

TABLE TO § 165.T01-0438—Continued

- Rain Date: August 1, 2015.
- Time: 8:30 p.m. to 10:30 p.m.
- Location: All waters of Peconic Bay, Southampton, NY within 600 feet of the fireworks barge at approximate position, 40°54'49.92" N.; 072°27'39.28" W. (NAD 83).

Dated: June 17, 2015.

**E.J. Cubanski, III,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.*

[FR Doc. 2015-16748 Filed 7-7-15; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2015-0104 FRL-9926-48-Region 7]

#### Approval and Promulgation of Air Quality Implementation Plans; Kansas; Update to Materials Incorporated by Reference

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** Environmental Protection Agency (EPA) is updating the materials submitted by Kansas that are incorporated by reference (IBR) into the state implementation plan (SIP). EPA is also notifying the public of the correction of certain typographical errors within the IBR table. The regulations affected by this update have been previously submitted by the state agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), and the Regional Office.

**DATES:** This rule is effective on July 8, 2015.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219; or at <http://www.epa.gov/region07/air/rules/fedapprv.htm>; and the National Archives and Records Administration. For information on the availability of this material at NARA, call (202) 741-6030, or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

**FOR FURTHER INFORMATION CONTACT:** Jan Simpson at (913) 551-7089, or by email at [simpson.jan@epa.gov](mailto:simpson.jan@epa.gov).

## SUPPLEMENTARY INFORMATION:

### I. Background

The SIP is a living document which the state revises as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of **Federal Register**. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On February 12, 1999, EPA published a document in the **Federal Register** (64 FR 7091) beginning the new IBR procedure for Kansas. On November 14, 2003 (68 FR 64532), and on April 8, 2009 (74 FR 15856), EPA published an update to the IBR material for Kansas.

In this document, EPA is publishing an updated set of tables listing the regulatory (*i.e.*, IBR) materials in the Kansas SIP taking into account the additions, deletions, and revisions to those materials previously submitted by the state agency and approved by EPA. We are removing the EPA Headquarters Library from paragraph (b)(3), as IBR materials are no longer available at this location. In addition, EPA has found errors in certain entries listed in 40 CFR 52.870(c) and (e), as amended in the published IBR update actions listed above, and is correcting them in this document. Table (c) revisions include:

- Updating state effective date,

**Federal Register** citation and removing outdated text in explanation column for 28-19-200

- removing outdated text in explanation column for 28-19-201
- adding text in EPA approval date column and removing outdated text in explanation column for 28-19-650

Table (e) is being revised by:

- Adding text in the explanation column for (7)-(39).

### II. EPA Action

In this action, EPA is doing the following:

A. Announcing the update to the IBR material as of December 31, 2014;

B. Revising the entry in paragraph 52.870(b) to reflect the update and corrections;

C. Revising certain entries in paragraphs 52.870(c) and (e) as described above;

D. Correcting the date format in the "State effective date" or "State submittal date" and "EPA approval date" columns in paragraphs 52.870(c), (d) and (e). Dates are numerical month/day/year without additional zeros;

E. Modifying the **Federal Register** citation in paragraphs 52.870(c), (d) and (e) to reflect the beginning page of the preamble as opposed to the page number of the regulatory text.

EPA has determined that this rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by providing notice of the updated Kansas SIP compilation.

#### Statutory and Executive Order Reviews

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Kansas regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see

the **ADDRESSES** section of this preamble for more information).

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 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, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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).

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Kansas SIP compilations previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization update action for the State of Kansas.

#### 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 oxides, Volatile organic compounds.

Dated: April 7, 2015.

**Mark Hague,**

*Acting Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

#### Subpart R—Kansas

- 2. In § 52.870 paragraphs (b), (c), (d) and (e) are revised to read as follows:

##### § 52.870 Identification of plan.

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 31, 2014, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 31, 2014, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of December 31, 2014.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at the EPA, Air and Radiation Docket and Information Center, and the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551-7089. For information on the availability of this material at NARA, call (202) 741-6030, or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(c) *EPA-approved regulations.*

