application of those requirements would be inconsistent with the CAA; and

• do 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: May 13, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–12347 Filed 5–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2015–0275; FRL–9928–11–Region 4]

Approval and Promulgation of Implementation Plans and Designation of Areas; North Carolina; Redesignation of the Charlotte-Rock Hill, 2008 8-Hour Ozone Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On April 16, 2015, the State of North Carolina, through the North Carolina Department of Environment and Natural Resources, Department of Air Quality (NC DAQ), submitted a request for the Environmental Protection Agency (EPA) to redesignate the portion of North Carolina that is within the bi-state Charlotte-Rock Hill, North Carolina-South Carolina 8-hour ozone nonattainment area (hereafter referred to as the ''bi-state Charlotte Area,'' or ''Area'') to attainment for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) and to approve a State Implementation Plan (SIP) revision containing a maintenance plan for the Area. EPA is proposing to determine that the bi-State Charlotte Area is attaining the 2008 8-hour ozone NAAQS; to approve the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the sub-area motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO_X) and volatile organic compounds (VOC) for the years 2014 and 2026 for North Carolina portion of the Area, into the SIP; and to redesignate the North Carolina portion of the Area to attainment for the 2008 8-hour ozone NAAQS. EPA is also notifying the public of the status of EPA's adequacy determination for the sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area.

DATES: Comments must be received on or before June 11, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0275, by one of the following methods:

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

2. *Email: R4-ARMS@epa.gov.*

3. *Fax:* (404) 562–9019.

4. *Mail:* ''EPA–R04–OAR–2015–0275,'' Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the 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:* Ms. Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation 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 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2015–0275. 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *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 email comment directly to EPA without going through *www.regulations.gov*, your email 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 *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 at the Air Regulatory Management Section, Air Planning and Implementation 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 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman of the Air Regulatory Management Section, Air Planning and

Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman may be reached by phone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What are the actions EPA is proposing to take?

EPA is proposing to take the following three separate but related actions, one of which involves multiple elements: (1) To determine that the bi-Charlotte Area is attaining the 2008 8-hour ozone NAAQS; (2) to approve North Carolina's plan for maintaining the 2008 8-hour ozone NAAQS (maintenance plan), including the associated sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area, into the SIP; and (3) to redesignate the North Carolina portion of the bi-state Charlotte Area to attainment for the 2008 8-hour ozone NAAQS. EPA is also notifying the public of the status of EPA's adequacy determination for the sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area. The bi-state Charlotte Area consists of Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties, North Carolina; and a portion of York County, South Carolina. On April 17, 2015, the State of South Carolina, through the South Carolina Department of Health and Control (SC DHEC), provided a redesignation request and maintenance plan for its portion of the bi-state Charlotte Area. EPA will address South Carolina's request and maintenance plan in a separate action. These proposed actions are summarized below and described in greater detail throughout this notice of proposed rulemaking.

EPA is also making the preliminarily determination that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS based on recent air quality data and proposing to approve North Carolina's maintenance plan for its portion of the bi-state Charlotte Area as meeting the requirements of section 175A (such approval being one of the CAA criteria for redesignation to attainment status). The maintenance plan is designed to keep the bi-state Charlotte Area in attainment of the 2008 8-hour ozone NAAQS through 2026. The maintenance plan includes 2014 and 2026 sub-area MVEBs for NO_X and VOC for the North Carolina portion of the bi-state Charlotte Area for transportation conformity purposes. EPA is proposing to approve these sub-area MVEBs and incorporate them into the North Carolina SIP.

EPA also proposes to determine that the North Carolina portion of the bi-state Charlotte Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. Accordingly, in this action, EPA is proposing to approve a request to change the legal designation of Mecklenburg County in its entirety and the following portions of:

- Cabarrus County (Central Cabarrus Township, Concord Township, Georgeville Township, Harrisburg Township, Kannapolis Township, Midland Township, Mount Pleasant Township, New Gilead Township, Odell Township, Poplar Tent Township, Rimertown Township),
- Gaston County (Crowders Mountain Township, Dallas Township, Gastonia Township, Riverbend Township, South Point Township),
- Iredell County (Davidson Township, Coddle Creek Township),
- Lincoln County (Catawba Springs Township, Ironton Township, Lincolnton Township),
- Rowan County (Atwell Township, China Grove Township, Franklin Township, Gold Hill Township, Litaker Township, Locke Township, Providence Township, Salisbury Township, Steele Township, Unity Township), and
- Union County (Goose Creek Township, Marshville Township, Monroe Township, Sandy Ridge Township, Vance Township), in North Carolina from nonattainment to attainment for the 2008 8-hour ozone NAAQS.

EPA is also notifying the public of the status of EPA's adequacy process for the 2014 and 2026 NO_X and VOC sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area. The Adequacy comment period began on March 17, 2015, with EPA's posting of the availability of North Carolina's submissions on EPA's Adequacy Web site (*http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#north-carolina*). The Adequacy comment period for these sub-area MVEBs closed on April 16, 2015. No comments, adverse or otherwise, were received through the Adequacy process. Please see section VII of this proposed rulemaking for further explanation of this process and for more details on the sub-area MVEBs.

In summary, this notice of proposed rulemaking is in response to North Carolina's April 16, 2015, redesignation request and associated SIP submission that address the specific issues summarized above and the necessary elements described in section 107(d)(3)(E) of the CAA for redesignation of the North Carolina portion of the bi-state Charlotte Area to attainment for the 2008 8-hour ozone NAAQS.

II. What is the background for EPA's proposed actions?

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in Appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS, based on the three most recent years of complete, quality assured, and certified ambient air quality data at the conclusion of the designation process. The bi-state Charlotte Area was designated nonattainment for the 2008 8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012) using 2009–2011 ambient air quality data. *See* 77 FR 30088 (May 21, 2012). At the time of designation, the bi-state Charlotte Area was classified as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. In the final implementation rule for the 2008 8-hour ozone NAAQS (SIP Implementation

Rule),[1] EPA established ozone nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA. This established an attainment date three years after the July 20, 2012, effective date for areas classified as marginal areas for the 2008 8-hour ozone nonattainment designations. Therefore, the bi-state Charlotte Area's attainment date is July 20, 2015.

III. What are the criteria for redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation providing that: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and, (5) the state containing such area has met all requirements applicable to the area for purposes of redesignation under section 110 and part D of the CAA.

On April 16, 1992, EPA provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (57 FR 13498), and supplemented this guidance on April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

1. ''Ozone and Carbon Monoxide Design Value Calculations,'' Memorandum from Bill Laxton, Director, Technical Support Division, June 18, 1990;
2. ''Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992;
3. ''Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992;
4. ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter referred to as the ''Calcagni Memorandum'');
5. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992;
6. ''Technical Support Documents (TSDs) for Redesignation of Ozone and Carbon Monoxide (CO) Nonattainment Areas,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, August 17, 1993;
7. ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) On or After November 15, 1992,'' Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993;
8. ''Use of Actual Emissions in Maintenance Demonstrations for Ozone and CO Nonattainment Areas,'' Memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993;
9. ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994; and
10. ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995.

IV. Why is EPA proposing these actions?

On April 16, 2015, the State of North Carolina, through NC DAQ, requested that EPA redesignate the North Carolina portion of the bi-state Charlotte Area to attainment for the 2008 8-hour ozone NAAQS. EPA's evaluation indicates that the entire bi-state Charlotte Area has attained the 2008 8-hour ozone NAAQS, and that the North Carolina portion of the bi-state Charlotte Area meets the requirements for redesignation as set forth in section 107(d)(3)(E), including the maintenance plan requirements under section 175A of the CAA. As a result, EPA is proposing to take the three related actions summarized in section I of this document.

V. What is EPA's analysis of the request?

As stated above, in accordance with the CAA, EPA proposes in this action to: (1) Determine that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS; (2) approve the North Carolina portion of the bi-state Charlotte Area's 2008 8-hour ozone NAAQS maintenance plan, including the associated sub-area MVEBs, into the North Carolina SIP; and (3) redesignate the North Carolina portion of the bi-state Charlotte Area to attainment for the 2008 8-hour ozone NAAQS. The five redesignation criteria provided under CAA section 107(d)(3)(E) are discussed in greater detail for the Area in the following paragraphs of this section.

Criteria (1)—The Bi-State Charlotte Area Has Attained the 2008 8-Hour Ozone NAAQS

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). For ozone, an area may be considered to be attaining the 2008 8-hour ozone NAAQS if it meets the 2008 8-hour ozone NAAQS, as determined in accordance with 40 CFR 50.15 and Appendix I of part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain the NAAQS, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm. Based on the data handling and reporting convention described in 40 CFR part 50, Appendix I, the NAAQS are attained if the design value is 0.075 ppm or below. The data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS). The monitors generally should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

In this action, EPA is preliminarily determining that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS. EPA reviewed ozone monitoring data from monitoring stations in the bi-state Charlotte Area for the 2008 8-hour ozone NAAQS for 2012–2014. These data have been quality-assured, are recorded in Aerometric Information Retrieval System (AIRS–AQS), and indicate that

[1] This rule, entitled Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements and published at 80 FR 12264 (March 6, 2015), addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology (RACT), reasonably available control measures (RACM), major new source review (NSR), emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. This rule also addresses the revocation of the 1997 ozone NAAQS and the anti-backsliding requirements that apply when the 1997 ozone NAAQS are revoked.

the Area is attaining the 2008 8-hour ozone NAAQS. The fourth-highest 8-hour ozone values at each monitor for 2012, 2013, 2014, and the 3-year averages of these values (*i.e.,* design values), are summarized in Table 1, below.

TABLE 1—2012–2014 DESIGN VALUE CONCENTRATIONS FOR THE BI-STATE CHARLOTTE AREA

[Parts per million]

Location	County	Monitor ID	4th Highest 8-hour ozone value (ppm)			3-Year design values (ppm)
			2012	2013	2014	2012–2014
Lincoln County Replacing Iron Station	Lincoln	37–109–0004	0.076	0.064	0.064	0.068
Garinger High School	Mecklenburg	37–119–0041	0.080	0.067	0.065	0.070
Westinghouse Blvd	Mecklenburg	37–119–1005	0.073	0.062	0.063	0.066
29 N at Mecklenburg Cab Co	Mecklenburg	37–119–1009	0.085	0.066	0.068	0.073
Rockwell	Rowan	37–159–0021	0.080	0.062	0.064	0.068
Enochville School*	Rowan	37–159–0022	0.077	0.063	.....	.....
Monroe Middle School	Union	37–179–0003	0.075	0.062	0.067	0.068

* Monitoring data for 2014 is not available because the monitor was shut down in 2014.

The 3-year design value for 2012–2014 for the bi-state Charlotte Area is 0.073 ppm,[2] which meets the NAAQS. In this action, EPA is proposing to determine that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS. EPA will not take final action to approve the redesignation if the 3-year design value exceeds the NAAQS prior to EPA finalizing the redesignation. As discussed in more detail below, the State of North Carolina has committed to continue monitoring in this Area in accordance with 40 CFR part 58.

Criteria (2)—North Carolina Has a Fully Approved SIP Under Section 110(k) for the North Carolina Portion of the Charlotte Area; and Criteria (5)—North Carolina Has Met All Applicable Requirements Under Section 110 and Part D of Title I of the CAA

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (CAA section 107(d)(3)(E)(v)) and that the state has a fully approved SIP under section 110(k) for the area (CAA section 107(d)(3)(E)(ii)). EPA proposes to find that North Carolina has met all applicable SIP requirements for the North Carolina portion of the Area under section 110 of the CAA (general SIP requirements) for purposes of redesignation. Additionally, EPA proposes to find that the North Carolina SIP satisfies the criterion that it meets applicable SIP requirements for purposes of redesignation under part D of title I of the CAA in accordance with section 107(d)(3)(E)(v). Further, EPA proposes to determine that the SIP is fully approved with respect to all requirements applicable for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In making these determinations, EPA ascertained which requirements are applicable to the Area and, if applicable, that they are fully approved under section 110(k). SIPs must be fully approved only with respect to requirements that were applicable prior to submittal of the complete redesignation request.

a. The North Carolina Portion of the Bi-State Charlotte Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

General SIP requirements. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (NSR permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants. The section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that the CAA's interstate transport requirements should be construed to be applicable requirements for purposes of redesignation.

In addition, EPA believes other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110 and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability (*i.e.,* for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 2008); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7,

[2] The monitor with the highest 3-year design value is considered the design value for the Area.

1996); and Tampa, Florida, final rulemaking at (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio, redesignation (65 FR 37890, June 19, 2000), and in the Pittsburgh, Pennsylvania, redesignation (66 FR 50399, October 19, 2001).

Title I, Part D, applicable SIP requirements. Section 172(c) of the CAA sets forth the basic requirements of attainment plans for nonattainment areas that are required to submit them pursuant to section 172(b). Subpart 2 of part D, which includes section 182 of the CAA, establishes specific requirements for ozone nonattainment areas depending on the area's nonattainment classification. As provided in Subpart 2, a marginal ozone nonattainment area, such as the bi-state Charlotte Area, must submit an emissions inventory that complies with section 172(c)(3), but the specific requirements of section 182(a) apply in lieu of the demonstration of attainment (and contingency measures) required by section 172(c). 42 U.S.C. 7511a(a). A thorough discussion of the requirements contained in sections 172(c) and 182 can be found in the General Preamble for Implementation of Title I (57 FR 13498).

Section 182(a) Requirements. Section 182(a)(1) requires states to submit a comprehensive, accurate, and current inventory of actual emissions from sources of VOC and NO_X emitted within the boundaries of the ozone nonattainment area. North Carolina provided an emissions inventory for the bi-state Charlotte Area to EPA in a July 7, 2014 SIP submission. On April 21, 2015, EPA published a direct final rule to approve this emissions inventory into the SIP.[3] *See* 80 FR 22107 (direct final rule) and 80 FR 22147 (associated proposed rule). North Carolina's section 182(a)(1) inventory must be incorporated into the SIP before EPA can take final action to approve the State's redesignation request for the bi-state Charlotte Area.

Under section 182(a)(2)(A), states with ozone nonattainment areas that were designated prior to the enactment of the 1990 CAA amendments were required to submit, within six months of classification, all rules and corrections to existing VOC RACT rules that were required under section 172(b)(3) of the CAA (and related guidance) prior to the 1990 CAA amendments. On June 23, 1994, EPA determined that North Carolina met the section 182(a)(2) RACT ''fix up'' requirements. *See, e.g.,* 59 FR 32363.

Section 182(a)(2)(B) requires each state with a marginal ozone nonattainment area that implemented, or was required to implement, an inspection and maintenance (I/M) program prior to the 1990 CAA amendments to submit a SIP revision providing for an I/M program no less stringent than that required prior to the 1990 amendments or already in the SIP at the time of the amendments, whichever is more stringent. On June 2, 1995, EPA determined that North Carolina met requirements of section 182(a)(2)(B). *See* 60 FR 28720.

Regarding the permitting and offset requirements of section 182(a)(2)(C) and section 182(a)(4), North Carolina currently has a fully-approved part D NSR program in place. However, EPA has determined that areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR, because PSD requirements will apply after redesignation. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' North Carolina's PSD program will become applicable in the bi-state Charlotte Area upon redesignation to attainment.

Section 182(a)(3) requires states to submit periodic inventories and emissions statements. Section 182(a)(3)(A) requires states to submit a periodic inventory every three years. As discussed below in the section of this document titled Criteria (4)(e), *Verification of Continued Attainment,* the State will continue to update its emissions inventory at least once every three years. Under section 182(a)(3)(B), each state with an ozone nonattainment area must submit a SIP revision requiring emissions statements to be submitted to the state by sources within that nonattainment area. North Carolina provided a SIP revision to EPA on July 7, 2014, addressing the section 182(a)(3)(B) emissions statements requirement, and on April 21, 2015, EPA published a direct final rule to approve this SIP revision.[4] *See* 80 FR 22107 (direct final rule) and 80 FR 22147 (associated proposed rule). North Carolina's emissions statements must be incorporated into the SIP before EPA can take final action to approve the State's redesignation request for the bi-state Charlotte Area.

Section 176 Conformity Requirements. Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement, and enforceability that EPA promulgated pursuant to its authority under the CAA.

EPA interprets the conformity SIP requirements[5] as not applying for purposes of evaluating a redesignation request under section 107(d) because state conformity rules are still required after redesignation and Federal conformity rules apply where state rules have not been approved. *See Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001) (upholding this interpretation); *see also* 60 FR 62748 (December 7, 1995) (redesignation of Tampa, Florida). Nonetheless, North Carolina has an approved conformity SIP for the Charlotte Area. *See* 78 FR 73266 (February 24, 2014). Thus, the North Carolina portion of the bi-state Charlotte Area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of title I of the CAA.

b. The North Carolina Portion of the Bi-State Charlotte Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

EPA has fully approved the applicable North Carolina SIP for the bi-state

[3] This direct final rule is effective June 22, 2015, without further notice, unless EPA receives adverse comment by May 21, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect. The associated proposed rule will remain in effect.

[4] This direct final rule is effective June 22, 2015, without further notice, unless EPA receives adverse comment by May 21, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect. The associated proposed rule will remain in effect.

[5] CAA section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain Federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from the MVEBs that are established in control strategy SIPs and maintenance plans.

Charlotte Area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request (*see* Calcagni Memorandum at p. 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–90 (6th Cir. 1998); *Wall,* 265 F.3d 426) plus any additional measures it may approve in conjunction with a redesignation action (*see* 68 FR 25426 (May 12, 2003) and citations therein). North Carolina has adopted and submitted, and EPA has fully approved at various times, provisions addressing the various SIP elements applicable for the ozone NAAQS. *See* 77 FR 5703 (February 6, 2012).

