

# APPENDIX 1

## Wisconsin's Infrastructure SIP for the 2008 Ozone NAAQS

This appendix includes:

1. Wisconsin Nitrogen Dioxide (NO<sub>2</sub>), Ozone (O<sub>3</sub>), and Sulfur Dioxide (SO<sub>2</sub>) Infrastructure State Implementation Plan (SIP), submitted to U.S. EPA on June 20, 2013.....2
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3. Air Plan Approval; Wisconsin; Infrastructure SIP Requirements for the 2008 Ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS, published by U.S. EPA in the Federal Register, September 11, 2015 (80 FR 54725).....10
4. Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Revisions to PSD and NNSR Programs, published by U.S. EPA in the Federal Register, October 6, 2014 (79 FR 60064).....14
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6. Wisconsin State Implementation Plan (SIP) Revision – PM<sub>2.5</sub> Increment and Various PSD Program Changes, submitted to U.S. EPA on February 8, 2016.....19



June 20, 2013

Ms. Susan Hedman  
Regional Administrator - R19J  
U.S. Environmental Protection Agency (EPA) - Region 5  
77 W. Jackson Blvd.  
Chicago IL 60604

Subject: Wisconsin Nitrogen Dioxide (NO<sub>2</sub>), Ozone (O<sub>3</sub>), and Sulfur Dioxide (SO<sub>2</sub>) Infrastructure State Implementation Plan (SIP)

Dear Ms. Hedman:

The Wisconsin Department of Natural Resources (WDNR) hereby submits an infrastructure SIP for the 2008 O<sub>3</sub> and 2010 NO<sub>2</sub> and SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS) in accordance with the requirements contained in Sections 110(a)(1) and 110(a)(2) of the Clean Air Act (CAA). This submittal describes the state's ability to implement, maintain, and enforce these NAAQS.

The WDNR has the legal authority under Wisconsin law to adopt and implement the requested SIP revisions. Section 285.11(6), *Wis. Stats.*, authorizes the WDNR to develop and revise a SIP for prevention, abatement, and control of air pollution. The WDNR conducted a public hearing on June 10, 2013 regarding this SIP submittal. A copy of the public hearing notice is included as an attachment. In addition, a summary of comments received during the WDNR's public comment process is included as an attachment.

In accordance with the April 6, 2011 McCabe Memo, one paper copy of the SIP documents is enclosed. In addition, an electronic copy of these documents is provided on an enclosed CD. If you have any questions regarding this submittal, please contact Joseph Hoch at (608) 267-7543 or Ralph Patterson at (608) 267-7546.

Sincerely,

Bart Sponseller, Director  
Bureau of Air Management

cc: Patrick Stevens – AD/8  
Joseph Hoch – AM/7  
Ralph Patterson – AM/7  
George Czerniak – U.S. EPA Region V (A-18J)  
John Mooney – U.S. EPA Region V (A-18J)  
Douglas Aburano – U.S. EPA Region V (AR-18J)

**Attach:** Wisconsin's NO<sub>2</sub>, O<sub>3</sub>, and SO<sub>2</sub> Infrastructure SIP  
Infrastructure SIP public hearing notice  
Proof of publication for the public comment period and public hearing  
Summary and responses to public comments  
EPA Region V SIP Submittal Checklist

## Wisconsin's Infrastructure State Implementation Plan (SIP) Elements for Nitrogen Dioxide (NO<sub>2</sub>), Ozone (O<sub>3</sub>), and Sulfur Dioxide (SO<sub>2</sub>)

### 1. Section 110(a)(2)(A): Emission limits and other control measures

*“Each such plan shall [...] include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter.”*

The Wisconsin Department of Natural Resources (WDNR) continues to monitor, update, and implement revisions to Wisconsin's SIP as emission limits and/or other control measures are needed in order to meet National Ambient Air Quality Standards (NAAQS), including the 2008 O<sub>3</sub> NAAQS, 2010 NO<sub>2</sub> NAAQS, and 2010 SO<sub>2</sub> NAAQS. Authority for this effort is established under ss. 285.11 through 285.19, *Wis. Stats.* Authorities related to specific pollutants, including the establishment of ambient air quality standards and increments, identification of nonattainment areas, air resource allocations, and various performance and emissions standards, are contained in ss. 285.21 through 285.29, *Wis. Stats.*

### 2. Section 110(a)(2)(B): Ambient air quality monitoring/data system

*“Each such plan shall [...] provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to*

*(i) monitor, compile, and analyze data on ambient air quality, and*

*(ii) upon request, make such data available to the Administrator.”*

The WDNR continues to operate an extensive air monitoring network. The data is used after full quality assurance to determine compliance with the NAAQS.

Wisconsin's most recently adopted annual network plan for 2013 was approved by the United States Environmental Protection Agency (U.S. EPA) on October 31, 2012. All monitored data is submitted to the U.S. EPA's Air Quality System (AQS) in a timely manner in accordance with *40 CFR 51.320*. The WDNR continues to provide the U.S. EPA regional office notice of any planned changes to monitoring sites or to the network plan. In addition, the WDNR actively participated in the development of a five-year regional network assessment for U.S. EPA Region 5 States dated July 1, 2010. Authority for monitoring efforts exists under general air pollution duties in s. 285.11, *Wis. Stats.* Funding for Wisconsin's air monitoring network comes from a variety of sources, including from the U.S. EPA under its Section 103 and 105 grant programs supporting federal monitoring requirements specified in *40 CFR 58.10*.

### 3. Section 110(a)(2)(C): Programs for enforcement, PSD, and NSR

*“Each such plan shall [...] include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter.”*

The WDNR Air Management and Environmental Enforcement Programs work together to ensure compliance with Air Management Program SIP provisions, administrative code, and permit requirements. Authority to enforce violations and to assess penalties is contained in ss. 285.83 and 285.87, *Wis. Stats.* The WDNR follows a stepped enforcement process to address violations. The

enforcement response ranges from issuance of a Letter of Inquiry (the state counterpart of a U.S. EPA 114 request) where additional information is needed to confirm or assess the significance of a violation, up through referral to the Wisconsin Department of Justice (DOJ) for civil or criminal enforcement as appropriate.

The Environmental Performance Partnership Agreement (EnPPA) between the Wisconsin Air Management Program and U.S. EPA Region 5 addresses implementation of the U.S. EPA's High Priority Violation (HPV) policy. The process for prosecution of violations is also addressed in an Air Management Program Compliance and Enforcement Memorandum of Understanding (MOU) between U.S. EPA Region 5 and the WDNR Air Management Program. Consistent with the provisions of this MOU, the two agencies conduct monthly compliance and enforcement conference calls to discuss program issues and specific cases.

