

false certification under § 802.402, § 802.403, or § 802.502 may be liable to the United States for a civil penalty not to exceed \$5,000,000 per violation.

(2) Any person who, in response to a request from the Staff Chairperson or a lead agency, submits to the Committee any information pursuant to § 802.801(a)(2), (3), or (4) or (c), with a material misstatement or omission may be liable to the United States for a civil penalty not to exceed \$5,000,000 per violation. This paragraph (a)(2) shall apply only with respect to responses to requests that were made in writing, specified a time frame for response, and indicated the applicability of this paragraph (a).

(3) The amount of the penalty imposed for a violation as provided for in this paragraph (a) shall be based on the nature of the violation.

(b)(1) Any person who violates a material provision of a mitigation agreement entered into on or after February 13, 2020, and before [EFFECTIVE DATE OF FINAL RULE], with, a material condition imposed on or after February 13, 2020, and before [EFFECTIVE DATE OF FINAL RULE], by, or an order issued on or after February 13, 2020, and before [EFFECTIVE DATE OF FINAL RULE], by, the United States under section 721(I) may be liable to the United States for a civil penalty per violation not to exceed \$250,000 or the value of the transaction, whichever is greater. For clarification, under the previous sentence, whichever penalty amount is greater may be imposed per violation, and the amount of the penalty imposed for a violation shall be based on the nature of the violation.

(2)(i) Any person who violates a material provision of a mitigation agreement entered into on or after [EFFECTIVE DATE OF FINAL RULE], with, a material condition imposed on or after [EFFECTIVE DATE OF FINAL RULE], by, or an order issued on or after [EFFECTIVE DATE OF FINAL RULE], by, the United States under section 721(I) may be liable to the United States for a civil penalty per violation not to exceed the greatest of:

(A) \$5,000,000;

(B) The value of the person's interest in the covered real estate (or, as applicable, the owner of the covered real estate) at the time of the transaction;

(C) The value of the person's interest in the covered real estate (or, as applicable, the owner of the covered real estate) at the time of the violation in question or the most proximate time to the violation for which assessing such value is practicable; or

(D) The value of the transaction filed with the Committee.

(ii) For clarification, under paragraphs (b)(2)(i)(A) through (D) of this section, whichever penalty amount is greatest may be imposed per violation, and the amount of the penalty imposed for a violation shall be based on the nature of the violation.

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(e) Upon receiving notice of a penalty to be imposed under paragraphs (a) through (c) of this section, the subject person may, within 20 business days of receipt of such notice, submit a petition for reconsideration to the Staff Chairperson, including a defense, justification, or explanation for the conduct to be penalized. The Committee will review the petition and issue any final penalty determination within 20 business days of receipt of the petition. The Staff Chairperson and the subject person may extend either such period through written agreement or, where there is a compelling circumstance and if it is deemed appropriate by the Committee, the Staff Chairperson may extend either period by notifying the subject person in writing of the extended time frame. The Committee and the subject person may reach an agreement on an appropriate remedy at any time before the Committee issues any final penalty determination.

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Paul M. Rosen,
Assistant Secretary for Investment Security.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[EPA-HQ-OAR-2014-0128; FRL-5788-06-OAR]

RIN 2060-AS35

Public Hearing for the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is announcing that a virtual public hearing will be held for the proposed action titled, "Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and

Particulate Matter" which is published elsewhere in this **Federal Register**. The hearing will be held on May 8, 2024. Based on the EPA's review of the ecological air quality criteria and the secondary national ambient air quality standards (NAAQS) for oxides of nitrogen (N oxides), oxides of sulfur (SO_x), and particulate matter (PM), the EPA is proposing to revise the existing secondary SO₂ standard. Additionally, the Agency proposes to retain the existing secondary standards for N oxides and PM. The EPA also proposes revisions to data handling requirements for the proposed secondary SO₂ standard.

DATES: The EPA will hold a virtual public hearing on May 8, 2024. (Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing).