As indicated above, EPA believes that the section 110 elements that are neither connected with nonattainment plan submissions nor linked to an area's nonattainment status are not applicable requirements for purposes of redesignation. EPA has approved all part D requirements applicable for purposes of this redesignation. As noted above, this action to propose approval of North Carolina's redesignation request for the North Carolina portion of the bi-state Charlotte Area is contingent upon EPA taking final action to approve the July, 7, 2014, emissions inventory and emissions statements SIP revision, which was published as direct final and proposed rules on April 21, 2015. *See* 80 FR 22107 and 80 FR 22147.

Criteria (3)—The Air Quality Improvement in the Bi-State Charlotte Area Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIP and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP, applicable Federal air pollution control regulations, and other permanent and enforceable reductions (CAA section 107(d)(3)(E)(iii)). EPA has preliminarily determined that North Carolina has demonstrated that the observed air quality improvement in the bi-state Charlotte Area is due to permanent and enforceable reductions in emissions resulting from Federal measures and from state measures adopted into the SIP. EPA does not have any information to suggest that the decrease in ozone concentrations in the bi-state Charlotte Area is due to unusually favorable meteorological conditions.

State and Federal measures enacted in recent years have resulted in permanent emission reductions. Most of these emission reductions are enforceable through regulations. A few non-regulatory measures also result in emission reductions. The state and local measures that have been implemented to date and relied upon by North Carolina to demonstrate attainment and/or maintenance include the Clean Air Bill I/M program and North Carolina's Clean Smokestacks Act. These measures are approved in the federally-approved SIP and thus are permanent and enforceable. The Federal measures that have been implemented include the following:

Tier 2 vehicle and fuel standards. Implementation began in 2004 and requires all passenger vehicles in any manufacturer's fleet to meet an average standard of 0.07 grams of NO_X per mile. Additionally, in January 2006 the sulfur content of gasoline was required to be on average 30 ppm which assists in lowering the NO_X emissions. Most gasoline sold in North Carolina prior to January 2006 had a sulfur content of about 300 ppm.[6]

Large non-road diesel engines rule. This rule was promulgated in 2004, and is being phased in between 2008 through 2014. This rule will also reduce the sulfur content in the nonroad diesel fuel. When fully implemented, this rule will reduce NO_X, VOC, particulate matter, and carbon monoxide. These emission reductions are federally enforceable. EPA issued this rule in June 2004, which applies to diesel engines used in industries, such as construction, agriculture, and mining. It is estimated that compliance with this rule will cut NO_X emissions from non-road diesel engines by up to 90 percent nationwide. The non-road diesel rule was fully implemented by 2010.

Heavy-duty gasoline and diesel highway vehicle standards. EPA issued this rule in January 2001 (66 FR 5002). This rule includes standards limiting the sulfur content of diesel fuel, which went into effect in 2004. A second phase took effect in 2007, which further reduced the highway diesel fuel sulfur content to 15 ppm, leading to additional reductions in combustion NO_X and VOC emissions. This rule is expected to achieve a 95 percent reduction in NO_X emissions from diesel trucks and buses.

Medium and heavy duty vehicle fuel consumption and GHG standards. These standards require on-road vehicles to achieve a 7 percent to 20 percent reduction in CO_2 emissions and fuel consumption by 2018. The decrease in fuel consumption will result in a 7 percent to 20 percent decrease in NO_X emissions.

Nonroad spark-ignition engines and recreational engines standards. The nonroad spark-ignition and recreational engine standards, effective in July 2003, regulate NO_X, hydrocarbons, and carbon monoxide from groups of previously unregulated nonroad engines. These engine standards apply to large spark-ignition engines (*e.g.,* forklifts and airport ground service equipment), recreational vehicles (*e.g.,* off-highway motorcycles and all-terrain-vehicles), and recreational marine diesel engines sold in the United States and imported after the effective date of these standards. When all of the nonroad spark-ignition and recreational engine standards are fully implemented, an overall 72 percent reduction in hydrocarbons, 80 percent reduction in NO_X, and 56 percent reduction in carbon monoxide emissions are expected by 2020. These controls reduce ambient concentrations of ozone, carbon monoxide, and fine particulate matter.

National Program for greenhouse gas (GHG) emissions and Fuel Economy Standards. The federal GHG and fuel economy standards apply to light-duty cars and trucks in model years 2012–2016 (phase 1) and 2017–2025 (phase 2). The final standards are projected to result in an average industry fleet-wide level of 163 grams/mile of carbon dioxide (CO_2) which is equivalent to 54.5 miles per gallon (mpg) if achieved exclusively through fuel economy improvements. The fuel economy standards result in less fuel being consumed, and therefore less NO_X emissions released.

Tennessee Valley Authority (TVA) Consent Decree/Federal Facilities Compliance Agreement. On April 14, 2011, TVA entered into a consent decree with Tennessee, Alabama, Kentucky, and North Carolina to resolve allegations of CAA violations at TVA's coal-fired power plants. The relief obtained in this consent decree was also secured in a Federal Facilities Compliance Agreement (FFCA) between EPA and TVA. The consent decree and FFCA establish system-wide caps on NO_X and SO_2 emissions at TVA's coal-fired facilities, declining to permanent levels of 52,000 tons of NO_X in 2018 and

[6] North Carolina also identified Tier 3 Motor Vehicle Emissions and Fuel Standards as a federal measure. EPA issued this rule in April 28, 2014, which applies to light duty passenger cars and trucks. EPA promulgated this rule to reduce air pollution from new passenger cars and trucks beginning in 2017. Tier 3 emission standards will lower sulfur content of gasoline and lower the emissions standards.

110,000 tons of SO_2 in 2019, and require TVA to meet specific control requirements.[7]

Reciprocating Internal Combustion Engine (RICE) National Emissions Standards for Hazardous Air Pollutants (NESHAP).[8] The RICE NESHAP is expected to result in a small decrease in VOC emissions. RICE owners and operators had to comply with the NESHAP by May 3, 2013.

Utility Mercury Air Toxics Standards (MATS) and New Source Performance Standards (NSPS). On February 16, 2012, EPA promulgated maximum achievable control technology regulations for coal- and oil-fired EGUs, intended to reduce hazardous air pollutants emissions from EGUs. Although the MATS rule is not targeted at NO_X emissions, it is expected to result in additional NO_X reductions due to the retirement of older coal-fired units.

NO_X SIP Call. On October 27, 1998 (63 FR 57356), EPA issued the NO_X SIP Call requiring the District of Columbia and 22 states to reduce emissions of NO_X, a precursor to ozone pollution, and providing a mechanism (the NO_X Budget Trading Program) that states could use to achieve those reductions. Affected states were required to comply with Phase I of the SIP Call beginning in 2004 and Phase II beginning in 2007. By the end of 2008, ozone season emissions from sources subject to the NO_X SIP Call dropped by 62 percent from 2000 emissions levels. All NO_X SIP Call states have SIPs that currently satisfy their obligations under the NO_X SIP Call; the NO_X SIP Call reduction requirements are being met; and EPA will continue to enforce the requirements of the NO_X SIP Call. Emission reductions resulting from regulations developed in response to the NO_X SIP Call are therefore permanent and enforceable for the purposes of this action. There are four facilities located within the North Carolina portion of the Area that are subject to the NO_X SIP Call. These facilities are located in Gaston, Lincoln, and Rowan Counties. Two coal-fired power plants (Buck and Riverbend) were retired on April 1, 2013, which resulted in additional emissions reductions. There is also a facility west of the Area, Cliffside, located in Cleveland County, and a facility north of the Area, Marshall, located in Catawba County which are also subject to the NO_X SIP Call.

CAIR/CSAPR. CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states, including North Carolina. *See* 70 FR 25162 (May 12, 2005). EPA approved North Carolina's CAIR regulations into the North Carolina SIP on October 5, 2007. *See* 72 FR 56914. In 2009, the CAIR ozone season NO_X trading program superseded the NO_X Budget Trading Program, although the emission reduction obligations of the NO_X SIP Call were not rescinded. *See* 40 CFR 51.121(r) and 51.123(aa). In 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to address interstate transport of emissions and resulting secondary air pollutants and to replace CAIR. CSAPR requires substantial reductions of SO_2 and NO_X emissions from electric generating units (EGUs) in 28 states in the Eastern United States.

Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR's cap-and-trade programs would have superseded the CAIR cap and trade programs. Numerous parties filed petitions for review of CSAPR, and on December 30, 2011, the D.C. Circuit Court issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Dec. 30, 2011), Order at 2.

On August 21, 2012, the D.C. Circuit issued its ruling, vacating and remanding CSAPR to EPA and once again ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit subsequently denied EPA's petition for rehearing en banc. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302, 2013 WL 656247 (D.C. Cir. Jan. 24, 2013), at *1. EPA and other parties then petitioned the Supreme Court for a writ of certiorari, and the Supreme Court granted the petitions on June 24, 2013. *EPA* v. *EME Homer City Generation, L.P.,* 133 S. Ct. 2857 (2013).

On April 29, 2014, the Supreme Court vacated and reversed the D.C. Circuit's decision regarding CSAPR, and remanded that decision to the D.C. Circuit Court to resolve remaining issues in accordance with its ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA moved to have the stay of CSAPR lifted in light of the Supreme Court decision. *EME Homer City Generation, L.P.* v. *EPA,* Case No. 11–1302, Document No. 1499505 (D.C. Cir. filed June 26, 2014). In its motion, EPA asked the D.C. Circuit to toll CSAPR's compliance deadlines by three years so that the Phase 1 emissions budgets apply in 2015 and 2016 (instead of 2012 and 2013), and the Phase 2 emissions budgets apply in 2017 and beyond (instead of 2014 and beyond). On October 23, 2014, the D.C. Circuit granted EPA's motion and lifted the stay of CSAPR which was imposed on December 30, 2011. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014), Order at 3. On December 3, 2014, EPA issued an interim final rule to clarify how EPA will implement CSAPR consistent with the D.C. Circuit Court's order granting EPA's motion requesting lifting the stay and tolling the rule's deadlines. *See* 79 FR 71663 (December 3, 2014) (interim final rulemaking). Consistent with that rule, EPA began implementing CSAPR on January 1, 2015. EPA expects that the implementation of CSAPR will preserve the reductions achieved by CAIR and result in additional SO_2 and NO_X emission reductions throughout the maintenance period.

As mentioned above, the State measures that have been implemented include the following:

Vehicle Emissions Inspection and Maintenance (I/M) Program. In 1999, the North Carolina State Legislation passed the Clean Air Bill that expanded the on-road vehicle I/M program from 9 to 48 counties. It was phased-in in the Charlotte nonattainment area from July 1, 2002, through January 1, 2004. This program reduces NO_X, VOC, and CO emissions. The I/M program was submitted to EPA for adoption into the SIP in August 2002 and was federally approved in October 2002. Therefore, these emission reductions are both state and federally enforceable.

On February 5, 2015, EPA approved a change to North Carolina's I/M rules triggered by a state law which exempted plug-in vehicles and the three newest model year vehicles with less than 70,000 miles on their odometers from emission inspection in all areas in North

[7] EPA notes that there are no sources covered by the consent decree/FFCA in North Carolina. Although the bi-state Charlotte Area may get residual benefits from the implementation of consent decree/FFCA, EPA does not believe these measures are needed for the bi-state Charlotte Area to attain or maintain the 2008 8-hour ozone NAAQS.

[8] North Carolina also identified the NESHAP for industrial, commercial and institutional boilers as a federal measure. This NESHAP is also expected to result in a small decrease in VOC emissions. Boilers must comply with the NESHAP by January 31, 2016, for all states except North Carolina which has a compliance date in May 2019.

Carolina where I/M is required. In North Carolina's section 110(l) demonstration, the State showed that the change in the compliance rate from 95 percent to 96 percent more than compensates for the NO_X and VOC emissions increase. EPA-approved change to the I/M rules was effective March 9, 2015, and are state and federally enforceable.

Clean Smokestacks Act. This state law requires coal-fired power plants to reduce annual NO_X emissions by 77 percent by 2009, and to reduce annual SO_2 emissions by 49 percent by 2009 and 73 percent by 2013. This law set a NO_X emissions cap of 56,000 tons/year for 2009 and SO_2 emissions caps of 250,000 tons/year and 130,000 tons/year for 2009 and 2013, respectively. The public utilities cannot meet these emission caps by purchasing emission credits. EPA approved the statewide emissions caps as part of the North Carolina SIP on September 26, 2011. In 2013, the power plants subject to this law had combined NO_X emissions of 38,857 tons per year, well below the 56,000 tons per year cap. The emissions cap has been met in all subsequent years as well and is enforceable at both the federal and state level.

Criteria (4)—The North Carolina Portion of the Area Has a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA (CAA section 107(d)(3)(E)(iv)). In conjunction with its request to redesignate the North Carolina portion of the bi-state Charlotte Area to attainment for the 2008 8-hour ozone NAAQS, NC DAQ submitted a SIP revision to provide for the maintenance of the 2008 8-hour ozone NAAQS for at least 10 years after the effective date of redesignation to attainment. EPA believes that this maintenance plan meets the requirements for approval under section 175A of the CAA.

a. What is required in a maintenance plan?

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures as EPA deems necessary to assure prompt correction of any future 2008 8-hour ozone violations. The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As is discussed more fully below, EPA has preliminarily determined that North Carolina's maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the North Carolina SIP.

b. Attainment Emissions Inventory

EPA is proposing to determine that the bi-state Charlotte Area has attained the 2008 8-hour ozone NAAQS based on quality-assured monitoring data for the 3-year period from 2012–2014. North Carolina selected 2014 as the base year (*i.e.,* attainment emissions inventory year) for developing a comprehensive emissions inventory for NO_X and VOC, for which projected emissions could be developed for 2015, 2018, 2022, and 2026. The attainment inventory identifies a level of emissions in the Area that is sufficient to attain the 2008 8-hour ozone NAAQS. North Carolina began development of the attainment inventory by first generating a baseline emissions inventory for the State's portion of the bi-state Charlotte Area. The projected summer day emission inventories have been estimated using projected rates of growth in population, traffic, economic activity, and other parameters. Naturally occurring emissions (*i.e.,* biogenic emissions) are not included in the emissions inventory comparison, as these emissions are outside the State's control. In addition to comparing the final year of the plan (2026) to the base year (2014), North Carolina compared interim years to the baseline to demonstrate that these years are also expected to show continued maintenance of the 2008 8-hour ozone standard.

The emissions inventory is composed of four major types of sources: Point, area, on-road mobile, and non-road mobile. The complete descriptions of how the inventories were developed are discussed in the Appendix B of the April 16, 2015, submittal, which can be found in the docket for this action. Point source emissions are tabulated from data collected by direct on-site measurements of emissions or from mass balance calculations utilizing emission factors from EPA's AP–42 or stack test results. For each projected year's inventory, point sources are adjusted by growth factors based on Standard Industrial Classification codes generated using growth patterns obtained from County Business Patterns. For the electric generating utility sources, the estimated projected future year emissions were based on information provided by the utility company. For the sources that report to the EPA's Clean Air Markets Division, the actual 2014 average July day emissions were used. For the other Title V sources, the latest data available (2013) was used to represent 2014 base year emissions. For sources emitting less than 25 tons per year and subject to the emissions statement requirements, the most recently reported data (2013) was used to represent 2014 base year emissions. For the small sources that only report emissions every 5 years, the most recently reported data (2013) was used to represent 2014 base year emission, since emissions from these sources do not vary much from year to year. Rail yard and airport emissions reported were obtained from the EPA's 2011 National Emission Inventory.

For area sources, emissions are estimated by multiplying an emission factor by some known indicator of collective activity such as production, number of employees, or population. For each projected year's inventory, area source emissions are changed by population growth, projected production growth, or estimated employment growth.

The non-road mobile sources emissions are calculated using EPA's NONROAD2008a model, with the exception of the railroad locomotives which were estimated by taking activity and multiplying by an emission factor. For each projected year's inventory, the emissions are estimated using EPA's NONROAD2008a model with activity input such as projected landing and takeoff data for aircraft.

For on-road mobile sources, EPA's Motor Vehicle Emission Simulator (MOVES2014) mobile model is run to generate emissions. The MOVES2014 model includes the road class vehicle miles traveled (VMT) as an input file and can directly output the estimated emissions. For each projected year's inventory, the on-road mobile sources emissions are calculated by running the MOVES mobile model for the future year with the projected VMT to generate emissions that take into consideration expected Federal tailpipe standards, fleet turnover, and new fuels.

The 2014 NO_X and VOC emissions for the North Carolina portion of the bi-state Charlotte Area, as well as the emissions for other years, were developed consistent with EPA guidance and are summarized in Tables 2 through 4 of the following subsection discussing the maintenance demonstration. *See* Appendix B of the April 16, 2015, submission for more detailed information on the emissions inventory.

c. Maintenance Demonstration

The maintenance plan associated with the redesignation request includes a maintenance demonstration that:

(i) Shows compliance with and maintenance of the 2008 8-hour ozone NAAQS by providing information to support the demonstration that current and future emissions of NO_X and VOC remain at or below 2014 emissions levels.

(ii) Uses 2014 as the attainment year and includes future emissions inventory projections for 2015, 2018, 2022, and 2026.

(iii) Identifies an ''out year'' at least 10 years after the time necessary for EPA to review and approve the maintenance plan. Per 40 CFR part 93, NO_X and VOC MVEBs were established for the last year (2026) of the maintenance plan (see section VII below). Additionally, NC DAQ opted to establish sub-area MVEBs for an interim year (2014).

(iv) Provides actual (2014) and projected emissions inventories, in tons per day (tpd), for the North Carolina portion of the bi-state Charlotte Area, as shown in Tables 2 through 4, below.

