

TABLE 2—NOCs RECEIVED FROM DECEMBER 1, 2016 TO DECEMBER 30, 2016

Case No.	Received date	Commencement date	Chemical
J-15-0033 .....	12/22/2016	12/21/2016	(G) Modified trichoderma reesei strain.
J-16-0033 .....	12/19/2016	12/4/2016	(G) Saccharomyces cerevisiae, modified to express glucoamylase activity.
P-07-0177 .....	12/15/2016	9/11/2007	(S) Isocyanic acid, polymethylenepolyphenylene ester, polymer with methoxylated dehydrochlorinated brominated 2-butyne-1,4-diolepiclorohydrin polymer.
P-07-0395 .....	12/5/2016	7/29/2007	(G) Dialkyl formamide.
P-14-0713 .....	12/7/2016	11/20/2016	(S) Plastics, wastes, pyrolyzed, C <sub>5-12</sub> oil.
P-14-0714 .....	12/7/2016	11/20/2016	(S) Plastics, wastes, pyrolyzed, C <sub>9-20</sub> pyrolysis oil.
P-14-0715 .....	12/7/2016	11/20/2016	(S) Waste plastics, pyrolyzed, C <sub>20-55</sub> fraction.
P-16-0074 .....	12/20/2016	12/1/2016	(G) Isocyanate terminated polyurethane.
P-16-0248 .....	12/5/2016	11/18/2016	(G) Poly(oxy-1,2-ethanediyl), $\epsilon_{\zeta}, \epsilon_{\zeta}'$ -[(1, methylethylidene)di-4,1-phenylene]bis[ $\bar{i}$ -hydroxy-, polymer with aliphatic diisocyanate, propylene glycol monomethacrylate-blocked.
P-16-0492 .....	12/21/2016	12/10/2016	(G) Polyester-amide polymer of 'isophthalic acid' with diamino-alkane, cyclohexane-dialcohol, alkanetriol, di-isocyanate and acrylic acid-ethylene copolymer.

**Authority:** 15 U.S.C. 2601 *et seq.*

Dated: January 30, 2017.

**Pamela Myrick,**

Director, Information Management Division,  
Office of Pollution Prevention and Toxics.

[FR Doc. 2017-04772 Filed 3-9-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9958-91-Region 3]

### Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On October 5, 2016, the Environmental Protection Agency (EPA) sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public of West Virginia's updated delegation of authority to implement and enforce NESHAP and NSPS, EPA is making available a copy of EPA's letter to West Virginia through this notice.

**DATES:** On October 5, 2016, EPA sent West Virginia a letter acknowledging that West Virginia's delegation of

authority to implement and enforce NESHAP and NSPS had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Copies of West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Ray Chalmers, (215) 814-2061, or by e-mail at [chalmers.ray@epa.gov](mailto:chalmers.ray@epa.gov).

**SUPPLEMENTARY INFORMATION:** On July 11, 2016, West Virginia notified EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards, as found in Title 40 of the Code of Federal Regulations (CFR), Parts 60, 61, and 63, as of June 1, 2015. On October 5, 2016, EPA sent West Virginia a letter acknowledging that West Virginia now has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notice to EPA, as provided for under previously-approved automatic delegation mechanisms. All notifications, applications, reports and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both the US EPA Region III and to the West Virginia Department of Environmental Protection, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the West Virginia Department of

Environmental Protection. A copy of EPA's October 5, 2015 letter to West Virginia follows:

Mr. William F. Durham, Director  
Division of Air Quality  
West Virginia Department of  
Environmental Protection  
601 57th Street  
Charleston, West Virginia 25304

Dear Mr. Durham:

The United States Environmental Protection Agency (EPA) has previously delegated to the State of West Virginia the authority to implement and enforce various federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), which are found at 40 CFR parts 60, 61 and 63. In those actions EPA also delegated to West Virginia the authority to implement and enforce any future EPA NESHAP or NSPS on the condition that West Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated July 11, 2016, West Virginia informed EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2015. West Virginia noted that it understood that it was automatically delegated the authority to implement these standards. West Virginia committed to enforcing the standards in conformance with the terms of EPA's previous delegations of authority. West Virginia made only allowed wording changes.

West Virginia provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS which West Virginia has adopted by

reference. These revised Legislative Rules are entitled 45 CSR 34—“Emission Standards for Hazardous Air Pollutants,” and 45 CSR 16—“Standards of Performance for New Stationary Sources.” These revised Rules have an effective date of July 1, 2016.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA’s previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia has adopted by reference in West Virginia’s revised Legislative Rules 45 CSR 34 and 45 CSR 16, both effective on July 1, 2016.

Please note that on December 19, 2008 in *Sierra Club vs. EPA*,<sup>1</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR part 63, § 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR part 63, § 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 CFR part 63. Because West Virginia incorporated 40 CFR part 63 by reference, West Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR part 63 due to the Court’s ruling in *Sierra Club vs. EPA*.

EPA appreciates West Virginia’s continuing NESHAP and NSPS enforcement efforts, and also West Virginia’s decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

If you have any questions, please contact me or Mr. David Campbell, Associate Director, Office of Permits and State Programs, at 215–814–2196.

Sincerely,  
Cristina Fernandez, Director  
Air Protection Division

This notice acknowledges the update of West Virginia’s delegation of authority to implement and enforce NESHAP and NSPS.

Dated: January 18, 2017.

**Cristina Fernandez,**  
Director, Air Protection Division, Region III.

[FR Doc. 2017–04773 Filed 3–9–17; 8:45 am]

**BILLING CODE 6560–50–P**

<sup>1</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).

## ENVIRONMENTAL PROTECTION AGENCY

[19956–73–OEI]

### Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Montana

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA’s approval of the State of Montana’s request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

**DATES:** EPA’s approval is effective April 10, 2017 for the State of Montana’s National Primary Drinking Water Regulations Implementation program, if no timely request for a public hearing is received and accepted by the Agency.

**FOR FURTHER INFORMATION CONTACT:** Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, [seeh.karen@epa.gov](mailto:seeh.karen@epa.gov).

**SUPPLEMENTARY INFORMATION:** On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic

reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On December 22, 2016, the Montana Department of Environmental Quality (MT DEQ) submitted an application titled “Compliance Monitoring Data Portal” for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed MT DEQ’s request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA’s decision to approve Montana’s request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

MT DEQ was notified of EPA’s determination to approve its application with respect to the authorized program listed above.

Also, in today’s notice, EPA is informing interested persons that they may request a public hearing on EPA’s action to approve the State of Montana’s request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today’s **Federal Register** notice. Such requests should include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person’s interest in EPA’s determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today’s determination or