	07/09/04, 69 FR 41431.	
Sections XIII and XIV: Section XIII—Intergovernmental Cooperation.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section XIV—Resources .....	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
<b>State of Hawaii Air Pollution Control Implementation Plan for Lead</b>				
State of Hawaii Air Pollution Control Implementation Plan for Lead.	State-wide .....	10/29/82	08/18/83, 48 FR 37402.	Excluding section II ("Notice of Public Hearing"); Hawaii Statute on Environmental Quality, Chapter 342, Hawaii Revised Statutes, section 342-7 [see 74 FR 11037 (March 16, 2009)]; and section IV ("Control Regulations").

[FR Doc. E9-13590 Filed 6-10-09; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA-R04-OAR-2008-0831-200825(a); FRL-8915-7]****Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve the State Implementation Plan (SIP) revision submitted by the Georgia Department of Natural Resources (DNR), through the Georgia Environmental Protection Division (EPD), on June 25, 2008. The revisions include modifications to Georgia's Air Quality Rules found at Chapters 391-3-1-.01, and 391-3-1-.02, pertaining to "Definitions," and "Emission Limitations and Standards," respectively. This action is being taken

pursuant to section 110 of the Clean Air Act (CAA).

**DATES:** This direct final rule is effective August 10, 2009 without further notice, unless EPA receives adverse comment by July 13, 2009. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2008-0831, by one of the following methods:

1. *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *E-mail*: [harder.stacy@epa.gov](mailto:harder.stacy@epa.gov).

3. *Fax*: 404-562-9019.

4. *Mail*: "EPA-R04-OAR-2008-0831," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier*: Stacy Harder, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. "EPA-R04-OAR-2008-0831." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA

recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

**Docket:** All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, 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 electronically in *http://www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management 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 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Stacy Harder, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9042. Ms. Harder can also be reached via electronic mail at [harder.stacy@epa.gov](mailto:harder.stacy@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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- II. Analysis of the State's Submittal
- III. Final Action
- IV. Statutory and Executive Order Reviews

#### **I. EPA's Action**

EPA is approving a SIP revision submitted by the DNR through EPD on June 25, 2008. The revisions include changes to Georgia's Air Quality Rules, found at Chapters 391-3-1-.01, and 391-3-1-.02, pertaining to "Definitions," and "Emission Limitations and Standards,"

respectively. These revisions became State effective on June 8, 2008.

#### **II. Analysis of State's Submittal**

Georgia is revising rule 391-3-1-.01, "Definitions," subparagraph (nnnn), pertaining to "Procedures for Testing and Monitoring Sources of Air Pollutants." The revised language updates the rule to reference the most current version of the procedures which is dated January 1, 2008.

Additionally, Georgia is revising rule 391-3-1-.02(2), "Emission Limitations and Standards," subparagraph (a) relating to "General Provisions." Georgia is amending subparagraph (a)(6), "VOC Emissions Standards, Exemptions, Area Designations, Compliance Schedules and Compliance Determinations," to provide clarification and consistency with rules referenced in the general provisions. Specifically, the revision removes language to subparagraphs 6(i)(II) and (III) to clarify the rules that the subparagraphs are referencing. The revision also removes a specific compliance schedule under subparagraph 6(ii)(II) that is no longer applicable, and was implemented by 1994.

#### **III. Final Action**

EPA is taking direct final action to approve the aforementioned revisions, specifically, Chapters 391-3-1-.01(nnnn) and 391-3-1-.02(2), into the Georgia SIP. These revisions were submitted by GA EPD on June 25, 2008. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective August 10, 2009 without further notice unless the Agency receives adverse comments by July 13, 2009.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 10, 2009 and no further action will be taken on the proposed rule. Please note that if we

receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

#### 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, 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 Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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 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 August 10, 2009. 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 1, 2009.

**Beverly H. Banister,**

*Acting Regional Administrator, Region 4.*

■ 40 CFR part 52 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 L—Georgia

■ 2. Section 52.570(c) is amended by revising the entries for "391-3-1-.01, and 391-3-1-.02" to 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 .....	6/8/2008	6/11/2009 [Insert citation of publication]	
391-3-1-.02 .....	Provisions .....	6/8/2008	6/11/2009 [Insert citation of publication]	
*	*	*	*	*

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[FR Doc. E9-13591 Filed 6-10-09; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 52****[EPA-R09-OAR-2009-0230; FRL-8900-8]****Revisions to the California State  
Implementation Plan, Monterey Bay  
Unified Air Pollution Control District,  
Placer County Air Pollution Control  
District****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and Placer County Air Pollution Control District (PCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from storage tanks and the operation of steam drive crude oil production wells. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on August 10, 2009 without further notice, unless EPA receives adverse comments by July 13, 2009. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public

that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2009-0230, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or e-mail. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](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:** Nicole Law, EPA Region IX, (415) 947-4126, [Law.Nicole@epa.gov](mailto:Law.Nicole@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

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**I. The State’s Submittal****A. What rules did the State submit?**

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

**TABLE 1—SUBMITTED RULES**

Local agency	Rule No.	Rule title	Adopted	Submitted
MBUAPCD .....	427	Steam Drive Crude Oil Production Wells .....	10/17/07	03/07/08
PCAPCD .....	212	Storage of Organic Liquids .....	06/19/97	07/18/08

On April 17, 2008 and August 22, 2008, these rule submittals were found to meet the completeness criteria in 40 CFR Part 51, Appendix V, which must be met before formal EPA review.

**B. Are there other versions of these rules?**

We approved versions of MBUAPCD Rule 427 and PCAPCD Rule 212 into the SIP on August 22, 2002 (see 67 FR 54349) and May 6, 1996 (see 61 FR 20145). There have been no subsequent submittals of these rules.

**C. What is the purpose of the submitted rule revisions?**

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. PCAPCD Rule 212 limits emissions of VOCs from storage tanks. The June 19, 2008 amendments to Rule 212 are mostly administrative changes to improve on the formatting and clarity of the rule. MBUAPCD Rule 427 limits emissions of VOCs from the operation of steam drive crude oil production wells. The majority of the October 17, 2007

amendments to Rule 427 were editorial in nature, and the major changes made narrowed an exemption and required documentation to claim exemption. EPA’s technical support documents (TSD) have more information about these rules.

**II. EPA’s Evaluation and Action****A. How is EPA evaluating the rules?**

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document