



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2013-0589; FRL-9908-50-Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update of the Motor Vehicle Emissions Budgets for the Reading 1997 Eight-Hour Ozone National Ambient Air Quality Standard Maintenance Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Commonwealth Pennsylvania's (Pennsylvania) State Implementation Plan (SIP). The revisions consist of an update to the SIP-approved Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_x) for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) SIP for Berks County (Reading Maintenance Area). The SIP revision also includes updated point and area source inventories for NO_x. This rulemaking action proposes to approve the updated MVEBs and thereby make them available for transportation conformity purposes. EPA is approving these revisions to the MVEBs and point and area source inventories in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on [insert date 60 days after publication in the Federal Register] without further notice, unless EPA receives adverse written comment by [insert date 30 days after publication in the Federal Register]. 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 Number EPA-R03-OAR-2013-

0589 by one of the following methods:

- A. www.regulations.gov. Follow the on-line instructions for submitting comments.
- B. E-mail: fernandez.cristina@epa.gov.
- C. Mail: EPA-R03-OAR-2013-0589, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.
- D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-R03-OAR-2013-0589. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at 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 information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov website 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 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.

Docket: All documents in the electronic docket are listed in the 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 www.regulations.gov or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, (215) 814-2071, or by e-mail at khadr.asrah@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On July 22, 2013, Pennsylvania submitted a formal revision to its SIP. The SIP revision consists of updated MVEBs for NO_x for the 1997 Eight-Hour Ozone NAAQS. The SIP revision also includes updated point and area source inventories for NO_x.

On July 18, 1997 (62 FR 38856), EPA established the 1997 Eight-Hour Ozone NAAQS. On April 30, 2004 (69 FR 23858), Berks County was designated as nonattainment for the 1997 Eight-Hour Ozone NAAQS. On January 25, 2007, the Pennsylvania Department of Environmental Protection (PADEP) submitted a SIP revision which consisted of a maintenance plan, a 2002 base year inventory and MVEBs for transportation conformity purposes. On August 24, 2007 (72 FR 48559), EPA approved the SIP revision as well as the redesignation request made by PADEP. Berks County was redesignated as a maintenance area.

The currently SIP-approved MVEBs for the Reading Maintenance Area were developed using the Highway Mobile Source Emission Factor Model (MOBILE6.2). On March 2, 2010 (75 FR 9411), EPA published a notice of availability for the Motor Vehicle Emissions Simulator (MOVES2010) model for use in developing MVEBs for SIPs and for conducting transportation conformity analyses. EPA commenced a two year grace period after which time the MOVES2010 model would have to be used for transportation conformity purposes. The two year grace period was scheduled to end on March 2, 2012. On February 27, 2012 (77 FR 11394), EPA published a final rule extending the grace period for one more year to March 2, 2013 to ensure adequate time for affected parties to have the capacity to use the MOVES model to develop or update the applicable MVEBs in SIPs and to conduct conformity analyses. On September 8, 2010, EPA released MOVES2010a, which is a minor update to MOVES2010 and which is used by Pennsylvania in this SIP revision.

II. Summary of SIP Revision

This SIP revision includes an update to the MVEBs for NO_x for the years 2009 (interim year)

and 2018 (maintenance year) that were produced using the MOVES2010a model. This SIP revision also includes an update to the point and area source inventories for NO_x. The MVEBs, as well as the point and area source inventories, were not updated for volatile organic compounds (VOCs), therefore providing information about VOCs in the tables below is not applicable (N/A). A comparison between the previous point source inventory and the updated point source inventory is provided in Table 1. (Summary of Point Source Inventory). A comparison between the previous area source inventory and the updated area source inventory is provided in Table 2. (Summary of Area Source Inventory). The previously approved MVEBs were produced using the Mobile Source Emission Factor Model (MOBILE6.2). A summary of the updated MOVES-based emissions and previously approved MOBILE6.2-based emissions for the years 2004, 2009, and 2018 is provided in Table 3. (Summary of Motor Vehicle Emissions). Even though there is an emissions increase in the MOVES-based MVEBs, the increase is not due to an increase in emissions from mobile sources. The increase is due to the fact that the MOVES model provides more accurate emissions estimates than MOBILE6.2, rather than growth that had not been anticipated in the maintenance plan. Also, part of the update of the MVEBs is the addition of a 2 ton per day (tpd) safety margin for NO_x. The MVEBs that will be utilized for transportation conformity purposes and include the safety margins are presented in Table 4. (Updated MVEBs). These safety margins were added because emissions in the interim (2009) and maintenance (2018) years are significantly less than the attainment year emissions, which is the year that the Reading Maintenance Area attained the standard. A detailed summary of EPA's review and rationale for proposing to approve this SIP revision may be found in the Technical Support Documents (TSDs) prepared in support of this proposed rulemaking action and are available on line at <http://www.regulations.gov>, Docket number EPA-R03-OAR-2013-0589.