TABLE 2—ACTUAL AND PROJECTED ANNUAL NO_X EMISSIONS (tpd) FOR THE NORTH CAROLINA PORTION OF THE BI-STATE CHARLOTTE AREA

Sector	2014	2015	2018	2022	2026
Point	32.38	34.47	29.28	36.33	26.75
Area	11.40	11.28	11.28	11.31	11.28
Non-road	26.26	24.35	19.79	16.07	14.03
On-road	60.15	53.97	33.92	22.94	15.47
Total	130.18	124.07	94.27	86.65	67.53

TABLE 3—ACTUAL AND PROJECTED ANNUAL VOC EMISSIONS (tpd) FOR THE NORTH CAROLINA PORTION OF THE BI-STATE CHARLOTTE AREA

Sector	2014	2015	2018	2022	2026
Point	12.03	12.42	13.62	14.36	15.33
Area	47.88	48.26	49.39	50.87	52.28
Non-road	18.89	18.17	17.08	17.04	17.55
On-road	34.32	31.82	23.94	19.16	14.98
Total	113.12	110.67	104.03	101.43	100.14

TABLE 4—EMISSION ESTIMATES FOR THE NORTH CAROLINA PORTION OF THE BI-STATE CHARLOTTE AREA

Year	VOC (tpd)	NO_X (tpd)
2014	113.12	130.18
2015	110.67	124.07
2018	104.03	94.27
2022	101.43	86.65
2026	100.14	67.53
Difference from 2014 to 2026	−12.98	−62.65

In situations where local emissions are the primary contributor to nonattainment, such as the bi-state Charlotte Area, if the future projected emissions in the nonattainment area remain at or below the baseline emissions in the nonattainment area, then the ambient air quality standard should not be exceeded in the future. North Carolina has projected emissions as described previously and determined that emissions in the North Carolina portion of the bi-state Charlotte Area will remain below those in the attainment year inventory for the duration of the maintenance plan.

As discussed in section VI of this proposed rulemaking, a safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the NAAQS. North Carolina selected 2014 as the attainment emissions inventory year for the North Carolina portion of the bi-state Charlotte Area. North Carolina calculated safety margins in its submittal for years 2015, 2018, 2022, and 2026. Because the initial sub-area MVEB year of 2014 is also the base year for the maintenance plan inventory, there is no safety margin, therefore, no adjustments were made to the sub-area MVEBs for 2014. The State has allocated a portion of the 2026 safety margin to the 2026 sub-area MVEBs for the bi-state Charlotte Area.

TABLE 5—SAFETY MARGINS FOR THE NORTH CAROLINA PORTION OF THE BI-STATE CHARLOTTE AREA

Year	VOC (tpd)	NO_X (tpd)
2015	−2.45	−6.11
2018	−9.09	−35.91
2022	−11.69	−43.53
2026	−12.98	−62.65

The State has decided to allocate a portion of the 2026 safety margin to the 2026 sub-area MVEBs to allow for unanticipated growth in VMT, changes and uncertainty in vehicle mix assumptions, etc., that will influence the emission estimations. NC DAQ developed and implemented a five-step approach for determining a factor to use to calculate the amount of safety margin to apply to the sub-area MVEBs. Based on this approach, NC DAQ has allocated 2.93 tpd (2650 kg/day) to the 2026 NO_X MVEB and 2.83 tpd (2,569 kg/day) to the 2026 VOC MVEB. After allocation of the available safety margin, the remaining safety margin was calculated

as 59.72 tpd for NO_X and 10.15 tpd for VOC. This allocation and the resulting available safety margin for the North Carolina portion of the bi-state Charlotte Area are discussed further in section VI of this proposed rulemaking along with the sub-area MVEBs to be used for transportation conformity proposes.

d. Monitoring Network

There are currently seven monitors measuring ozone in the North Carolina portion of the bi-state Charlotte Area. NC DAQ operates four of the monitors in the Area, whereas the Mecklenburg County Air Quality (MCAQ) Office operates three of the monitors in Mecklenburg County. The State of North Carolina, through NC DAQ, has committed to continue operation of all monitors in the North Carolina portion of the bi-state Charlotte Area in compliance with 40 CFR part 58 and have thus addressed the requirement for monitoring. EPA approved North Carolina's monitoring plan on November 25, 2013.

e. Verification of Continued Attainment

The State of North Carolina, through NC DAQ, has the legal authority to enforce and implement the maintenance plan for the North Carolina portion of the Area. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future ozone attainment problems.

Large stationary sources are required to submit an emissions inventory annually to NC DAQ or MCAQ. NC DAQ commits to review these emissions inventories to determine if any unexpected growth in NO_X emissions in the Area may endanger the maintenance of the 2008 8-hour ozone NAAQS. Additionally, as new VMT data are provided by the North Carolina Department of Transportation (NC DOT), NC DAQ commits to review these data and determine if any unexpected growth in VMT may endanger the maintenance of the 2008 8-hour ozone NAAQS.

Additionally, under the Consolidated Emissions Reporting Rule (CERR) and Air Emissions Reporting Requirements (AERR), NC DAQ is required to develop a comprehensive, annual, statewide emissions inventory every three years that is due twelve to eighteen months after the completion of the inventory year. The AERR inventory years match the base year and final year of the inventory for the maintenance plan, and are within one or two years of the interim inventory years of the maintenance plan. Therefore, NC DAQ commits to compare the CERR and AERR inventories as they are developed with the maintenance plan to determine if additional steps are necessary for continued maintenance of the 2008 8-hour ozone NAAQS in this Area.

f. Contingency Measures in the Maintenance Plan

Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the state. A state should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a state will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

In the April 16, 2015, submittal, North Carolina affirms that all programs instituted by the State and EPA will remain enforceable and that sources are prohibited from reducing emissions controls following the redesignation of the Area. The contingency plan included in the submittal includes a triggering mechanism to determine when contingency measures are needed and a process of developing and implementing appropriate control measures. The primary trigger of the contingency plan will be a violation of the 2008 8-hour ozone NAAQS (*i.e.,* when the three-year average of the 4th highest values is equal to or greater than 0.076 ppm at a monitor in the Area). The trigger date will be 60 days from the date that the State observes a 4th highest value that, when averaged with the two previous ozone seasons' fourth highest values, would result in a three-year average equal to or greater than 0.076 ppm.

The secondary trigger will apply where no actual violation of the 2008 8-hour ozone NAAQS has occurred, but where the State finds monitored ozone levels indicating that an actual ozone NAAQS violation may be imminent. A pattern will be deemed to exist when there are two consecutive ozone seasons in which the 4th highest values are 0.076 ppm or greater at a single monitor within the Area. The trigger date will be 60 days from the date that the State observes a 4th highest value of 0.076 ppm or greater at a monitor for which the previous season had a 4th highest value of 0.076 ppm or greater.

Once the primary or secondary trigger is activated, the Planning Section of the NC DAQ, in consultation with SC DHEC and MCAQ, shall commence analyses including trajectory analyses of high ozone days and an emissions inventory assessment to determine those emission control measures that will be required for attaining or maintaining the 2008 8-hour ozone NAAQS. By May 1 of the year following the ozone season in which the primary or secondary trigger has been activated, North Carolina will complete sufficient analyses to begin adoption of necessary rules for ensuring attainment and maintenance of the 2008 8-hour ozone NAAQS. The rules would become State effective by the following January 1, unless legislative review is required.

At least one of the following contingency measures will be adopted and implemented upon a primary triggering event:

- NO_X Reasonably Available Control Technology on stationary sources with a potential to emit less than 100 tons per year in the North Carolina portion of the Charlotte nonattainment area;
- diesel inspection and maintenance program;
- implementation of diesel retrofit programs, including incentives for performing retrofits;
- additional controls in upwind areas.

The NC DAQ commits to implement within 24 months of a primary or secondary trigger,[9] at least one of the control measures listed above or other contingency measures that may be determined to be more appropriate based on the analyses performed.

North Carolina has also developed a tertiary trigger that will be a first alert as to a potential air quality problem on the horizon. This trigger will be activated when a monitor in the Area has a 4th highest value of 0.076 ppm or greater, starting the first year after the maintenance plan has been approved. The trigger date will be 60 days from the date that the State observes a 4th highest value of 0.076 ppm or greater at any monitor.

Once the tertiary trigger is activated, the Planning Section of the NC DAQ, in consultation with the SC DHEC and

[9] On May 4, 2015, Sheila Holman, Director of NC DENR's Division of Air Quality sent an email to Lynorae Benjamin, Chief of the Region 4 EPA's Air Regulatory Management Section to confirm that the State will address and correct any violation of the 2008 8-Hour Ozone NAAQS as expeditiously as practicable and within 18–24 months from a trigger activation. A copy of this clarification email is in the docket for this rulemaking.

MCAQ, shall commence analyses including meteorological evaluation, trajectory analyses of high ozone days, and emissions inventory assessment to understand why a 4th highest exceedance of the standard has occurred. Once the analyses are completed, the NC DAQ will work with SC DHEC, MCAQ and the local air awareness program to develop an outreach plan identifying any additional voluntary measures that can be implemented. If the 4th highest exceedance occurs early in the season, the NC DAQ will work with entities identified in the outreach plan to determine if the measures can be implemented during the current season; otherwise, NC DAQ will work with SC DHEC, MCAQ, and the local air awareness coordinator to implement the plan for the following ozone season.

EPA has concluded that the maintenance plan adequately addresses the five basic components of a maintenance plan: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Therefore, the maintenance plan SIP revision submitted by North Carolina for the State's portion of the Area meets the requirements of section 175A of the CAA and is approvable.

VI. What is EPA's analysis of North Carolina's proposed NO_X and VOC sub-area MVEBs for the North Carolina portion of the area?

Under section 176(c) of the CAA, new transportation plans, programs, and projects, such as the construction of new highways, must ''conform'' to (*i.e.,* be consistent with) the part of the state's air quality plan that addresses pollution from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestones. If a transportation plan does not conform, most new projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP. The regional emissions analysis is one, but not the only, requirement for implementing transportation conformity. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS but have since been redesignated to attainment with an approved maintenance plan for that NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs and maintenance plans for nonattainment areas. These control strategy SIPs (including RFP and attainment demonstration requirements) and maintenance plans create MVEBs (or in this case sub-area MVEBs) for criteria pollutants and/or their precursors to address pollution from cars and trucks. Per 40 CFR part 93, a MVEB must be established for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. The MVEB is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule (58 FR 62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB.

As part of the interagency consultation process on setting sub-area MVEBs, the DAQ held three conference calls with the Charlotte Regional Transportation Planning Organization (CRTPO)—Rocky River Rural Planning Organization (RRRPO), Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO), and Cabarrus Rowan Metropolitan Planning Organization (CRMPO) to determine what years to set sub-area MVEBs for the Charlotte maintenance plan. According to the transportation conformity rule, a maintenance plan must establish MVEBs for the last year of the maintenance plan (in this case, 2026). *See* 40 CFR 93.118. The consensus formed during the interagency consultation process was that another MVEB should be set for the Charlotte maintenance plan base year of 2014.

Accordingly, NC DAQ established separate sub-area MVEBs based on the latest Metropolitan Planning Organization jurisdictional boundaries such that sub-area MVEBs are established for the CRMPO (Cabarrus and Rowan Counties), for the CRTPO–RRRPO (Iredell, Mecklenburg and Union Counties), and for the GCLMPO (Gaston and Lincoln Counties) subareas. Although Cleveland County is included in the GCLMPO, it is not included in the Charlotte ozone nonattainment area.

Tables 6 through 8 below provide the NO_X and VOC sub-area MVEBs in kilograms per day (kg/day),[10] for 2014 and 2026.

TABLE 6—CRMPO SUB-AREA MVEBS

[kg/day]

	2014		2026	
	NO_X	VOC	NO_X	VOC
Base Emissions	11,814	7,173	3,124	3,135
Safety Margin Allocated to MVEB	.....	.....	625	627
Conformity MVEB	11,814	7,173	3,749	3,762

[10] The conversion to kilograms used the actual emissions reported in the MOVES model. The conversion was done utilizing the ''CONVERT'' function in an EXCEL spreadsheet. The conversion factor is 907.1847.

TABLE 7—GCLMPO SUB-AREA MVEBS

[kg/day]

	2014		2026	
	NO_X	VOC	NO_X	VOC
Base Emissions	10,079	5,916	2,482	2,278
Safety Margin Allocated to MVEB	.....	.....	510	470
Conformity MVEB	10,079	5,916	2,992	2,748

TABLE 8—CRTPO–RRRPO SUB-AREA MVEBS

[kg/day]

	2014		2026	
	NO_X	VOC	NO_X	VOC
Base Emissions	32,679	18,038	8,426	8,189
Safety Margin Allocated to MVEB	.....	.....	1,515	1,472
Conformity MVEB	32,679	18,038	9,941	9,661

As mentioned above, North Carolina has chosen to allocate a portion of the available 2026 safety margin to the NO_X and VOC sub-area MVEBs for 2026. As discussed in section VI of this proposed rulemaking, a safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the NAAQS. As discussed above, North Carolina has selected 2014 as the base year.

Through this rulemaking, EPA is proposing to approve the sub-area MVEBs for NO_X and VOC for 2014 and 2026 for the North Carolina portion of the bi-state Charlotte Area because EPA believes that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets. Once the sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations. After thorough review, EPA has preliminary determined that the budgets meet the adequacy criteria, as outlined in 40 CFR 93.118(e)(4), and is proposing to approve the budgets because they are consistent with maintenance of the 2008 8-hour ozone NAAQS through 2026.

VII. What is the status of EPA's adequacy determination for the Proposed NO_X and VOC sub-area MVEBs for 2014 and 2026 for the North Carolina portion of the area?

When reviewing submitted ''control strategy'' SIPs or maintenance plans containing MVEBs, EPA may affirmatively find the MVEB contained therein adequate for use in determining transportation conformity. Once EPA affirmatively finds the submitted MVEB is adequate for transportation conformity purposes, that MVEB must be used by state and Federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA.

EPA's substantive criteria for determining adequacy of a MVEB are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: Public notification of a SIP submission, a public comment period, and EPA's adequacy determination. This process for determining the adequacy of submitted MVEBs for transportation conformity purposes was initially outlined in EPA's May 14, 1999, guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' EPA adopted regulations to codify the adequacy process in the Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments—Response to Court Decision and Additional Rule Change,'' on July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule entitled, ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes,'' 68 FR 38974, 38984 (June 30, 2003).

As discussed earlier, North Carolina's maintenance plan includes NO_X and VOC sub-arear MVEBs for the North Carolina portion of the bi-state Charlotte Area for 2014, an interim year of the maintenance plan, and 2026, the last year of the maintenance plan. EPA is reviewing the NO_X and VOC sub-area MVEBs through the adequacy process. The North Carolina bi-state Charlotte Area NO_X and VOC sub-area MVEBs, opened for public comment on EPA's adequacy Web site on March 17, 2015, found at: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.* The EPA public comment period on adequacy for the sub-area MVEBs for 2014 and 2026 for the North Carolina portion of the bi-state Charlotte Area closed on April 16, 2015. No comments, adverse or otherwise, were received during EPA's adequacy process for the sub-area MVEBs associated with North Carolina's maintenance plan.

EPA intends to make its determination on the adequacy of the 2014 and 2026 sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area for transportation conformity purposes in the near future by completing the adequacy process that was started on March 17, 2015. After EPA finds the 2014 and 2026 sub-area MVEBs adequate or approves them, the new sub-area MVEBs for NO_X and VOC must be used for future transportation conformity determinations. For required regional emissions analysis years that involve 2014 through 2026, the applicable 2014 sub-area MVEBs will be used and for 2026 and beyond, the applicable budgets will be the new 2026 sub-area MVEBs established in the maintenance plan, as defined in section VI of this proposed rulemaking.

VIII. What is the effect of EPA's proposed actions?

EPA's proposed actions establish the basis upon which EPA may take final

action on the issues being proposed for approval today. Approval of North Carolina's redesignation request would change the legal designation of Mecklenburg County in its entirety, and the portion of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties within the North Carolina portion of the bi-state Charlotte Area, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS. Approval of North Carolina's associated SIP revision would also incorporate a plan for maintaining the 2008 8-hour ozone NAAQS in the bi-state Charlotte Area through 2026 into the SIP. This maintenance plan includes contingency measures to remedy any future violations of the 2008 8-hour ozone NAAQS and procedures for evaluation of potential violations. The maintenance plan also establishes NO_X and VOC sub-area MVEBs for 2014 and 2026 for the North Carolina portion of the bi-state Charlotte Area. The sub-area MVEBs are listed in Tables 6 through 8 in Section VI. Additionally, EPA is notifying the public of the status of EPA's adequacy determination for the newly-established NO_X and VOC sub-area MVEBs for 2014 and 2026 for the North Carolina portion of the bi-state Charlotte Area.

IX. Proposed Actions

EPA is taking three separate but related actions regarding the redesignation and maintenance of the 2008 8-hour ozone NAAQS for the North Carolina portion of the bi-state Charlotte Area.

EPA proposes to determine that the Charlotte Area has attained the 2008 8-hour ozone standard by the July 20, 2015, required attainment date. EPA is proposing to determine that the entire bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS, based on complete, quality-assured, and certified monitoring data for the 2012–2014 monitoring period. EPA is also proposing to approve the maintenance plan for the North Carolina portion of the Area, including the NO_X and VOC sub-area MVEBs for 2014 and 2026, into the North Carolina SIP (under CAA section 175A). The maintenance plan demonstrates that the Area will continue to maintain the 2008 8-hour ozone NAAQS and that the budgets meet all of the adequacy criteria contained in 40 CFR 93.118(e)(4) and (5). Further, as part of this action, EPA is describing the status of its adequacy determination for the NO_X and VOC sub-area MVEBs for 2014 and 2026 in accordance with 40 CFR 93.118(f)(1). Within 24 months from the effective date of EPA's adequacy determination for the MVEBs or the publication date for the final rule for this action, whichever is earlier, the transportation partners will need to demonstrate conformity to the new NO_X and VOC sub-area MVEBs pursuant to 40 CFR 93.104(e).

