

notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 28, 2021.

Lexia M. Littlejohn,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2021-14295 Filed 7-2-21; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2020-0646; FRL-10025-28-Region 8]

Approval and Promulgation of Implementation Plans; Utah; 2017 Base Year Inventories for the 2015 8-Hour Ozone National Ambient Air Quality Standard for the Uinta Basin, Northern Wasatch Front and Southern Wasatch Front Nonattainment Areas

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 State of Utah. The revision fulfills the base year inventory requirement for the 2015 8-hour ozone national ambient air quality standard (NAAQS) for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front nonattainment areas (NAAs). Utah submitted the base year emissions inventories to meet, in part, the nonattainment requirements for Marginal ozone NAAs under the 2015 8-hour ozone NAAQS. EPA is taking this action pursuant to sections 110, 172, and 182 of the Clean Air Act (CAA).

DATES: This rule is effective on August 5, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2020-0646. 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., 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 <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: Matthew Lang, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, telephone number: (303) 312-6709, email address: lang.matthew@epa.gov.

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 April 1, 2021 proposal.¹ We proposed to approve the 2017 base year inventories for the 2015 8-hour ozone NAAQS for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front Marginal NAAs because the State prepared the inventories in accordance with the requirements in sections 172(c)(3) and 182(a)(1)² of the CAA and its implementing regulations, including those at 40 CFR 51.1315. EPA is finalizing its proposed approval of Utah’s 2017 base year inventories for the 2015 8-hour ozone NAAQS for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front Marginal NAAs. With this final rulemaking Utah will have met one of three requirements stemming from the Marginal nonattainment designation of the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front areas.

II. Response to Comments

EPA held a 30-day comment period on the proposed rulemaking beginning on April 1, 2021 and closing on May 3, 2021. We received one supportive comment letter from the Utah Petroleum Association (UPA), which focused on the Uinta Basin NAA. Our response to UPA’s comment letter is below.

Comment summary: UPA states that it supports EPA’s approval of the base year inventory, specifically supports the choice of 2017 as the base year, and supports use of an emissions inventory from a National Emissions Inventory

year. UPA also commends the Utah Division of Air Quality for its decision to include a separate oil and gas source category in the base year, which UPA says improves transparency of critical information needed to understand ozone formation in the Uinta Basin.

UPA also raises two areas of concern: (1) The lack of an opportunity to comment on the base year inventory for tribal lands within the Uinta Basin NAA; and (2) the need to be able to adjust the base year inventory based on evolving research and calculation methods. UPA explains that Utah’s base year inventory includes only State-controlled lands, but tribal lands in the Uinta Basin include significant emissions sources, and UPA is not aware of any opportunity to comment on a base year inventory for the tribal lands. Further, UPA states that studies relevant to the emissions inventory are ongoing and recommends that EPA allow updates to the base year inventory to account for this evolving research. In particular, UPA states that such an update is important for determining the adequacy of future Reasonable Further Progress (RFP) emission reductions as well as for photochemical modeling.

Response: We thank UPA for the supportive comment letter and we agree with UPA that Utah’s SIP revision included the appropriate base year and was otherwise based on the most current and accurate information available to the State at the time the inventories were developed. With respect to UPA’s concern regarding a lack of opportunity to comment on an inventory for sources on tribal land, we note that an inventory of emissions from Indian country sources is outside of the scope of this rulemaking. As explained in EPA’s proposed rule, and repeated above, EPA is approving Utah’s SIP submission because the base year inventories therein accord with the requirements in sections 172(c)(3) and 182(a)(1) of the CAA and its implementing regulations, including those at 40 CFR 51.1315.

Similarly, we thank UPA for informing us of ongoing studies related to emissions in the Uinta Basin NAA. The inventories submitted by the State of Utah were based on the most current and accurate information available to the State at the time that the inventories were developed. If, at any point in the future, Utah believes that a revision to the base year inventory is necessary, EPA is open to discussing that issue with the State.³ At this time, however,

¹ Approval and Promulgation of Implementation Plans; Utah; 2017 Base Year Inventories for the 2015 8-hour Ozone National Ambient Air Quality Standard for the Uinta Basin, Northern Wasatch Front and Southern Wasatch Front Nonattainment Areas, 86 FR 17106 (April 1, 2021).

² 42 U.S.C. 7502(c)(3), 7511a(a)(1).

³ EPA generally acknowledges that in certain circumstances, updating an already-approved base year inventory may be appropriate. *Emissions*

EPA cannot determine whether any future updates to the current base year inventory would be necessary or appropriate, and such a determination is outside the scope of this rulemaking. We also note that, regardless of any possible update to the base year inventory, Utah is required to submit revised inventories every three years under section 182(a)(3)(A) of the CAA until the area is redesignated to attainment.⁴

III. Final Action

EPA is finalizing approval of Utah's 2017 base year inventories for the 2015 8-hour ozone NAAQS for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front Marginal NAAs because the State prepared the inventories in accordance with the requirements in sections 172(c)(3) and 182(a)(1) of the CAA and its implementing regulations, including those at 40 CFR 51.1315.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. 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

Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations, May 2017, 42 ("In the event that updated [Rate of Progress/Reasonable Further Progress] plan(s) are needed after initial submittal to meet the requirements of the Ozone Implementation Rule, the [Rate of Progress/Reasonable Further Progress] baseline NAA inventory may also need to be updated.")