## EPA-APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanation
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
General Regulations				
K.A.R. 28–19–6 .....	Statement of Policy .....	1/1/72	5/31/72, 37 FR 10867 .....	Kansas revoked this rule 5/1/82.
K.A.R. 28–19–8 .....	Reporting Required .....	1/23/95	7/17/95, 60 FR 36361 .....	
K.A.R. 28–19–9 .....	Time Schedule for Compliance .....	5/1/84	12/21/87, 52 FR 48265.	
K.A.R. 28–19–10 .....	Circumvention of Control Regulations.	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–11 .....	Exceptions Due to Breakdowns or Scheduled Maintenance.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–12 .....	Measurement of Emissions .....	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–13 .....	Interference with Enjoyment of Life and Property.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–14 .....	Permits Required .....	1/24/94	7/17/95, 60 FR 36361.	
K.A.R. 28–19–15 .....	Severability .....	1/1/71	5/31/72, 37 FR 10867.	
Nonattainment Area Requirements				
K.A.R. 28–19–16 .....	New Source Permit Requirements for Designated Nonattainment Areas.	10/16/89	1/16/90, 55 FR 1420.	EPA deferred action on the state’s current definition of the terms “building, structure, facility, or installation”; “installation”; and “reconstruction.”
K.A.R. 28–19–16a ....	Definitions .....	10/10/97	1/11/00, 65 FR 1545.	
K.A.R. 28–19–16b ....	Permit Required .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16c ....	Creditable Emission Reductions .....	10/16/89	1/16/90, 55 FR 1420 .....	
K.A.R. 28–19–16d ....	Fugitive Emission Exemption .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16e ....	Relaxation of Existing Emission Limitations.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16f ....	New Source Emission Limits .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16g ....	Attainment and Maintenance of National Ambient Air Quality Standards.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16h ....	Compliance of Other Sources .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16i ....	Operating Requirements .....	10/16/89	1/16/90 55 FR 1420.	
K.A.R. 28–19–16j ....	Revocation and Suspension of Permit.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16k ....	Notification Requirements .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16l ....	Failure to Construct .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16m ...	Compliance with Provisions of Law Required.	10/16/89	1/16/90, 55 FR 1420.	
Attainment Area Requirements				
K.A.R. 28–19–17 .....	Prevention of Significant Deterioration of Air Quality.	11/22/02	2/26/03, 68 FR 8845 .....	K.A.R. 28–19–17a through 28–19–17q revoked. Provision moved to K.A.R. 28–19–350.
Stack Height Requirements				
K.A.R. 28–19–18 .....	Stack Heights .....	5/1/88	4/20/89, 54 FR 15934 .....	The state regulation has stack height credit. EPA has not approved that part.
K.A.R. 28–19–18b ....	Definitions .....	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18c ....	Methods for Determining Good Engineering Practice Stack Height.	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18d ....	Fluid Modeling .....	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18e ....	Relaxation of Existing Emission Limitations.	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18f ....	Notification Requirements .....	5/1/88	4/20/89, 54 FR 15934.	
Continuous Emission Monitoring				
K.A.R. 28–19–19 .....	Continuous Emission Monitoring .....	6/8/92	1/12/93, 58 FR 3847.	