Additionally, EPA is proposing to determine that the North Carolina portion of the bi-state Charlotte Area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 2008 8-hour ozone NAAQS. On this basis, EPA is proposing to approve North Carolina's redesignation request for the North Carolina portion of the bi-state Charlotte Area. If finalized, approval of the redesignation request would change the official designation of Mecklenburg County in its entirety, and a portion of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in North Carolina, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS.

X. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under 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 imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability 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. *See* 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, these proposed actions merely propose to approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For this reason, these proposed actions:

- Are 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);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: May 13, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–12352 Filed 5–20–15; 8:45 am]

BILLING CODE 6560–50–P

STATE OF OREGON AIR QUALITY CONTROL PROGRAM—Continued

SIP citation	Title/subject	State effective date	EPA approval date	Explanation
*	* * * *	*	*	*
	Grants Pass Second 10-Year Carbon Monoxide Limited Maintenance Plan.	4/16/2015	7/28/2015, [Insert **Federal Register** citation].	
*	* * * *	*	*	*

* * * * *

[FR Doc. 2015–18220 Filed 7–27–15; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0260; FRL–9931–27–Region 4]

Approval and Promulgation of Implementation Plans; North Carolina: Non-Interference Demonstration for Federal Low-Reid Vapor Pressure Requirement for Gaston and Mecklenburg Counties

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of North Carolina's April 16, 2015, revision to its State Implementation Plan (SIP), submitted through the North Carolina Department of Environment and Natural Resources, Division of Air Quality (DAQ), in support of the State's request that EPA change the Federal Reid Vapor Pressure (RVP) requirements for Gaston and Mecklenburg Counties. This RVP-related SIP revision evaluates whether changing the Federal RVP requirements in these counties would interfere with the requirements of the Clean Air Act (CAA or Act). North Carolina's April 16, 2015, RVP-related SIP revision also updates the State's maintenance plan and the associated motor vehicle emissions budgets (MVEBs) related to its redesignation request for the North Carolina portion of the Charlotte-Rock Hill 2008 8-hour ozone nonattainment area (Charlotte Area) to reflect the requested change in the Federal RVP requirements. EPA has determined that North Carolina's April 16, 2015, RVP-related SIP revision is consistent with the applicable provisions of the CAA.

DATES: This rule is effective July 28, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0260. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* 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 *www.regulations.gov* or in hard copy at the Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the 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 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Wong of the Air Regulatory Management Section, in the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Wong may be reached by phone at (404) 562–8726 or via electronic mail at *wong.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is the background for this final action?

On May 21, 2012, EPA designated and classified areas for the 2008 8-hour ozone NAAQS that was promulgated on March 27, 2008, as unclassifiable/attainment or nonattainment for the new 8-hour ozone NAAQS. *See* 77 FR 30088. The Charlotte Area was designated as nonattainment for the 2008 8-hour ozone NAAQS with a design value of 0.079 ppm. On April 16, 2015, DAQ submitted a redesignation request and maintenance plan for the North Carolina portion of the Charlotte Area for EPA's approval. In that submittal, the State included a maintenance demonstration that estimates emissions using a 7.8 psi RVP requirement for Gaston and Mecklenburg Counties for the 2008 8-hour ozone redesignation request and maintenance plan. EPA proposed action on the aforementioned redesignation request and maintenance plan in a **Federal Register** document published on May 21, 2015. *See* 80 FR 29250. The final rule approving the State's redesignation request and maintenance plan was signed on July 17, 2015. The State, in conjunction with its request to redesignate the North Carolina portion of the Charlotte Area to attainment, is also requesting a change of the Federal RVP requirement from 7.8 psi to 9.0 psi.

On April 16, 2015, to support its request for EPA to change the Federal RVP requirement for Gaston and Mecklenburg Counties, DAQ submitted a SIP revision that contains a noninterference demonstration that included modeling assuming 9.0 psi for RVP for Gaston and Mecklenburg Counties and that updates the maintenance plan submission and associated MVEBs for the North Carolina portion of the Charlotte Area. In a notice of proposed rulemaking (NPR) published on May 21, 2015, EPA proposed to approve the State's noninterference demonstration and the updates to its maintenance plan and the associated MVEBs related to the State's redesignation request for the North Carolina portion of the Charlotte Area, contingent upon EPA approval of North Carolina's redesignation request and maintenance plan for the North Carolina portion of the Charlotte Area. *See* 80 FR 29230. The details of North Carolina's submittal and the rationale for EPA's actions are explained in the NPR. EPA did not receive any comments on the proposed action.

II. Final Action

EPA is taking final action to approve the State of North Carolina's noninterference demonstration, submitted on April 16, 2015, in support of the State's request that EPA change

the Federal RVP requirements for Gaston and Mecklenburg Counties from 7.8 psi to 9.0 psi. Specifically, EPA has determined that the change in the RVP requirements for Gaston and Mecklenburg Counties will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. North Carolina's April 16, 2015, SIP revision also updates its maintenance plan and the associated MVEBs related to the State's redesignation request for the North Carolina portion of the Charlotte Area to reflect emissions changes for the requested change to the Federal RVP requirements. EPA is approving those changes to update the maintenance plan and the MVEBs.

EPA has determined that North Carolina's April 16, 2015, RVP-related SIP revision is consistent with the applicable provisions of the CAA for the reasons provided in the NPR. EPA is not taking action today to remove the Federal 7.8 psi RVP requirement for Gaston and Mecklenburg Counties. Any such action would occur in a separate and subsequent rulemaking.

In accordance with 5 U.S.C. 553(d), EPA finds that there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary because this action approves a noninterference demonstration that will serve as the basis of a subsequent action to relieve the Area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this 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. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, this rule will serve as a basis for a subsequent action to relieve the Area from certain CAA requirements. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submittal 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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, October 7, 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, the SIP is not approved to apply on any Indian reservation land or in any other area where 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000) nor will it 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 2015. 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: July 17, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

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 II—North Carolina

■ 2. In § 52.1770, the table in paragraph (e) is amended by adding a new entry ''Supplement Maintenance Plan for the Charlotte Area, NC 2008 8-hour Ozone Maintenance Area and RVP Standard'' at the end of the table to read as follows:

§ 52.1770 Identification of plan.

(e) * * *

* * * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA Approval date	**Federal Register** citation	Explanation
* *	*	*	*	* *
Supplement Maintenance Plan for the Charlotte Area, NC 2008 8-hour Ozone Maintenance Area and RVP Standard.	4/16/2015	7/28/2015	[insert **Federal Register** citation].	Provides the non-interference demonstration for revising the Federal Low-Reid Vapor Pressure requirement for the Charlotte Area, NC.

[FR Doc. 2015–18343 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0357; FRL–9931–33-Region 7]

Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Revisions to Linn County Air Quality Ordinance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the State Implementation Plan (SIP) for the State of Iowa. The purpose of these revisions is to update the Linn County Air Quality Ordinance, Chapter 10. These revisions reflect updates to the Iowa statewide rules previously approved by EPA and will ensure consistency between the applicable local agency rules and Federally-approved rules.

DATES: This direct final rule will be effective September 28, 2015, without further notice, unless EPA receives adverse comment by August 27, 2015. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2015–0357, by one of the following methods:

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

2. *Email: Hamilton.heather@epa.gov.*

3. *Mail or Hand Delivery:* Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2015–0357. 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 through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *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 email comment directly to EPA without going through *www.regulations.gov,* your email 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 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, 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 at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m. to 4:30 p.m. excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219, at 913–551–7039, or by email at *Hamilton.heather@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?

The State of Iowa has requested EPA approval of revisions to the local agency's rules and regulations, Linn County Air Quality Ordinance, Chapter 10, as a revision to the SIP. In order for the local program's ''Air Quality Ordinance'' to be incorporated into the Federally-enforceable SIP, on behalf of the local agency, the state must submit the formally adopted regulations and control strategies, which are consistent with the state and Federal requirements, to EPA for inclusion in the SIP. The regulation adoption process generally includes public notice, a public comment period and a public hearing, and formal adoption of the rule by the state authorized rulemaking body. In this case, that rulemaking body is the local agency. After the local agency formally adopts the rule, the local agency submits the rulemaking to the

with EPA's permit application requirements for title V sources. *See* 40 CFR 70.5(c). Specifically, as is the case under Regulation 2.17, Section 4.2, 40 CFR 70.5(c) allows for the omission of insignificant activities from a permit application, but still requires inclusion of information related to an exemption for size or production rate, as well as information needed to determine the applicability of any applicable requirement. In addition, EPA believes the inclusion of insignificant activities in the FEDOOP permit process is SIP-strengthening, and that the exclusion of trivial activities will not impact implementation of the FEDOOP program. For these reasons, EPA is proposing to approve these changes.

The August 25, 2017, submittal also includes a change at Regulation 2.17, Section 3.8 to include a 5-year term for which FEDOOPs remain in effect. This time period is a clarifying amendment to inform the public and facilities that FEDOOPs must be renewed every 5 years. This time period is consistent with the federal title V permitting program. Additionally, the addition of Section 3.8 includes a reference to Section 6.2, which describes the permit shield, meaning that as long as an administratively complete permit application has been received for issuance or renewal, then the failure to have a permit is not a violation of the rules until such a time that LMAPCD takes final action on the permit application. This shield provision is not being modified in this submittal, but the reference to it in Section 3.8 is appropriate to acknowledge what permit terms and conditions remain in effect while a permit renewal is being processed. The other changes to Regulation 2.17 are ministerial in nature.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Jefferson County's Regulation 1.02,—''Definitions,'' version 14, state effective September 21, 2016, [9] which makes various changes to applicable definitions, and Regulation 2.17,—''Federally Enforceable District Origin Operating Permits,'' version 4, February 15, 2017, which adds provisions describing permit application content for these types of permits. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve changes to the Jefferson County portion of the Kentucky SIP that were provided to EPA through two letters dated December 21, 2016, and August 25, 2017, to change applicable definitions and provisions for the FEDOOP program. These changes are consistent with the CAA.

V. 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. *See* 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. This action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

- Are not significant regulatory actions 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);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon moNO$_x$ide, Incorporation by Preference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 6, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–10344 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

[9] The District approved version 13 of Regulation 1.02 on July 2, 2013, and version 14 on September 21, 2016. The State forwarded the regulations to EPA in the opposite order. Version 14 become state effective on September 21, 2016, and version 13 became state effective on February 15, 2017. Although the most recent State approval adopts version 13, EPA understands the State's intent is to incorporate version 14 of the regulation into the SIP. For that reason, EPA is proposing to incorporate by reference Regulation 1.02 as of version 14's state-effective date, September 21, 2016. EPA may include an explanation describing this situation in 40 CFR 52.920(c), Table 2 if the Agency finalizes the changes proposed in this action.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0598; FRL–9993–83–Region 4]

Air Plan Approval; NC: Revision to I/M Program & Update to Charlotte Maintenance Plan for the 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of North Carolina through a letter dated July 25, 2018, through the North Carolina Department of Environmental Quality (DEQ), Division of Air Quality (DAQ), primarily for the purpose of revising the model year coverage for vehicles in the 22 counties subject to North Carolina's expanded inspection and maintenance (I/M) program, which was previously approved into the SIP, in part, for use as a component of the State's Nitrogen Oxides (NO_X) Budget and Allowance Trading Program. The SIP revision also includes a demonstration that the requested revision to the vehicle model year coverage will not interfere with attainment or maintenance of any national ambient air quality standard (NAAQS) or with any other applicable requirement of the Clean Air Act (CAA or Act). In addition, North Carolina's July 25, 2018, SIP revision updates the State's maintenance plan and the associated motor vehicle emissions budgets (MVEBs) used for transportation conformity, for the North Carolina portion of the Charlotte-Rock Hill, NC-SC 2008 8-hour ozone nonattainment area (hereafter referred to as the ''Charlotte 2008 Ozone Maintenance Area'') to reflect the requested change in the vehicle model year coverage for the expanded I/M program. EPA has evaluated whether this SIP revision would interfere with the requirements of the CAA, including EPA regulations related to statewide NO_X emissions budgets. EPA is proposing to determine that North Carolina's July 25, 2018, SIP revision is consistent with the applicable provisions of the CAA.

DATES: Written comments must be received on or before June 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0598 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division (formerly the 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) 562–9222. Ms. Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is Being Proposed?

In response to a North Carolina legislative act signed by the Governor on May 4, 2017, that changed the State's I/M requirements for the 22 counties subject to the State's expanded I/M program,[1] DAQ provided a SIP revision through a letter dated July 25, 2018,[2] seeking to have several of these changes incorporated into the North Carolina SIP. Primarily, North Carolina's July 25, 2018, SIP revision makes substantive changes to the applicability section of North Carolina's SIP-approved expanded I/M program found within 15A North Carolina Administrative Code (NCAC) 02D .1000 (Motor Vehicle Emission Control Standard).[3] Specifically, the July 25, 2018, SIP revision modifies Section .1002 by changing, for applicability purposes, the vehicle model year coverage for the 22 counties subject to the expanded I/M program from a specific year-based timeframe for coverage (*i.e.,* beginning in 1996) to a rolling 20-year timeframe for coverage.[4] More precisely, the revision being proposed changes the applicability of the expanded I/M program to: (i) A vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. Previously, the program applied to: (i) A 1996 or later model year vehicle and older than the three most recent model years; or (ii) a 1996 or later model year vehicle and has 70,000 miles or more on its odometer. It is estimated that this proposed change will result in a small increase (less than one percent) in nitrogen oxides (NO_X) and volatile organic compound (VOC) emissions. Additionally, the July 25, 2018, SIP revision makes formatting or other minor clarifying changes to several related SIP-approved I/M sections: .1001 (Purpose), .1003 (Definitions), and .1005 (On-Board Diagnostic Standards).[5] All of these proposed changes are discussed more fully in Section III below.

A majority (14) of the 22 counties impacted by this proposed rulemaking were included in an expanded I/M program which was approved into the North Carolina SIP in 2002, for the sole purpose of using NO_X emissions reductions generated by this expanded program as a component of the State's NO_X Budget and Allowance Trading Program. *See* 67 FR 66056 (October 30, 2002). The purpose of the 2002 I/M SIP revision was to allow North Carolina to gain credits from the I/M emissions reductions from the expanded list of counties as part of its NO_X Budget and Allowance Trading Program. *See* 67 FR 66056. North Carolina's NO_X Budget and Allowance Trading Program was

[1] Under provisions of the State legislation, Session Law 2017–10, Senate Bill 131, the changes to North Carolina's I/M requirements for the 22 counties is not effective until the later of the following dates: October 1, 2017, or the first day of a month that is 60 days after the Secretary of the DEQ certifies that EPA has approved the SIP revision. The 22 counties are: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake. *See* clarification letter dated August 31, 2018, from North Carolina in the docket for this proposed rulemaking.

[2] EPA received North Carolina's SIP submittal on July 31, 2018.

[3] In the table of North Carolina regulations federally-approved into the SIP at 40 CFR 52.1770(c), 15A NCAC 02D is referred to as ''Subchapter 2D Air Pollution Control Requirements.''

[4] By its terms, Section .1002(d) makes the 22 counties identified in North Carolina General Statute 143–215.107A subject to the I/M program's emission control standards. These same 22 counites are the counties currently subject to North Carolina's SIP-approved I/M program which was expanded from 9 counties to 48 counties in 2002 (and is referred to as the ''expanded'' I/M program). *See* 83 FR 48383 (September 25, 2018) (removing 26 of the 48 counties from North Carolina's SIP-approved expanded I/M program and leaving the 22 counties identified in footnote 1 above as remaining). In addition, changes to Section .1002 also include language making the effective date of the change to the vehicle model year coverage correspond to the effective date set out in North Carolina Session Law 2017–10 referred to in footnote 1 above (*i.e.,* on the first day of the month that is 60 days after EPA approves the change into the SIP).

[5] Sections .1006 and .1008 were also readopted without substantive changes. However, these rules are not in North Carolina's SIP and North Carolina is not requesting that EPA approve these rules into the SIP.

submitted to EPA for approval in response to EPA's regulation entitled ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the NO_X SIP Call.

For the reasons discussed more fully in Section III, below, EPA is proposing to find that the changes to the vehicle model year coverage in Section .1002 for the 22 counties subject to North Carolina's SIP-approved expanded I/M program will not interfere with North Carolina's obligations under the NO_X SIP Call. A number of federal rules and SIP-approved state regulations promulgated and implemented subsequent to the 2002 approval of North Carolina's NO_X SIP Call submission have created significant NO_X emissions reductions in North Carolina such that the small increase in NO_X emissions (and the associated small decrease in emissions reductions credits generated from the counties and available for use) does not impact the ability of North Carolina to meet its NO_X SIP Call Statewide NO_X emissions budget. North Carolina has provided an analysis which supports this proposed finding, and which discusses some of these federal rules and SIP-approved State regulations.[6]

In addition, North Carolina's SIP revision evaluates the impact that the change to the vehicle model year coverage for the 22 counties would have on the State's ability to attain and maintain the NAAQS. The SIP revision contains a technical demonstration with revised emissions calculations showing that the change to Section .1002 for vehicle model year coverage for the expanded I/M program in the 22 counties will not interfere with North Carolina's attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. Based on this demonstration, EPA is proposing to find that North Carolina's revised emissions calculations demonstrate that the change to the expanded I/M program for the 22 counties will not interfere with State's ability to attain or maintain any NAAQS. With regard to the related expanded I/M program provisions at Sections .1001, .1002, and .1003, EPA is proposing to find that the changes to those Sections are formatting or clarifying in nature, do not alter the meaning of the Sections, and are thus approvable.

Finally, for 7 of the 22 counties in North Carolina's expanded I/M program, I/M emissions from those counties have been relied on by North Carolina for maintenance of the ozone NAAQS for the Charlotte 2008 Ozone Maintenance Area. Through the July 25, 2018, SIP revision (the subject of this proposed rulemaking), North Carolina provides a maintenance demonstration for the Area that takes into account the small increase in NO_X and VOC emissions estimated to result from the proposed change to the vehicle model year coverage for the expanded I/M program for these counties. As discussed more fully in Sections III d. and e. below, EPA is proposing to find that, after taking into account these estimated small increases in NO_X and VOC emissions, North Carolina has demonstrated continued maintenance for the Charlotte 2008 Ozone Maintenance Area, and, thus, EPA is also proposing to approve the changes to the State's maintenance plan and the associated MVEBs for this Area.

