

adjustment activities will occur as required.

No Takings Implications

The Agency has analyzed this final rule in accordance with the principles and criteria found in E.O. 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights*, and has determined that the rule does not pose the risk of a taking of protected private property.

Controlling Paperwork Burdens on the Public

This final rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law, or are not already approved for use, and therefore imposes no additional paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), and its implementing regulations at 5 CFR part 1320, do not apply.

National Environmental Policy Act

Agency regulations at 36 CFR 220.6(d)(2) (73 FR 43093) exclude from documentation in an environmental assessment or impact statement “rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions.” The Agency has concluded that the revisions to regulations effected in this final rule fall within this category of actions and that no extraordinary circumstances exist which would require preparation of an environment assessment or environmental impact statement.

Energy Effects

This final rule has been reviewed under E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.” It has been determined that this final rule does not constitute a significant energy action as defined in E.O. 13211.

Civil Justice Reform

The Agency has analyzed this rule in accordance with the principles and criteria of Executive Order 12988, *Civil Justice Reform*. The Agency has not identified any State or local laws or regulations that conflict with this regulation or that would impede full implementation of this rule. Nevertheless, in the event that such conflicts were to be identified, the final rule, if implemented, will preempt the State or local laws or regulations found to be in conflict. However, in that case, (1) no retroactive effect will be given to

this final rule; and (2) the USDA will not require the use of administrative proceedings before parties could file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Agency has assessed the effects of this final rule on State, local, and Tribal governments and the private sector. This final rule does not compel the expenditure of \$100 million or more by any State, local, or Tribal governments, or anyone in the private sector. Therefore, statements as described under sections 202 and 205 of the Act are not required.

List of Subjects in 36 CFR Part 254

Community facilities, National forests.

Therefore, for the reasons set forth in the preamble, the Forest Service amends part 254 of title 36 of the Code of Federal Regulations as follows:

PART 254—LANDOWNERSHIP ADJUSTMENT

Subpart C—Conveyance of Small Tracts

■ 1. The authority citation for part 254, subpart C, continues to read:

Authority: Pub. L. 97–465; 96 Stat. 2535.

■ 2. Amend § 254.32 by revising the section heading, and adding paragraph (c) to read as follows:

§ 254.32 Encroachments and other improvements.

* * * * *

(c) This subpart also allows conveyance of parcels that are used as a cemetery (including a parcel of not more than one acre adjacent to the parcel used as a cemetery), a landfill, or a sewage treatment plant under a special use authorization issued or otherwise authorized by a Forest Service official.

■ 3. Amend § 254.35 by revising paragraph (c) to read as follows:

§ 254.35 Limitations.

* * * * *

(c) The value of Federal lands conveyed in any transaction, pursuant to this subpart, shall not exceed \$500,000.

* * * * *

■ 4. Amend § 254.36 by revising paragraph (a) to read as follows:

§ 254.36 Determining public interest.

(a) All pertinent requirements of this subpart must be met before a

determination of public interest is made.

* * * * *

■ 5. Add § 254.38 to read as follows:

§ 254.38 Disposition of proceeds.

(a) The net proceeds derived from any sale or exchange in § 254.32(c) shall be deposited in the fund commonly known as the “Sisk Act” account.

(b) Amounts deposited shall be available until expended for:

(1) Acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived; or

(2) Acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land that enhance opportunities for recreational access.

Dated: January 29, 2020.

James E. Hubbard,

Undersecretary, Natural Resources and Environment.

[FR Doc. 2020–02299 Filed 2–12–20; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2019–0431; FRL–10004–30–Region 9]

Approval and Conditional Approval of California Air Plan Revision, Imperial County Air Pollution Control District, Reasonably Available Control Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve in part and conditionally approve in part revisions to the Imperial County Air Pollution Control District (ICAPCD or “District”) portion of the California State Implementation Plan (SIP). These revisions concern the ICAPCD’s Reasonably Available Control Technology (RACT) requirements for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) and negative declarations for several source categories. We are approving the local SIP revisions to demonstrate that RACT is implemented as required under the Clean Air Act (CAA or “the Act”).

DATES: These rules are effective on March 16, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID

No. EPA-R09-OAR-2019-0431. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., 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 through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Eugene Chen, EPA Region IX, (415) 947-4304, chen.eugene@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the 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 September 19, 2019 (84 FR 49202), the EPA proposed to approve and conditionally approve the ICAPCD’s “Reasonably Availability Control Technology Analysis for the 2017 Imperial County State Implementation Plan for the 2008 8-hr Ozone Standard” (2017 RACT SIP), which was submitted to the EPA by the California Air Resources Board (CARB) on November 14, 2017, for approval as a revision to the California SIP. The 2017 RACT SIP also included ICAPCD’s Minute Order No. 20, which adopted the 2017 RACT SIP and negative declarations for the 2017 RACT SIP.