The WDNR regulates modification and construction of stationary sources through its U.S. EPA approved nonattainment New Source Review (NSR), Prevention of Significant Deterioration (PSD), and Title V permits programs under s. 285.11, s. 285.13, s. 285.17, s. 285.19, and ss. 285.60 through 285.69, *Wis. Stats.* The WDNR collects revenue to support these permit programs through application of applicable fee requirements under s. 285.69, *Wis. Stats.*

On March 28, 2011, the WDNR transmitted a letter to the U.S. EPA clarifying that the infrastructure SIP before the U.S. EPA review at that time (with respect to the 1997 O<sub>3</sub> and 1997 fine particulate matter (PM<sub>2.5</sub>) NAAQS) only included PSD regulations that remained approved after the U.S. EPA issued the PSD SIP narrowing rule. Thus, the greenhouse gas (GHG) PSD permitting requirement in Wisconsin's infrastructure SIP submittal consisted of only that portion of the PSD SIP program that applies PSD permitting requirements to GHG emissions at or above the tailoring rule thresholds. The WDNR made a subsequent submittal on May 4, 2011, asking that revisions to the State's PSD program with respect to aligning the state threshold for GHG emitting sources with the federal threshold be incorporated into the SIP. Therefore, Wisconsin retains all necessary resources and authority to permit GHG emitting sources at the federal tailoring rule threshold.

4. Section 110(a)(2)(D)(i): Interstate transport provisions

*"Each such plan shall [...] contain adequate provisions:*

*(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will-*

*(I) contribute significantly to nonattainment in, or*

*(II) interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility."*

The WDNR has adopted and implemented the various major programs related to interstate transport of pollution, as required by the U.S. EPA. The WDNR developed implementation programs in ch. NR 432, *Wis. Adm. Code*, in 2007, for the state portions of the Clean Air Interstate Rule (CAIR), to address interstate transport of O<sub>3</sub> and PM<sub>2.5</sub> precursor emissions. Emissions of NO<sub>2</sub> and SO<sub>2</sub> are addressed regionally as PM<sub>2.5</sub> precursors, as well as locally within the state as described in section 110(a)(2)(K).

When the U.S. EPA finalizes a replacement to CAIR, as required by the U.S. Court of Appeals for the D.C. Circuit, the WDNR has the authority to develop refined control requirements to address that forthcoming federal program – either by adopting a Federal Implementation Plan (FIP) directly or through development of an approvable substitute regulation embodying a more unique state program. In addition, as part of the U.S. Court of Appeals for the D.C. Circuit August 21, 2012 decision regarding the Cross State Air Pollution Rule (CSAPR), the U.S. EPA must first define “significant contribution” before requiring states to eliminate that contribution.

In August 2012, the U.S. EPA fully approved Wisconsin’s Regional Haze SIP, which satisfies the visibility protection requirements under 40 CFR Part 51 Subpart P. Wisconsin has entered into agreements and working relationships with the surrounding States of Illinois, Indiana, Michigan, Ohio and Minnesota through the Lake Michigan Air Directors Consortium (LADCO) to address a continuing assessment and control strategy program to ensure multi-state nonattainment areas meet required Clean Air Act (CAA) timelines. Together these regulations and cooperative agreements address CAA and U.S. EPA concerns over the interstate transport of emissions of regulated pollutants.

If needed, ss. 285.11, 285.13 and 285.15, *Wis. Stats.*, address circumstances where interstate transport reduction agreements between states are needed to resolve SIP development of cross-boundary nonattainment areas. As detailed in the section addressing Section 110(a)(2)(C), Wisconsin has adequate PSD and NSR regulations; these regulations satisfy all applicable elements of Section 110(a)(2)(D)(i), as well as those of Section 110(a)(2)(C).

5. Section 110(a)(2)(D)(ii): Interstate and International transport provisions

*“Each such plan shall [...] contain adequate provisions insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement).”*

Wisconsin’s Air Management Program contains adequate provisions to insure compliance with Section 126 of the CAA relating to interstate pollution abatement. Neighboring states and tribes are notified regarding new or modified sources. Additionally, Section 115 of the CAA relates to international pollution abatement. Wisconsin has no pending obligations under Section 115.

6. Section 110(a)(2)(E): Adequate personnel, funding, and authority

*“Each such plan shall [...] provide:*

*(i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof),*

*(ii) requirements that the state comply with the requirements respecting State boards under section 128,*

*(iii) necessary assurances that, where the State has relied on a local or regional government agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision.”*

Funding and personnel for the WDNR is through the state’s biennial budget process. The WDNR Air Management Program has several funding sources, including program revenue (fees paid by

businesses), tax revenue, and grants (federal and state). There are separate accounts affiliated with the different funding sources to ensure the funding and related personnel are used for the intended purpose. The primary federal grant the Air Management Program receives is the Section 105 Air Pollution Control Grant. It is an annual grant that includes extensive review by the U.S. EPA. In addition, the WDNR and the U.S. EPA negotiate priorities and grant commitments under the EnPPA, which is a two year agreement itemizing performance measures and outcomes across the various funding sources and grants. Wisconsin's basic Air Management Program duties and authorities are ensured under s. 285.11, *Wis. Stats.*

As specified in the section addressing Section 110(a)(2)(C), the WDNR also retains both the legal authority and adequate personnel to permit GHG emitting sources at the appropriate federal tailoring threshold.

With respect to the requirements of Section 128, the WDNR notes that the Wisconsin Natural Resources Board (NRB) does not generally approve enforcement or permit orders. Therefore, only the second requirement of Section 128 applies to Wisconsin. Rules that apply to the Wisconsin NRB can be found in s. 15.34, *Wis. Stats.* Wisconsin Statute Chapter 19, "General Duties of Public Officials" contains provisions, specifically in s. 19.46, 19.47, and 19.48, *Wis. Stats.*, that address conflict of interest over public officials, which would include the NRB.

7. Section 110(a)(2)(F): Stationary source monitoring and reporting

*"each such plan shall [...] require, as may be prescribed by the Administrator:*

*(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*

*(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such source*

*(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection."*

The WDNR requires regulated sources to monitor, keep records, and submit reports dependent on applicable requirements and the type of permit issued. Frequency and requirements for review are incorporated as part of chs. NR 438 and 439, *Wis. Adm. Code.* Emission reports are submitted to meet requirements in our emission statement SIP. Wisconsin has a web-based monitoring, reporting, permits and compliance database called the Wisconsin Air Resource Program (WARP) that substantially strengthens the integrity of each of its component units. Basic authority for this effort is provided in s. 285.65, *Wis. Stats.* Public inspection of reports is available under Wisconsin's open records law contained in s. 19.35, *Wis. Stats.*

8. Section 110(a)(2)(G): Emergency episodes:

*"Each such plan shall provide for authority comparable to that in section 303 of this Title and adequate contingency plans to implement such authority,"*

Wisconsin Statute s. 285.85 requires the WDNR to act upon a finding that episode or emergency conditions exist. This language authorizes the WDNR to seek immediate injunctive relief in circumstances of substantial danger to the environment or to public health.

