

disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action merely disapproves a SIP submission as not meeting the CAA.

K. Congressional Review Act (CRA)

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. The 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).

L. Judicial Review

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 June 1, 2021. 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, Particulate matter, Visibility transport.

Dated: March 19, 2021.

David Gray,

Acting Regional Administrator, Region 6.

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.*

Subpart SS—Texas

■ 2. Amend § 52.2304 by revising paragraph (d) to read as follows:

§ 52.2304 Visibility protection.

* * * * *

(d) Portions of SIPs addressing noninterference with measures required to protect visibility in any other state are disapproved for the 1997 PM_{2.5}, 2006 PM_{2.5}, 1997 ozone, 2008 ozone, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5}, and 2015 ozone NAAQS.

* * * * *

[FR Doc. 2021-06135 Filed 3-29-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2020-0096; FRL-10015-36-Region 9]

Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; California; Infrastructure Requirements for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to partially approve and partially disapprove the state implementation plan (SIP) revisions submitted by the State of California pursuant to the requirements of the Clean Air Act (CAA or “Act”) for the implementation, maintenance, and enforcement of the 2015 national ambient air quality standards (NAAQS or “standards”) for ozone. Specifically, the EPA is approving the SIP revision for all elements except those that relate to prevention of significant deterioration (PSD). EPA is partially approving and partially disapproving three elements of the SIP revision due to PSD deficiencies in certain air pollution control or air quality management districts (APCD, AQMD, or “district”). The disapprovals will not create any new consequences for these districts or the EPA as the districts are already subject to the EPA’s federal PSD program at 40 CFR 52.21. As part of this action, we are also reclassifying certain regions of the State for emergency episode planning purposes with respect to ozone. We are also approving into the SIP two updated state provisions addressing CAA conflict of interest requirements for the entire state, and emergency episode plans for the Amador County APCD,

Calaveras County APCD, Mariposa County APCD, Northern Sierra AQMD, and Tuolumne County APCD. Finally, we are approving an exemption from emergency episode planning requirements for ozone for the Lake County AQMD.

DATES: This rule is effective April 29, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2020-0096. All documents in the docket are listed on the <https://www.regulations.gov> website. 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. **FOR FURTHER INFORMATION CONTACT:** Panah Stauffer, Air Planning Office (AIR-2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3247, or by email at stauffer.panah@epa.gov. **SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to the EPA.

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I. Background

A. Statutory Requirements

Section 110(a)(1) of the CAA requires each state to submit to the EPA, within three years after the promulgation of a

primary or secondary NAAQS or any revision thereof, a SIP revision that provides for the implementation, maintenance, and enforcement of such NAAQS.

Section 110(a)(2) of the CAA contains the infrastructure SIP requirements, which generally relate to the information, authorities, compliance assurances, procedural requirements, and control measures that constitute the “infrastructure” of a state’s air quality management program. These infrastructure SIP requirements (or “elements”) required by section 110(a)(2) are as follows:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C): Program for enforcement of control measures and regulation of new and modified stationary sources.
- Section 110(a)(2)(D)(i): Interstate pollution transport.
- Section 110(a)(2)(D)(ii): Interstate pollution abatement and international air pollution.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J): Consultation with government officials, public notification, prevention of significant deterioration (PSD), and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submittal of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

Two elements identified in section 110(a)(2) are not governed by the three-year submittal deadline of section 110(a)(1) and are therefore not addressed in this action. These two elements are: (i) Section 110(a)(2)(C) to the extent it refers to permit programs required under part D (nonattainment new source review (NSR)), and (ii) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address requirements for the nonattainment NSR portion of section 110(a)(2)(C) or the whole of section 110(a)(2)(I).

B. NAAQS Addressed by This Final Rule

Ground-level ozone pollution is formed from the reaction of volatile organic compounds and oxides of nitrogen (NO_x) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on-and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints. Scientific evidence indicates that adverse public health effects occur following exposure to elevated levels of ozone, particularly in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases.

On October 26, 2015, the EPA promulgated a revised NAAQS for ozone.¹ The EPA had previously promulgated NAAQS for ozone in 1979, 1997 and 2008. The 2015 ozone NAAQS revised the level of the standards to 0.070 parts per million (ppm) averaged across eight hours.