⁴ 42 U.S.C. 7511a(a)(3)(A).

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, 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 September 7, 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, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 25, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

For the reasons set forth above, 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 TT—Utah

- 2. In § 52.2320, the table in paragraph (e) is amended by adding an undesignated center heading and the entry "Ozone (8-hour, 2015) Uinta Basin, Northern Wasatch Front and Southern Wasatch Front 2017 Base Year Inventories" at the end of the table to read as follows:

§ 52.2320 Identification of plan.

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(e) * * *

Rule title	State effective date	Final rule citation, date	Comments
Ozone (8-hour, 2015) Uinta Basin, Northern Wasatch Front and Southern Wasatch Front 2017 Base Year Inventories.	7/29/2020	7/6/2021, [insert Federal Register citation].	

Summary of Criteria Pollutant Attainment Plans

[FR Doc. 2021-14195 Filed 7-2-21; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R08-OAR-2021-0187; FRL-10024-23-Region 8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Emissions From Existing Municipal Solid Waste Landfills; Control of Emissions From Existing Commercial and Industrial Solid Waste Incineration Units; Negative Declaration of Existing Hospital/Medical/Infectious Waste Incineration Units

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 North Dakota Department of Environmental Quality (NDDEQ or the “Department”) on July 28, 2020 for the control of air pollutants from existing municipal solid waste (MSW) landfills. The EPA is also approving a CAA section 111(d)/129 state plan submitted by the Department on the same date for the control of air pollutants from existing commercial and industrial solid waste incineration (CISWI) units and air curtain incinerator (ACI) units. The North Dakota state plans establish performance standards and operating requirements for existing MSW landfills, CISWI units and ACI units within the State of North Dakota and provide for the implementation and enforcement of those standards and requirements by the Department. Finally, the EPA is also approving withdrawal of the North Dakota CAA section 111(d)/129 state plan for the control of air pollutants from existing hospital/medical/infectious waste incineration (HMIWI) units. The EPA is approving this plan withdrawal

following North Dakota’s May 8, 2019 submittal of a negative declaration of existing HMIWI units in the State of North Dakota, and will be promulgating the State’s negative declaration in lieu of a CAA section 111(d)/129 state plan for HMIWI units. The EPA is taking these actions pursuant to requirements of the CAA.

DATES: This rule is effective on August 5, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of August 5, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2021-0187. 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: Gregory Lohrke, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-TRM, 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone number: (303) 312-6396, email address: lohrke.gregory@epa.gov.

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 March 26, 2021 proposed rule (86 FR 16173). In that document we proposed to approve the North Dakota CAA section 111(d) state plan for existing MSW landfills and the North Dakota CAA section 111(d)/129 state plan for existing CISWI units as the plans were submitted by the NDDEQ on July 28, 2020. That

document also proposed approval of the North Dakota withdrawal of a previously approved CAA section 111(d)/129 state plan for existing HMIWI units and publication of the State’s negative declaration of existing HMIWI units in lieu of a state plan. The EPA’s analysis of the two North Dakota state plans and the negative declaration of designated sources may be found in the aforementioned proposed rule and the technical support document (TSD) associated with the docket for today’s action. Comments on the EPA’s proposed approvals of the state plans for existing CISWI units and MSW landfills and approval of the negative declaration in lieu of a state plan for existing HMIWI units were due on or before April 26, 2021. We received no comments on our proposed actions. Therefore, the EPA will proceed with these plan approvals without changes.

II. Final Action

The EPA is finalizing approval of the North Dakota section 111(d) state plan for existing MSW landfills pursuant to 40 CFR part 60, subparts B and Cf. We are also finalizing approval of the North Dakota section 111(d)/129 state plan for existing CISWI units pursuant to 40 CFR part 60, subparts B and DDDD. Finally, we are finalizing approval of the State’s negative declaration of existing HMIWI units in lieu of a state plan for such units as designated by 40 CFR part 60, subpart Ce. Therefore, the EPA is amending 40 CFR part 62, subpart Jj to reflect this approval action. This approval is based on the rationale provided in section II of the proposed rule for this action (86 FR 16173) and discussed in detail in the TSD associated with this rulemaking action.¹ The scope of this approval is limited to the provisions of 40 CFR parts 60 and 62. The EPA’s proposed approval of the two North Dakota plans is limited to those MSW landfills that meet the criteria established in 40 CFR part 60, subparts Cf and those CISWI units and ACI units that meet the criteria

¹ EPA Document ID No. EPA-R08-OAR-2021-0187-0002, available at www.regulations.gov.