## EPA-APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
<b>Processing Operation Emissions</b>				
K.A.R. 28–19–20 .....	Particulate Matter Emission Limitations.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–21 .....	Additional Emission Restrictions .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–23 .....	Hydrocarbon Emissions—Stationary Sources.	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–24 .....	Control of Carbon Monoxide Emissions..	1/1/72	11/8/73, 38 FR 30876.	
<b>Indirect Heating Equipment Emissions</b>				
K.A.R. 28–19–30 .....	General Provisions .....	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–31 .....	Emission Limitations .....	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28–19–32 .....	Exemptions—Indirect Heating Equipment.	11/8/93	10/18/94, 59 FR 52425.	
<b>Incinerator Emissions</b>				
K.A.R. 28–19–40 .....	General Provisions .....	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–41 .....	Restriction of Emission .....	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–42 .....	Performance Testing .....	1/1/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–43 .....	Exceptions .....	1/1/71	5/31/72, 37 FR 10867.	
<b>Air Pollution Emergencies</b>				
K.A.R. 28–19–55 .....	General Provisions .....	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–56 .....	Episode Criteria .....	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–57 .....	Emission Reduction Requirements	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–58 .....	Emergency Episode Plans .....	1/1/72	5/31/72, 37 FR 10867.	
<b>Volatile Organic Compound Emissions</b>				
K.A.R. 28–19–61 .....	Definitions .....	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28–19–62 .....	Testing Procedures .....	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28–19–63 .....	Automobile and Light Duty Truck Surface Coating.	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28–19–64 .....	Bulk Gasoline Terminals .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–65 .....	Volatile Organic Compounds (VOC) Liquid Storage in Permanent Fixed Roof Type Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–66 .....	Volatile Organic Compounds (VOC) Liquid Storage in External Floating Roof Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–67 .....	Petroleum Refineries .....	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28–19–68 .....	Leaks from Petroleum Refinery Equipment.	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28–19–69 .....	Cutback Asphalt .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–70 .....	Leaks from Gasoline Delivery Vessels and Vapor Collection Systems.	5/15/98	1/11/00, 65 FR 1545.	
K.A.R. 28–19–71 .....	Printing Operations .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–72 .....	Gasoline Dispensing Facilities .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–73 .....	Surface Coating of Miscellaneous Metal Parts and Products and Metal Furniture.	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28–19–74 .....	Wool Fiberglass Manufacturing .....	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–76 .....	Lithography Printing Operations .....	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28–19–77 .....	Chemical Processing Facilities That Operate Alcohol Plants or Liquid Detergent Plants.	10/7/91	6/23/92, 57 FR 27936.	
<b>General Provisions</b>				
K.A.R. 28–19–200 ....	General Provisions; definitions .....	1/2/11	2/22/11, 76 FR 9658.	
K.A.R. 28–19–201 ....	General Provisions; Regulated Compounds List.	10/10/97	1/11/00, 65 FR 1545.	
KAR 28–19–202 .....	Annual Emissions Fee .....	11/15/10	1/27/14, 79 FR 4274 .....	Paragraph (c), has not been approved as part of the SIP.
K.A.R. 28–19–204 ....	Permit Issuance and Modification; Public Participation.	1/23/95	7/17/95, 60 FR 36361.	

## EPA-APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28–19–210 ....	Calculation of Actual Emissions .....	11/22/93	1/11/00, 65 FR 1545.	
K.A.R. 28–19–212 ....	Approved Test Methods and Emission Compliance Determination Procedures.	1/23/95	7/17/95, 60 FR 36361.	
<b>Construction Permits And Approvals</b>				
K.A.R. 28–19–300 ....	Applicability .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–301 ....	Application and Issuance .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–302 ....	Additional Provisions; Construction Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–303 ....	Additional Provisions; Construction Approvals.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–304 ....	Fees .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–350 ....	Prevention of Significant Deterioration (PSD) of Air Quality.	12/28/12	6/20/13, 78 FR 37126 .....	Provisions of the 2010 PM <sub>2.5</sub> PSD-Increments, SILs and SMCs rule (75 FR 64865, October 20, 2010) relating to SILs and SMCs that were affected by the January 22, 2013, U.S. Court of Appeals decision are not SIP approved. Provisions of the 2002 NSR reform rule relating to the Clean Unit Exemption, Pollution Control Projects, and exemption from recordkeeping provisions for certain sources using the actual-to-projected-actual emissions projections test are not SIP approved. In addition, we have not approved Kansas rule incorporating EPA's 2007 revision of the definition of "chemical processing plants" (the "Ethanol Rule," 72 FR 24060 (May 1, 2007) or EPA's 2008 "fugitive emissions rule," 73 FR 77882 (December 19, 2008).
<b>General Permits</b>				
K.A.R. 28–19–400 ....	General Requirements .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–401 ....	Adoption by the Secretary .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–402 ....	Availability of Copies; Lists of Sources to Which Permits Issued.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–403 ....	Application to Construct or Operate Pursuant to Terms of General Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–404 ....	Modification, Revocation .....	1/23/95	7/17/95, 60 FR 36361.	
<b>Operating Permits</b>				
K.A.R. 28–19–500 ....	Applicability .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–501 ....	Emissions Limitations and Pollution Control Equipment for Class I and Class II Operating Permits; Conditions.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–502 ....	Identical Procedural Requirements	1/23/95	7/17/95, 60 FR 36361.	
<b>Class II Operating Permits</b>				
K.A.R. 28–19–540 ....	Applicability .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–541 ....	Application Timetable and Contents	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–542 ....	Permit-by-Rule .....	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–543 ....	Permit Term and Content; Operational Compliance.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–544 ....	Modification of Sources or Operations.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–545 ....	Application Fee .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–546 ....	Annual Emission Inventory .....	9/23/05	2/8/08, 73 FR 7468.	