C. California’s Submittals

In California, the California Air Resources Board (CARB or “State”) is the state agency responsible for the adoption of California SIPs and SIP revisions and submission to the EPA. CARB submitted its infrastructure SIP revision (“2018 Infrastructure SIP” or “California’s 2018 Submittal”) for the 2015 ozone NAAQS on October 1, 2018.²

On June 25, 2020, CARB supplemented its 2018 Infrastructure SIP by submitting ozone emergency episode contingency plans for San Luis Obispo County APCD, Amador County APCD, Calaveras County APCD, Mariposa County APCD, Northern Sierra AQMD, and Tuolumne County APCD.³ It also submitted an exemption request from emergency episode planning requirements for Lake County AQMD based on that District’s attainment status. This submittal (“California’s 2020 Submittal”) addresses CAA section

¹ 80 FR 65292.

² Letter dated October 1, 2018, from Richard W. Corey, Executive Officer, CARB, to Michael Stoker, Regional Administrator, EPA Region IX.

³ Letter dated June 16, 2020, from Richard W. Corey, Executive Officer, CARB, to John Buserud, Regional Administrator, EPA Region IX, with Ozone Emergency Episode Plans for Amador County, San Luis Obispo County, Northern Sierra, Tuolumne County, Mariposa County, and Calaveras County and Exemption Request for Lake County.

110(a)(2)(G) requirements for the 2015 ozone NAAQS.

We refer to these submittals collectively herein as “California’s Infrastructure SIP Submittals.”

D. EPA’s Proposal

On October 16, 2020, we proposed to partially approve and partially disapprove California’s Infrastructure SIP Submittals.⁴ Specifically, we proposed to approve the submittals for the requirements of CAA sections 110(a)(2)(A), 110(a)(2)(B), 110(a)(2)(E), 110(a)(2)(F), 110(a)(2)(G), 110(a)(2)(H), 110(a)(2)(K), 110(a)(2)(L), and 110(a)(2)(M). We also proposed to partially approve and partially disapprove the submittal for CAA sections 110(a)(2)(C), 110(a)(2)(D), and 110(a)(2)(J) due to PSD program deficiencies in certain air districts. These partial disapprovals will not create any new consequences for these districts or the EPA as the districts are already subject to the EPA’s federal PSD program at 40 CFR 52.21. They will also not create any new highway sanctions, which are not triggered by disapprovals of infrastructure SIPs. Today’s rule finalizes the October 16, 2020 proposal in its entirety.

At this time, the EPA is not acting on the interstate transport requirements of 110(a)(2)(D)(i)(I), which prohibit emission sources from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in another state. The EPA will propose action on the interstate transport requirements for the 2015 ozone NAAQS in a separate rulemaking.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period that ended on November 16, 2020. During this period, the EPA received one comment from an anonymous commenter.⁵ The comment is not relevant to the EPA’s action.

III. Final Action

A. Partial Approvals and Partial Disapprovals

Under CAA section 110(a), we are partially approving and partially disapproving California’s Infrastructure SIP submittals for the 2015 ozone NAAQS. Specifically, we are approving the submittal for the requirements of CAA sections 110(a)(2)(A), 110(a)(2)(B), 110(a)(2)(E), 110(a)(2)(F), 110(a)(2)(G), 110(a)(2)(H), 110(a)(2)(K), 110(a)(2)(L),

⁴ 85 FR 65755.

⁵ The comment letter is available in the docket for this rulemaking.

and 110(a)(2)(M). We are also partially approving and partially disapproving the submittal for CAA sections 110(a)(2)(C), 110(a)(2)(D), and 110(a)(2)(J) due to PSD program deficiencies in Amador, Antelope Valley, Calaveras, Colusa, El Dorado, Glenn, Lake, Lassen, Mariposa, Mendocino, Modoc, Mojave Desert, North Coast, Northern Sierra, Northern Sonoma, Sacramento Metro, San Diego, Shasta, Siskiyou, South Coast, Tehama, and Tuolumne air districts. These partial disapprovals will not create any new consequences as the air districts with PSD deficiencies are already subject to PSD federal implementation plans (FIPs).

At this time, EPA is not acting on the interstate transport requirements of 110(a)(2)(D)(i)(I), which prohibit emission sources from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in another state. The EPA will propose action on the interstate transport requirements for the 2015 ozone NAAQS in a separate rulemaking.