9. Section 110(a)(2)(H): Future SIP revisions

*“Each such plan shall [...] provide for revisions of such plan-*

*(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or expeditious methods of attaining such standard, and*

*(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter (CAA).”*

Wisconsin Statute s. 285.11(6) provides the WDNR the authority to develop all rules, limits, and regulations necessary to meet NAAQS as they evolve and to respond to any U.S. EPA findings of inadequacy with the overall Wisconsin SIP and Air Management Programs.

10. Section 110(a)(2)(J): Consultation with government officials, public notification, PSD and visibility protection

*“Each such plan shall [...] meet the applicable requirements of section 121 of this Title (relating to consultation), section 127 of this Title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection).”*

The WDNR follows an administrative process for public input and legislative review on non-rule SIP revisions for air quality control programs or measures. In addition, the WDNR follows an administrative process for public input, adoption by the Wisconsin NRB, and legislative review on rule SIP revisions for air quality control programs or measures. These processes ensure that potentially impacted public entities are identified and allowed to become engaged in the SIP development process. The WDNR Air Management Program has effectively used formal stakeholder structures in the development and refinement of all major SIP revisions. The WDNR is given the authority in s. 285.13(5), *Wis. Stats.*, to "advise, consult, contract and cooperate with other agencies of the state, local governments, industries, other states, interstate or inter-local agencies, and the federal government, and with interested persons or groups" during the entire SIP revision process and for other elements related to air management for which the WDNR is the officially-charged agency.

The WDNR maintains an active and fully-approved monitoring network for criteria pollutants. As provided for under s. 285.11, *Wis. Stats.*, public notice is provided at levels associated with the extent of the monitored problem ranging from an advisory to alert levels. The State of Wisconsin actively participates in development of regional air quality forecasts and the U.S. EPA's AIRNow air quality data outreach program. The WDNR maintains an active multi-media outreach effort through a variety of partners to ensure adequate public notice of air quality and to advise the public of actions to reduce immediate exposure and improve air quality. Public notification is provided through the Department's website and through a contracted e-mail subscription service known as "GovDelivery".

The WDNR's satisfaction of the PSD and visibility requirements of this section have been previously addressed in the section addressing 110(a)(2)(C) and 110(a)(2)(D) requirements. Insofar as those provisions satisfy the applicable requirements of those sections, the WDNR intends the same provisions to satisfy the applicable requirements of Section 110(a)(2)(J).

11. Section 110 (a)(2)(K): Air quality modeling/data

*“Each such plan shall [...] provide for-*

*(i) the performance of such air quality modeling as the administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any pollutant for which the Administrator has established a national ambient air quality standard, and*

*(ii) the submission upon request, of data related to such air quality modeling to the Administrator.”*

The WDNR has the authority and capability to perform source-oriented dispersion modeling of all criteria pollutants – including NO<sub>2</sub>, O<sub>3</sub>, and SO<sub>2</sub> – using models such as AERMOD. The WDNR works with LADCO and the U.S. EPA to perform regional modeling of O<sub>3</sub> and PM<sub>2.5</sub> precursors – including NO<sub>2</sub> and SO<sub>2</sub> – from consistent emissions inventory and meteorology platforms. This regional modeling supports SIP development for Wisconsin, nearby nonattainment areas, addresses interstate pollutant transport quantification, and supports visibility impact assessments. The WDNR requires source-specific modeling for PSD-NSR assessment and permitting for the construction of major and some minor sources. These authorities reside under ss. 285.11, 285.13 and 285.60 - 285.69, *Wis. Stats.*

12. Section 110(a)(2)(L): permitting fees

*“Each such plan shall require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover-*

*(i) the reasonable costs of reviewing and acting upon any application for such a permit, and*

*(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator’s approval of a fee program under subchapter Title V of this chapter.”*

Major stationary sources receive permits under Wisconsin’s Title 5 and NSR programs. The Title 5 program is funded by emission fees paid by sources and the level of funding is included in the State’s biennial budget process. The NSR program is funded by application and review fees that vary based on the type and complexity of the permit. The NSR program fees were revised effective January 1, 2011. Authority is established under s. 285.69, *Wis. Stats.*

13. Section 110(a)(2)(M): Consultation/participation by affected local entities

*“Each such plan shall [...] provide for consultation and participation by local political subdivisions affected by the plan.”*

Consultative authorities and responsibilities are noted in response to Section 110(a)(2)(J) requirements above regarding intergovernmental consultation. In addition, the WDNR follows formal public hearing processes in developing and adopting all formal SIP revisions that entail new or revised air pollution control programs or strategies. The WDNR actively engages potentially impacted stakeholders and other interested parties including local governmental entities. The WDNR is required to adopt all formal emission control programs and strategies as rules following the state’s formal regulatory processes of notice prior to adoption of rules. For any SIP revision not related to a single source, the WDNR is required to provide the standing committees of the Wisconsin State Legislature with jurisdiction over environmental matters, a 60-day review period, which effectively ensures local entities have been engaged in the program development process. The WDNR is obligated to respond to inquiries by the committee chairs within 15 days under s. 285.14, *Wis. Stats.*



January 28, 2015

Ms Susan Hedman  
USEPA Region V  
77 West Jackson Boulevard  
Chicago IL 60604

Subject: June 20, 2013 Infrastructure SIP Submission Clarification

Dear Ms. Hedman:

This letter is clarifying our June 20, 2013 Infrastructure SIP submission for the 2008 ozone and 2010 NO2 and SO2 National Ambient Air Quality Standards (NAAQS).

Our authority under Chapters 227 and 285, Wis. Stats, to create new rules and implement existing emission limits and controls allow us to meet the requirements on 110(a)(2)(A). The authority for WDNR to develop rules and regulations is found in Sections 227.11(2)(a), 285.11(1), and 285.21(1)(a), Wis. Stats. Section 227.11(2)(a), Stats., expressly confers rule making authority to an agency. Section 285.11(1) and (6) requires the WDNR promulgate rules and establish control strategies in order to prepare and implement the State Implementation Plan (SIP) for the prevention, abatement and control of air pollution in the state. Section 285.21(1)(a) requires that the WDNR promulgate by rule ambient air quality standards that are similar to, but not more restrictive than the NAAQS.

