

industrial, governmental, and commercial operations or programs and policies.”

The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: July 1, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2024-14786 Filed 7-15-24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2023-0277; FRL-12065-01-R4]

Air Plan Approval; Tennessee; Nitrogen Oxides SIP Call Alternative Monitoring and Domtar Paper Company, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on June 26, 2023. The June 26, 2023, SIP revision would specify monitoring, recordkeeping, and reporting requirements for large industrial non-electricity generating units (EGUs) subject to the nitrogen oxides (NO_x) SIP Call that are permissible as alternatives to the monitoring, recordkeeping, and reporting requirements. The SIP revision would also establish source-specific alternative monitoring, recordkeeping, and reporting

requirements under the NO_x SIP Call for Domtar Paper Company, LLC (Domtar).

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2023-0277 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT:

Steven Scofield, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9034. Mr. Scofield can also be reached via electronic mail at scofield.steve@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Under Clean Air Act (CAA or Act) section 110(a)(2)(D)(i)(I), also called the good neighbor provision, States are required to address the interstate transport of air pollution. Specifically, the good neighbor provision requires that each State's implementation plan contain adequate provisions to prohibit air pollutant emissions from within the State that will significantly contribute to nonattainment of the national ambient air quality standards (NAAQS), or that will interfere with maintenance of the NAAQS, in any other State.

On October 27, 1998 (63 FR 57356), EPA finalized the “Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing

Regional Transport of Ozone” (NO_x SIP Call). The NO_x SIP Call required Eastern States, including Tennessee, to submit SIPs limiting emissions of ozone season NO_x by implementing statewide emissions budgets. The NO_x SIP Call addressed the good neighbor provision for the 1979 ozone NAAQS and was designed to mitigate the impact of transported NO_x emissions, one of the precursors of ozone.¹ EPA developed the NO_x Budget Trading Program, an allowance trading program that States could adopt to meet their obligations under the NO_x SIP Call. This trading program allowed the following sources to participate in a regional cap and trade program: generally, electricity generating units (EGUs) with capacity greater than 25 megawatts (MW); and large industrial non-EGUs, such as boilers and combustion turbines, with a rated heat input greater than 250 million British thermal units per hour (MMBtu/hr). The NO_x SIP Call also identified available cost-effective emissions reductions from cement kilns and stationary internal combustion engines in establishing total, statewide emissions budgets, although EPA suggested that States regulate these sources through mechanisms other than the trading program.

To comply with the NO_x SIP Call requirements, in 2000 and 2001, TDEC submitted a revision to add new rule sections to the SIP-approved version of Chapter 1200-3-27, *Nitrogen Oxides*, of the Tennessee Rules. EPA approved the revision as compliant with Phase I of the NO_x SIP Call in 2004. *See* 69 FR 3015 (January 22, 2004). The approved revision required EGUs and large non-EGUs in the State to participate in the NO_x Budget Trading Program beginning in 2004. In 2005, Tennessee submitted, and EPA approved, a SIP revision to address additional emissions reductions required for the NO_x SIP Call under Phase II. *See* 70 FR 76408 (December 27, 2005).

In 2005, EPA published the Clean Air Interstate Rule (CAIR), which required several Eastern States, including Tennessee, to submit SIPs that prohibited emissions consistent with revised ozone season NO_x budgets (as well as annual budgets for NO_x and sulfur dioxide). *See* 70 FR 25162 (May 12, 2005); *see also* 71 FR 25328 (April 28, 2006). CAIR addressed the good neighbor provision for the 1997 ozone NAAQS and 1997 fine particulate

¹ As originally promulgated, the NO_x SIP Call also addressed good neighbor obligations under the 1997 8-hour ozone NAAQS, but EPA subsequently stayed and later rescinded the rule's provisions with respect to that standard. *See* 65 FR 56245 (September 18, 2000); 84 FR 8422 (March 8, 2019).

matter (PM_{2.5}) NAAQS and was designed to mitigate the impact of transported NO_x emissions with respect to ozone and PM_{2.5}. CAIR established several trading programs that States could join through SIPs or EPA would implement through Federal implementation plans (FIPs) for EGUs greater than 25 MW in each affected State; States also retained the option to submit SIPs that achieved the required emission reductions from other types of sources.² When the CAIR trading program for ozone season NO_x was implemented beginning in 2009, EPA discontinued administration of the NO_x Budget Trading Program; however, the requirements of the NO_x SIP Call continued to apply. For large non-EGUs that would have been covered under the NO_x Budget Trading Program, States were allowed, but not obligated, to achieve the required emissions reductions from these types of units by including the units in the CAIR trading program for ozone season NO_x.

