

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, Carbon monoxide, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 28, 2022.

David Cash,  
Regional Administrator, EPA Region 1.

Part 52 of 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 EE—New Hampshire

■ 2. In § 52.1520, amend the table in paragraph (c) by revising the entry “Env-A 1000” to read as follows:

§ 52.1520 Identification of plan.

\* \* \* \* \*  
(c) \* \* \*

EPA-APPROVED NEW HAMPSHIRE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date <sup>1</sup>	Explanations
* * *	* * *	* * *	* * *	* * *
Env-A 1000 .....	Control of Open Burning .....	8/1/2019	8/11/2022	Approve the amended Part Env-A 1000 “Prevention, Abatement and Control of Open Source Air Pollution” to supersede the previously SIP-approved version.
* * *	* * *	* * *	* * *	* * *

<sup>1</sup> In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. 2022–16601 Filed 8–10–22; 8:45 am]  
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ENVIRONMENTAL PROTECTION AGENCY  
40 CFR Part 52

[EPA–R4–OAR–2022–0225; FRL–9912–02–R4]

Air Plan Approval; Kentucky; Removal of Excess Emissions Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Kentucky Energy and Environment Cabinet (Cabinet), on November 17, 2016, on behalf of the Commonwealth of Kentucky (Commonwealth). The revision was submitted in response to the EPA’s SIP call published on June 12, 2015, concerning excess emissions during startup, shutdown, and malfunction (SSM) events. The submittal requests the revision of provisions identified in the 2015 SIP call for the Kentucky SIP. EPA is approving the SIP revision and finds that such SIP revision corrects the

deficiencies identified in the June 12, 2015, SIP call.

DATES: This rule is effective September 12, 2022.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R4–OAR–2022–0225. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Estelle Bae, Air Permitting Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Bae can be reached by telephone at (404) 562–9143 or via electronic mail at [bae.estelle@epa.gov](mailto:bae.estelle@epa.gov).

SUPPLEMENTARY INFORMATION:

I. Background

On June 7, 2022, EPA proposed to approve a SIP revision submitted by the Commonwealth through the Cabinet on November 17, 2016. See 87 FR 34612. In that proposal, EPA also proposed to determine that the SIP revision corrects the deficiency with respect to Kentucky that the Agency identified in the June 12, 2015, action titled “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction,” 80 FR 33839 (June 12, 2015), hereinafter referred to as the “2015 SSM SIP Action.” The reasons for the proposed approval and determination are stated in the June 7, 2022, proposed action and

will not be restated here. The public comment period for EPA's proposed approval and determination ended on July 7, 2022, and EPA received one comment in support of the proposal, which is available in the docket for this action. Therefore, EPA is finalizing the action as proposed.

## II. Final Action

EPA is approving the Commonwealth's November 17, 2016, SIP submission requesting removal of 401 KAR 50:055 section 1(1) and section 1(4) from the Kentucky SIP. EPA has determined that this SIP revision is consistent with the requirements for SIP provisions under the CAA. EPA has also determined that this SIP revision corrects the deficiencies identified in the 2015 SSM SIP Action with respect to the Kentucky SIP.

## III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. EPA is finalizing the removal of specific provisions of 401 KAR 50:055, *General Compliance Requirements*, as discussed in Sections I and II of this preamble. Specifically, EPA is removing 401 KAR 50:055 section 1(1) and section 1(4) from the Kentucky SIP, which are incorporated by reference in accordance with requirements of 1 CFR 51.5. EPA has made, and will continue to make, the SIP generally available at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 11, 2022. 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, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 3, 2022.

**Daniel Blackman,**

*Regional Administrator, Region 4.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 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 S—Kentucky

- 2. In § 52.920(c), amend Table 1 by revising the entry for "401 KAR 50:055" to read as follows:

#### § 52.920 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

TABLE 1—EPA-APPROVED KENTUCKY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
401 KAR 50:055 ....	General compliance requirements.	9/22/1982	05/04/89, 54 FR 19169 .....	Except for Sections 1(1) and 1(4), which were removed from the SIP by EPA on 8/11/2022.

\* \* \* \* \*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R07–OAR–2022–0432; FRL–9851–02–R7]

### Air Plan Partial Approval and Partial Disapproval; Missouri; Construction Permits Required

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to partially approve and partially disapprove revisions to the Missouri State Implementation Plan (SIP) received on March 20, 2019 and June 10, 2021. The SIP revisions in the 2019 and 2021 submittals incorporate updates to construction permit requirement regulations for stationary and portable air sources in Missouri that help ensure ambient air quality standards are met. The changes include procedures for the Missouri Department of Natural Resources (MoDNR) to issue general permits, numerous organizational changes, administrative and typographical edits. The approved portions of the rule revision meet the requirements of the Clean Air Act. EPA is disapproving Section (1)(B) regarding voluntary permits. EPA is disapproving because the language of the provision is too vague and does not provide sufficient clarity for implementation.

**DATES:** The final rule is effective on September 12, 2022.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2022–0432. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose

disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through [www.regulations.gov](http://www.regulations.gov) or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

#### FOR FURTHER INFORMATION CONTACT:

Keith Johnson, Environmental Protection Agency, Region 7 Office, Air Permitting and Standards Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7737; email address: [johnson.keith@epa.gov](mailto:johnson.keith@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

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#### I. What is being addressed in this document?

The EPA is partially approving and partially disapproving submissions from Missouri that revises 10 CSR 10–6.060 Construction Permits Required. The revisions were received by EPA on March 20, 2019, and June 10, 2021. The EPA proposed to partially approve and partially disapprove these submission on June 2, 2022 (87 FR 33464). The EPA’s analysis of the revisions can be found in Section II of this document, Section III of the proposed rule, and in more detail in the technical support document (TSD) included in this docket.

#### II. What is EPA’s analysis of the rule revisions?

In the 2019 SIP submission, MoDNR stated that the revisions to this rule

were extensive in order to clarify requirements and procedures for improving readability and regulatory certainty. These changes remove outdated references to incorporation by reference information and added appropriate incorporation by reference information to this rule. The changes clarify the definition of “portable equipment installation” and added procedures for issuing general permits in addition to other minor typographical corrections. For portable equipment installations, the potential to emit major source threshold of particulate matter was changed to match federal requirements.

Also in Missouri’s 2019 submission, the State requested to add a provision for voluntary permits. The EPA is disapproving Section (1)(B) of 10 CSR 10–6.060 regarding voluntary permits. EPA finds that the language of the voluntary permit provision is too vague. For a SIP revision to be approved, EPA evaluates the rule revisions to ensure that any new provisions are permanent, quantifiable, and enforceable. EPA is disapproving because there is no information in the rule on the conditions, requirements, and parameters for applying for, issuing, or implementing voluntary permits. Based on the limited language in the rule, it is unclear how MoDNR intended to implement the provision. The rule text and EPA’s full analysis of the requested revisions is included in the TSD.

Missouri’s 2021 SIP submission amendments consisted primarily of administrative text edits and clarifications. A clarification to the definition of *Portable equipment* was added in Section 2 to explicitly state that “any other air pollutant” includes PM<sub>10</sub> and PM<sub>2.5</sub>. As discussed in the TSD, EPA finds that this rule revision would not interfere with maintenance of the PM<sub>2.5</sub> or PM<sub>10</sub> NAAQS. The submission also clarified referenced materials and ensures consistency with the federal requirements.

Based on EPA’s analysis of the requested revisions to 10 CSR 10–6.060