B. Approval of Updated California Code of Regulations Provisions

California's Infrastructure SIP Submittals included an updated version of the California Code of Regulations (CCR), Title 2, section 18700, which maintains the key provisions of that section and also incorporates language in CCR, Title 2, section 18701 that the EPA previously approved into the SIP to meet the conflict of interest requirements of CAA sections 110(a)(2)(E)(ii) and 128. It also included an updated version of CCR, Title 2, section 18701. We proposed to approve the updated versions of CCR, Title 2, sections 18700 and 18701 into the SIP in our October 16, 2020 rulemaking. These updated provisions continue to meet the conflict of interest requirements of CAA sections 110(a)(2)(E)(ii) and 128. We are finalizing approval, as proposed, of these updated provisions with this action.

C. Approval of Reclassification Requests for Emergency Episode Planning

In its 2018 submittal, CARB requested that the EPA reclassify three air quality control regions (AQCRs) with respect to the emergency episode planning requirements of CAA section 110(a)(2)(G) and 40 CFR part 51, subpart H, as applicable to ozone.⁶ The air

quality tests for classifying AQCRs are prescribed in 40 CFR 51.150 and are pollutant-specific (e.g., ozone) rather than being specific to any given NAAQS (e.g., 1997 ozone NAAQS). Consistent with the provisions of 40 CFR 51.153, reclassification of AQCRs must rely on the most recent three years of air quality data. For ozone, an AQCR with a 1-hour ozone level greater than 0.10 ppm over the most recent three-year period must be classified Priority I, while all other areas are classified Priority III. AQCRs that are classified Priority I are required to have SIP-approved emergency episode contingency plans, while those classified Priority III are not required to have such plans, pursuant to 40 CFR 51.151 and 51.152. We interpret 40 CFR 51.153 as establishing the means for states to review air quality data and request a higher or lower classification for any given region and as providing the regulatory basis for the EPA to reclassify such regions, as appropriate, under CAA sections 110(a)(2)(G) and 301(a)(1).

On the basis of California's ambient air quality data for 2015–2017, we are finalizing approval, as proposed, of California's request to reclassify Lake County, North Central Coast, and South Central Coast to Priority I areas for ozone.

D. Approval of Emergency Episode Contingency Plans

To meet the requirements of CAA 110(a)(2)(G), California's 2020 Submittal included the ozone emergency episode contingency plans for Amador County APCD, San Luis Obispo County APCD, Northern Sierra AQMD, Tuolumne County APCD, Mariposa County APCD, and Calaveras County APCD, as well as the exemption request for Lake County AQMD based on its attainment status. The contingency plans meet the requirements of 40 CFR 51.152(a) to specify two or more stages of episode criteria, provide for public announcement whenever any episode stage has been determined to exist, and to specify adequate emission control actions to be taken at each episode stage. The emergency episode contingency plans also meet the requirements of 40 CFR 51.152(b) to provide for prompt acquisition of forecasts of atmospheric stagnation conditions, to provide for inspection of sources to ascertain compliance with applicable emission control action requirements, and provide for communications procedures for transmitting status reports and orders as

to emission control actions to be taken during an episode stage. We are finalizing approval, as proposed, of these emergency episode contingency plans into the California SIP.

Because of Lake County's attainment status for ozone, it meets the criteria of 40 CFR 51.152(d)(1) that permits the Administrator to exempt those portions of Priority I regions that have been designated as attainment under section 107 of the CAA. The mix of ozone precursor sources in Lake County, as well as the historical 1-hour ozone levels below 0.10 ppm make it unlikely that additional measures are needed to keep ozone pollution below the significant harm level of 0.6 ppm. We are finalizing approval, as proposed, of the request to exempt the Lake County AQMD from emergency episode contingency planning requirements of 40 CFR 51.152.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. 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. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves, or conditionally approves, state plans 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

⁶In our proposed rulemaking, we inadvertently stated that CARB requested to re-classify the AQCRs for NO₂ and SO₂. CARB did not make such a request in either of its submittals for the 2015 ozone NAAQS and we did not propose to re-classify the

AQCRs for those NAAQS in our proposal. See 85 FR 65755, 65773 (October 16, 2020).

- 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 the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practical 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 the 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. The 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 June 1, 2021. 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, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: March 18, 2021.

Deborah Jordan,
Acting Regional Administrator, Region IX.

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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(551) and (c)(552) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(551) The following plan was submitted on October 1, 2018, by the Governor’s designee.

(i) [Reserved]

(ii) *Additional materials.*

(A) California Air Resources Board.

(1) California Infrastructure SIP Revision for the 0.070 parts per million Federal 8-Hour Ozone Standard, release date September 27, 2018, excluding Attachments 1, 3, and 4.

(2) [Reserved]

(B) [Reserved]

(552) The following plans were submitted on June 25, 2020, by the Governor’s designee as an attachment to a letter dated June 16, 2020.