The current Wisconsin administrative code contains existing controls and emission limits that addresses the NAAQS supplied in the June 20, 2013 Infrastructure SIP submission.

- 2008 ozone NAAQS- Chapters NR 419 through NR 425, Wis. Adm. Code, control VOC as an ozone precursor and Chapter NR 428, Wis. Adm. Code, control NOx as an ozone precursor.
- 2010 NO2 NAAQS- Chapter NR 428, Wis. Adm. Code contains the controls and emission limits for nitrogen dioxide control.
- 2010 SO2 NAAQS - Chapter NR 418, Wis. Adm. Code, contain the controls and emissions limits for sulfur dioxide control.

If you should have any questions regarding this letter, please feel free to contact Ralph Patterson of my staff at 608-267-7546.

Sincerely,

Bart Sponseller  
Director  
Bureau of Air Management

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).

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 November 10, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Emissions Reporting, Incorporation by reference, Reporting

and recordkeeping requirements, Sulfur dioxide.

Dated: August 28, 2015.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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.*

■ 2. Section 52.770, the table in paragraph (c) is amended by revising the entry for Rule 7–4.1–21 "Walsh and Kelly sulfur dioxide emission limitations" under the subheading entitled "Rule 4.1 Lake County Sulfur Dioxide Emission Limitations" under the heading entitled "Article 7. Sulfur Dioxide Rules" to read as follows:

**§ 52.770 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

**EPA-APPROVED INDIANA REGULATIONS**

Indiana citation	Subject	Indiana effective date	EPA Approval date	Notes
* * * * *				
<b>Article 7. Sulfur Dioxide Rules</b>				
* * * * *				
<b>Rule 4.1 Lake County Sulfur Dioxide Emission Limitations</b>				
7–4.1–21 .....	Walsh and Kelly sulfur dioxide emission limitations ..	5/29/2015	9/11/2015, [insert <b>Federal Register</b> citation].	
* * * * *				

\* \* \* \* \*  
 [FR Doc. 2015–22716 Filed 9–10–15; 8:45 am]  
**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R05–OAR–2014–0704; FRL–9933–62–Region 5]

**Air Plan Approval; Wisconsin; Infrastructure SIP Requirements for the 2008 Ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve some elements of state implementation plan (SIP) submissions from Wisconsin regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2008 ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), and 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The

proposed rulemaking associated with this final action was published on April 20, 2015, and EPA received no comments during the comment period, which ended on May 20, 2015.

**DATES:** This final rule is effective on October 13, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2014-0704. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Eric Svingen, Environmental Engineer, at (312) 353-4489 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-4489, [svingen.eric@epa.gov](mailto:svingen.eric@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background of these SIP submissions?
- II. What action is EPA taking?
- III. Statutory and Executive Order Reviews.

**I. What is the background of these SIP submissions?**

*A. What state submissions does this rulemaking address?*

This rulemaking addresses June 20, 2013, submissions and a January 28, 2015, clarification from the Wisconsin Department of Natural Resources (WDNR) intended to address all applicable infrastructure requirements for the 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS.

*B. Why did the state make these SIP submissions?*

Under section 110(a)(1) and (2) of the CAA, states are required to submit infrastructure SIPs to ensure that their SIPs provide for implementation, maintenance, and enforcement of the NAAQS, including the 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS. These submissions must contain any revisions needed for meeting the applicable SIP requirements of section 110(a)(2), or certifications that their existing SIPs for the NAAQS already meet those requirements.

EPA has highlighted this statutory requirement in multiple guidance documents. The most recent, entitled “Guidance on Infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and (2)”, was published on September 13, 2013.

*C. What is the scope of this rulemaking?*

EPA is acting upon the SIP submissions from Wisconsin that address the infrastructure requirements of CAA section 110(a)(1) and (2) for the 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS. The requirement for states to make SIP submissions of this type arises out of CAA section 110(a)(1), which states that states must make SIP submissions “within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),” and these SIP submissions are to provide for the “implementation, maintenance, and enforcement” of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA’s taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that “[e]ach such plan” submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA section 110(a)(1) and (2) as “infrastructure SIP” submissions. Although the term “infrastructure SIP” does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as SIP submissions that address the nonattainment planning requirements of part D and the

Prevention of Significant Deterioration (PSD) requirements of part C of title I of the CAA, and “regional haze SIP” submissions required to address the visibility protection requirements of CAA section 169A.

This rulemaking will not cover three substantive areas because they are not integral to acting on a state’s infrastructure SIP submissions: (i) Existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction (“SSM”) at sources, that may be contrary to the CAA and EPA’s policies addressing such excess emissions; (ii) existing provisions related to “director’s variance” or “director’s discretion” that purport to permit revisions to SIP approved emissions limits with limited public notice or without requiring further approval by EPA, that may be contrary to the CAA; and, (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA’s “Final NSR Improvement Rule,” 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (“NSR Reform”). Instead, EPA has the authority to address each one of these substantive areas in separate rulemakings. A detailed history, interpretation, and rationale as they relate to infrastructure SIP requirements can be found in EPA’s May 13, 2014, proposed rule entitled, “Infrastructure SIP Requirements for the 2008 Lead NAAQS” in the section, “What is the scope of this rulemaking?” (see 79 FR 27241 at 27242–27245).

**II. What action is EPA taking?**

EPA is taking final action to approve most elements of submissions from Wisconsin certifying that its current SIP is sufficient to meet the required infrastructure elements under section 110(a)(1) and (2) for the 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS.

The proposed rulemaking associated with this final action was published on April 20, 2015 (75 FR 21685), and EPA received no comments during the comment period, which ended on May 20, 2015. EPA is therefore taking final action to approve, as proposed, most elements of Wisconsin’s submissions.

EPA’s actions for the state’s satisfaction of infrastructure SIP requirements, by element of section 110(a)(2) and NAAQS, are contained in the table below.

Element	2008 Ozone	2010 NO <sub>2</sub>	2010 SO <sub>2</sub>
(A)—Emission limits and other control measures	A	A	A
(B)—Ambient air quality monitoring/data system	A	A	A
(C)1—Program for enforcement of control measures	A	A	A
(C)2—PSD	NA	NA	NA
(D)1—I Prong 1: Interstate transport—significant contribution	NA	A	NA
(D)2—I Prong 2: Interstate transport—interfere with maintenance	NA	A	NA
(D)3—II Prong 3: Interstate transport—prevention of significant deterioration	NA	NA	NA
(D)4—II Prong 4: Interstate transport—protect visibility	A	A	A
(D)5—Interstate and international pollution abatement	A	A	A
(E)1—Adequate resources	A	A	A
(E)2—State board requirements	NA	NA	NA
(F)—Stationary source monitoring system	A	A	A
(G)—Emergency power	A	A	A
(H)—Future SIP revisions	A	A	A
(I)—Nonattainment planning requirements of part D	NA	NA	NA
(J)1—Consultation with government officials	A	A	A
(J)2—Public notification	A	A	A
(J)3—PSD	NA	NA	NA
(J)4—Visibility protection	A	A	A
(K)—Air quality modeling/data	A	A	A
(L)—Permitting fees	A	A	A
(M)—Consultation and participation by affected local entities	A	A	A

In the above table, the key is as follows:

A	Approve.
NA	No Action/Separate Rule-making.