Specifically, the EPA proposed to conditionally approve the ICAPCD’s 2017 RACT SIP with respect to Rule 415, *Transfer and Storage of Gasoline*, and to approve the remainder of the 2017 RACT SIP. The EPA proposed to fully approve the ICAPCD’s negative declarations for the 2017 RACT SIP.

We proposed to approve and conditionally approve the 2017 RACT SIP and negative declarations because we determined that with the exception of the deficiency identified in Rule 415, they complied with the relevant CAA requirements, and the District and CARB made commitments to revise Rule 415 that were sufficient to allow for a conditional approval with respect to sources covered by the Control Techniques Guidelines source category Control of Hydrocarbons from Tank

Truck Gasoline Loading Terminals (EPA-450/2-77-026). Our proposed action contains more information on the submitted documents and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted, and there is no change to our assessment of the SIP submittals as described in our proposed action. Therefore, as authorized in section 110(k)(3) and (k)(4) of the Act, the EPA is conditionally approving the ICAPCD’s 2017 RACT SIP with respect to Rule 415, *Transfer and Storage of Gasoline*, and approving the remainder of ICAPCD’s 2017 RACT SIP. In addition, the EPA is fully approving the ICAPCD’s negative declarations for the 2017 RACT SIP.

The EPA is also making a non-substantive change to 40 CFR 52.222(a)(12), combining existing paragraphs 52.222(a)(12)(i) and 52.222(a)(12)(ii) by moving the text of paragraph 52.222(a)(12)(ii), “Submitted on December 21, 2010 and adopted on July 13, 2010,” to precede the CTG table in paragraph 52.222(a)(12)(i). The negative declarations that are being added in this rulemaking action are being placed in paragraph 52.222(a)(12)(ii).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 that they meet the criteria of the Clean Air Act. 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

- 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 Clean Air Act; and

- Does not provide the 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 the 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).

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. The 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 April 13, 2020. 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 30, 2019.
Deborah Jordan,
Acting Regional Administrator, Region IX.
 Part 52, chapter I, title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(530) to read as follows:

§ 52.220 Identification of plan—in part.

- (c) * * *
- (530) The following plan was submitted on November 14, 2017 by the Governor’s designee.
 - (i) [Reserved]
 - (ii) *Additional Materials.*

(A) Imperial County Air Pollution Control District.

(1) Imperial County 2017 State Implementation Plan for the 2008 8-Hour Ozone Standard, adopted September 12, 2017, Chapter 7 (“Reasonably Available Control Technology Assessment”).

(2) Imperial County 2017 State Implementation Plan for the 2008 8-Hour Ozone Standard, adopted September 12, 2017, Appendix B (“Reasonably Available Control Technology Analysis for the 2017 Imperial County State Implementation Plan for the 2008 8-Hour Ozone Standard”).

(B) [Reserved]
 * * * * *

■ 3. Section 52.222 is amended by revising paragraph (a)(12) to read as follows:

- (a) * * *
- (12) Imperial County Air Pollution Control District.
 - (i) Submitted on December 21, 2010 and adopted on July 13, 2010.

