

## EPA-APPROVED REGULATIONS IN THE MARYLAND SIP

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
*	*	*	*	*
<b>26.11.28 Clean Air Interstate Rule</b>				
26.11.28.01 .....	Definitions .....	6/16/08	10/30/09 [Insert page number where the document begins].	
26.11.28.02 .....	Incorporation by Reference .....	6/16/08	10/30/09 [Insert page number where the document begins].	
26.11.28.03 .....	Affected Units and General Requirements.	6/16/08	10/30/09 [Insert page number where the document begins].	
26.11.28.04 .....	Requirements for New Affected Trading Units and NO <sub>x</sub> Set Aside Pool.	6/16/08	10/30/09 [Insert page number where the document begins].	
26.11.28.05 .....	NO <sub>x</sub> Allowances for Renewable Energy Projects and Consumers of Electric Power.	6/16/08	10/30/09 [Insert page number where the document begins].	
26.11.28.06 .....	NO <sub>x</sub> Allowances To Be Distributed to Consumers of Electric Power.	6/16/08	10/30/09 [Insert page number where the document begins].	
26.11.28.07 .....	Distribution of Unused NO <sub>x</sub> Allowances in the Set Aside Pool.	6/16/08	10/30/09 [Insert page number where the document begins].	
26.11.28.08 .....	Allocation of NO <sub>x</sub> Allowances ....	6/16/08	10/30/09 [Insert page number where the document begins].	Annual and Ozone Season Allocations start in 2010 instead of 2009.
*	*	*	*	*

\* \* \* \* \*

**§ 52.1084 [Removed and Reserved]**

■ 3. Section 52.1084 is removed and reserved.

**§ 52.1085 [Removed and Reserved]**

■ 4. Section 52.1085 is removed and reserved.

[FR Doc. E9-26090 Filed 10-29-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2009-0371; FRL-8970-6]

#### Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of revisions to the Northern Sierra Air Quality Management District (NSAQMD) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portions of the California State Implementation Plan (SIP). These revisions were proposed in the **Federal Register** on July 13, 2009, and concern volatile organic compound (VOC) emissions from asphalt paving, gasoline bulk storage tanks, and gasoline dispensing stations. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** *Effective Date:* This rule is effective on November 30, 2009.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2009-0371 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:** Mae Wang, EPA Region IX, (415) 947-4124, [wang.mae@epa.gov](mailto:wang.mae@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 July 13, 2009 (74 FR 33397), EPA proposed to approve the following rules into the California SIP:

Local agency	Rule No.	Rule title	Adopted or amended	Submitted
NSAQMD .....	227	Cutback and Emulsified Asphalt Paving Materials .....	11/27/06	03/07/08
SJVUAPCD .....	4621	Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants.	12/20/07	03/07/08
SJVUAPCD .....	4622	Gasoline Transfer into Motor Vehicle Fuel Tanks .....	12/20/07	03/07/08

Local agency	Rule No.	Rule title	Adopted or amended	Submitted
SJVUAPCD .....	4651	Soil Decontamination Operations .....	9/20/07	03/07/08

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

## II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we did not receive any comments.

## III. EPA Action

No comments were submitted that change our assessment that the submitted rules comply with the relevant CAA requirements. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these rules into the California SIP.

## 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, 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 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 Clean Air Act; 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 December 29, 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. 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, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 23, 2009.

**Jane Diamond,**

*Acting Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(354)(i)(E)(6), (c)(354)(i)(E)(7), (c)(354)(i)(E)(8), and (c)(354)(G) to read as follows:

### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(354) \* \* \*

(i) \* \* \*

(E) \* \* \*

(6) Rule 4621, "Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants," amended on December 20, 2007.

(7) Rule 4622, "Gasoline Transfer into Motor Vehicle Fuel Tanks," amended on December 20, 2007.

(8) Rule 4651, "Soil Decontamination Operations," amended on September 20, 2007.

\* \* \* \* \*

(G) Northern Sierra Air Quality Management District.

(1) Rule 227, "Cutback and Emulsified Asphalt Paving Materials," adopted on November 27, 2006.

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