On November 25, 2009 (74 FR 61535), EPA approved revisions to Tennessee's SIP that used the CAIR trading program for ozone season NO_x to address the State's obligations under the NO_x SIP Call related to non-EGUs. Consistent with CAIR's requirements, EPA approved a SIP revision in which Tennessee regulations: (1) Terminated its NO_x Budget Trading Program requirements, and (2) adopted State rule provisions modifying certain provisions of the CAIR FIP applicable to Tennessee to include the State's non-EGUs that would have been covered by the NO_x Budget Trading Program in the Federal CAIR trading program for ozone season NO_x instead. See 74 FR 61535. In this manner, participation of EGUs in the CAIR ozone season NO_x trading program pursuant to a FIP addressed the State's obligation under the NO_x SIP Call for those units, and Tennessee also chose to meet the State's obligations as to non-EGUs subject to the NO_x SIP Call by requiring those units to participate in the same CAIR trading program pursuant to the SIP.

The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR in 2008, but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR. See *North Carolina v. EPA*, 531 F.3d 896, modified on rehearing, 550 F.3d 1176 (D.C. Cir. 2008). The ruling allowed CAIR to remain in effect temporarily until a replacement rule

consistent with the court's opinion was developed. While EPA worked on developing a replacement rule, the CAIR program continued to be implemented, with the NO_x annual and ozone season trading programs beginning in 2009 and the SO₂ annual trading program beginning in 2010.

Following the D.C. Circuit's remand of CAIR, EPA promulgated the Cross-State Air Pollution Rule (CSAPR) to replace CAIR and address good neighbor obligations for the 1997 ozone NAAQS, the 1997 PM_{2.5} NAAQS, and the 2006 PM_{2.5} NAAQS. See 76 FR 48208 (August 8, 2011). Through FIPs, CSAPR required EGUs in Eastern States, including Tennessee, to meet annual and ozone season NO_x emission budgets and annual SO₂ emission budgets implemented through new trading programs. Implementation of CSAPR began on January 1, 2015.³ CSAPR also contained provisions that would sunset CAIR-related obligations on a schedule coordinated with the implementation of the CSAPR compliance requirements. Participation by a State's EGUs in the CSAPR trading program for ozone season NO_x generally addressed the State's obligation under the NO_x SIP Call for EGUs. CSAPR did not initially contain provisions allowing States to incorporate large non-EGUs into that trading program to meet the requirements of the NO_x SIP Call for non-EGUs. EPA also stopped administering CAIR trading programs with respect to emissions occurring after December 31, 2014.⁴

Through a letter to EPA dated February 27, 2017,⁵ Tennessee provided a SIP revision to incorporate a new provision—TACPR 1200-03-27-.12, "NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines" (TN 2017 NO_x SIP Call Rule)—into the SIP. The TN 2017 NO_x SIP Call Rule established a State control program for sources that are subject to the NO_x SIP Call, but not covered under CSAPR or the CSAPR Update (background regarding the CSAPR Update is provided later in this notice). The TN 2017 NO_x SIP Call Rule contains several subsections that together comprise a non-EGU control program under which Tennessee will allocate a specified budget of allowances to affected sources. Subsequently, on May 11, 2018, and October 11, 2018, Tennessee submitted

letters requesting conditional approval⁶ of the TN 2017 NO_x SIP Call Rule and committing to provide a SIP revision to EPA by December 31, 2019, to address a deficiency by revising the definition of "affected unit" to remove the unqualified exclusion for any unit that serves a generator that produces power for sale. Based on the State's commitment to submit a SIP revision addressing the identified deficiency, EPA conditionally approved the February 27, 2017, submission. In the same action, EPA approved removal of the State's NO_x Budget Trading Program and CAIR rules from Tennessee's SIP. See 84 FR 7998 (March 6, 2019).