**III. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
  - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, 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).

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 November 10, 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, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 27, 2015.  
**Susan Hedman**,  
 Regional Administrator, Region 5.

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.*

■ 2. Section 52.2591 is amended by adding paragraphs (g), (h), and (i) to read as follows:

### § 52.2591 Section 110(a)(2) infrastructure requirements.

\* \* \* \* \*

(g) Approval—In a June 20, 2013, submission with a January 28, 2015, clarification, Wisconsin certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2008 ozone NAAQS. We are not taking action on the prevention of significant deterioration requirements related to section 110(a)(2)(C), (D)(i)(II), and (J), the transport provisions in section 110(a)(2)(D)(i)(I), and the state board requirements of (E)(ii). We will address these requirements in a separate action.

(h) Approval—In a June 20, 2013, submission with a January 28, 2015, clarification, Wisconsin certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2010 nitrogen dioxide (NO<sub>2</sub>) NAAQS. We are not taking action on the prevention of significant deterioration requirements related to section 110(a)(2)(C), (D)(i)(II), and (J), and the state board requirements of (E)(ii). We will address these requirements in a separate action.

(i) Approval—In a June 20, 2013, submission with a January 28, 2015, clarification, Wisconsin certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. We are not taking action on the prevention of significant deterioration requirements related to section 110(a)(2)(C), (D)(i)(II), and (J), the transport provisions in section 110(a)(2)(D)(i)(I), and the state board requirements of (E)(ii). We will address these requirements in a separate action.

[FR Doc. 2015-22864 Filed 9-10-15; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA-HQ-OAR-2011-0817; FRL-9933-76-OAR]

RIN 2060-AQ93

### National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; Correction

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

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** The Environmental Protection Agency (EPA) published a final rule in the **Federal Register** on July 27, 2015, titled National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants. This final rule makes technical corrections and clarifications to the regulations published in that final rule. The rule also includes a provision describing performance testing requirements when a source demonstrates compliance with the hydrochloric acid (HCl) emissions standard using a continuous emissions monitoring system (CEMS) for sulfur dioxide measurement and reporting.

**DATES:** Effective September 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sharon Nizich, Sector Policies and Programs Division (D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541-2825; facsimile number: (919) 541-5450; email address: [nizich.sharon@epa.gov](mailto:nizich.sharon@epa.gov). For information about the applicability of the national emission standards for hazardous air pollutants or new source performance standards, contact Mr. Patrick Yellin, Monitoring, Assistance and Media Programs Division (2227A), Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number (202) 564-2970; email address [yellin.patrick@epa.gov](mailto:yellin.patrick@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Summary of Technical Corrections

The EPA received communications from representatives of the Portland cement industry on five occasions in August 2015 (see memo to the docket (EPA-HQ-OAR-2011-0817) titled,

“Communications on Errors PCA August 2015”). These communications outlined several errors in the regulatory text of the final rule (80 FR 44772). These all pertain to monitoring requirements. The EPA agrees that these are errors (typographical and unintended phrasing or omissions), and is correcting these errors in this document. We are also removing two passages (which consisted of four sentences) that were inadvertently left in the final amendments, but were discussed by the EPA as being removed in the Response to Comment (RTC) document for the final amendments (see docket item EPA-HQ-OAR-2011-0817-0870, page 8). In the RTC, we discussed that data substitution is not an allowed practice when determining compliance, but these four sentences discuss procedures for data substitution. Leaving these sentences in the rule, thus, does not reflect the EPA’s stated intention, and would lead to confusion given the direct conflict between the RTC document and the rule text.

We are making one further technical correction involving timing of performance tests. The correction keeps in place the specified time by which performance tests must be conducted, but will no longer set out a window of time in which the test must be conducted. The net effect is that performance tests can be conducted earlier than the window of time in the current rule text if a source desires to conduct its performance test earlier. The EPA had already indicated in the RTC document that it was making this change (see docket item EPA-HQ-OAR-2011-0817-0870, page 5). The EPA regards this amendment as a clarification (the current rule could be interpreted to allow earlier testing) so that the rule reads precisely as intended, as stated by the EPA in the RTC document.

#### List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

### PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R05-OAR-2014-0242; FRL-9915-94-Region 5]

**Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Revisions to PSD and NNSR Programs****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** Pursuant to its authority under the Clean Air Act (CAA or Act), the Environmental Protection Agency (EPA) is approving a revision to the Wisconsin State Implementation Plan (SIP) for the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) programs.

**DATES:** This final rule is effective on November 5, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2014-0242. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Life Scientist, at (312) 353-8777 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Anthony Maietta, Life Scientist, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8777, [maietta.anthony@epa.gov](mailto:maietta.anthony@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background for this action?
- II. Effective Date of Wisconsin’s Adopted Rule and Formal SIP Submission.

- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews.

**I. What is the background for this action?**

On March 12, 2014, the Wisconsin Department of Natural Resources (WDNR) submitted a request to EPA to revise portions of its PSD and NNSR programs. The submittal requested that EPA approve the following revised rules into Wisconsin’s SIP: (1) NR 400.02(123m) and (124); (2) NR 405.02(21)(b)5.a. and b. and 6; (3) NR 405.02(25i)(a); (4) NR 405.02(25i)(ag) and (ar)1–3; and (5) NR 408.02(20)(e) 5.a and b. and 6. On May 2, 2014, EPA published in the **Federal Register** (79 FR 25063) a proposal to take action on portions of the March 12, 2014, submittal that pertained to the definition of “major modification”, and explicitly identify oxides of nitrogen (NO<sub>x</sub>) as a precursor to ozone. Specifically, EPA’s May 2, 2014, proposed rulemaking was limited to the following provisions: (1) NR 405.02(21)(b)5.a. and b. and 6; (2) NR 405.02(25i)(a); (3) NR 405.02(25i)(ar)(intro) and 1.; and, (4) NR 408.02(20)(e) 5.a and b. and 6. The remainder of WDNR’s submission, as it relates to the identification of precursors to particulate matter of less than 2.5 micrometers (PM<sub>2.5</sub>), and the definition of PM<sub>2.5</sub> and particulate matter of less than 10 micrometers, will be addressed in a separate rulemaking.