II. What is the background of North Carolina's SIP-approved I/M program?

Under sections 182(b)(4), (c) and (d) of the CAA, I/M programs are required for areas that are designated as moderate or above for nonattainment for ozone. As a result, North Carolina has previously submitted, and EPA has previously approved into the SIP (in 1995), a CAA-required I/M program for nine counties.[7] *See* 60 FR 28720 (June 2, 1995). Subsequently, North Carolina expanded its State I/M program to cover 39 additional counties in order to use credits from I/M emissions reductions from these additional counties as a component of the State's response to EPA's NO_X SIP Call.[8]

The NO_X SIP Call was designed to mitigate significant transport of NO_X, one of the precursors of ozone. It required 19 states (including North Carolina) and the District of Columbia to meet statewide NO_X emissions budgets during the five-month period from May 1 through September 30, called the ozone season (or control period). EPA approved the expansion of North Carolina's SIP-approved I/M in 2002.

Approval of the I/M revision into the SIP and the amended rules contained therein allowed North Carolina to gain emissions reduction credits ranging from 914 tons in 2004 to 4,385 tons in 2007 and beyond for use in its NO_X emissions budget. These emissions reduction credits were used by the State at the beginning of the NO_X emissions budget program to allow for new growth and to help meet the overall budget cap until the affected stationary sources could install and operate controls needed to meet their emissions allowances. *See* 67 FR 66056. For example, while these credits were primarily used to allow for new growth during initial program implementation, a small portion of the credits (approximately 1,000 tons per ozone season) were also initially used by North Carolina to help meet the Statewide NO_X emissions budget of 165,022 tons per ozone season.[9] *See* 67 FR 66056; 67 FR 42519, 42522 (June 24, 2002). EPA approved the expanded I/M program into the SIP on October 30, 2002 (67 FR 66056), and approved North Carolina's NO_X SIP Call submittal (*i.e.,* the North Carolina NO_X Budget and Allowance Trading Program) on December 27, 2002. *See* 67 FR 78987. Subsequently, on September 15, 2018, EPA finalized a rulemaking which approved a SIP revision removing 26 counties from North Carolina's SIP-approved expanded I/M program.[10] *See* 83 FR 48383. The result of EPA's 2018 final rulemaking is that 22 counties now remain subject to North Carolina's SIP-approved expanded I/M program.

III. What is EPA's analysis of North Carolina's July 25, 2018, SIP revision?

A. Changes for Sections .1001, .1003, and .1005

As mentioned above, North Carolina's July 25, 2018, SIP revision makes formatting or other minor clarifying changes to several related SIP-approved I/M sections: .1001 (Purpose), .1003 (Definitions), and .1005 (On-Board Diagnostic Standards). Below is a summary of these changes.

- *.1001—Purpose:* Changes are formatting in nature. Specifically, North Carolina changes ''inspection/maintenance'' to ''inspection and maintenance'', and also changes ''law'' to ''law.''

[6] *See* Letter from Michael A. Abraczinskas, Director of the Division of Air Quality for the North Carolina Department of Environmental Quality, dated July 11, 2018. This letter is part of the Docket for this action.

[7] The nine counties are Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union and Wake. *See* 60 FR 28720 (June 2, 1995). However, while Orange County was included in this 1995 submittal and EPA approval, it was not designated as nonattainment for either the ozone or carbon monoxide (CO) NAAQS.

[8] North Carolina Session Law 1999–328, Section 3.1(d) and Section 3.8.

[9] North Carolina's Statewide NO_X emissions budget is found at 40 CFR 51.121(g)(2)(ii).

[10] EPA also approved changes to North Carolina's I/M SIP on November 20, 2014. *See* 79 FR 69051. Those changes repealed the regulations pertaining to the tail-pipe emissions test because this test was obsolete and replaced it with the on-board diagnostics emissions test.

• *.1003—Definitions:* Changes are formatting in nature. Specifically, North Carolina changes ''Rules'' to ''15A NCAC 2D'' and removes ''of the Section'' in two places. North Carolina also changes ''Three'' to ''three''.

• *.1005—On-Board Diagnostic Standards:* Changes are formatting in nature or minor clarifications that do not alter the meaning or effect of the rule. Specifically, North Carolina changes ''Rules'' to ''15A NCAC 2D'' and removes ''of the Section'' in one place. North Carolina also clarifies paragraphs (d) and (e) of this rule without making substantive changes. In summary, North Carolina changes paragraph (d) to read ''Persons performing on-board diagnostics tests shall provide the Division of Air Quality the data required by 40 CFR 51.365, Data Collection; 40 CFR 51.366, Data Analysis and Reporting; and 40 CFR 51.358 Test Equipment.'' from ''Persons performing on-board diagnostic tests shall provide the Division of Air Quality data necessary to determine the effectiveness of the on-board diagnostic testing program. The data submitted shall be what is necessary to satisfy 51.358, Test Equipment.'' Paragraph (e) is changed from ''All reference to federal regulations include subsequent amendments and editions.'' to ''Federal regulations cited in this Rule are incorporated by reference, including subsequent amendments and editions.''

EPA is proposing to approve the aforementioned changes to Sections .1001, .1003, and .1005 because they are formatting in nature or are minor clarifications that do not change the meaning or effect of these rules.

B. Impact of Section .1002 Changes on the State's NO_X SIP Call Obligations

For Section .1002, North Carolina's July 25, 2018, SIP revision seeks to change the vehicle model year coverage for the 22 counties subject to the North Carolina I/M program requirements contained in the SIP. North Carolina estimates that this change to the vehicle model year coverage will increase NO_X emissions from the 22 counties by 311 tons per ozone season (*See* Table 2 below). As noted previously, a subset of the 22 counties (14 counties) were included in the expanded I/M program in order to generate emissions reduction credits for NO_X, a small part of which were initially used by the State to meet its Statewide NO_X emissions budget. Consequently, some portion of the 311 tons/ozone season NO_X emissions increase necessarily results in fewer emissions reductions credit generated and available for use by the State to meet its Statewide NO_X emissions budget. However, while fewer emissions reduction credits from the expanded I/M program may be available to North Carolina as a result of the small NO_X emissions increase, EPA is proposing to find that any decrease in available emissions reductions credits from the expanded I/M program will not interfere with the State's obligation under the NO_X SIP Call with regards to meeting its Statewide NO_X emissions budget. As discussed more fully below, EPA believes this is because, since 2002, significant NO_X emissions reductions have otherwise been achieved in North Carolina from implementation of several federal and SIP-approved regulations. For purposes of meeting its Statewide NO_X emissions budget, these significant NO_X emissions reductions more than offset any small decrease in available emissions reduction credits due to the change to the vehicle model year coverage.

Subsequent to the NO_X SIP Call and the 2002 approval of North Carolina's NO_X Budget and Allowance Trading Program, a number of federal rules, as well as SIP-approved state regulations have created significant NO_X emissions reductions in North Carolina (including ozone season reductions). For stationary sources, including large electricity generating units (EGUs), these federal rules include the Clean Air Interstate Rule (CAIR) in 2005 [11] and its replacement in 2011, the Cross State Air Pollution Rule (CSAPR).[12] In addition, federal mobile source-related measures include: The Tier 2 vehicle and fuel standards; [13] nonroad spark ignition engines and recreational engine standards; heavy-duty gasoline and diesel highway vehicle standards; [14] and large nonroad diesel engine standards.[15] These mobile source measures have resulted in, and continue to result in, large reductions in NO_X emissions over time due to fleet turnover (*i.e.,* the replacement of older vehicles that predate the standards with newer vehicles that meet the standards).

In 2002, North Carolina also enacted and subsequently implemented its Clean Smokestacks Act (CSA), which created system-wide annual emissions caps on actual emissions of NO_X and sulfur dioxide (SO_2) from coal-fired power plants within the State, the first of which became effective in 2007. The CSA required certain coal-fired power plants in North Carolina to significantly reduce annual NO_X emissions by 189,000 tons (or 77 percent) by 2009 (using a 1998 baseline year). This represented about a one-third reduction of the NO_X emissions from all sources in North Carolina. *See* 76 FR 36468, 36470 (June 11, 2011).[16] With the requirement to meet annual emissions caps and disallowing the purchase of NO_X credits to meet the caps, the CSA reduced NO_X emissions beyond the requirements of the NO_X SIP Call even though the Act did not limit emissions only during the ozone season. EPA approved the CSA into North Carolina's SIP on September 26, 2011 (76 FR 59250).

Together, implementation of these federal rules and SIP-approved State regulations have created significant NO_X emissions reductions since North Carolina's NO_X emissions budget was approved into the SIP in 2002, and for EGUs, have significantly reduced ozone season NO_X emissions well below the original NO_X SIP Call budget. This last point is illustrated in Table 1, which

[11] CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states, including North Carolina, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 fine particulate matter ($PM_{2.5}$) NAAQS. CAIR was challenged in federal court and in 2008, the United States Court of Appeals for the District of Columbia (D.C. Circuit) remanded CAIR to EPA without vacatur. *North Carolina* v. *EPA,* 550 F.3rd 1176, 1178 (D.C. Cir. 2008).

[12] In response to the D.C. Circuit's remand of CAIR, EPA promulgated CSAPR to replace CAIR. CSAPR requires 28 eastern states, including North Carolina, to limit their statewide emissions of SO_2 and NO_X in order to mitigate transported air pollution impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2 and NO_X, and/or ozone-season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with Phase I budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years. CSAPR was challenged in the D.C. Circuit, and on August 12, 2012, it was vacated and remanded to EPA. The vacatur was subsequently reversed by the United States Supreme Court on April 29, 2014. *EPA* v. *EME Homer City Generation, L.P.,* 134 S.Ct. 1584 (2014). This litigation ultimately delayed implementation of CSAPR for three years.

[13] The Tier 2 standards, begun in 2004, continue to significantly reduce NO_X emissions and EPA expects that these standards will reduce NO_X emissions from vehicles by approximately 74 percent by 2030 (or nearly 3 million tons annually by 2030). *See* 80 FR 44873, 44876 (July 28, 2015) (citing EPA, Regulatory Announcement, EPA 420–F–99–051 (December 1999)).

[14] Also begun in 2004, implementation of this rule is expected to achieve a 95 percent reduction in NO_X emissions from diesel trucks and buses by 2030. *See* 80 FR 44873, 44876 (July 28, 2015).

[15] EPA estimated that compliance with this rule will cut NO_X emissions from non-road diesel engines by up to 90 percent nationwide. *See* 80 FR 44873, 44876 (July 28, 2015).

[16] North Carolina indicates that the utilities have reduced NO_X emissions by 83 percent relative to the 1998 emissions levels. *See* Letter from Michael A. Abraczinskas, Director of the Division of Air Quality for the North Carolina Department of Environmental Quality, dated July 11, 2018.

compares the EGU NO_X SIP Call budget to actual emissions in 2007 and 2017. Actual EGU emissions in 2007 and 2017 were 23 percent (7,274 tons) and 60 percent (18,906 tons) below the NO_X SIP Call budget for EGUs, respectively. Notably, the entirety of the emissions reduction credits from the I/M program (and used by the State in its NO_X emissions budget) only totaled 4,385 tons, of which approximately 1,000 tons was initially needed to meet the overall budget.

TABLE 1—COMPARISON OF OZONE SEASON NO_X SIP CALL BUDGET TO ACTUAL EMISSIONS FOR EGUS

	2017	2017
NO_X SIP Call Budget, Tons [17]	31,451	31,451
Actual Emissions, Tons	24,177	12,545
Below Budget, Tons	7,274	18,906
Below Budget, Percent	23	60

Table 2 compares the impact of the estimated ozone season NO_X emissions increases due to the proposed change to the vehicle model year coverage for the 22 counties on EGU reductions and NO_X SIP Call I/M reduction credits. Using EPA's Motor Vehicle Emission Simulator (MOVES2014), DAQ estimated that changes to the vehicle model year coverage in the 22 counties will increase ozone season NO_X emissions by 311 tons. As noted above, in 2017, EGU emissions were 18,906 tons (60 percent) below the NO_X SIP Call budget for EGUs. The estimated 311 tons NO_X increase from the proposed change to the vehicle model year coverage in the 22 counties combined with the estimated 611 tons increase in NO_X emissions from the removal of 26 counties from the expanded I/M program (which EPA previously approved in a separate action published on September 25, 2018) would lower the EGU reduction by less than 5 percent to 17,984 tons below the NO_X SIP Call budget for EGUs. Thus, based on this EGU-focused analysis, DAQ concludes that the small ozone season NO_X emissions increase associated with the proposed change to the vehicle model year coverage in the 22 counties subject to North Carolina's expanded I/M program has no impact on North Carolina's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget.

[17] From EPA's proposed approval of North Carolina's NO_X SIP Call submission. *See* 67 FR 42519 (June 24, 2002).

TABLE 2—IMPACT OF NO_X EMISSIONS INCREASES DUE TO PROPOSED CHANGES TO I/M PROGRAM ON EGU REDUCTIONS AND NO_X SIP CALL I/M CREDITS

I/M emissions increase in 2018, tons	NO_X emissions
26 Counties	611
22 Counties	311
48 County Total I/M Increase	922
EGU Reduction in 2017 (from Table 1)	18,906
Net EGU Reduction in 2017 including I/M Increase	17,984

Considering the above, EPA is proposing to find that North Carolina's July 25, 2018, SIP revision to change the vehicle model year coverage for the 22 counties subject to the expanded I/M program contained in its SIP (which results in a small increase in NO_X emissions and consequentially a small decrease in the amount of emissions reduction credits generated and available for use in the State's NO_X emissions budget) will not interfere with the State's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget. Subsequent promulgation and implementation of a number of federal rules and SIP-approved state regulations, and in particular those impacting EGUs, have created significant NO_X emissions reductions in the State that are more than sufficient, for purposes of meeting the Statewide NO_X emissions budget, to offset this small decrease in available emissions reduction credits.

C. Overall Preliminary Conclusions Regarding North Carolina's Noninterference Analyses

Section 110(l) of the CAA requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the CAA. EPA evaluates section 110(l) noninterference demonstrations on a case-by-case basis considering the circumstances of each SIP revision. EPA interprets section 110(l) as applying to all NAAQS that are in effect, including those that have been promulgated but for which EPA has not yet made designations. The degree of analysis focused on any NAAQS in a noninterference demonstration varies depending on the nature of the emissions associated with the proposed SIP revision. For I/M SIP revisions, the most relevant pollutants to consider are ozone precursors (*i.e.,* NOx and VOC) and carbon monoxide (CO). In connection with North Carolina's July 25, 2018, SIP revision, the State submitted a non-interference demonstration which EPA analyzes below.

As mentioned above, in a letter dated July 25, 2018, DAQ submitted a noninterference demonstration to support the State's request to change the vehicle model year coverage for the 22 counties subject to the expanded I/M program to: (i) a vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. This demonstration includes an evaluation of the impact that this change would have on North Carolina's ability to attain or maintain any NAAQS in the State. Based on the analysis below, EPA is proposing to find that the change in vehicle model year coverage in the 22 counties subject to the North Carolina expanded I/M program meets the requirements of CAA section 110(l) and will not interfere with attainment or maintenance of any NAAQS in North Carolina.[18]

i. Noninterference Analysis for the Ozone NAAQS

On July 18, 1997, EPA promulgated a revised 8-hour ozone standard of 0.08 parts per million (ppm). This standard was more stringent than the 1-hour ozone standard that was promulgated in 1979. On March 12, 2008, EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 ppm to provide increased protection of public health and the environment. *See* 73 FR 16436 (March 27, 2008). The 2008 8-hour ozone NAAQS retains the same

[18] EPA also notes, as a transport-related matter, that on October 26, 2016, the Agency determined through the CSAPR Update (see 81 FR 74504) that North Carolina did not contribute to nonattainment or maintenance issues in downwind states for the 2008 8-hour ozone NAAQS. The 2016 CSAPR Update provides technical and related analysis to assist states with meeting the good neighbor requirements of the CAA for the 2008 ozone NAAQS. Specifically, the CSAPR Update includes projection modeling to determine whether individual states contribute significantly or not to nonattainment or maintenance in other states. On December 9, 2015, North Carolina provided a SIP revision addressing ozone transport requirements for the 2008 8-hour ozone standards and made the determination that the State did not contribute to nonattainment or maintenance issues in any other state. EPA approved North Carolina's submission on October 4, 2017, with the consideration of EPA's modeling conducted for the CSAPR Update. *See* 82 FR 46134. Also, most recently, EPA conducted modeling for the 2015 ozone NAAQS. That modeling preliminarily indicates that North Carolina does not contribute to nonattainment or interfere with maintenance issues in any other state for that standard.

general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. On October 26, 2015, EPA published a final rule lowering the level of the 8-hour ozone NAAQS to 0.070 ppm. *See* 80 FR 65292.

North Carolina is currently in attainment statewide for all of the ozone NAAQS.[19] Most recently, on November 6, 2017, EPA designated the entire state of North Carolina attainment/unclassifiable for the 2015 8-hour ozone NAAQS. *See* 82 FR 54232. With regard to the I/M SIP revision, thirteen of the 22 counties where vehicle model year coverage is being revised have ozone monitors. The monitors reflect design values in part per billion (ppb) that meet or are below the 2015 8-hour ozone NAAQS of 70 ppb (see Table 3).