## EPA-APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28–19–561 ....	Permit-by-Rule; Reciprocating Engines.	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–562 ....	Permit-by-Rule; Organic Solvent Evaporative Sources.	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–563 ....	Permit-by-Rule; Hot Mix Asphalt Facilities.	9/23/05	2/8/08, 73 FR 7468.	
K.A.R. 28–19–564 ....	Permit-by-Rule; Sources with Actual Emissions Less Than 50 Percent of Major Source Thresholds.	10/4/02	3/26/03, 68 FR 14540.	
<b>Open Burning Restrictions</b>				
K.A.R. 28–19–645 ....	Open Burning Prohibited .....	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–646 ....	Responsibility for Open Burning .....	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–647 ....	Exceptions to Prohibition on Open Burning.	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–648 ....	Agricultural Open Burning .....	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–650 ....	Emissions Opacity Limits .....	1/29/99	12/12/01, 66 FR 64148 (correction). 1/11/00, 65 FR 1545.	
<b>Nitrogen Oxide Emissions</b>				
K.A.R. 28–19–712 ....	Definitions .....	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–712a ..	Applicability .....	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–712b ..	General requirement for heavy-duty diesel vehicles.	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–712c ..	General requirement for load and unload locations.	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–712d ..	Exemptions .....	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–713 ....	Applicability .....	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–713a ..	Emission limitation requirements .....	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–713b ..	Alternate emissions limit .....	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–713c ..	Control measures and equipment ...	6/25/10	2/20/13, 78 FR 11751.	
K.A.R. 28–19–713d ..	Compliance demonstration, monitoring, and reporting requirements.	6/25/10	2/20/13, 78 FR 11751.	
<b>Volatile Organic Compound Emissions</b>				
K.A.R. 28–19–714 ....	Control of Emissions from Solvent Metal Cleaning.	9/1/02	10/30/02, 67 FR 66058.	
K.A.R. 28–19–717 ....	Control of Volatile Organic Compound (VOC) Emissions from Commercial Bakery Ovens in Johnson and Wyandotte Counties.	12/22/00	12/12/01, 66 FR 64148.	
K.A.R. 28–19–719 ....	Fuel Volatility .....	4/27/01	2/13/02, 67 FR 6655.	
<b>Conformity</b>				
K.A.R. 28–19–800 ....	General Conformity of Federal Actions.	3/15/96	10/2/96, 61 FR 51366.	

(d) *EPA-approved State source-specific permits.*

## EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

Name of source	Permit or case No.	State effective date	EPA approval date	Explanation
(1) Board of Public Utilities, Quindaro Power Station.	2090048	10/20/93	10/18/94, 59 FR 52425.	
(2) Board of Public Utilities, Kaw Power Station.	2090049	10/20/93	10/18/94, 59 FR 52425.	
(3) Kansas City Power and Light Company.	.....	12/5/07	12/27/11, 76 FR 80754 .....	Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.

## EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS—Continued

Name of source	Permit or case No.	State effective date	EPA approval date	Explanation
(4) Westar Energy, Inc. ....	.....	2/29/08	12/27/11, 76 FR 80759 .....	Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.