(i) *Incorporation by reference.* (A) Amador Air District.

(1) “Ozone Emergency Episode Plan,” dated August 26, 2019 and adopted, as Resolution No. 19–06, on October 15, 2019.

(2) [Reserved]

(B) San Luis Obispo County Air Pollution Control District.

(1) “San Luis Obispo County Ozone Emergency Episode Plan,” adopted, as Resolution No. 2020–1, on January 22, 2020.

(2) [Reserved]

(C) Northern Sierra Air Quality Management District.

(1) “Ozone Emergency Episode Plan,” adopted, as Resolution #2020–01, on February 24, 2020.

(2) [Reserved]

(D) Tuolumne County Air Pollution Control District.

(1) “Ozone Emergency Episode Plan,” adopted, as Resolution No. 32–20, on April 7, 2020.

(2) [Reserved]

(E) Mariposa County Air Pollution Control District.

(1) “Final Ozone Emergency Episode Plan,” dated February 21, 2020 and adopted, as Resolution No. 1APCD–2020–4, on April 7, 2020.

(2) [Reserved]

(F) Calaveras County Air Pollution Control District.

(1) “Ozone Emergency Episode Plan,” dated December 2019 and adopted, as Resolution No. 20200526r056, on May 26, 2020.

(2) [Reserved]

(ii) *Additional materials.* (A) Lake County Air Quality Management District.

(1) “Request for Exemption of the Ozone Emergency Episode Plan,” adopted on April 7, 2020.

(2) [Reserved]

(B) [Reserved]

* * * * *

■ 3. In § 52.220a amend table 1 in paragraph (c) by revising the entries for “18700” and “18701” to read as follows:

§ 52.220a Identification of plan—in part.

* * * * *

(c) * * *

TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS ¹

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
18700	Basic rule and guide to conflict of interest regulations.	12/31/2016	[INSERT Federal Register CITATION], 3/30/2021.	Filed on December 17, 1976, effective upon filing, and last amendment filed on December 1, 2016, operative December 31, 2016. Previously approved on 4/1/2016, 81 FR 18766.
18701	Determining Whether a Financial Effect Is Reasonably Foreseeable.	7/10/2015	[INSERT Federal Register CITATION], 3/30/2021.	Filed on January 22, 1976, effective February 21, 1976, and last amendment filed on July 10, 2015, operative July 10, 2015. Previously approved on 4/1/2016, 81 FR 18766.

¹ Table 1 lists EPA-approved California statutes and regulations incorporated by reference in the applicable SIP. Table 2 of paragraph (c) lists approved California test procedures, test methods and specifications that are cited in certain regulations listed in Table 1. Approved California statutes that are nonregulatory or quasi-regulatory are listed in paragraph (e).

* * * * *

§ 52.221 Classification of regions.

■ 4. Section 52.221 is revised to read as follows:

The California plan was evaluated on the basis of the following classifications:

TABLE 1 TO § 52.221

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Great Basin Valley Intrastate	I	III	III	III	III
Lake County Intrastate	II	III	III	III	I
Lake Tahoe Intrastate	II	III	III	I	III
Metropolitan Los Angeles Intrastate	I	III	III	I	I
Mountain Counties Intrastate	II	III	III	I	I
North Central Coast Intrastate	II	III	III	III	I
North Coast Intrastate	II	III	III	III	III
Northeast Plateau Intrastate	III	III	III	III	III
Sacramento Valley Intrastate	II	III	III	I	I
San Diego Intrastate	II	III	III	I	I
San Francisco Bay Area Intrastate	II	III	III	I	I
San Joaquin Valley Intrastate	II	III	III	I	I
South Central Coast Intrastate	III	III	III	III	I
Southeast Desert Intrastate	I	III	III	III	I

■ 5. Section 52.223 is amended by adding paragraph (p) to read as follows:

§ 52.223 Approval status.

* * * * *

(p) *2015 ozone NAAQS*: The 2018 Infrastructure SIP, submitted on October 1, 2018, is partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 2015 8-hour ozone NAAQS for the air pollution control districts (APCDs), air quality management districts (AQMDs), or air quality control regions (AQCRs) listed in this paragraph.