Because the SIP revision was not effective at the state level at the time of the March 12, 2014, submittal, Wisconsin requested that EPA parallel process the SIP revision. EPA’s May 2, 2014, proposal was contingent upon both the effectiveness of amended rules at the state level and a formal, fully adopted SIP revision request.

**II. Effective Date of Wisconsin’s Adopted Rule and Formal SIP Submission**

On June 30, 2014, revisions to Wisconsin’s PSD and NNSR rules, as submitted in draft to EPA on March 12, 2014, were published in the Wisconsin Administrative Register, and became effective on July 1, 2014. On August 11, 2014, Wisconsin formally submitted its request for EPA to take final action on our May 2, 2014 proposal.

**III. What action is EPA taking?**

EPA is approving revisions to Wisconsin rules NR 405.02(21)(b)5.a. and b. and 6; NR 405.02(25i)(a); NR 405.02(25i)(ar)(intro) and 1.; and NR 408.02(20)(e) 5.a and b. and 6., as submitted by WDNR on August 11, 2014, into the Wisconsin SIP.

**IV. Statutory and Executive Order Reviews**

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

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (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).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 5, 2014. 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, Lead, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 19, 2014.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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.*

■ 2. Section 52.2570 is amended by adding paragraph (c)(131) to read as follows:

#### § 52.2570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(131) On August 11, 2014, the Wisconsin Department of Natural Resources submitted a request to revise Wisconsin's Prevention of Significant

Deterioration and Nonattainment New Source Review rules.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, NR 405.02(21)(b)5.a. and b. and 6; NR 405.02(25i)(a); NR 405.02(25i)(ar)(intro) and 1., as published in the Wisconsin Administrative Register July 2014, No. 703, effective August 1, 2014.

(B) Wisconsin Administrative Code, NR 408.02(20)(e) 5.a and b. and 6., as published in the Wisconsin Administrative Register July 2014, No. 703, effective August 1, 2014.

[FR Doc. 2014-23769 Filed 10-3-14; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R05-OAR-2013-0273; FRL-9914-97-Region 5]

#### Approval and Promulgation of Air Quality Implementation Plans; Illinois; Amendments to Gasoline Volatility Standards and Motor Vehicle Refinishing Requirements for Illinois

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the Illinois Environmental Protection Agency (IEPA) on March 19, 2013, concerning the state's gasoline volatility standards. The SIP revisions also include amendments to the state's motor vehicle refinishing regulations to allow for the alternative use of a high volume, low pressure (HVLV) equivalent coating applicator in motor vehicle refinishing operations, and repeal a registration program under these regulations that overlaps with Federal registration requirements.

**DATES:** This direct final rule is effective December 5, 2014, unless EPA receives adverse comments by November 5, 2014. If adverse comments are received, EPA 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-R05-OAR-2013-0273, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *Email*: [blakley.pamela@epa.gov](mailto:blakley.pamela@epa.gov).
3. *Fax*: (312) 692-2450.

4. *Mail*: Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery*: Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office 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-R05-OAR-2013-0273. 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](http://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 information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://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](http://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](http://www.regulations.gov) index. 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, will be publicly available only in hard copy. Publicly available docket materials are available

Show, Detroit River, Detroit, MI. This security zone is intended to restrict vessels from a portion of the Detroit River in order to ensure the safety and security of participants, visitors, and public officials at the North American International Auto Show (NAIAS), which is being held at Cobo Hall in downtown Detroit, MI. Vessels in close proximity to the security zone will be subject to increased monitoring and boarding during the enforcement of the security zone. No person or vessel may enter the security zone while it is being enforced without permission of the Captain of the Port Detroit.

**DATES:** The security zone regulation described in 33 CFR 165.915(a)(3) is effective without actual notice from January 21, 2016 through 11:59 p.m. on January 24, 2016. For purposes of enforcement, actual notice will be used from 8 a.m. on January 11, 2016 through January 21, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call or email LCDR Nicholas Seniuk, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit, MI 48207; telephone (313) 568-9508; email [Nicholas.C.Seniuk@uscg.mil](mailto:Nicholas.C.Seniuk@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the *North American International Auto Show, Detroit River, Detroit, MI* security zone listed in 33 CFR 165.915(a)(3). This security zone includes all waters of the Detroit River encompassed by a line beginning at a point of origin on land adjacent to the west end of Joe Louis Arena at 42°19.44' N., 083°03.11' W.; then extending offshore approximately 150 yards to 42°19.39' N., 083°03.07' W.; then proceeding upriver approximately 2000 yards to a point at 42°19.72' N., 083°01.88' W.; then proceeding onshore to a point on land adjacent the Tricentennial State Park at 42°19.79' N., 083°01.90' W.; then proceeding downriver along the shoreline to connect back to the point of origin. All coordinates are North American Datum 1983.

All persons and vessels shall comply with the instructions of the Captain of the Port Detroit or his designated on-scene representative, who may be contacted via VHF Channel 16.

Under the provisions of 33 CFR 165.33, no person or vessel may enter or remain in this security zone without the permission of the Captain of the Port Detroit. Each person and vessel in this security zone shall obey any direction or order of the Captain of the Port Detroit. The Captain of the Port Detroit may take possession and control of any vessel in this security zone. The Captain of the

Port Detroit may remove any person, vessel, article, or thing from this security zone. No person may board, or take or place any article or thing on board any vessel in this security zone without the permission of the Captain of Port Detroit. No person may take or place any article or thing upon any waterfront facility in this security zone without the permission of the Captain of the Port Detroit.

Vessels that wish to transit through this security zone shall request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. Approvals may be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via Local Notice to Mariners and VHF radio broadcasts that the regulation is in effect.

This document is issued under authority of 33 CFR 165.915 and 5 U.S.C. 552(a). If the Captain of the Port determines that this security zone need not be enforced for the full duration stated in this document; he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: January 8, 2016.

**Raymond Negron,**

*Commander, U.S. Coast Guard, Acting Captain of the Port Detroit.*

[FR Doc. 2016-01190 Filed 1-20-16; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2015-0464; FRL-9939-78-Region 5]

### Air Plan Approval; Wisconsin; Wisconsin State Board Requirements

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing approval of state implementation plan (SIP) submissions from Wisconsin regarding the state board requirements under section 128 of the Clean Air Act (CAA). EPA is also approving elements of SIP submissions from Wisconsin regarding the infrastructure requirements of section 110, relating to state boards for the 1997 ozone, 1997 fine particulate

(PM<sub>2.5</sub>), 2006 PM<sub>2.5</sub>, 2008 lead (Pb), 2008 ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), and 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). The proposed rulemaking associated with this final action was published on September 11, 2015, and EPA received no comments during the comment period, which ended on October 13, 2015.