Table 1. Summary of Point Source Inventory in TPD				
	Current		Updated	
Year	2009	2018	2009	2018
NO _x	16.8	19.2	11.5	12.6

Table 2. Summary of Area Source Inventory in TPD				
	Current		Updated	
Year	2009	2018	2009	2018
NO _x	2.2	2.3	2.3	2.1

Table 3. Summary of Motor Vehicle Emissions in TPD						
Model	MOBILE6.2			MOVES2010a		
Year	2004	2009	2018	2004	2009	2018
VOCs	17.0	12.1	6.5	N/A	N/A	N/A
NO _x	29.8	20.7	8.4	34.4	27.0	12.9

Table 4. Updated MVEBs in TPD		
Year	2009	2018
VOCs	N/A	N/A
NO _x	29.0	14.9

III. Final Action

EPA is approving Pennsylvania's SIP revision request from July 22, 2013 to update the SIP-approved MVEBs for the Reading Maintenance Area to reflect the use of the MOVES model.

EPA is also proposing to approve the update to the SIP-approved point and area source inventories. EPA is approving this SIP revision because it will allow the Reading Maintenance Area to continue to be in attainment of the 1997 Eight-Hour Ozone NAAQS, and our in depth review of the SIP revision leads EPA to conclude that the updated MVEBs meet the adequacy

requirements set forth in 40 CFR 93.118(e)(4)(i)-(vi), and the updated MVEBs have been correctly calculated to reflect the use of the MOVES model. As a result of EPA's approval, these updated MVEBs will be both adequate and SIP-approved for purposes of transportation conformity. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's Federal Register, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on [insert date 60 days from date of publication in the Federal Register] without further notice unless EPA receives adverse comment by [insert date 30 days from date of publication in the Federal Register]. If EPA receives adverse comment, EPA will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive 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 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, 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.

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. 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).

C. Petitions for Judicial Review

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 [Insert date 60 days from date of publication of this document in the Federal Register]. 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 today's 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 action. This rulemaking action pertaining to the update of the SIP-approved MVEBs and point and area source inventories for the Reading Maintenance Area 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, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: March 7, 2014.

W. C. Early, Acting
Regional Administrator,
Region III.

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 NN–Pennsylvania

2. In § 52.2020, the table in paragraph (e)(1) is amended by revising the entry for the 8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory for Reading Area (Berks County). The revised text reads as follows:

§ 52.2020 Identification of plan.

* * * * *

(e)***

(1)***

Name of non-regulatory SIP revision	Applicable geographic Area	State submittal date	EPA approval date	Additional explanation
* * * * *				
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory	Reading Area (Berks County)	1/25/07	8/24/07 72 FR 41906	Correction Notice published 1/14/08, 73 FR 2162.
		7/22/13	<u>[Insert Federal Register publication date]</u> <u>[Insert page number where the document begins]</u>	Revised 2009 and 2018 Motor Vehicle Emission Budgets. Revised 2009 and 2018 point and area source inventories. See sections 52.2043 and 52.2052.

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3. Section 52.2043 is amended by designating the existing paragraph as (a) and adding paragraph (b) to read as follows:

§ 52.2043 Control strategy for maintenance plans: ozone.

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(b)(1) As of [insert Federal Register publication date], EPA approves the following revised 2009 and 2018 point source inventory for nitrogen oxides (NO_x) for the Reading 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable Geographic Area	Year	Tons Per Day NO_x
Reading 1997 8-Hour Ozone Maintenance Area	2009	11.5
Reading 1997 8-Hour Ozone Maintenance Area	2018	12.6

(2) As of [insert Federal Register publication date], EPA approves the following revised 2009 and 2018 area source inventory for nitrogen oxides (NO_x) for the Reading 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable Geographic Area	Year	Tons Per Day NO_x
Reading 1997 8-Hour Ozone Maintenance Area	2009	2.3
Reading 1997 8-Hour Ozone Maintenance Area	2018	2.1

4. Section 52.2052 is amended by designating the existing paragraph as (a) and adding paragraph (b) to read as follows:

§ 52.2052 Motor vehicle emissions budgets for Pennsylvania ozone areas.

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As of [insert Federal Register publication date], EPA approves the following revised 2009 and 2018 Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_x) for the Reading 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable Geographic Area	Year	Tons Per Day NO_x
Reading 1997 8-Hour Ozone Maintenance Area	2009	29.0
Reading 1997 8-Hour Ozone Maintenance Area	2018	14.9

[FR Doc. 2014-06671 Filed 03/28/2014 at 8:45 am; Publication Date: 03/31/2014]