FOR FURTHER INFORMATION CONTACT: For information or questions about the public hearing, please contact the public hearing team at *nox-sox-pm-hearing@rti.org* or 919-541-3650. For information or questions regarding the review of the secondary NAAQS for oxides of nitrogen, oxides of sulfur, and particulate matter, please contact Ms. Ginger Tennant, Health and Environmental Impacts Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-04, Research Triangle Park, NC 27711; telephone: (919) 541-4072; email: *tennant.ginger@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. *General Information.* The EPA is reviewing the secondary NAAQS for ecological effects of N oxides, SO_x, and PM as required by section 109 (42 U.S.C. 7409) of the Clean Air Act. The proposed action for which the EPA is holding a public hearing is published elsewhere in this **Federal Register** and is available at <https://www.epa.gov/naaqs/nitrogen-dioxide-no2-and-sulfur-dioxide-so2-secondary-standards-federal-register-notice>. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the EPA's proposed decisions in the review of the secondary NAAQS for ecological effects of SO_x, N oxides and PM. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing.

A. *Participation in Virtual Public Hearings:* The public hearing will be held via virtual platform on May 8, 2024, and will convene at 11:00 a.m. Eastern Time (ET). The hearing will

conclude at 7:00 p.m. ET or, if there are no additional speakers, 15 minutes after the last pre-registered speaker has testified. The EPA will announce any changes to the schedule or hearing and further details at <https://www.epa.gov/so2-pollution/public-hearing-proposed-decision-so2-no2-and-pm-secondary-national-ambient-air>.

The EPA will begin registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please follow the directions at <https://www.epa.gov/so2-pollution/public-hearing-proposed-decision-so2-no2-and-pm-secondary-national-ambient-air> or contact the public hearing team by email at nox-sox-pm-hearing@rti.org or by phone at 919-541-3650. Prior to the hearing, the EPA will post a general agenda for the hearing that will list the pre-registered speakers in approximate order at: <https://www.epa.gov/so2-pollution/public-hearing-proposed-decision-so2-no2-and-pm-secondary-national-ambient-air>. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule. Each commenter will have up to 5 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony by submitting the text of your oral testimony as written comments to the rulemaking docket. The EPA may ask clarifying questions during the oral presentations but will not respond to the presenters at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Please note that any updates made to any aspect of the hearing is posted online at <https://www.epa.gov/so2-pollution/public-hearing-proposed-decision-so2-no2-and-pm-secondary-national-ambient-air>. While the EPA expects the hearing to go forward as set forth above, please monitor our website to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of a translator or special accommodations such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by April 22, 2024. The EPA may not be able to arrange accommodations without advance notice.

B. How can I get copies of the proposed action and other related

information? The EPA has established a docket under Docket ID No. EPA-HQ-OAR-2014-0128 (available at <https://www.regulations.gov>). Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays). For further information on the EPA Docket Center services and the current status, see: <https://www.epa.gov/dockets>. The EPA has also made available information related to the proposed action on the following website: <https://www.epa.gov/naaqs/nitrogen-dioxide-no2-and-sulfur-dioxide-so2-secondary-air-quality-standards>.

Erika N. Sasser,

Director, Health and Environmental Impacts Division.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2024-0034; FRL-11775-01-R5]

Air Plan Approval; Ohio; OAC Chapter 3745-17 Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve assorted revisions to Ohio's particulate matter rules that the state requested EPA approve into the Ohio State Implementation Plan (SIP) under the Clean Air Act (CAA). The updates to Ohio's particulate matter rules include revisions to remove provisions for facilities or emissions units that have permanently shut down, update facility names and addresses, and make nonsubstantive revisions to the language of the rules.

DATES: Comments must be received on or before May 15, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2024-0034 at <https://www.regulations.gov>, or via email to langman.michael@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, 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. 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://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Emily Crispell, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8512, crispell.emily@epa.gov. The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID-19.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

I. History of Submittal

The Ohio Environmental Protection Agency (Ohio EPA¹) is subject to requirements to review each of its regulations every five years, to assess whether any updates to the regulations are warranted and for other purposes. Accordingly, Ohio EPA reviewed its regulations in Ohio Administrative Code (OAC) Chapter 3745-17, entitled “Particulate Matter Standards,” and adopted various revisions amending and updating these rules. Ohio EPA then requested that EPA approve these revisions into the SIP, in a submittal dated January 18, 2024.

As a result of its review, Ohio EPA concluded that rule revisions were needed to remove provisions that are no longer necessary because the affected

¹ To avoid confusion, this action uses the term “Ohio EPA” as shorthand for the Ohio Environmental Protection Agency and the term “EPA” as shorthand for the United States Environmental Protection Agency.