**DATES:** This final rule is effective on February 22, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2015-0464. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Eric Svingen, Environmental Engineer, at (312) 353-4489 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-4489, [svingen.eric@epa.gov](mailto:svingen.eric@epa.gov).

### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background of these SIP submissions?
- II. What guidance is EPA using to evaluate these SIP submissions?
- III. What is the result of EPA’s review of these SIP submissions?
- IV. What action is EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

### I. What is the background of these SIP submissions?

This rulemaking addresses submissions from the Wisconsin Department of Natural Resources (WDNR) dated July 2, 2015. These

submissions are intended to address CAA requirements relating to the state board requirements under section 128, as well as infrastructure requirements of section 110, relating to state boards for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS.

The requirement for states to make infrastructure SIP submissions arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions “within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),” and these SIP submissions are to provide for the “implementation, maintenance, and enforcement” of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA’s taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that “[e]ach such plan” submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA section 110(a)(1) and (2) as “infrastructure SIP” submissions. Although the term “infrastructure SIP” does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA. This specific rulemaking is only taking action on the CAA 110(a)(2)(E)(ii) element of these infrastructure SIP requirements, which is the only infrastructure SIP element addressed in WDNR’s submittal dated July 2, 2015.

## II. What guidance is EPA using to evaluate these SIP submissions?

EPA’s guidance for these submissions is highlighted in an October 2, 2007, guidance document entitled “Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards” (2007 Guidance). Further guidance is provided in a September 13, 2013, document entitled “Guidance on Infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and (2)” (2013 Guidance).

<sup>1</sup> PM<sub>2.5</sub> refers to particles with an aerodynamic diameter of less than or equal to 2.5 micrometers, oftentimes referred to as “fine” particles.

## III. What is the result of EPA’s review of these SIP submissions?

Pursuant to section 110(a), states must provide reasonable notice and opportunity for public hearing for all infrastructure SIP submissions. WDNR provided notice of a public comment period on May 9, 2015, held a public hearing at WDNR State Headquarters on June 9, 2015, and closed the public comment period on June 11, 2015. No comments were received.

Wisconsin provided a detailed synopsis of how various components of its SIP meet each of the applicable requirements in section 128 and 110(a)(2)(E)(ii) for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS, as applicable.

On September 11, 2015 (80 FR 54744), EPA published a proposed rule that would approve these submissions into Wisconsin’s SIP. This proposed rule contained a detailed evaluation of how Wisconsin’s submissions satisfy certain requirements under CAA sections 110 and 128. No comments were received. Therefore, EPA is finalizing this rule as proposed.

## IV. What action is EPA taking?

EPA is taking final action to incorporate *Wis. Stats.* 15.05, 19.45(2), and 19.46 into Wisconsin’s SIP. EPA is further approving these submissions as meeting CAA obligations under section 128, as well as 110(a)(2)(E)(ii) for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS.

## V. Incorporation by Reference

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 Wisconsin 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).

## VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
  - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, 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).

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 March 21, 2016. 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: November 23, 2015.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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.*

■ 2. Section 52.2570 is amended by adding paragraph (c)(134) to read as follows:

##### § 52.2570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(134) On July 2, 2015, the Wisconsin Department of Natural Resources submitted a request to revise the State Implementation Plan to satisfy the state board requirements under section 128 of the Clean Air Act.

(i) Incorporation by reference.

(A) Wisconsin Statutes, section 15.05 Secretaries, as revised by 2013 Wisconsin Act 20, enacted on June 30, 2013. (A copy of 2013 Wisconsin Act 20

is attached to section 15.05 to verify the enactment date.)

(B) Wisconsin Statutes, section 19.45(2), as revised by 1989 Wisconsin Act 338, enacted on April 27, 1990. (A copy of 1989 Wisconsin Act 338 is attached to section 19.45(2) to verify the enactment date.)

(C) Wisconsin Statutes, section 19.46 Conflict of interest prohibited; exception, as revised by 2007 Wisconsin Act 1, enacted on February 2, 2007. (A copy of 2007 Wisconsin Act 1 is attached to section 19.46 to verify the enactment date.)

■ 3. Section 52.2591 is amended by adding paragraph (j) to read as follows:

##### § 52.2591 Section 110(a)(2) infrastructure requirements.

\* \* \* \* \*

(j) Approval—In a July 2, 2015, submission, Wisconsin certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(E)(ii) for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS.

[FR Doc. 2016–01015 Filed 1–20–16; 8:45 am]

**BILLING CODE 6560–50–P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 46 CFR Part 15

[Docket No. USCG–2015–0758]

RIN 1625–AC25

##### Offshore Supply Vessels, Towing Vessel, and Barge Engine Rating Watches

**AGENCY:** Coast Guard, DHS.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On October 26, 2015, the Coast Guard published a direct final rule, which notified the public of our intent to amend merchant mariner manning regulations to align them with statutory changes made by the Howard Coble Coast Guard and Maritime Transportation Act of 2014. The Act allows oilers serving on certain offshore support vessels, towing vessels, and barges to be divided into at least two watches. The change would increase the sea service credit affected mariners are permitted to earn for each 12-hour period of work from one day to one and a half days. The rule will go into effect as scheduled.

**DATES:** The effective date of the direct final rule published at 80 FR 65165 on

October 26, 2015 is confirmed as January 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Davis Breyer, Marine Personnel Qualifications Division (CG–OES–1), Coast Guard; email [Davis.J.Breyer@uscg.mil](mailto:Davis.J.Breyer@uscg.mil), telephone (202) 372–1445.

**SUPPLEMENTARY INFORMATION:** We received two comments in response to the direct final rule (DFR). The two comments we received were either not adverse or separable from and not within the scope of the rulemaking.

One commenter supported the rule and thanked the Coast Guard for its prompt action. Another commenter titled its comment as “adverse” and requested that the Coast Guard withdraw the DFR. The commenter agreed that “the Coast Guard is obliged to align Coast Guard regulations with the statutes” and did not oppose the changes to the regulation. The commenter argued, rather, that the Coast Guard should delay the rulemaking indefinitely and seek new legislation from Congress that limits every merchant mariner to serving a uniform maximum of 12 hours in a 24 hour period, except in an emergency.

The DFR conforms Coast Guard regulations to existing law, under which affected mariners may earn one and a half days sea service credit for each 12-hour period of work. The commenter did not oppose granting such mariners such credit for time worked. Instead, the commenter took issue with the absence of *statutory* restrictions on *the length of time certain mariners may be required to work*. The commenter advocated that the Coast Guard delay updating the regulations and request that Congress amend the statute further.