Tennessee submitted a SIP revision on December 19, 2019, which revised Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-27-.12, "NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines" to correct the definition of "affected unit" and to clarify requirements related to stationary boilers and combustion turbines. On March 2, 2021 (86 FR 12092), EPA published a final rule approving the SIP revision. EPA also converted the conditional approval of the TN 2017 NO_x SIP Call Rule to a full approval. See EPA's March 2, 2021, final rule (86 FR 12092) for further detail on these changes and EPA's rationale for approving them.

After litigation that reached the Supreme Court, the D.C. Circuit generally upheld CSAPR but remanded several State budgets to EPA for reconsideration. *EME Homer City Generation, L.P. v. EPA*, 795 F.3d 118, 129-30 (D.C. Cir. 2015). EPA addressed the remanded ozone season NO_x budgets in the Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS (CSAPR Update), which also partially addressed Eastern States' good neighbor obligations for the 2008 ozone NAAQS. See 81 FR 74504 (October 26, 2016). The air quality modeling for the CSAPR Update demonstrated that Tennessee contributes significantly to nonattainment and/or interferes with maintenance of the 2008 ozone NAAQS in other States. The CSAPR Update reestablished an option for most States to meet their ongoing obligations for non-EGUs under the NO_x SIP Call by including the units in the CSAPR Update trading program.

⁶ Under CAA section 110(k)(4), EPA may conditionally approve a SIP revision based on a commitment from a State to adopt specific enforceable measures by a date certain, but not later than one year from the date of approval. If the State fails to meet the commitment within one year of the final conditional approval, the conditional approval will be treated as a disapproval.

³ See 79 FR 71663 (December 3, 2014).

⁴ See 79 FR 71663 (December 3, 2014) and 81 FR 13275 (March 14, 2016).

⁵ EPA notes that it received the submittal on February 28, 2017.

² CAIR had separate trading programs for annual sulfur dioxide (SO₂) emissions, seasonal NO_x emissions, and annual NO_x emissions.

The CSAPR Update trading program replaced the original CSAPR trading program for ozone season NO_x for most covered States. Tennessee's EGUs participate in the CSAPR Update trading program, which generally also addresses the State's obligations under the NO_x SIP Call for EGUs. However, Tennessee elected not to include its large non-EGUs in the CSAPR Update ozone season trading program. Because Tennessee's large non-EGUs do not participate in any CSAPR or CSAPR Update trading program for ozone season NO_x emissions, the NO_x SIP Call regulations at 40 CFR 51.121(f)(2), as well as anti-backsliding provisions at 40 CFR 51.905(f) and 40 CFR 51.1105(e), require these non-EGUs to maintain compliance with NO_x SIP Call requirements in some other way.

Under 40 CFR 51.121(f)(2) of the NO_x SIP Call regulations, where a State's implementation plan contains control measures for EGUs and large non-EU boilers and combustion turbines, the SIP must contain enforceable limits on the ozone season NO_x emissions from these sources that ensure compliance with the State's budget. In addition, under 40 CFR 51.121(i)(4) of the NO_x SIP Call regulations as originally promulgated, the SIP also had to require these sources to monitor emissions according to the provisions of 40 CFR part 75, which generally entails the use of continuous emission monitoring systems. Tennessee triggered these requirements by including control measures in its SIP for these types of sources.

On March 8, 2019, EPA revised some of the regulations that were originally promulgated in 1998 to implement the NO_x SIP Call.⁷ The revision gave States covered by the NO_x SIP Call greater flexibility concerning the form of the NO_x emissions monitoring requirements that the States must include in their SIPs for certain emissions sources. The revision amended 40 CFR 51.121(i)(4) to make part 75 monitoring, recordkeeping, and reporting optional, such that SIPs may establish alternative monitoring requirements for NO_x SIP Call budget units that meet the general requirements of 40 CFR 51.121(f)(1) and (i)(1). Under the updated provision, a State's implementation plan still needs to include some form of emissions monitoring requirements for these types of sources, consistent with the NO_x SIP Call's general enforceability and monitoring requirements at 40 CFR 51.121(f)(1) and (i)(1), respectively, but States are no longer required to satisfy

these general NO_x SIP Call requirements specifically through the adoption of 40 CFR part 75 monitoring requirements.