(1) Mendocino County AQMD (for sources subject to a FIP, including cogeneration and resource recovery projects, projects with stack heights greater than 65 meters or that use

“dispersion techniques” as defined in 51.100 (which are major sources or major modifications under 52.21), and sources for which the EPA has issued permits under 52.21 for which applications were received by July 31, 1985, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(2) North Coast Unified AQMD (PSD requirements for the regulation of PM_{2.5}, PM_{2.5} precursors, condensable PM_{2.5}, PM_{2.5} increments, and NO_x as an ozone precursor, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent

significant deterioration of air quality, only), and (J).

(3) Northern Sonoma County APCD (for sources subject to a FIP, including cogeneration and resource recovery projects, projects with stack heights greater than 65 meters or that use “dispersion techniques” as defined in 51.100 (which are major sources or major modifications under 52.21), and sources for which the EPA has issued permits under 52.21 for which applications were received by July 31, 1985, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) Sacramento Metro AQMD (for sources subject to a FIP, including cogeneration and resource recovery projects, projects with stack heights greater than 65 meters or that use “dispersion techniques” as defined in 51.100 (which are major sources or major modifications under 52.21), and sources for which the EPA has issued permits under 52.21 for which applications were received by July 31, 1985, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(5) All areas in California that are subject to the federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the federal PSD program applies to all pollutants except greenhouse gases.

(6) All areas in California that are subject to the federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(D)(ii) (with respect to section 126(a), only).

* * * * *

[FR Doc. 2021-06110 Filed 3-29-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R08-OAR-2020-0516; FRL-10020-22-Region 8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA or the “Act”) section 111(d) state plan submitted by the South Dakota Department of Environment and Natural Resources (DENR or the “Department”) on January 3, 2020. This plan was submitted to fulfill the requirements of the CAA and is responsive to the EPA’s promulgation of Emission Guidelines and Compliance Times (EG) for existing municipal solid waste (MSW) landfills. The South Dakota state plan establishes performance standards and operating requirements for existing MSW landfills

within the State of South Dakota and provides for the implementation and enforcement of those standards and requirements by the Department. The EPA is taking this action pursuant to requirements of the CAA.

DATES: This rule is effective on April 29, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of April 29, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2020-0516. All documents in the docket are listed on the <http://www.regulations.gov> website. 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, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

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

I. Background

The background for this action is discussed in detail in our October 29, 2020 proposed rule (85 FR 68538). In that document we proposed to approve the South Dakota state plan for existing MSW landfills as it was submitted by the Secretary of the South Dakota DENR on January 3, 2020. Analysis of the South Dakota state plan may be found in the aforementioned proposed rule and the technical support document (TSD) associated with the docket for today’s action.

We received comments from one commenter during the public comment period opened by the proposed rule. Our response to the comments is addressed in Section II. below.

II. Response to Comments

The proposed rule published in the **Federal Register** at 85 FR 68538 received comments on Sections I and II of the preamble of that publication. The comments relevant to today’s action are summarized here with the corresponding Agency response.

Comment: On Section I of the preamble of the proposed rule, the commenter broadly questioned the efficacy of both implementing the standards and requirements of “outdated” EG finalized in 2016, and the promulgation of two separate and distinct emission standards—one for new and another for existing facilities within the same source category.

Response: The EPA is not statutorily obligated to conduct review and revision of EG for existing sources but maintains the discretion to do so when appropriate. Changes in best practices and cost effectiveness of available technology within the MSW landfill industry since the original EG for MSW landfills were promulgated in 1996 prompted the Agency to review those standards and requirements. The review of the 1996 EG allowed EPA to find that a rule revision was appropriate and would increase potential for emission reductions at MSW landfills as well as streamline implementation of requirements and standards for landfill owners and operators. Although the standards and requirements promulgated in 2016 are over four years old at this point, these major revisions to the EG for MSW landfills are relatively new and reflect the accumulation of industry developments over a timeframe of 20 years. The EPA is neither statutorily obligated, nor capable, of revising EG at a pace faster than the development of new, practical control technologies or best practices in emission reductions. Rather, the Agency is constrained in its revision of EG by the realities of what best system of emissions reduction is available to the regulated population, while taking into account the cost and other limiting factors affecting implementation of such a system of reductions at designated facilities.

The EPA differentiates regulations for new and existing facilities of the same source category under a similar logic. CAA section 111 authorizes the EPA to develop new source performance standards (NSPS) and emission guidelines for existing sources (EG). This distinction in performance standards for different source populations acknowledges the reality that the best system of emission reduction reasonably available to newer and older facilities may be different when considering cost and practicability of implementation.

Comment: The commenter desired a more in-depth review of the regulated facilities and the state plan submittal.

Response: The requested information is available in associated documents found in the docket for the proposed