

of the 2012 annual PM<sub>2.5</sub> NAAQS, so long as the area continues to meet the NAAQS, until the area is redesignated to attainment. If this proposed CDD action is finalized, the FIP clock triggered by the EPA's April 6, 2018 finding of failure to submit will be suspended for these plan elements for as long as the CDD remains in effect.<sup>12</sup>

EPA's May 14, 2021 conditional approval of the contingency measures element of the Allegheny County Area PM<sub>2.5</sub> Plan suspended EPA's FIP obligation with respect to this element of the plan for the duration of the conditional approval. If EPA approves a SIP submission fulfilling the State commitment that had provided the basis for the conditional approval, the FIP obligation triggered by EPA's April 6, 2018 finding of failure to submit will be terminated. Alternatively, if the State fails to fulfill its commitment and EPA converts the conditional approval to a disapproval, the conditional approval would no longer provide a basis for suspending EPA's FIP obligation, because the State would have failed to correct the deficiency identified in EPA's April 6, 2018 finding of failure to submit.<sup>13</sup> If, however, EPA finalizes our proposed CDD for the area, the CDD would provide an independent basis for continued suspension of the FIP obligation, for so long as the area continues to attain the 2012 PM<sub>2.5</sub> NAAQS. If the area then violates the NAAQS and EPA rescinds the CDD, the CDD would also no longer provide a basis for suspending EPA's FIP obligation, and EPA would have an immediate obligation to promulgate a FIP addressing the contingency measure requirement for the 2012 PM<sub>2.5</sub> NAAQS in the Allegheny County area.

This proposed clean data determination does not constitute a redesignation to attainment of the NAAQS. The Allegheny County Area will remain designated nonattainment for the 2012 annual PM<sub>2.5</sub> NAAQS until such time that EPA determines the Allegheny County nonattainment area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan, pursuant to CAA sections 107 and 175A. EPA is soliciting public comments on this proposed action, which we will consider prior to taking final action.

<sup>12</sup> See 83 FR 14759.

<sup>13</sup> 83 FR 14759 (April 6, 2018) (noting that "EPA is obligated to promulgate a federal implementation plan (FIP) to address any outstanding SIP requirements, if a state does not submit, and EPA does not approve, a state's submission within 24 months of the effective date of these findings").

#### IV. Statutory and Executive Order Reviews

This rulemaking action makes a clean data determination for attainment of the 2012 PM<sub>2.5</sub> NAAQS based on air quality and does not impose additional requirements. For that reason, this clean data determination:

- 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).

In addition, this proposed clean data determination for the Allegheny County Area for the 2012 annual PM<sub>2.5</sub> NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, and

Reporting and recordkeeping requirements.

Dated: August 26, 2021.

**Diana Esher,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2021-19019 Filed 9-2-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2021-0005; FRL-8683-04-Region 8]

### Approval and Promulgation of Implementation Plans; North Dakota; Revisions To Permitting Regulations Unrelated to Regional Haze; Correction

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Environmental Protection Agency (EPA) published a proposed rule in the **Federal Register** on August 2, 2021. The revisions contain amendments to the State of North Dakota's Air Pollution Control Regulations and to the State's Legal Authority. The August 2, 2021 published rule had the incorrect docket number. This published rule corrects the docket number for the August 2, 2021 rulemaking.

**DATES:** Written comments must be received on or before October 4, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-OAR-2021-0005, to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on

making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. 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, will be publicly available only in hard copy. Publicly available docket materials are available electronically in [www.regulations.gov](http://www.regulations.gov). To reduce the risk of COVID-19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

**FOR FURTHER INFORMATION CONTACT:** Kevin Leone, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, (303) 312-6227, [leone.kevin@epa.gov](mailto:leone.kevin@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

#### Correction

In FR document 86 FR 41413, appearing on page 41413 in the **Federal Register** on Monday, August 2, 2021, in the heading of the document and in the **ADDRESSES** section of the document the docket number EPA-R08-OAR-2021-0433 should have read EPA-R08-OAR-2021-0005.

#### 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.

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

Dated: August 25, 2021.

**Debra H. Thomas,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 2021-19039 Filed 9-2-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[EPA-R01-OAR-2021-0443; FRL-8778-01-R1]

#### Approval and Promulgation of State Plan for Designated Facilities and Pollutants: New Hampshire; 111(d)/129 Revised State Plan for Existing Large and Small Municipal Waste Combustors

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the Clean Air Act (CAA) state plan revision for existing large and small municipal waste combustors (MWCs) submitted by the New Hampshire Department of Environmental Services (NHDES) on October 1, 2018. The revised state plan incorporates wood residue combustion fuel quality standards and test methods at MWC facilities that process and combust construction and demolition debris.

**DATES:** Written comments must be received on or before October 4, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R01-OAR-2021-0443 at <https://www.regulations.gov>, or via email to [kilpatrick.jessica@epa.gov](mailto:kilpatrick.jessica@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. Publicly

available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays and facility closures due to COVID-19.

**FOR FURTHER INFORMATION CONTACT:** Jessica Kilpatrick, Air Permits, Toxics, & Indoor Programs Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Mail Code: 05-2, Boston, MA 02109-0287. Telephone: 617-918-1652. Fax: 617-918-0652 Email: [kilpatrick.jessica@epa.gov](mailto:kilpatrick.jessica@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. What is a state plan?
- II. Why does EPA need to approve state plans?
- III. Why does EPA regulate air emissions from MWCs?
- IV. What history does NHDES have with MWC state plans?
- V. Why did NHDES revise the MWC state plan?
- VI. What revisions have been made to the state plan?
- VII. Why is EPA proposing to approve NHDES’s revised state plan?
- VIII. Proposed Action
- IX. Incorporation by Reference
- X. Statutory and Executive Order Reviews

##### I. What is a state plan?

Section 111(d) of the CAA requires pollutants controlled under new source performance standards (NSPS) also be controlled at existing sources in the same source category. Once an NSPS is issued, EPA then publishes emission guidelines (EGs) applicable to the control of the same pollutant for existing (designated) facilities. States with designated facilities must develop state plans to adopt the EGs into their body of regulations. States must also include in their state plans other elements, such as legal authority, inventories, and public participation documentation to demonstrate their ability to enforce the state plans.

##### II. Why does EPA need to approve state plans?

Section 129(b)(2) of the CAA requires states to submit state plans to EPA for approval. Each state must show that its state plan will carry out and enforce the EGs. State plans must be at least as protective as the EGs and will become