II. Why is EPA proposing this action?

TDEC's June 26, 2023, submission requests that EPA approve into Tennessee's SIP TAPCR 1200-03-27-.12(11), which became effective as a matter of State law (hereinafter, "State effective") on November 24, 2022, to specify alternative NO_x monitoring, recordkeeping, and reporting requirements for large industrial non-EGUs subject to the NO_x SIP Call that are permissible as alternatives to the monitoring, recordkeeping, and reporting requirements of 40 CFR part 75. The June 26, 2023, submittal also requests that EPA approve into Tennessee's SIP Tennessee Air Pollution Control Board operating permit No. 079291 for Domtar, State effective on January 12, 2022, to establish alternative NO_x monitoring, recordkeeping, and reporting requirements for the No. 2 Power Boiler at this facility, as meeting the requirements of 40 CFR 51.121(i). The submission also includes a demonstration under CAA section 110(l) intended to show that these revisions would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA. As discussed later, EPA has reviewed these changes, finds them consistent with the CAA and regulations governing the NO_x SIP Call, and is proposing to approve the revision to incorporate the revisions to TAPCR 1200-03-27-.12(11) and Tennessee Air Pollution Control Board operating permit No. 079291 for Domtar into the State's implementation plan. Adopting TAPCR 1200-03-27-.12(11) into Tennessee's SIP would also allow EPA to convert conditional approval actions for Packaging Corporation of America (88 FR 8771; February 10, 2023) and Eastman Chemical Company (88 FR 14276; March 8, 2023) to full approval.

III. Analysis of Tennessee's Submission

A. TAPCR 1200-03-27-.12(11)

On June 26, 2023, TDEC submitted a SIP revision with changes to TAPCR 1200-03-27-.12(11) to modify monitoring, recordkeeping, and reporting requirements for large industrial non-EGUs subject to the NO_x SIP Call. The version of TAPCR 1200-03-27-.12(11) that is currently approved in Tennessee's SIP requires non-EGUs subject to the NO_x SIP Call to "comply with the applicable monitoring, recordkeeping, and

reporting requirements provided in 40 CFR part 75 for each control period." TAPCR 1200-03-27-.12(11)(b) within Tennessee's current SIP-approved rule restates the part 75 provision at 40 CFR 75.70(h)(3) that allows a source subject to part 75 to petition TDEC and EPA to authorize alternatives to individual part 75 monitoring, recordkeeping, or reporting requirements, but the current rule does not authorize approval of any alternative to the requirements of 40 CFR part 75 in their entirety. In previous actions cited in section II of this document, EPA conditionally approved source-specific alternative, recordkeeping, and reporting requirements for two Tennessee sources for purposes of the NO_x SIP Call, subject to TDEC's commitment to modify the provisions of TAPCR 1200-03-27-.12(11) to specify permissible alternative monitoring, recordkeeping, and reporting requirements for large industrial non-EGUs. The amended version of TAPCR 1200-03-27-.12(11) included in the June 26, 2023, SIP revision is intended to satisfy this commitment.

In its submittal, TDEC proposes to replace all text in paragraph (11), Monitoring and Reporting, of TAPCR 1200-03-27-.12 with new text establishing monitoring, recordkeeping, and reporting for large industrial non-EGUs subject to the NO_x SIP Call. Under this revised text, as a default, affected units would be required to use the "monitoring, recordkeeping, and reporting requirements set out in 40 CFR part 75 Subpart H," as under the current rule. This methodology generally requires the use of a suite of continuous emission monitoring systems (CEMS), with several alternate options for sources that meet certain qualification requirements and contains detailed recordkeeping and reporting requirements.⁸