CTG document No.	Title
Aerospace	EPA-453/R-97-004, Aerospace CTG and MACT.
Automobile and Light-duty Trucks, Surface Coating of.	EPA-450/2-77-008, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Cans and Coils, Surface Coating of	EPA-453/R-08-006, Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings.
Fiberglass Boat Manufacturing	EPA-450/2-77-008, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Flat Wood Paneling, Surface Coating of.	EPA-453/R-08-004, Controls Techniques Guidelines for Fiberglass Boat Manufacturing.
Flexible Packing Printing	EPA-450/2-78-032, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling.
Graphic Arts—Rotogravure and Flexography.	EPA-453/R-06-004, Control Techniques Guidelines for Flat Wood Paneling Coatings.
Large Appliances, Surface Coating of.	EPA-453/R-06-003, Control Techniques Guidelines for Flexible Package Printing.
Large Petroleum Dry Cleaners	EPA-450/2-78-033, Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Graphic Arts—Rotogravure and Flexography.
Offset Lithographic Printing and Letterpress Printing.	EPA-450/2-77-034, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances.
Magnet Wire, Surface Coating for Insulation of.	EPA-453/R-07-004, Control Techniques Guidelines for Large Appliance Coatings.
Metal Furniture Coatings	EPA-450/3-82-009, Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners.
Miscellaneous Metal and Plastic Parts Coatings.	EPA-453/R-06-002, Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing.
Miscellaneous Metal Parts and Products, Surface Coating of.	EPA-450/2-77-033, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Insulation of Magnet Wire.
Miscellaneous Industrial Adhesives	EPA-450/2-77-032, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture.
Natural Gas/Gasoline Processing Plants Equipment Leaks.	EPA-453/R-07-005, Control Techniques Guidelines for Metal Furniture Coatings.
Paper, Film and Foil Coatings	EPA-453/R-08-003, Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings.
Petroleum Refineries	EPA-450/2-78-015, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Miscellaneous Metal Parts and Products.
Pharmaceutical Products	EPA-453/R-08-005, Control Techniques Guidelines for Miscellaneous Industrial Adhesives.
Pneumatic Rubber Tires, Manufacture of.	EPA-450/2-83-007, Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants.
	EPA-453R-07-003, Control Techniques Guidelines for Paper, Film and Foil Coatings.
	EPA-450/2-77-025, Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
	EPA-450/2-78-036, Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment.
	EPA-450/2-78-029, Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.
	EPA-450/2-78-030, Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.

CTG document No.	Title
Polyester Resin	EPA-450/3-83-008, Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins. EPA-450/3-83-006, Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
Shipbuilding/Repair	EPA-453/R-94-032, Shipbuilding/Repair.
Synthetic Organic Chemical	EPA-450/3-84-015, Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry. EPA-450/4-91-031, Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry.
Wood Furniture	EPA-453/R-96-007, Wood Furniture.

(ii) The following negative declarations for the 2008 8-hour ozone NAAQS were adopted by the Imperial County Air Pollution Control District on September 12, 2017, and submitted to the EPA on November 14, 2017.

CTG document No.	Title
EPA-450/2-77-008	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
EPA-450/2-77-022	Control of Volatile Organic Emissions from Solvent Metal Cleaning.
EPA-450/2-77-025	Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
EPA-450/2-77-032	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture.
EPA-450/2-77-033	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Insulation of Magnet Wire.
EPA-450/2-77-034	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances.
EPA-450/2-78-015	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VI: Surface Coating of Miscellaneous Metal Parts and Products.
EPA-450/2-78-029	Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.
EPA-450/2-78-030	Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.
EPA-450/2-78-032	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling.
EPA-450/2-78-033	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography.
EPA-450/2-78-036	Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment.
EPA-450/3-82-009	Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners.
EPA-450/3-83-006	Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
EPA-450/3-83-007	Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants.
EPA-450/3-83-008	Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.
EPA-450/3-84-015	Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry.
EPA-450/4-91-031	Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry.
EPA-453/R-96-007	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.
EPA-453/R-94-032, 61 FR 44050; 8/27/96.	Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating).
EPA-453/R-97-004, 59 FR 29216; 6/06/94.	Aerospace (CTG & MACT).
EPA-453/R-06-001	Control Techniques Guidelines for Industrial Cleaning Solvents.
EPA-453/R-06-002	Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing.
EPA-453/R-06-003	Control Techniques Guidelines for Flexible Package Printing.
EPA-453/R-06-004	Control Techniques Guidelines for Flat Wood Paneling Coatings.
EPA 453/R-07-003	Control Techniques Guidelines for Paper, Film, and Foil Coatings.
EPA 453/R-07-004	Control Techniques Guidelines for Large Appliance Coatings.
EPA 453/R-07-005	Control Techniques Guidelines for Metal Furniture Coatings.
EPA 453/R-08-003	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, Table 2—Metal Parts and Products.
EPA 453/R-08-003	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, Table 3—Plastic Parts and Products.
EPA 453/R-08-003	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, Table 4—Automotive/Transportation and Business Machine Plastic Parts.
EPA 453/R-08-003	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, Table 5—Pleasure Craft Surface Coating.
EPA 453/R-08-003	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, Table 6—Motor Vehicle Materials.
EPA 453/R-08-004	Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials.
EPA 453/R-08-005	Control Techniques Guidelines for Miscellaneous Industrial Adhesives.
EPA 453/R-08-006	Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings.
EPA 453/B16-001	Control Techniques Guidelines for the Oil and Natural Gas Industry.

* * * * *

■ 4. Section 52.248 is amended by adding paragraph (i) to read as follows:

§ 52.248 Identification of plan—conditional approval.