(e) *EPA-approved nonregulatory provisions and quasi-regulatory measures.*

## EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(1) Implementation Plan for Attainment and Maintenance of the National Air Quality Standards.	Statewide .....	1/31/72 .....	5/31/72, 37 FR 10867.	
(2) Comments on the Plan in Response to EPA Review.	Kansas City .....	3/24/72 .....	6/22/73, 38 FR 16550 .....	Correction notice published 3/2/76.
(3) Emergency Episode Operations/Communications Manual.	Kansas City .....	4/6/72 .....	11/8/73, 38 FR 30876 .....	Correction notice published 3/2/76.
(4) Emergency Episode Operations/Communications Manual.	Statewide except Kansas City.	2/15/73 .....	11/8/73, 38 FR 30876 .....	Correction notice published 3/2/76.
(5) Letter Concerning Attainment of CO Standards.	Kansas City .....	5/29/73 .....	11/8/73, 38 FR 30876 .....	Correction notice published 3/2/76.
(6) Amendment to State Air Quality Control Law Dealing with Public Access to Emissions Data.	Statewide .....	7/27/73 .....	11/8/73, 38 FR 30876 .....	Correction notice published 3/2/76.
(7) Analysis and Recommendations Concerning Designation of Air Quality Maintenance Areas.	Statewide .....	2/28/74 .....	3/2/76, 41 FR 8956 .....	[FRL 484–4].
(8) Ozone Nonattainment Plan	Kansas City .....	9/17/79 .....	4/3/81, 46 FR 20164 .....	[A–7–FRL 1788–5].
(9) Ozone Nonattainment Plan	Douglas County .....	10/22/79 .....	4/3/81, 46 FR 20164 .....	[A–7–FRL 1788–5].
(10) TSP Nonattainment Plan	Kansas City .....	3/10/80 .....	4/3/81, 46 FR 20164 .....	[A–7–FRL 1788–5].
(11) Lead Plan	Statewide .....	2/17/81 .....	10/22/81, 46 FR 51742 .....	[A–7–FRL–1938–8].
(12) CO Nonattainment Plan	Wichita .....	4/16/81 .....	12/15/81, 46 FR 61117 .....	[A–7–FRL–1990–3].
(13) Air Monitoring Plan	Statewide .....	10/16/81 .....	1/22/82, 47 FR 3112 .....	[A–7–FRL–2024–8].
(14) Letter and Supporting Documentation Relating to Reasonably Available Control Technology for Certain Particulate Matter Sources.	Kansas City .....	9/15/81 .....	6/18/82, 47 FR 26387 .....	[EPA Action KS 276; FRL 2137–6]. Correction notice published 1/12/84.
(15) Letter Agreeing to Follow EPA Interim Stack Height Policy for Each PSD Permit Issued Until EPA Revises the Stack Height Regulations.	Statewide .....	6/20/84 .....	12/11/84, 49 FR 48185 .....	[A–7–FRL–2734–4; EPA No 1163].
(16) Letters Pertaining to Permit Fees.	Statewide .....	3/27/86, 9/15/87	12/21/87, 52 FR 48265 .....	[FRL 3299–4].
(17) Revisions to the Ozone Attainment Plan.	Kansas City .....	7/2/86, 4/16/87, 8/18/87, 8/19/87, 1/6/88.	5/18/88, 53 FR 17700 .....	[3375–5].
(18) Revised CO Plan	Wichita .....	3/1/85, 9/3/87 .....	10/28/88, 53 FR 43691 .....	[FRL–3449–1].
(19) Letter Pertaining to the Effective Date of Continuous Emission Monitoring Regulations.	Statewide .....	1/6/88 .....	11/25/88, 53 FR 47690 .....	[FRL–3473–9].
(20) Letters Pertaining to New Source Permit Regulations, Stack Height Regulations, and Stack Height Analysis and Negative Declarations.	Statewide .....	3/27/86, 12/7/87 1/6/88.	4/20/89, 54 FR 15934 .....	[FRL–3558–5].
(21) PM <sub>10</sub> Plan	Statewide .....	10/5/89, 10/16/89	1/16/90, 55 FR 1420 .....	[FRL–3704–3].
(22) Ozone Maintenance Plan	Kansas City .....	10/23/91 .....	6/23/92, 57 FR 27936 .....	[KS1–1–5439; FRL 4126–6].
(23) Letter Pertaining to PSD NO <sub>x</sub> Requirements.	Statewide .....	9/15/92 .....	1/12/93, 58 FR 3847 .....	[KS–2–1–5640; FRL–4552–3].
(24) Small Business Assistance Plan.	Statewide .....	1/25/94 .....	5/12/94, 59 FR 24644 .....	[KS–3–1–8332; FRL–4882–4].