Apart from this default methodology, sources would also be authorized to use alternative methodologies specified in TAPCR 1200-03-27-.12(11)(a). The first alternative is the methodology in 40 CFR 60 subpart D to determine the NO_x emission rate in lb/MMBtu, multiplied by measured fuel consumption in MMBtu to determine NO_x mass emissions. Pursuant to 40 CFR 60.45(a), this methodology requires that the NO_x emission rate would be calculated from

⁸In October 1998, EPA added Subpart H to part 75, which provided a blueprint for the monitoring and reporting of NO_x mass emissions and heat input under a State or Federal NO_x emissions reduction program. Subpart H was first adopted as the required monitoring methodology for NO_x mass emissions and heat input under the NO_x Budget Trading Program, discussed above.

⁷See "Emissions Monitoring Provisions in State Implementation Plans Required Under the NO_x SIP Call," 84 FR 8422 (March 8, 2019).

part 60 CEMS measurements using Method 19 in appendix A to 40 CFR part 60.

The second alternative is the methodology in 40 CFR 60 subpart Db to determine NO_x emission rate in lb/MMBtu, multiplied by measured fuel consumption in MMBtu to determine NO_x mass emissions. This methodology likewise requires use of CEMS measurements to calculate NO_x emission rate using method 19 in appendix A to 40 CFR part 60.

The third alternative allows for an alternative monitoring method separately approved by EPA through a revision to Tennessee's SIP. Although the revised version of TAPCR 1200-03-27-.12(11)(a) allows for an alternative methodology approved by EPA into Tennessee's SIP as one of the three "approved" alternate monitoring methods, this methodology will not be discussed further in this Notice because it requires an entirely separate SIP revision approved by EPA.

Under the revised version of TAPCR 1200-03-27-.12(11)(a), any of the approved alternatives to the default methodology would become effective only upon incorporation into a federally enforceable construction or operating permit. Therefore, revised TAPCR 1200-03-27-.12(11)(c) also requires a source seeking to use either of the 40 CFR part 60 alternatives described above to submit a permit application to TDEC that includes "a description of the overall monitoring program for conducting continuous in-stack monitoring for NO_x emissions." "To be approvable, the program must address" items such as technical instrument specifications, location of monitoring instruments in the effluent gas stream, quality assurance procedures, and other items to allow TDEC to confirm that any application, if approved, would comply with the requirements of 40 CFR part 60, subpart D or 40 CFR part 60, subpart Db.

Additionally, the revised version of TAPCR 1200-03-27-.12(11) requires sources subject to this rule that use an alternative monitoring method to calculate NO_x mass emissions (in tons) for each control period and report the total to the Technical Secretary no later than December 31 following the end of the control period, with the Technical Secretary reporting the total to EPA no later than January 31 following the end of each control period.

Section 110(l) of the CAA prohibits EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. In

its submittal, TDEC includes a demonstration in accordance with section 110(l) of the CAA that the proposed revision would not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. Tennessee's demonstration concludes that the proposed changes are compliant with section 110(l) of the CAA because: (1) Tennessee's review of all non-EGUs subject to the NO_x SIP Call demonstrates that NO_x emissions for the collection of affected facilities are well below the State's NO_x budget for the facilities under TAPCR 1200-03-27-.12(5) of 5,666 tons (for example, the facilities' emissions during the 2019 ozone season were approximately 33% of this NO_x budget); and (2) the alternative monitoring requirements would be permanent, enforceable, and sufficient to determine whether the sources are in compliance with the NO_x SIP Call emissions requirements. EPA is proposing to agree with Tennessee's rationale summarized above and the conclusion that the proposed revision satisfies CAA section 110(l).

In order to address the requirements of the NO_x SIP Call for sources that are not covered under a CSAPR trading program for ozone season NO_x emissions, SIP revisions must provide for enforceable emissions limitations and require emissions monitoring consistent with the NO_x SIP Call's general enforceability and monitoring requirements.⁹ See 40 CFR 51.121(f)(2). EPA is proposing to find that with the amendments to TAPCR 1200-03-27-.12(11) included in TDEC's June 26, 2023, submittal, TAPCR 1200-03-27-.12 continues to meet the requirements in 40 CFR 51.121(f)(2) and all other requirements of the CAA, including 40 CFR 51.121(i)(1) and (4). Thus, EPA is proposing to approve the amendments to TAPCR 1200-03-27-.12(11), state effective November 24, 2022,¹⁰ pursuant to CAA section 110(k)(3).