TABLE 3—DESIGN VALUES FOR COUNTIES WITH OZONE MONITORS

Counties Subject to I/M Program Requirement and Vehicle MY Coverage Change That Have Ozone Monitors	Ozone Design Value, ppb (2015 8-hr ozone NAAQS is 70 ppb)	
	2014–2016	2015–2017
Buncombe	63	62
Durham	62	61
Forsyth	68	67
Guilford	65	65
Johnston	65	63
Lee	62	61
Lincoln	67	67
Mecklenburg	70	70
New Hanover	60	58
Rockingham	66	65
Rowan	65	64
Union	68	67
Wake	65	66

DAQ's noninterference analysis compared ozone season day anthropogenic NOx and VOC emissions for all sectors (point, area, nonroad, on road) for 2018 for the 22 counties subject to North Carolina's expanded I/M program and compared them to the emissions for all sectors because of the changing of the vehicle model year coverage. As mentioned above, the vehicle model year coverage for the expanded I/M program is currently: (i) A 1996 or later model year vehicle and older than the three most recent model years; or (ii) a 1996 or later model year vehicle and has an odometer reading of 70,000 miles or more. The proposed vehicle model year coverage for the expanded I/M program is: (i) A vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has an odometer reading of 70,000 miles or more. For purposes of Tables 4 and 5, the columns titled ''I/M'', reflect the current vehicle model year coverage as defined above, and the columns titled ''New I/M'', reflect the proposed revision to the vehicle model year coverage as defined above.

DAQ's noninterference analysis utilized EPA's MOVES2014 emission modeling system to estimate emissions for mobile sources. For 2018, the NOx emissions increase resulting from the North Carolina expanded I/M program will be 0.24 tons per day (tpd) or less in each of the 22 counties for which the vehicle model year coverage is being changed. As summarized in Tables 4 and 5, below, the MOVES model predicted emission increases for only on-road vehicles. The results for 2018 show a slight increase in anthropogenic NOx emissions for each county, as shown in Table 4, ranging from 0.02 to 0.24 tpd. The percent increase in total NOx emissions for a county ranges from 0.3 percent to 1.5 percent. The total increase in NOx emissions associated with the vehicle model year coverage change in 2018 for the 22 counties subject to this change is 2.02 tpd [20] or 0.94 percent of total man-made emissions (260.95 tpd).

As noted above, DAQ's noninterference analysis utilized EPA's MOVES2014 emission modeling system to estimate emissions for mobile sources. The year 2018 was modeled as the future year. The compliance rate for the expanded I/M program in North Carolina was 96 percent with a 5 percent waiver rate. These mobile source emissions are used as part of the evaluation of the potential impacts to the NAAQS that might result exclusively from changing the vehicle model year coverage for the 22 counties subject to the North Carolina expanded I/M program.

[19] The Charlotte Area was redesignated to attainment for the 1-hour ozone standard on July 5, 1995 (60 FR 34859); redesignated to attainment for the 1997 8-hour ozone standard on December 2, 2013 (78 FR 72036); and was designated to attainment for the 2008 8-hour ozone standard on July 28, 2015 (80 FR 44873). In addition, on December 26, 2007, EPA approved the redesignation to attainment of the Raleigh-Durham-Chapel Hill Area (comprised of a portion of Chatham County, and the entire counties of Durham, Franklin, Johnston, Orange, Person, and Wake) for the 1997 8-hour ozone standard. *See* 72 FR 72948. This approval included approval of a 10-year maintenance plan which demonstrated that the Area would maintain the standard through the year 2017. The Raleigh-Durham-Chapel Hill Area has continued to maintain the 1997 8-hour ozone standard and subsequently was designated as unclassifiable/attainment for the 2008 8-hour ozone standard on December 26, 2007 (72 FR 72948) and attainment/unclassifiable for the 2015 8-hour ozone standard on November 16, 2017 (82 FR 54232). Further, counties in the Raleigh Area and Greensboro Area were redesignated to attainment for the 1-hour ozone standard on April 18, 1994 (59 FR 18300) and on September 9, 1993 (58 FR 47391), respectively. With regard to the 1997 8-hour ozone standard, the Great Smoky National Park Area was redesignated to attainment on December 7, 2009 (74 FR 63995), and the Rocky Mount Area was redesignated to attainment on November 6, 2006 (71 FR 64891).

[20] 2.02 tpd multiplied by 154 days in the ozone season equals 311 tons per ozone season.

TABLE 4—TOTAL ANTHROPOGENIC NO_X EMISSIONS FOR 2018 FOR 22 COUNTIES
[tpd]

Counties	On-road			Non-road		Point		Area		Totals			
	I/M	New	Emission increase	I/M	New I/M	I/M	New I/M	I/M	New I/M	I/M	New I/M	Emissions increase	Percent increase
Alamance	3.69	3.77	0.08	1.09	1.09	0.45	0.45	0.59	0.59	5.82	5.90	0.08	1.4
Buncombe	5.54	5.65	0.11	1.71	1.71	4.01	4.01	1.47	1.47	12.73	12.84	0.11	0.9
Cabarrus	3.75	3.82	0.07	1.48	1.48	0.85	0.85	0.45	0.45	6.53	6.60	0.07	1.1
Cumberland	5.45	5.55	0.10	2.69	2.69	1.08	1.08	0.61	0.61	9.83	9.93	0.10	1.0
Davidson	4.12	4.21	0.09	1.52	1.52	3.28	3.28	0.41	0.41	9.33	9.42	0.09	1.0
Durham	4.69	4.79	0.10	2.39	2.39	0.87	0.87	1.02	1.02	8.97	9.07	0.10	1.1
Forsyth	5.68	5.80	0.12	2.03	2.03	1.96	1.96	1.20	1.20	10.87	10.99	0.12	1.1
Franklin	1.33	1.36	0.03	0.36	0.36	0.08	0.08	0.21	0.21	1.98	2.01	0.03	1.5
Gaston	4.63	4.72	0.09	1.49	1.49	25.13	25.13	0.58	0.58	31.83	31.92	0.09	0.3
Guilford	8.43	8.60	0.17	4.95	4.95	1.79	1.79	2.12	2.12	17.29	17.46	0.17	1.0
Iredell	5.09	5.17	0.08	1.35	1.35	5.44	5.44	0.58	0.58	12.46	12.54	0.08	0.6
Johnston	6.37	6.45	0.08	2.09	2.09	0.32	0.32	0.47	0.47	9.25	9.33	0.08	0.9
Lee	1.29	1.31	0.02	0.59	0.59	0.18	0.18	0.18	0.18	2.24	2.26	0.02	0.9
Lincoln	1.98	2.02	0.04	0.65	0.65	0.67	0.67	0.18	0.18	3.48	3.52	0.04	1.1
Mecklenburg	13.40	13.64	0.24	9.92	9.92	9.25	9.25	5.37	5.37	37.94	38.18	0.24	0.6
New Hanover	2.44	2.49	0.05	3.47	3.47	3.76	3.76	0.70	0.70	10.37	10.42	0.05	0.8
Onslow	2.78	2.83	0.05	0.96	0.96	1.54	1.54	0.76	0.76	6.04	6.09	0.05	0.8
Randolph	3.92	4.00	0.08	0.91	0.91	0.17	0.17	0.41	0.41	5.41	5.49	0.08	1.5
Rockingham	2.60	2.67	0.07	0.89	0.89	7.71	7.71	0.31	0.31	11.51	11.58	0.07	0.6
Rowan	3.68	3.76	0.08	1.29	1.29	5.94	5.94	0.43	0.43	11.34	11.42	0.08	0.7
Union	3.62	3.69	0.07	2.70	2.70	0.34	0.34	0.57	0.57	7.23	7.30	0.07	1.0
Wake	12.39	12.59	0.20	7.15	7.15	2.89	2.89	4.02	4.02	26.45	26.65	0.20	0.8
Total	106.87	108.89	2.02	51.68	51.68	77.71	77.71	22.64	22.64	258.9	260.92	2.02	0.94

TABLE 5—TOTAL ANTHROPOGENIC VOC EMISSIONS FOR 2018 FOR 22 COUNTIES
[tpd]

Counties	On-road			Non-road		Point		Area		Totals			
	I/M	New	Emission increase	I/M	New I/M	I/M	New I/M	I/M	New I/M	I/M	New I/M	Emissions increase	Percent increase
Alamance	2.60	2.66	0.06	1.37	1.37	1.41	1.41	4.76	4.76	10.14	10.20	0.06	0.6
Buncombe	3.92	4.01	0.09	2.95	2.95	1.49	1.49	8.07	8.07	16.43	16.52	0.09	0.5
Cabarrus	2.74	2.80	0.06	1.14	1.14	0.74	0.74	4.58	4.58	9.20	9.26	0.06	0.7
Cumberland	3.90	3.98	0.08	1.98	1.98	2.24	2.24	6.97	6.97	15.09	15.17	0.08	0.5
Davidson	3.05	3.12	0.07	0.98	0.98	1.29	1.29	5.74	5.74	11.06	11.13	0.07	0.6
Durham	3.24	3.31	0.07	2.03	2.03	0.43	0.43	6.95	6.95	12.65	12.72	0.07	0.6
Forsyth	4.44	4.54	0.10	2.02	2.02	4.01	4.01	9.05	9.05	19.52	19.62	0.10	0.5
Franklin	1.01	1.04	0.03	0.35	0.35	0.18	0.18	2.00	2.00	3.54	3.57	0.03	0.8
Gaston	3.20	3.28	0.08	1.18	1.18	1.45	1.45	5.89	5.89	11.72	11.80	0.08	0.7
Guilford	6.14	6.28	0.14	4.54	4.54	7.42	7.42	15.96	15.96	34.06	34.20	0.14	0.4
Iredell	3.11	3.17	0.06	1.10	1.10	1.76	1.76	5.66	5.66	11.63	11.69	0.06	0.5
Johnston	3.08	3.14	0.06	1.27	1.27	1.45	1.45	5.88	5.88	11.68	11.74	0.06	0.5
Lee	0.98	1.00	0.02	0.36	0.36	1.29	1.29	1.96	1.96	4.59	4.61	0.02	0.4
Lincoln	1.51	1.54	0.03	0.57	0.57	1.22	1.22	2.29	2.29	5.59	5.62	0.03	0.5
Mecklenburg	9.90	10.07	0.17	10.52	10.52	1.83	1.83	22.69	22.69	44.94	45.11	0.17	0.4
New Hanover	2.21	2.25	0.04	2.10	2.10	1.10	1.10	6.15	6.15	11.56	11.60	0.04	0.3
Onslow	2.04	2.08	0.04	1.83	1.83	0.70	0.70	4.69	4.69	9.26	9.30	0.04	0.4
Randolph	2.74	2.81	0.07	0.97	0.97	1.58	1.58	7.10	7.10	12.39	12.46	0.07	0.6
Rockingham	1.94	1.99	0.05	0.75	0.75	2.20	2.20	4.71	4.71	9.60	9.65	0.05	0.5
Rowan	2.63	2.69	0.06	1.10	1.10	5.48	5.48	3.91	3.91	13.12	13.18	0.06	0.5
Union	2.78	2.83	0.05	2.13	2.13	1.03	1.03	6.35	6.35	12.29	12.34	0.05	0.4
Wake	9.66	9.81	0.15	7.66	7.66	1.94	1.94	22.27	22.27	41.53	41.68	0.15	0.4
Total	76.82	78.4	1.58	48.9	48.9	42.24	42.24	163.63	163.63	331.59	333.17	1.58	0.5

The results in Table 5 show that changing the vehicle model year coverage for the 22 counties subject to the expanded I/M program increases anthropogenic VOC emissions for only on-road vehicles ranging from 0.02 tpd to 0.17 tpd. The percent increase in total VOC emissions for each county ranges from 0.3 percent to 0.8 percent. The total increase in VOC emissions associated with changing the vehicle model year coverage for the expanded I/M program in the year 2018 is approximately 1.6 tpd or 0.5 percent of the total man-made emissions (333 tpd).[21]

As shown in Table 6 below, total NO_X and VOC emissions would increase 2.0

[21] When biogenic VOC emissions from natural sources (average of 1,973 tpd during July using EPA's 2011 National Emissions Inventory (NEI v2)) are added to the man-made emissions (333 tpd), the actual VOC emissions increase is only 0.07 percent (1.6/2,305 tpd × 100). This is a very small change that EPA believes will not translate into measurable ground-level ozone concentrations in North Carolina.

tpd (0.8 percent) and 1.6 tpd (0.5 percent), respectively.

TABLE 6—SUMMARY OF ON-ROAD NO_X AND VOC EMISSIONS INCREASES ASSOCIATED WITH CHANGING VEHICLE MY COVERAGE IN 22 COUNTIES SUBJECT TO THE I/M PROGRAM

	NO_X emissions in 2018	VOC emissions in 2018
Total On-Road Emissions with Current I/M Program (tpd)	106.9	76.8
Total On-Road Emissions with Revised I/M Program (tpd)	108.9	78.4
Emissions Increases (tpd)	2.0	1.6
Percent Increase: On-road only	1.9	2.1
Percent Increase: Total anthropogenic	0.8	0.5

North Carolina's emissions analysis, as reflected in Tables 4, 5, and 6, above, indicate that only a very small increase in NO_X and VOC emissions (less than one percent overall) is associated with changing the vehicle model year coverage for the 22 counties subject to the expanded I/M program. Based on this, as well as the design values shown in Table 3, above, and EPA's further analysis specific to ozone in relation to the Charlotte 2008 Ozone Maintenance Area as described in section d below, EPA is proposing to find that changing the vehicle model year coverage from a specific year-based date (1996) to a rolling 20-year timeframe for the 22 counties subject to the North Carolina expanded I/M program requirements would not interfere with maintenance of the ozone NAAQS in the State.

ii. Noninterference Analysis for the PM NAAQS

Over the course of several years, EPA has reviewed and revised the $PM_{2.5}$ NAAQS a number of times. On July 16, 1997, EPA established an annual $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter ($\mu g/m^3$), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour $PM_{2.5}$ NAAQS of 65 $\mu g/m^3$, based on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 62 FR 36852 (July 18, 1997). On September 21, 2006, EPA retained the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 $\mu g/m^3$ but revised the 24-hour $PM_{2.5}$ NAAQS to 35 $\mu g/m^3$, based again on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 71 FR 61144 (October 17, 2006). On December 14, 2012, EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS of 35 $\mu g/m^3$ but revised the annual primary $PM_{2.5}$ NAAQS to 12.0 $\mu g/m^3$, based again on a 3-year average of annual mean $PM_{2.5}$ concentrations. *See* 78 FR 3086 (January 15, 2013).

EPA promulgated designations for the 1997 Annual $PM_{2.5}$ NAAQS on January 5, 2005 (70 FR 944), and April 14, 2005 (70 FR 19844). Of the 22 counties subject to this rulemaking, Catawba, Davidson and Guilford counties were designated nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS. These areas have since been redesignated to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and continue to attain this NAAQS. *See* 76 FR 71452 and 76 FR 71455 (November 18, 2011). On November 13, 2009, and on January 15, 2015, EPA published notices determining that the entire state of North Carolina was unclassifiable/attainment for the 2006 daily $PM_{2.5}$ NAAQS and the 2012 Annual $PM_{2.5}$ NAAQS, respectively. *See* 71 FR 61144 and 78 FR 3086.

In North Carolina's July 25, 2018, SIP revision, the State concluded that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with attainment or maintenance of the $PM_{2.5}$ NAAQS. The pollution control systems for light-duty gasoline vehicles subject to the expanded I/M program are not designed to reduce emissions for $PM_{2.5}$; therefore, changing the I/M requirements will not have any impact on ambient concentrations of $PM_{2.5}$. In addition, MOVES2014 modeling results indicate that changing the vehicle model year coverage for the expanded I/M program would not increase direct $PM_{2.5}$ emissions. EPA has evaluated the State's analysis and proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the $PM_{2.5}$ NAAQS in the State.

iii. Noninterference Analysis for the 2010 NO_2 NAAQS

The 2010 NO_2 1-hour standard is set at 100 ppb, based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. The annual standard of 53 ppb is based on the annual mean concentration. On February 17, 2012, EPA designated all counties in North Carolina as unclassifiable/attainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532.

Based on the technical analysis in North Carolina's July 25, 2018, SIP revision, the projected increase in total anthropogenic NO_X emissions (of which NO_2 is a component) associated with the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program ranges from 0.08 to 0.25 tpd in 2018. All NO_2 monitors in the State are measuring below the annual NO_2 standard, and all near road monitors are measuring well below the 1-hour NO_2 standard. Given the current unclassifiable/attainment designation and the results of North Carolina's emissions analysis which show a de minimis increase in NO_X, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the 2010 NO_2 NAAQS in the State.

iv. Noninterference Analysis for the CO NAAQS

EPA promulgated the CO NAAQS in 1971 and has retained the standards since its last review in 2011. The primary NAAQS for CO include: (1) An 8-hour standard of 9.0 ppm, measured using the annual second highest 8-hour concentration for two consecutive years as the design value; and (2) a 1-hour average of 35 ppm, using the second highest 1-hour average within a given year. Eighteen of the 22 counties in North Carolina's expanded I/M program have never been designated nonattainment for the CO NAAQS. Durham, Forsyth, Mecklenburg and Wake counties were all previously designed nonattainment for the CO NAAQS over 20 years ago and have since been redesignated to attainment. Currently, there are two monitors in North Carolina for CO. These monitors are in Mecklenburg and Wake Counties and reflect design values well below both the 8-hour and 1-hour CO NAAQS. The monitoring data in 2017 show an 8-

hour design value of 1.3 ppm for the Charlotte Area and 1.2 ppm for the Raleigh-Durham Area—each less than the 9.0 ppm CO NAAQS. For the 1-hour CO NAAQS of 35 ppm, these two monitors have a 1-hour design value of 1.5 ppm for the Charlotte Area and 1.6 ppm for Raleigh-Durham Area in 2017.