* * * * *

(i) The EPA is conditionally approving a portion of the California SIP revision submitted on November 14, 2017 demonstrating that control measures in the Imperial County Air Pollution Control District implement RACT for the 2008 8-hour National Ambient Air Quality Standards. The conditional approval is based on a commitment from the state to submit new or revised rules that will correct deficiencies in Rule 415, *Transfer and Storage of Gasoline* to establish RACT-level controls for sources covered by the Control Techniques Guidelines source category Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026). If the State fails to meet its commitment by one year from the date of this conditional approval, the conditional approval is treated as a disapproval.

[FR Doc. 2020-00780 Filed 2-12-20; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2019-0043; FRL-10004-67-Region 6]

Air Plan Approval; Texas; Revisions to Control of Air Pollution by Permits for New Construction or Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the United States Environmental Protection Agency (U.S. EPA) is finalizing approval of revisions to the Texas (TX) State Implementation Plan (SIP) submitted on February 22, 2019, that revised the State's New Source Review (NSR) permitting rules contained in Title 30 of the Texas Administrative Code (TAC) Chapter 116 *Control of Air Pollution by Air Permits for New Construction or Modification*. Our final action on the February 22, 2019, submittal also addresses portions of an April 16, 2014, SIP submittal pertaining to the permitting of Greenhouse Gas (GHG) emissions that were subsequently invalidated by the U.S. Supreme Court. The February 22, 2019, submittal

appropriately removes these provisions from the Texas SIP.

DATES: This rule is effective on March 16, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2019-0043. 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 and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov> or in hard copy at the EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Layton, EPA Region 6 Office, Air Permits Section (ARPE), 1201 Elm Street, Suite 500, Dallas, TX 75270, 214-665-2136, layton.elizabeth@epa.gov. To inspect the hard copy materials, please schedule an appointment with Ms. Elizabeth Layton or Mr. Bill Deese at 214-665-7253.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in depth in our November 4, 2019, proposal (84 FR 59325). In that document we proposed to approve revisions to the Texas SIP submitted February 22, 2019, by the Texas Commission on Environmental Quality (TCEQ) that revise the State's New Source Review (NSR) provisions pertaining to air quality permits for the control of air pollution by amending the criteria for air pollution control permits for new construction or modification, as well as make other non-substantive revisions. The February 22, 2019, submittal included the removal of provisions originally submitted on April 16, 2014, that relate to the permitting of Greenhouse Gas Emissions (GHGs) for “non-anyway” sources that were later invalidated by the Supreme Court in *Utility Air Regulatory Group (UARG) v. EPA* (134 S. Ct. 2427 (2014)). See the proposed rulemaking (84 FR 59325) for more details. We proposed to approve the removal of these provisions that were impacted by the Court's ruling. The comments received on our proposed rulemaking are outlined in the section below.

II. Response to Comments

We received four public comments on the proposal. One commenter (State of Texas) supported our proposed approval and agreed with the EPA's determination that the revisions to the Texas SIP were consistent with the CAA and the applicable federal rules and regulations relating to air pollution control. We received three anonymous public comments. One commenter opposed the approval of provisions relating to GHGs, another commenter opposed approving the Texas SIP, and one commenter opposed the approval of previously SIP-approved regulations containing provisions that waive permit renewal fees for members of the military on active duty stationed outside of the State of Texas. All public comments submitted are in the public docket to this rulemaking. Our responses to the comments are discussed below.

Comment: The State of Texas supported the EPA's proposed approval action and agreed with our determination that the revisions to the Texas SIP were consistent with the CAA and applicable federal rules and regulations pertaining to air pollution control.

Response: The EPA appreciates the supportive comment from the State of Texas. No changes will be made to the proposed rule as a result of the comment.

Comment: One anonymous commenter stated that the EPA should not approve portions of 30 TAC section 116.196(a) that specifically pertain to the exemption from permit renewal fees if a permit holder is on active duty in the U.S. Armed Forces and is serving outside the State of Texas. The commenter argues that if the permit holder is in fact serving in the military, then the TCEQ/EPA should require a secondary “responsible official” to submit timely permit renewal applications and the TCEQ/EPA should not grant exemptions from permit renewal fees as an approved provision in the SIP. The commenter states that this provision should be considered a state-only provision and not be approved into the SIP.

Response: As a threshold matter, the EPA must respond to all significant comments received. While considering significant comments, a determination must be made regarding the comment's relevance, i.e., if the subject matter of the comment is relevant to the specific action being reviewed and submitted for approval. The EPA is only required to respond to comments that are determined to be relevant, meaning in part that any such comment, after our