



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA-R03-OAR-2014-0789; FRL- 9925-94-Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Allentown Nonattainment Area to Attainment for the 2006 24-Hour Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Commonwealth of Pennsylvania's request to redesignate to attainment the Allentown Nonattainment Area (Allentown Area or Area) for the 2006 24-hour fine particulate matter (PM_{2.5}) national ambient air quality standard (NAAQS or standard). EPA has determined that the Allentown Area attained the 2006 24-hour PM_{2.5} NAAQS and that it continues to attain the standard. In addition, EPA is approving, as a revision to the Pennsylvania State Implementation Plan (SIP), the Allentown Area maintenance plan to show maintenance of the 2006 24-hour PM_{2.5} NAAQS through 2025 for the Area. The maintenance plan includes the 2017 and 2025 PM_{2.5} and nitrogen oxides (NO_x) mobile vehicle emissions budgets (MVEBs) for the Area for the 2006 24-hour PM_{2.5} NAAQS, which EPA is approving for transportation conformity purposes. Furthermore, EPA is approving the 2007 base year emissions inventory, also included in the maintenance plan, for the Area for the 2006 24-hour PM_{2.5} NAAQS. These actions are being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on **[insert date of publication]**.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2014-0789. All documents in the docket are listed in the www.regulations.gov website. Although listed in the electronic docket, some information is not publicly available, i.e., 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 either electronically through www.regulations.gov or in hard copy for public inspection 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: Rose Quinto at (215) 814-2182, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On September 5, 2014, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), formally submitted a request to redesignate the Allentown Area from nonattainment to attainment for the 2006 24-hour PM_{2.5} NAAQS. Concurrently, PADEP submitted a maintenance plan for the Area as a SIP revision to ensure continued attainment throughout the Area over the next 10 years. The maintenance plan includes

the 2017 and 2025 PM_{2.5} and NO_x MVEBs for the Area for the 2006 24-hour PM_{2.5} NAAQS, which EPA is approving for transportation conformity purposes. PADEP also submitted a 2007 comprehensive emissions inventory that was included in the maintenance plan for the 2006 24-hour PM_{2.5} NAAQS for PM_{2.5}, NO_x, sulfur dioxide (SO₂), volatile organic compounds (VOC), and ammonia (NH₃).

On February 4, 2015 (80 FR 6019), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. In the NPR, EPA proposed approval of Pennsylvania's September 5, 2014 request to redesignate the Allentown Area to attainment for the 2006 24-hour PM_{2.5} NAAQS. EPA also proposed approval of the associated maintenance plan as a revision to the Pennsylvania SIP for the 2006 24-hour PM_{2.5} NAAQS, which includes the 2017 and 2025 for PM_{2.5} and NO_x MVEBs for the 2006 24-hour PM_{2.5} NAAQS, which EPA proposed to approve for purposes of transportation conformity. In addition, EPA proposed approval of the 2007 emissions inventory to meet the emissions inventory requirement of section 172(c)(3) of the CAA.

The details of Pennsylvania's submittal and the rationale for EPA's proposed actions are explained in the NPR and will not be restated here. No adverse public comments were received on the NPR.

II. Final Actions

EPA is taking final actions on the redesignation request and SIP revisions submitted on September 5, 2014 by the Commonwealth of Pennsylvania, through PADEP for the Allentown

Area for the 2006 24-hour PM_{2.5} NAAQS. First, EPA finds that the monitoring data demonstrates that the Area has attained the 2006 24-hour PM_{2.5} NAAQS, and continues to attain the standard. Approval of this redesignation request will change the official designation of the Allentown Area from nonattainment to attainment for the 2006 24-hour PM_{2.5} NAAQS. Second, EPA is approving Pennsylvania's redesignation request for the 2006 24-hour PM_{2.5} NAAQS, because EPA has determined that the request meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA for this standard. Third, EPA is approving the associated maintenance plan for the Allentown Area as a revision to the Pennsylvania SIP for the 2006 24-hour PM_{2.5} NAAQS because it meets the requirements of section 175A of the CAA. The maintenance plan includes the 2017 and 2025 PM_{2.5} and NO_x MVEBs submitted by Pennsylvania for the Allentown Area for transportation conformity purposes. In addition, EPA is approving the 2007 emissions inventory as meeting the requirement of section 172(c)(3) of the CAA for the standard.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this rulemaking action to become effective immediately upon publication. A delayed effective date is unnecessary due to the nature of a redesignation to attainment, which eliminates CAA obligations that would otherwise apply. The immediate effective date for this rulemaking action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction," and section 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a

reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rulemaking action, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rulemaking action relieves the Commonwealth of Pennsylvania of the obligation to comply with nonattainment-related planning requirements for the Area pursuant to part D of the CAA and approves certain emissions inventories and MVEBs for the Area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d) for this rulemaking action to become effective on the date of publication.

III. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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 (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.

This action, approving the redesignation request and maintenance plan and comprehensive emissions inventory for the Allentown Area for the 2006 24-hour PM_{2.5} NAAQS, may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects

40 CFR part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

40 CFR part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 25, 2015.

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

40 CFR parts 52 and 81 are 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 adding an entry for 2006 24-Hour PM_{2.5} Maintenance Plan and 2007 Base Year Emissions Inventory at the end of the table to read 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 |
|--|--|----------------------|---|---------------------------------|
| * * * * * | | | | |
| 2006 24-Hour PM _{2.5} Maintenance Plan and 2007 Base Year Emissions Inventory | Allentown Area (Lehigh and Northampton Counties) | 9/5/14 | [<u>Insert date of Federal Register publication</u>] [<u>Insert Federal Register citation</u>] | See §52.2036(t) and §52.2059(o) |

* * * * *

3. Section 52.2036 is amended by adding paragraph (t) to read as follows:

§ 52.2036 Base year emissions inventory.

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(t) EPA approves as revisions to the Pennsylvania State Implementation Plan the 2007 base year emissions inventory for the Allentown 2006 24-hour fine particulate matter (PM_{2.5}) nonattainment area submitted by the Pennsylvania Department of Environmental Protection on September 5, 2014. The emissions inventory includes emissions estimates that cover the general source categories of point, area, nonroad, and onroad sources. The pollutants that comprise the inventory are PM_{2.5}, nitrogen oxides (NO_x), volatile organic compounds (VOCs), ammonia (NH₃), and sulfur dioxide (SO₂).

4. Section 52.2059 is amended by adding paragraph (o) to read as follows:

§ 52.2059 Control strategy: Particular matter.

* * * * *

(o) EPA approves the maintenance plan for the Allentown nonattainment area for the 2006 24-hour PM_{2.5} NAAQS submitted by the Commonwealth of Pennsylvania on September 5, 2014. The maintenance plan includes the 2017 and 2025 PM_{2.5} and NO_x mobile vehicle emissions budgets (MVEBs) for Lehigh and Northampton Counties to be applied to all future transportation conformity determinations and analyses for the Allentown nonattainment area for the 2006 24-hour PM_{2.5} NAAQS.

**Allentown Area’s Motor Vehicle Emission Budgets for the
2006 24-hour PM_{2.5} NAAQS in tons per year**

| Type of control strategy SIP | Year | PM _{2.5} | NO _x | Effective date of SIP approval |
|------------------------------|------|-------------------|-----------------|-------------------------------------|
| Maintenance Plan | 2017 | 297 | 8,081 | [Insert date of publication] |
| | 2025 | 234 | 5,303 | [Insert date of publication] |

PART 81 – DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

5. The authority citation for part 81 continues to read as follows:

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

6. Section 81.339 is amended under the table entitled “2006 24-Hour PM_{2.5} NAAQS” by revising the entries for “Allentown, PA” to read as follows:

§ 81.339 Pennsylvania

* * * * *

PENNSYLVANIA – 2006 24-Hour PM_{2.5} NAAQS

[Primary and secondary]

| Designated Area | Designation ^a | | Classification | |
|--------------------|--|------------|-------------------|------|
| | Date ¹ | Type | Date ² | Type |
| * * * * * | | | | |
| Allentown, PA: | | | | |
| Lehigh County | [Insert Federal Register publication date] | Attainment | | |
| Northampton County | [Insert Federal Register publication date] | Attainment | | |
| * * * * * | | | | |

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is 30 days after November 13, 2009, unless otherwise noted.

² This date is July 2, 2014, unless otherwise noted.

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