In North Carolina's July 25, 2018, SIP revision, the State concluded that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with attainment or maintenance of the CO NAAQS. MOVES2014 mobile emissions modeling results show a slight increase in CO emissions for each of the 22 counties ranging from 0.21 tpd in Franklin County to 1.85 tpd in Mecklenburg County in 2018. Statewide, the current ambient air quality levels for CO are less than 20 percent of the CO NAAQS. Given how far below the monitoring results are relative to the CO standard, and North Carolina's sustained compliance with the CO NAAQS, EPA does not believe that these slight increases would cause any area in the State to violate the CO NAAQS. For these reasons, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program would not interfere with maintenance of the CO NAAQS in the State.

v. Noninterference Analysis for the SO_2 NAAQS

On June 22, 2010, EPA revised the 1-hour SO_2 NAAQS to 75 ppb which became effective on August 23, 2010. *See* 75 FR 35520. On August 5, 2013, EPA initially designated nonattainment only in areas with violating 2009–2011 monitoring data. EPA did not designate any county in North Carolina for the 2010 1-hour SO_2 NAAQS as part of the initial designation. *See* 78 FR 47191. On March 2, 2015, a Consent Decree was issued by the United States District Court for the Northern District of California stipulating the time and method for designating the remaining areas in the Country.[22] For North Carolina, EPA designated the entire state attainment/unclassifiable for SO_2 (pursuant to a consent decree) on December 21, 2017 (effective April 9, 2018 *https://www.gpo.gov/fdsys/pkg/FR-2018-01-09/pdf/2017-28423.pdf*), except for the following townships/counties: Beaverdam Township (Haywood County); Limestone Township (Buncombe County); and Cunningham Township (Person County). Counties listed above deployed monitors which EPA intends to designate by December 2020. Also, a portion of Brunswick County was designated unclassifiable effective in August 2016.

Based on the technical analysis in North Carolina's July 25, 2018, SIP revision, the State concluded that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with attainment or maintenance of the SO_2 NAAQS. The pollution control systems for light-duty gasoline vehicles subject to the expanded I/M program are not designed to reduce emissions for SO_2; therefore, changing the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not have any impact on ambient concentrations of SO_2. In addition, sulfur content in fuel has been significantly decreased through EPA's Tier 2 and Tier 3 rulemakings which tightened engine standards and required fuel formulations contain reduced levels of sulfur. *See* 65 FR 6698 (February 10, 2000) and 81 FR 23641 (April 22, 2016). MOVES2014 modeling results indicate that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not increase SO_2 emissions. For these reasons, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the 2010 SO_2 NAAQS in the State.

vi. Noninterference Analysis for 2008 Lead NAAQS

On November 12, 2008 (73 FR 66964), EPA promulgated a revised primary and secondary lead NAAQS of 0.15 $\mu g/m^3$. Under EPA's regulations at 40 CFR part 50, the 2008 lead NAAQS are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of 40 CFR part 50, is less than or equal to 0.15 $\mu g/m^3$. *See* 40 CFR 50.16. On November 8, 2011, EPA designated the entire State of North Carolina as unclassifiable/attainment for that NAAQS. *See* 76 FR 72907. North Carolina's ambient lead levels have remained well below the standard. The pollution control systems for light-duty gasoline vehicles subject to the I/M program are not designed to reduce emissions for lead; therefore, changing the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not have any impact on ambient concentrations of lead. MOVES 2014 modeling results indicate that this change would not increase lead emissions. For these reasons, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the 2008 lead NAAQS in the State.

D. Revision to the 2008 8-Hour Ozone NAAQS Maintenance Plan for the North Carolina Portion of the Charlotte 2008 Ozone Maintenance Area

In its July 25, 2018, SIP revision, North Carolina updated the mobile emissions for the Charlotte 2008 Ozone Maintenance Area's plan, including the MVEBs, to reflect the change to the vehicle model year coverage in North Carolina's expanded I/M program. The emissions inventory updates were done using the latest planning assumptions and are detailed on pages 31–42 of the State's submittal titled ''Revised Maintenance Plan for the Charlotte-Gastonia-Salisbury, North Carolina 2008 8-Hour Ozone Marginal Nonattainment Area,'' dated July 25, 2018, which is included in the docket for this proposed rulemaking.

North Carolina revised the emissions forecasts and the MVEBs for 2026 to account for the small increase in NO_X and VOC emissions associated with the change in vehicle model year coverage for the relevant counties in North Carolina's expanded I/M program. The total sum of the man-made VOC and NO_X emissions for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area are shown in Tables 7 and 8. Maintenance is demonstrated when the emissions are less than the baseline year. The baseline year is 2014. As shown in Table 7, for NO_X, all the years are under the baseline of 130.18 tons per summer day (tpsd), with the final year of 2026 emissions at 60.28 tpsd. Additionally, as shown in Table 8, for VOC, all years are under the baseline of 113.12 tpsd, with the final year of 2026 emissions at 95.99 tpsd.

[22] Copy of the Consent Decree—*http://www.epa.gov/so2designations/pdfs/201503FinalCourtOrder.pdf.*

TABLE 7—TOTAL MAN-MADE NO_X EMISSIONS FOR NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

[tpsd]

County	2014	2015	2018	2022	2026
Cabarrus	11.49	10.73	6.73	5.44	4.44
Gaston	27.89	27.62	12.03	6.41	7.87
Iredell	6.86	6.49	5.41	4.68	4.16
Lincoln	4.36	4.71	6.41	4.29	2.34
Mecklenburg	56.71	52.97	39.16	33.52	31.33
Rowan	11.74	11.31	8.28	7.01	6.10
Union	11.13	10.36	6.63	5.09	4.05
Total	130.18	124.19	84.69	66.44	60.28

TABLE 8—TOTAL MAN-MADE VOC EMISSIONS FOR NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

[tpsd]

County	2014	2015	2018	2022	2026
Cabarrus	11.50	11.27	9.51	9.23	9.02
Gaston	12.96	12.74	11.53	10.94	10.74
Iredell	6.33	6.22	5.29	5.11	4.97
Lincoln	6.55	6.47	4.81	4.66	4.51
Mecklenburg	50.10	49.16	45.31	44.47	31.33
Rowan	12.59	12.38	12.47	12.19	6.10
Union	13.09	12.85	10.91	10.68	4.05
Total	113.12	111.09	99.82	97.28	95.99

EPA is proposing to approve the updated emissions for the 2008 8-hour ozone maintenance plan for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area because it demonstrates that the projected emissions inventories for 2026 (the final year of the maintenance plan), 10 years beyond the re-designation year, as well as the interim years, are all less than the base year emissions inventory.

E. Motor Vehicle Emissions Budgets

As stated above, North Carolina's July 25, 2018, SIP revision also changed the MVEBs for the 2008 8-hour ozone NAAQS for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area for transportation conformity purposes.[23] North Carolina originally established MVEBs for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area for the 2008 8-hour ozone standard in its redesignation and maintenance SIP. EPA approved these MVEBs on July 28, 2015 (effective date August 27, 2015). *See* 80 FR 44873. Subsequently, North Carolina updated the emissions projections in North Carolina's maintenance plan for the Charlotte 2008 Ozone Maintenance Area and updated the MVEBs as well to account for the State's request for changes to the Reid Vapor Pressure (RVP) requirements for the Area. On July 28, 2015, EPA approved this revision to the maintenance plan and the MVEBs. *See* 80 FR 44868. North Carolina's July 25, 2018, SIP revision updates the Charlotte 2008 8-hour ozone maintenance plan to account for the change in the vehicle model year coverage for the relevant counties in the expanded I/M program, and consequently updates the MVEBs for transportation conformity.

For transportation conformity purposes, the MVEBs in North Carolina are expressed in kilograms per summer day (kpsd). This is because the kpsd is used as the specific unit for all MOVES2014 model outputs. The emission values in kpsd were divided by 907.1847 to convert them to units of tpsd. Table 9 shows the highway mobile NO_X and VOC summer day emissions for the counties in the Charlotte 2008 Ozone Maintenance Area expressed in tpsd and the corresponding kpsd values for the base year 2014 and the last year of the maintenance plan 2026. Table 10 shows the maintenance level projections and the calculation of the safety margin for the Charlotte 2008 Ozone Maintenance Area.

TABLE 9—HIGHWAY MOBILE SOURCE NO_X AND VOC SUMMER DAY EMISSIONS FOR NORTH CAROLINA PORTION OF 2008 8-HOUR OZONE CHARLOTTE MAINTENANCE AREA

County	2014 NO_X		2014 VOC		2026 NO_X		2026 VOC	
	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd
Cabarrus	6.60	5,989	4.15	3,765	2.00	1,810	2.19	1,982
Gaston	8.11	7,357	4.61	4,179	2.12	1,924	1.86	1,689

[23] The Federal Transportation Conformity Rule (40 CFR 93.100–129) provides the process by which the air quality impact of transportation plans, transportation improvement programs, and projects are analyzed. The agency preparing transportation plans (projections of twenty or more years), transportation improvement programs (TIP) (projections of at least four years), or approving a transportation project must analyze the emissions expected from such a proposal in accordance with the Transportation Conformity Rule. For the purposes of transportation conformity, the MVEB is essentially a cap on the total emissions allocated to on-road vehicles. The projected regional emissions calculated based on a transportation plan, TIP, or project, may not exceed the MVEBs or cap contained in the appropriate SIP. Emissions in years for which no MVEBs are specifically established must be less than or equal to the MVEB established for the most recent prior year.

TABLE 9—HIGHWAY MOBILE SOURCE NO_X AND VOC SUMMER DAY EMISSIONS FOR NORTH CAROLINA PORTION OF 2008 8-HOUR OZONE CHARLOTTE MAINTENANCE AREA—Continued

County	2014 NO_X		2014 VOC		2026 NO_X		2026 VOC	
	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd
Iredell	3.36	3,045	1.95	1,768	1.00	903	0.88	801
Lincoln	3.00	2,723	1.91	1,737	0.83	757	0.86	779
Mecklenburg	26.99	24,488	14.40	13,060	7.17	6,501	6.98	6,334
Rowan	6.42	5,825	3.76	3,408	1.73	1,571	1.53	1,389
Union	5.67	5,146	3.54	3,210	1.62	1,466	1.68	1,520
Total	60.15	54,572	34.32	31,127	16.47	14,932	15.98	14,492

TABLE 10—MAINTENANCE DEMONSTRATION FOR NORTH CAROLINA PORTION OF THE CHARLOTTE AREA

Year	NO_X (tpsd)	VOC (tpsd)
2014	130.18	113.12
2015	124.19	111.09
2018	84.69	99.82
2022	66.44	97.28
2026	60.28	95.99
Difference from 2014 to 2026 (safety margin)	69.90	17.13

North Carolina chose to apply a percentage of the safety margin to each county in the Charlotte 2008 Ozone Maintenance Area for the year 2026 only.[24]

Tables 11 through 13 provide the updated NO_X and VOC MVEBs with the added safety margins in kgsd for transportation conformity purposes for 2014 and 2026. These MVEBs were developed using a five-step approach that included the percentage each county was below the 2008 8-hour ozone NAAQS, rapid growth in on-road vehicle emissions anticipated and potential increases in vehicle miles traveled, and vehicle mix and age distribution. In updating the MVEBs, North Carolina ensured that the sum of the safety margin applied to the MVEBs do not exceed 50 percent of the available safety margin. North Carolina has established sub-area budgets for each metropolitan planning organization within the Charlotte 2008 Ozone Maintenance Area.

TABLE 11—CABARRUS ROWAN METROPOLITAN PLANNING ORGANIZATION (CRMPO) MVEBS IN 2014 AND 2026

[kgsd]

	2014 NO_X	2014 VOC	2026 NO_X	2026 VOC
Base Emissions	11,814	7,173	3,381	3,371
Safety margin allocated to MVEB	.....	.....	846	843
Conformity MVEB	11,814	7,173	4,227	4,214

TABLE 12—GASTON-CLEVELAND-LINCOLN METROPOLITAN PLANNING ORGANIZATION (GCLMPO) MVEBS IN 2014 AND 2026

[kgsd]

	2014 NO_X	2014 VOC	2026 NO_X	2026 VOC
Base Emissions	10,079	5,916	2,681	2,468
Safety margin allocated to MVEB	.....	.....	551	510
Conformity MVEB	10,079	5,916	3,232	2,978

[24] A safety margin is the difference between the attainment levels of emissions from all sources (*i.e.,* point, area, on-road and non-road) and the projected level of emissions from all source categories. The state may choose to allocate some of the safety margin to the MVEB for transportation conformity purposes, so long as the total level of emissions from all source categories remains below the attainment level of emissions. According to Section 93.118 of the transportation conformity rule, a maintenance plan must contain a MVEB for the last year of the maintenance plan (in this case 2026). North Carolina allocated a portion of the safety margin for 2026 to the MVEBs to allow for unanticipated growth in vehicle miles traveled.

TABLE 13—CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO)—ROCKY RIVER RURAL PLANNING ORGANIZATION (RRRPO) MVEBS IN 2014 AND 2026

[kgsd]

	2014 NO_X	2014 VOC	2026 NO_X	2026 VOC
Base Emissions	32,679	18,038	8,870	8,655
Safety margin allocated to MVEB	.....	.....	1,596	1,557
Conformity MVEB	32,679	18,038	10,466	10,212

A total of 2,993 kgsd (3.30 tpsd) of the 2026 NO_X safety margin is added to the MVEB for the entire Charlotte 2008 Ozone Maintenance Area. A total of 2,910 kgsd (3.21 tpsd) of the 2026 VOC safety margin is added to the MVEB for the entire Charlotte 2008 Ozone Maintenance Area. The revised available safety margin, which considers the portion of the safety margin applied to the new MVEB for each project year, is listed below in Table 14.

TABLE 14—NEW SAFETY MARGIN FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE 2008 8-HOUR OZONE MAINTENANCE AREA

[tpsd]

Year	NO_X	VOC
2014	N/A	N/A
2015	−5.99	−2.03
2018	−45.49	−13.30
2022	−63.74	−15.84
2026	−66.60	−13.92

Through this rulemaking, EPA is proposing to approve the updated subarea MVEBs for NO_X and VOC for 2014 and 2026 for the North Carolina portion of Charlotte 2008 Ozone Maintenance Area because EPA has determined that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets. Once the subarea MVEBs for the North Carolina portion of Charlotte 2008 Ozone Maintenance Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations. After thorough review, EPA has determined that the budgets meet the adequacy criteria, as outlined in 40 CFR 93.118(e)(4), and is proposing to approve the budgets because they are consistent with maintenance of the 2008 8-hour ozone NAAQS through 2026.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the following rules under Subchapter 2D of the North Carolina SIP: Section .1001, *Purpose;* Section .1002, *Applicability;* Section .1003, *Definitions;* and Section .1005, *On-Board Diagnostic Standards.* The changes to Sections .1001, .1003, and .1005 are formatting or clarifying in nature. The change to Section .1002 modifies the vehicle model year coverage requirements for the 22 counties in North Carolina's expanded I/M program. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Proposed Action

For the reasons explained above in Section III of this proposed rulemaking, EPA is proposing to approve North Carolina's July 25, 2018, SIP revision. Specifically, EPA is proposing to approve the formatting and clarifying changes to Subchapter 2D, Sections .1001, .1003 and .1005. EPA is also proposing to approve changes to Section .1002 relating to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program (Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake). Additionally, EPA is proposing to find that the changes to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not interfere with the State's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget and will not interfere with continued attainment or maintenance of any applicable NAAQS or with any other applicable requirement of the CAA, and that North Carolina has satisfied the requirements of section 110(l) of the CAA. Finally, EPA is proposing to approve the updated emissions for the 2008 8-hour ozone maintenance plan, including the updated MVEBs, for the Charlotte 2008 Ozone Maintenance Area.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submittal that complies with the provisions of the Act and applicable federal regulations. *See* 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 proposed action merely proposes to approve state law as meeting Federal requirements and does not propose to impose additional requirements beyond those imposed by state law. For that reason, this proposed 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);
- 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, October 7, 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000) nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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, and Volatile organic compounds.

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

Dated: May 6, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–10347 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0838; FRL–9993–74–Region 4]

Air Plan Approval; TN; Volatile Organic Compounds Definition Rule Revision for Chattanooga

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Chattanooga portion of the Tennessee State Implementation Plan (SIP), provided by the Tennessee Department of Environment and Conservation on behalf of the Chattanooga-Hamilton County Air Pollution Control Bureau through a letter dated September 12, 2018. The revision makes changes to the definition of volatile organic compounds (VOC) that are consistent with changes to state and federal regulations. EPA is proposing to approve the changes because they are consistent with the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before June 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0838 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Evan Adams of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9009. Mr. Adams can also be reached via electronic mail at *adams.evan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Tropospheric ozone, commonly known as smog, occurs when VOC and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, EPA and state governments limit the amount of VOC and NO_X that can be released into the atmosphere. VOC are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that form ozone through atmospheric photochemical reactions. Compounds of carbon (or organic compounds) have different levels of reactivity; they do not react at the same speed or do not form ozone to the same extent.

Section 302(s) of the CAA specifies that EPA has the authority to define the meaning of ''VOC,'' and hence what compounds shall be treated as VOC for regulatory purposes. It has been EPA's policy that compounds of carbon with negligible reactivity need not be regulated to reduce ozone and should be excluded from the regulatory definition of VOC. *See* 42 FR 35314 (July 8, 1977), 70 FR 54046 (September 13, 2005). EPA determines whether a given carbon compound has ''negligible'' reactivity by comparing the compound's reactivity to the reactivity of ethane. EPA lists these compounds in its regulations at 40 CFR 51.100(s) and excludes them from the definition of VOC. The chemicals on this list are often called ''negligibly reactive.'' EPA may periodically revise the list of negligibly reactive compounds to add or delete compounds.