## EPA-APPROVED KANSAS NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(25) Letter Regarding Compliance Verification Methods and Schedules Pertaining to the Board of Public Utilities Power Plants.	Kansas City .....	12/11/92 .....	10/18/94, 59 FR 52425 .....	[KS-4-1-6508a; FRL-5079-2].
(26) Emissions Inventory Update Including a Motor Vehicle Emissions Budget.	Kansas City .....	5/11/95 .....	4/25/96, 61 FR 18251 .....	[KS-6-1-6985, MO-31-1-7153; FRL 5448-9].
(27) Air monitoring plan .....	Statewide .....	1/6/02 .....	8/30/02, 67 FR 55726 .....	[KS 162-1162a; FRL-7270-4].
(28) Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten-year period.	Kansas City .....	1/9/03 .....	1/13/04, 69 FR 1919 .....	[KS 202-1202; FRL-7608-9].
(29) Revision to Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten-year period.	Kansas City .....	2/10/06 .....	6/26/06, 71 FR 36213 .....	[EPA-R07-OAR-2006-0365; FRL-8188-4].
(30) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.	Statewide .....	1/7/07 .....	3/9/07, 72 FR 10608 .....	[EPA-R07-OAR-2007-0141; FRL-8286-3].
(31) Maintenance Plan for the 8-hour ozone standard in the Kansas portion of the Kansas City area.	Kansas City .....	5/23/07 .....	8/9/07, 72 FR 44781 .....	[EPA-R07-OAR-2007-0620; FRL-8450-5] This plan replaces numbers (28) and (29).
(32) Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide .....	1/8/08 7/20/09 ...	7/11/11, 76 FR 40624 .....	[EPA-R07-OAR-2011-0304; FRL-9434-3]. This action addresses the following CAA elements as applicable: 111(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
(33) Regional Haze Plan for the first implementation period.	Statewide .....	11/9/09 .....	12/27/11, 76 FR 80754 .....	[EPA-R07-OAR-2011-0675; FRL-9611-3]. Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.
(34) Section 110(a)(2) Infrastructure Requirements for the 1997 PM <sub>2.5</sub> NAAQS.	Statewide .....	1/08/08 .....	6/20/13, 78 FR 37126 .....	[EPA-R07-OAR-2013-0233; FRL-9825-6]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) (prongs 3 and 4), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M), except as noted.
(35) Section 110(a)(2) Infrastructure Requirements for the 2006 PM <sub>2.5</sub> NAAQS.	Statewide .....	4/12/10 .....	6/20/13, 78 FR 37126 .....	[EPA-R07-OAR-2013-0233; FRL-9825-6]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) (prongs 3 and 4), D(ii), (E), (F), (G), (H), (J), (K), (L) and (M), except as noted.
(36) Section 128 Declaration: Kansas Department of Health and Environment Representation and Conflicts of Interest Provisions, Kansas Revised Statutes (KSA). KSA 46-221, KSA 46-229, KSA 46-247(c).	Statewide .....	3/19/13 .....	6/20/13, 78 FR 37126 .....	[EPA-R07-OAR-2013-0233; FRL-9825-6].
(37) Section 110(a)(2) infrastructure Requirements for the 2008 Pb NAAQS.	Statewide .....	1/13/12 .....	9/15/14, 79 FR 54908 .....	[EPA-R07-OAR-2014-0271; FRL-9916-50—Region 7]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L) and (M).



## EPA-APPROVED KANSAS NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(38) Section 110(a)(2) Infrastructure Requirements for the 2008 O <sub>3</sub> NAAQS.	Statewide .....	3/19/13 .....	10/21/14, 79 FR 62861 .....	[EPA–R07–OAR–2014–0401; FRL–9918–19–Region 7]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) (prongs 3 and 4), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M) except as noted.
(39) Section 110(a)(2) Infrastructure Requirements for the 2010 NO <sub>2</sub> NAAQS.	Statewide .....	3/19/13 .....	10/22/14, 79 FR 63044 .....	[EPA–R07–OAR–2014–0500; FRL–9918–11–Region 7]. This action addresses the following CAA elements: 110 (a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L) and (M).

[FR Doc. 2015–16626 Filed 7–7–15; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA–R09–OAR–2015–0164; FRL–9927–76–Region 9]****Revisions to the California State Implementation Plan, Feather River Air Quality Management District****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Feather River Air Quality Management District (FRAQMD or the District) portion of the California State Implementation Plan (SIP). Included in this approval are the following three SIP demonstrations from FRAQMD: 2006 Reasonably Available Control Technology (RACT) Analysis for State Implementation Plan (SIP), November 2006; Reasonably Available Control Technology State Implementation Plan Revision Negative Declaration for Control Techniques Guidelines Issued 2006–2008, June 1, 2009 and; Reasonably Available Control Technology Analysis and Negative Declarations, July 3, 2014. The first two demonstrations address the 1997 8-hour National Ambient Air Quality Standards (NAAQS) for ozone, and the third demonstration addresses the 2008 8-hour NAAQS for ozone. These submitted SIP revisions contain FRAQMD's negative declarations for volatile organic compound (VOC) source categories. We are approving the submitted SIP revisions under the Clean

Air Act as amended in 1990 (CAA or the Act). We are also approving a local rule to regulate VOC emissions from gasoline dispensing facilities.

**DATES:** This rule is effective on September 8, 2015 without further notice, unless EPA receives adverse comments by August 7, 2015. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2015–0164, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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:** Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** James Shears, EPA Region IX, (213) 244–1810, [shears.james@epa.gov](mailto:shears.james@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us” and “our” refer to EPA.

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