

(B) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(202)(i)(B) of this section.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CA-276-0380; FRL-7461-5]

Approval and Promulgation of Implementation Plans and Designation of Areas; California—Indian Wells Valley PM-10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval pursuant to the Clean Air Act (CAA or the Act) of the moderate area plan and maintenance plan for the Indian Wells Valley planning area in California and redesignating the area from nonattainment to attainment for the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10).

EFFECTIVE DATE: This rule is effective on June 6, 2003.

ADDRESSES: You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect copies of the submitted SIP revisions at the following locations:

Environmental Protection Agency,
Region 9, Air Division, Air Planning
Office (AIR-2), 75 Hawthorne Street,
San Francisco, CA 94105-3901.

Kern County Air Pollution Control
District, 2700 "M" Street, Suite 302,
Bakersfield, CA 93301.

California Air Resources Board, 1001 I
Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT:

Karen Irwin, Air Planning Office (AIR-2), EPA Region 9, at (415) 947-4116 or: irwin.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 17, 2002 we proposed to approve the PM-10 moderate area nonattainment plan and maintenance plan and the redesignation request for the Indian Wells Valley planning area (Indian Wells plan) submitted to EPA by the California Air Resources Board

(ARB) on December 5, 2002.¹ 67 FR 77196. In the proposal, we discussed in detail the CAA provisions for PM-10 moderate area plans, including EPA's clean data approach to areas such as the Indian Wells Valley, and the Act's requirements for maintenance plans and redesignation to attainment. In the proposal, we also evaluated the moderate area plan and maintenance plan and redesignation request according to the CAA and applicable EPA guidance. The reader is advised to refer to the proposal for these detailed discussions as they are not repeated here. In short, EPA, among other findings, determined that:

(1) The Indian Wells Valley PM-10 nonattainment area has attained the PM-10 NAAQS based on three years of quality assured monitoring data;

(2) The emissions inventory in the plan is current, accurate and complete per CAA section 172(c)(3);

(3) Control measures that can be attributed as responsible for bringing the area into attainment meet the Reasonably Available Control Measures (RACM) requirement per CAA section 189(a)(1)(C);

(4) The air quality improvement in the area is due to permanent and enforceable measures;

(5) The plan adequately demonstrates future maintenance of the NAAQS for at least ten years into the future;

(6) The motor vehicle emission budgets contained in the plan meet the purposes of CAA section 176(c)(1) and the transportation conformity rule at 40 CFR part 93, subpart A; and

(7) The area's maintenance demonstration does not rely on nonattainment New Source Review (NSR) and, therefore, the area need not have a fully approved nonattainment NSR program prior to approval of the redesignation request.

EPA did not receive any public comments on the proposed rule.

II. Summary of Action

With this final action, we are incorporating the moderate area plan and maintenance plan and redesignation request for the Indian Wells Valley Planning area, September 5, 2002, into the California State Implementation Plan (SIP). We are also approving the following measures, city ordinances, and commitments into the California SIP:

1. Fugitive Dust Control Plan for the Naval Air Weapons Station, China Lake, California (September 1, 1994).² This

plan establishes controls for unpaved roads, disturbed vacant land and open storage piles.

2. Kern County 1990 Land Use Ordinance—Chapter 18.55 and Kern County Development Standards, Chapter III. This ordinance requires paving of streets for new subdivisions according to the County Development Standards.³

3. City of Ridgecrest Municipal Code 1980 which requires paving of streets for new subdivisions.⁴

4. ARB Executive Order G-125-295 which contains a commitment for future PM-10 air quality monitoring in the Indian Wells Valley planning area.

We are also approving the following rules as RACM with respect to control of process fugitive emissions, however, as indicated by the following dates, they are already included in the California SIP: Rule 401 "Visible Emissions," November 29, 1993; Rule 404.1

"Particulate Matter Concentration, April 18, 1972; and Rule 405 "Particulate Matter Emission Rate," July 18, 1983. In addition, we are approving as RACM in the Indian Wells area the paving of unpaved roads between 1993 and the present⁵ and Bureau of Land Management closure of 83 miles of unpaved roads/off-highway vehicle trails, between 1994 and the present.⁶

With this final action, the Indian Wells Valley PM-10 nonattainment area is redesignated to attainment for the 24-hour and annual PM-10 NAAQS. The CAA requirements of the NSR program are replaced by the Prevention of Significant Deterioration program pursuant to 40 CFR 52.21, per the delegation agreement between EPA and Kern County Air Pollution Control District dated August 12, 1999.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this final action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). It merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law.

Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a

³ Appendix E of the Indian Wells plan.

⁴ Ibid.

⁵ Appendix D of the Indian Wells plan.

⁶ Appendix E of the Indian Wells plan.

¹ We had previously received a draft of the plan for review.

² Appendix D of the Indian Wells plan.