In this rulemaking, EPA is proposing action to approve Chattanooga's SIP revision which amends the definition of ''Volatile Organic Compounds'' in the Chattanooga City Code, Part II, Chapter 4, Section 4–2, *Definitions.* This SIP revision amends paragraphs 1 and 2 to make the Chattanooga portion consistent with changes to Federal and other similar SIP-approved regulations.[1] [2]

II. Analysis of State's Submittal

On September 12, 2018, Tennessee submitted a SIP revision to EPA for review and approval amending the definition of VOC found in Part II, Chapter 4, Section 4–2, of the Chattanooga Code.[3] Specifically, the revision adds the following compounds to the list of negligibly reactive compounds to be consistent with additions to federal and other similar

[1] EPA approved similar revisions to the Tennessee SIP on April 13, 2006, and September 26, 2018. *See* 71 FR 19124 and 83 FR 48547, respectively.

[2] With respect to all of the compounds added to those excluded from the Chattanooga SIP's definition of VOC, EPA has issued final rules revising the Federal definition of VOC to exclude the compounds as negligibly reactive compounds: EPA added 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE–7300) on January 18, 2007. *See* 72 FR 2193. EPA added propylene carbonate and dimethyl carbonate on January 21, 2009. *See* 74 FR 3437. EPA added *trans*-1,3,3,3-tetrafluoropropene on June 22, 2012. *See* 77 FR 37610. EPA added HCF_2OCF_2H (also known as HFE–134), $HCF_2OCF_2OCF_2H$ (also known as HFE–236cal2), $HCF_2OCF_2CF_2OCF_2H$ (also known as HFE–338pcc13), and $HCF_2OCF_2OCF_2CF_2OCF_2$ H (also known as H-Galden 1040X or H-Galden ZT 130 (or 150 or 180)) on February 12, 2013. *See* 78 FR 923. EPA added *trans*-1-chloro-3,3,3-trifluoroprop-1-ene on August 28, 2013. *See* 78 FR 53029. EPA added 2,3,3,3-tetrafluoropropene on October 22, 2013. *See* 78 FR 62451. EPA added 2-amino-2-methyl-1-propanol on March 27, 2014. *See* 79 FR 17037.

[3] EPA notes that the Agency received the SIP revision on September 18, 2018, along with other SIP revisions from Tennessee. EPA will consider the other SIP revisions in a separate rulemaking.

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 November 12, 2019. 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: September 4, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority for citation for part 52 continues to read as follows:

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

Subpart QQ—South Dakota

■ 2. In § 52.2170, paragraph (c) is amended by revising the table entries for ''74:36:01:01'' and ''74:36:09:02'' to read as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation, date	Comments
*	*	*	*	*	*
74:36:01:01	Definitions	10/15/2015	10/11/2019	9/11/2019, [insert **Federal Register** citation].	
*	*	*	*	*	*
74:36:09:02	Prevention of Significant Deterioration.	10/15/2015	10/11/2019	9/11/2019, [insert **Federal Register** citation].	
*	*	*	*	*	*

* * * * *

[FR Doc. 2019–19571 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0598; FRL–9999–55—Region 4]

Air Plan Approval; NC: Revision to I/M Program & Update to Charlotte Maintenance Plan for the 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ), on July 25, 2018, which revises the model year coverage for vehicles in the 22 counties subject to North Carolina's expanded inspection and maintenance (I/M) program. The SIP revision also includes a demonstration that the requested revision to the vehicle model year coverage will not interfere with attainment or maintenance of any national ambient air quality standards (NAAQS) or with any other applicable requirements of the Clean Air Act (CAA or Act). In addition, North Carolina's July 25, 2018, SIP revision updates the State's maintenance plan and associated motor vehicle emissions budgets (MVEBs) used in transportation conformity for the North Carolina portion of the Charlotte-Rock Hill, NC–SC 2008 8-hour ozone nonattainment area (hereafter also referred to as the ''Area'' or the ''Charlotte Area'') to reflect the change in vehicle model year coverage for the I/M program. EPA has determined that North Carolina's July 25, 2018, SIP revision will not interfere with and is consistent with the applicable provisions of the Clean Air Act (CAA or Act).

DATES: This rule will be effective October 11, 2019.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2018–0598. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* 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 *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if 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 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9992. Ms. Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In response to a North Carolina legislative act signed by the Governor on May 4, 2017, which changed the State's I/M requirements for the 22 counties subject to the State's expanded I/M program,[1] DAQ provided a SIP revision through a letter dated July 25, 2018,[2] seeking to have several of these changes incorporated into the North Carolina SIP. Primarily, North Carolina's July 25, 2018, SIP revision makes substantive changes to the applicability section of North Carolina's SIP-approved expanded I/M program found within 15A North Carolina Administrative Code (NCAC) 02D .1000 *Motor Vehicle Emission Control Standard*.[3] Specifically, the July 25, 2018, SIP revision modifies Section .1002 *Applicability,* by changing, for applicability purposes, the vehicle model year coverage for the 22 counties subject to the expanded I/M program from a specific year-based timeframe for coverage (*i.e.,* beginning in 1996) to a rolling 20-year timeframe for coverage.[4] More precisely, the revision being approved changes the applicability of the expanded I/M program to: (i) A vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. Previously, the program applied to: (i) A 1996 or later model year vehicle and older than the three most recent model years; or (ii) a 1996 or later model year vehicle and has 70,000 miles or more on its odometer. It is estimated that this change will result in a small increase (less than one percent) in nitrogen oxides (NOx) and volatile organic compound (VOC) emissions. Additionally, the July 25, 2018, SIP revision makes formatting or other minor clarifying changes to several related SIP-approved I/M sections: .1001 *Purpose,* .1003 *Definitions,* and .1005 *On-Board Diagnostic Standards.*[5]

In addition, North Carolina's SIP revision evaluates the impact that the change to the vehicle model year coverage for the 22 counties would have on the State's ability to attain and maintain the NAAQS. The SIP revision contains a technical demonstration with revised emissions calculations showing that the change to Section .1002 for vehicle model year coverage for the expanded I/M program in the 22 counties will not interfere with North Carolina's attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. Based on this demonstration, EPA is taking final action to find that North Carolina's revised emissions calculations demonstrate that the change to the expanded I/M program for the 22 counties meets the requirements of CAA section 110(l) and will not interfere with State's ability to attain or maintain any NAAQS. In addition, EPA is taking final action to find that North Carolina's July 25, 2018, SIP revision to change the vehicle model year coverage for the 22 counties subject to the expanded I/M program contained in its SIP (which results in a small increase in NOx emissions and consequentially a small decrease in the amount of emissions reduction credits generated and available for use in the State's NO_X emissions budget) will not interfere with the State's obligations under the NOx SIP Call to meet its Statewide NO_X emissions budget. With regard to the related expanded I/M program provisions at Sections .1001, .1002, and .1003, EPA is taking final action to approve the changes to those Sections, which are formatting or clarifying in nature, do not alter the meaning of the Sections, and are thus approvable.

Finally, for 7 of the 22 counties in North Carolina's expanded I/M program, I/M emissions from those counties have been relied on by North Carolina for maintenance of the ozone NAAQS for the Charlotte Area, and the MVEBs with respect to the Area for transportation conformity purposes. Through the July 25, 2018, SIP revision (the subject of this rulemaking), North Carolina provided a maintenance demonstration for the Area that takes into account the small increase in NO_X and VOC emissions estimated to result from the change to the vehicle model year coverage for the expanded I/M program for these counties. EPA is taking final action to approve the updated emissions for the 2008 8-hour ozone maintenance plan for the North Carolina portion of the Charlotte Area because it demonstrates that the projected emissions inventories for 2026 (the final year of the maintenance plan), 10 years beyond the re-designation year, as well as the interim years, are all less than the base year emissions inventory. Further, EPA is approving the updated sub-area MVEBs for the Charlotte Area because EPA has determined that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets, and that the budgets meet the adequacy criteria (see 40 CFR 93.118(e)(4)) because they are consistent with maintenance of the 2008 8-hour ozone NAAQS through 2026.[6]

In a notice of proposed rulemaking (NPRM) published on May 20, 2019 (84 FR 22774), EPA proposed approval of the North Carolina July 25, 2018, SIP revision to amend the I/M program for North Carolina, in addition to other associated changes as described above and in the NPRM. The details of North Carolina's submission and the rationale for EPA's actions are explained in the NPRM. EPA received one significant, adverse comment on the proposed

[1] Under provisions of the State legislation, Session Law 2017–10, Senate Bill 131, the changes to North Carolina's I/M requirements for the 22 counties is not effective until the later of the following dates: October 1, 2017, or the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies that EPA has approved the SIP revision. The 22 counties are: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake. *See* clarification letter dated August 31, 2018, from North Carolina in the docket for the proposed rulemaking.

[2] EPA received North Carolina's SIP submittal on July 31, 2018.

[3] In the table of North Carolina regulations federally-approved into the SIP at 40 CFR 52.1770(c), 15A NCAC 02D is referred to as ''Subchapter 2D Air Pollution Control Requirements.''

[4] By its terms, Section .1002(d) makes the 22 counties identified in North Carolina General Statute 143–215.107A subject to the I/M program's emission control standards. These same 22 counites are the counties currently subject to North Carolina's SIP-approved I/M program which was expanded from 9 counties to 48 counties in 2002 (and is referred to as the ''expanded'' I/M program). *See* 83 FR 48383 (September 25, 2018) (removing 26 of the 48 counties from North Carolina's SIP-approved expanded I/M program and leaving the 22 counties identified in footnote 1 above as remaining). In addition, changes to Section .1002 also include language making the effective date of the change to the vehicle model year coverage correspond to the effective date set out in North Carolina Session Law 2017–10 referred to in footnote 1 above (*i.e.,* on the first day of the month that is 60 days after EPA approves the change into the SIP).

[5] As noted in the notice of proposed rulemaking, North Carolina did not request EPA to act—and EPA is not acting—on sections .1006 and .1008.

[6] Once the sub-area MVEBs for the North Carolina portion of the Charlotte Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations.

action during the comment period for this action and offers a response below.

II. Response to Comments

Comment: The Commenter claims EPA must disapprove the changes to North Carolina I/M SIP because the Commenter explains that North Carolina failed to do performance standard modeling as the Commenter asserts is required by EPA's February 2014 guidance document titled ''Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model'' (hereafter referred to as the February 2014 Guidance Document), available in the docket for this action. In the Commenter's opinion EPA must require states to do performance standard modeling when states revise their I/M programs to ensure the programs meet EPA's baseline requirements contained in 40 CFR part 51.

Response: The February 2014 Guidance Document provides clarification of 40 CFR part 51, subpart S, regarding how to quantify I/M emission reductions for planning purposes using the MOVES generation of mobile source emission factor models. The February 2014 Guidance Document clarifies that maintenance areas do not need to include I/M performance standard modeling as part of an I/M SIP revision. Specifically, the February 2014 Guidance Document includes the following question and response: ''*4.0 Can an I/M Program be Changed Without Doing Performance Standard Modeling? States can change their I/M programs without doing performance standard modeling if the I/M program area in question has been redesignated to attainment for the pollutant(s) that originally triggered the I/M requirement and the I/M program is being continued as part of the area's maintenance plan. In this case, the state must simply demonstrate that the revisions to the I/M program will not interfere with the area's ability to attain or maintain any NAAQS, or with any other applicable CAA requirement.*'' As discussed in the May 20, 2019 (84 FR 22774) NPRM, North Carolina's I/M program for nine counties was required due to nonattainment areas for the 1979 1-hour ozone NAAQS,[7] and North Carolina is currently in attainment statewide for all the ozone NAAQS.[8] As further discussed in the NPRM, the program was expanded to additional counties related to the NO_X SIP Call, however the State was not required to adopt the I/M requirements for the NO_X SIP Call. Therefore, the option to change the I/M program without performance standard modeling under 40 CFR part 51, subpart S, was available to North Carolina if the State could demonstrate continued attainment. North Carolina provided a non-interference section 110(l) demonstration, as well as an update for modeling for the Charlotte Area maintenance plan including MVEBs that demonstrate the Area will continue to maintain the standard for the duration of the plan. In addition, EPA analyzed the effects on the NO_X SIP call and found that the change will not interfere with the State's obligations under the NO_X SIP Call. A detailed analysis of this modeling and demonstration of continued attainment is provided in the May 20, 2019 (84 FR 22774) NPRM.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference the following air quality rules in Subchapter 2D Air Pollution Control Requirements, Section .1001 *Purpose,* Section .1002 *Applicability,* Section .1003 *Definitions,* and Section .1005 *On-Board Diagnostic Standards,* effective July 1, 2018, which makes changes that are formatting or clarifying in nature and modify the vehicle model year coverage requirements for the 22 counties in North Carolina's expanded I/M program. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[9]

IV. Final Action

EPA is taking final action to approve North Carolina's July 25, 2018, SIP revision. Specifically, EPA is approving the formatting and clarifying changes to Subchapter 2D, Sections .1001, .1003 and .1005. EPA is also finalizing approval of changes to Section .1002 relating to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program (Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake). Additionally, EPA finds that the changes to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not interfere with the State's obligations under the NOx SIP Call to meet its Statewide NOx emissions budget and will not interfere with continued attainment or maintenance of any applicable NAAQS or with any other applicable requirement of the CAA, and that North Carolina has satisfied the requirements of section 110(l) of the CAA. Finally, EPA is approving the updated emissions for the 2008 8-hour ozone maintenance plan, including the updated MVEBs, for the Charlotte Area.

V. 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. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, if they meet the criteria of the CAA. These actions merely approve state law as meeting Federal requirements and do

[7] *See* 60 FR 28720 (June 2, 1995).

[8] The Charlotte Area was redesignated to attainment for the 1-hour ozone standard on July 5, 1995 (60 FR 34859); redesignated to attainment for the 1997 8-hour ozone standard on December 2, 2013 (78 FR 72036); and was designated to attainment for the 2008 8-hour ozone standard on July 28, 2015 (80 FR 44873). In addition, on December 26, 2007, EPA approved the Redesignation to attainment of the Raleigh-Durham-Chapel Hill Area (comprised of a portion of Chatham County, and the entire counties of Durham, Franklin, Granville, Johnston, Orange, Person, and Wake) for the 1997 8-hour ozone standard. *See* 72 FR 72948. This approval included approval of a 10-year maintenance plan which demonstrated that the Area would maintain the standard through the year 2017. The Raleigh-Durham-Chapel Hill Area has continued to maintain the 1997 8-hour ozone standard and subsequently was designated as unclassifiable/attainment for the 2008 8-hour ozone standard on May 21, 2012 (77 FR 30088. Further, counties in the Raleigh Area and Greensboro Area were redesignated to attainment for the 1-hour ozone standard on April 18, 1994 (59 FR 18300) and on September 9, 1993 (58 FR 47391), respectively. With regard to the 1997 8-hour ozone standard, the Great Smoky National Park Area was redesignated to attainment on December 7, 2009 (74 FR 63995), and the Rocky Mount Area was redesignated to attainment on November 6, 2006 (71 FR 64891). Recently, on November 6, 2017 (82 FR 54232), EPA designated the entire state of North Carolina attainment/unclassifiable for the 2015 8-hour ozone NAAQS.

[9] *See* 62 FR 27968 (May 22, 1997).

not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not significant regulatory actions 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);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because SIP approvals are exempted under Executive Order 12866;
- Do not impose information collection burdens under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having significant economic impacts on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandates or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, these rules do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will they 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 these actions 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**. These actions are not ''major rules'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these actions 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. These actions may not be challenged later in proceedings to enforce their 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 dioxide, Volatile organic compounds.

Dated: August 28, 2019.

Mary S. Walker,

Regional Administrator, Region 4.

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 II—North Carolina

■ 2. Section 52.1770 is amended:

■ a. In paragraph (c), in Table (1), under ''Subchapter 2D Air Pollution Control'' by revising the heading for ''Section .1000'' and the entries for ''Section .1001'', ''Section 1002'', ''Section .1003'', and ''Section .1005''; and

■ b. In paragraph (e), by adding an entry for ''2008 8-hour Ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area'' at the end of the table.

The revisions read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(1) EPA Approved North Carolina Regulations

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
*	*	*	*	*
Section .1000 Motor Vehicle Emission Control Standard				
Section .1001	Purpose	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1002	Applicability	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1003	Definitions	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1005	On-Board Diagnostic Standards	7/1/2018	9/11/2019, [Insert citation of publication].	
*	*	*	*	*

* * * * * (e) * * *

EPA-Approved North Carolina Non-Regulatory Provisions

Provision	State effective date	EPA approval date	**Federal Register** citation	Explanation
*	*	*	*	*
2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area.	7/25/2018	9/11/2019	[Insert citation of publication].	

[FR Doc. 2019–19574 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0180; FRL–9999–15—Region 8]

Approval and Promulgation of Implementation Plans; Utah; Interstate Transport Requirements for Nitrogen Dioxide, Sulfur Dioxide, and Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving five State Implementation Plan (SIP) submissions from the State of Utah regarding certain interstate transport requirements of the Clean Air Act (CAA or ''Act''). These submissions respond to the EPA's promulgation of the 2010 nitrogen dioxide (NO_2) national ambient air quality standards (NAAQS), the 2010 sulfur dioxide (SO_2) NAAQS, and the 2012 fine particulate matter ($PM_{2.5}$) NAAQS. The submissions address the requirement that each SIP contain adequate provisions prohibiting air emissions that will significantly contribute to nonattainment or interfere with maintenance of these NAAQS in any other state. The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0180. 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.,* 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: Adam Clark, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our June 20, 2019 proposed rulemaking (84 FR 28776). In that document we proposed to approve the CAA section 110(a)(2)(D)(i)(I) portion of Utah's January 31, 2013, June 2, 2013, December 22, 2015 and two May 8, 2018 infrastructure submissions based on our determination that emissions from Utah will not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS in any other state.

We received one anonymous comment letter on our proposal. Our responses to this comment letter are provided below.

II. Response to Comments

Comment: The commenter stated that the EPA should review all sources of SO_2 in Utah located within 50 km of another state's border, rather than focus our analysis on sources in this area emitting greater than 100 tons per year (tpy) of SO_2. The commenter stated that ''the EPA does not appear to support the