The DFR stated that “we may adopt, as final, those parts of this rule on which no adverse comment was received.” 80 FR 65166. The commenter’s requests are separable from the rule and raises issues well outside the scope of the rule. The rule will therefore go into effect as scheduled.

Dated: January 14, 2016.

**J.G. Lantz,**

*Director, Commercial Regulations and Standards, U.S. Coast Guard.*

[FR Doc. 2016–01101 Filed 1–20–16; 8:45 am]

**BILLING CODE P**



February 8, 2016

Mr. Robert Kaplan  
 Acting Regional Administrator  
 USEPA-Region V (R-19J)  
 77 West Jackson Boulevard  
 Chicago IL 60604-3507

**Subject: Wisconsin State Implementation Plan (SIP) Revision – PM<sub>2.5</sub> Increment and Various PSD Program Changes**

Dear Mr. Kaplan:

The information contained in this SIP Revision request serves to address several issues for which Wisconsin’s 1997 and 2006 PM<sub>2.5</sub> Infrastructure SIPs, 1997 ozone Infrastructure SIP, and Wisconsin’s Prevention of Significant Deterioration (PSD) program were partially disapproved. Changes in this rule package address the following disapprovals and findings of failure:

1. June 15, 2012 Federal Register (77 FR 35870) Final disapproved of narrow portions of Wisconsin’s SIP related to identification of NO<sub>x</sub> as a precursor to ozone under the PSD permit program. This notice also covered narrow disapproval of 1997 8-hour ozone NAAQS and 1997 24-hour PM<sub>2.5</sub> NAAQS infrastructure SIPs for identification of NO<sub>x</sub> as a precursor to ozone (EPA Docket ID EPA-R05-OAR-2007-1179)
2. August 11, 2014 Federal Register (79 FR 46704) Final Finding of Failure to Submit a PSD State Implementation Plan Revision for PM<sub>2.5</sub> (EPA Docket ID EPA-R05-OAR-2014-0517)
3. December 10 2015 Federal Register (80 FR 76637) Final Disapproval of Infrastructure SIP With Respect to Oxides of Nitrogen as a Precursor to Ozone Provisions for the 2006 PM<sub>2.5</sub> NAAQS (EPA Docket ID EPA-R05-OAR-2009-0805)

This submittal also serves to supplement infrastructure SIPs previously submitted for which the PSD portions have not yet been acted on, including the 2008 lead, 2008 ozone, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, and 2012 PM<sub>2.5</sub> NAAQS. This supplement is necessary to show that Wisconsin’s PSD permitting program incorporates all federal requirements including the requirement to properly regulate NO<sub>x</sub> as a precursor to ozone.

The WDNR in DNR Board Order AM-15-14 is completing rulemaking to address these deficiencies including identifying NO<sub>x</sub> as a precursor to ozone, adding PM<sub>2.5</sub> increment values, modifying select definitions in ch. NR 405, and changing the PM<sub>2.5</sub> significant monitoring concentration. The sections of AM-15-14 that address the deficiencies noted above include:

<b>Board Order Section</b>	<b>Deficiency</b>
Section 3, amending NR 404.05(2) (intro),	PM <sub>2.5</sub> increment
Section 4, creating NR 404.05(2)(am)	PM <sub>2.5</sub> increment
Section 5, amending NR 404.05(3)(intro),	PM <sub>2.5</sub> increment
Section 6, creating NR 404.05(3)(am)	PM <sub>2.5</sub> increment
Section 7, amending NR 404.05(4) (intro),	PM <sub>2.5</sub> increment

Section 8, creating NR 404.05(4)(am),	PM <sub>2.5</sub> increment
Section 9, amending NR 405.02(3),(21)(a), and (21m)(a)	Changes to “Baseline area”, “major modification”, and “Major source baseline date” definitions
Section 10, creating NR 405.02(21m)(c)	Changes to “Major source baseline date” definition
Section 11, amending NR 405.02(22)(b) and (22m)(a)1. and (b)1.,	Changes to address NO <sub>x</sub> as a precursor to ozone and changes to “Minor source baseline date”
Section 12, creating NR 405.02(22m)(a)3	Changes to “Minor source baseline date”
Section 13, creating NR 405.02(27)(a)6.,	Changes to address NO <sub>x</sub> as a precursor to ozone
Section 14, amending NR 405.07(8)(a)3m.,	PM <sub>2.5</sub> Significant Monitoring Concentration
Section 15, creating NR 405.07(8)(a)3m. (Note)	PM <sub>2.5</sub> Significant Monitoring Concentration
Section 16, amending NR 405.07(8)(a)5.(Note)	Changes to address NO <sub>x</sub> as a precursor to ozone

Wisconsin requests a SIP revision for only these sections of Board Order AM-15-14. AM-15-14 also contains amendments to the definition of volatile organic compounds in NR 400, changes to the rule language in NR 420, and repeal of several outdated code sections related to the vapor recovery program. Wisconsin is not requesting a SIP revision for these additional proposed rule changes at this time.

Because the changes to chs. NR 404 and NR 405, Wis. Adm. Code, have not been published in the Wisconsin Register and are not yet official, we are requesting that EPA begin parallel processing of this SIP revision so that EPA can be ready for rulemaking when the changes to chs. NR 404 and NR 405, Wis. Adm. Code are finalized. We also believe that the parallel processing will assist Wisconsin in meeting the 2-year timeframe to rectify the noted deficiencies. We are submitting attachments to this letter to assist EPA staff, which includes a promulgation schedule for the final rules. In accordance with EPA's final rule on CAA Section 110 submission requirements effective March 16, 2015 [80 FR 7336], this SIP is being submitted using EPA's electronic SIP (eSIP) submission system. We will supply EPA additional information when AM-15-14 is finalized.

We appreciate the willingness of your staff to address this issue through the parallel processing procedure. Please contact Ralph Patterson at 608-267-7546 if you have any questions.

Sincerely,

Gail Good,  
Air Management Program Director

Cc: Doug Aburano, USEPA-Region V (AR-18J), 77 West Jackson Boulevard, Chicago, IL 60604-3507  
Ralph Patterson, WDNR  
Kristin Hart, WDNR

### Attachments

1. The January 2016 Natural Resources Rule Package (also known as the Green Sheet Package) containing a background memo, fiscal estimate and economic impact analysis, and rule AM-15-14

2. Rule AM-15-14
3. SIP Checklist
4. AM-15-14 Public Hearing notice – DNR did not receive any comments on AM-15-14 at the November 5, 2015 public hearing
5. Newspaper tare sheet showing Class 1 public hearing notice
6. SIP certification
7. Schedule for Final Adoption of AM-15-14