B. Domtar Paper Company, LLC

On August 13, 2021, Domtar submitted a petition to TDEC requesting approval of alternative monitoring, recordkeeping, and reporting requirements for the boiler subject to the

NO_x SIP Call (No. 2 Power Boiler) at Domtar's Kingsport Mill. That petition resulted in TDEC's issuance of operating permit No. 079291 to Domtar, State effective on January 12, 2022, to address NO_x SIP Call requirements and to adopt an alternative monitoring option (along with corresponding recordkeeping and reporting requirements) for this large non-EGU. This permit has been submitted by TDEC for approval into Tennessee's SIP. The permit conditions within this permit are consistent with the flexibility provided to States in the EPA's March 8, 2019 (84 FR 8422) rulemaking concerning the form of the NO_x emissions monitoring requirements that the States must include in their SIPs for certain emissions sources, such as Domtar, to comply with the NO_x SIP Call, as required at 40 CFR 51.121(i)(4).¹¹

Specifically, operating permit Condition 1 provides that this source's compliance with Tennessee's rules implementing the NO_x SIP Call is met through compliance with operating permit Conditions 2 through 5. Operating permit Condition 2 provides that Domtar may demonstrate compliance with Tennessee Rule 1200-03-27-.12 by monitoring NO_x emissions from the No. 2 Power Boiler using the monitoring methodologies for NO_x emission rate set forth in 40 CFR part 60, appendix B, in combination with monitoring of heat input. Specifically, Performance Specification 2 within 40 CFR part 60, appendix B would apply. This Performance Specification provides detailed specifications and test procedures for NO_x CEMS in stationary sources, including procedures for measuring CEMS relative accuracy and calibration drift, CEMS installation and measurement location specifications, equipment specifications, performance specifications, and data reduction procedures.

Operating permit Condition 3 requires that Domtar submit a program for conducting continuous in-stack monitoring for NO_x mass emissions for approval by TDEC in accordance with the requirements of 40 CFR part 60, appendix B. To be approvable by TDEC, the program shall address the following:

⁹ See 40 CFR 51.121(f)(2)(ii) and 51.121(i)(4).

¹⁰ On November 16, 2023, TDEC emailed EPA an addendum to its SIP submittal containing the signed version of TAPCR 1200-03-27-.12(11), State effective November 24, 2022. TDEC's original June 26, 2023, SIP submittal to EPA previously included only an unsigned version of this rule. TDEC's November 16, 2023, email to EPA, and the signed version of TAPCR 1200-03-27-.12(11), State effective November 24, 2022, are contained in the regulatory docket for this Notice.

¹¹ TDEC previously included the Domtar permit in a January 20, 2022, SIP submittal. At that time TDEC had not yet submitted the modifications to TAPCR 1200-03-27-.12(11) discussed in section III.A of this document, and in the absence of those rule revisions, EPA proposed to conditionally approve the permit into the SIP. See 88 FR 13394 (March 3, 2023). TDEC subsequently withdrew the January 20, 2022, SIP submittal and instead included the permit in the June 26, 2023, SIP submittal together with the modifications to TAPCR 1200-03-27-.12(11).

(a) A description of the overall monitoring program;

(b) Specifications demonstrating that the proposed monitoring instruments will meet the requirements of 40 CFR part 60, appendix B;

(c) Specifications for the proposed fuel flow meter and a discussion of how the fuel Btu content will be determined;

(d) Proposed location(s) of the monitoring instruments on the boiler effluent gas stream;

(e) Proposed procedures for conducting performance specification testing of the monitoring instruments in units of the applicable standard (*i.e.*, NO_x mass emissions);

(f) Proposed ongoing monitoring instrument quality assurance procedures (40 CFR part 60, appendix F or approved alternative);

(g) Procedures for addressing missing data (40 CFR part 75, appendix C, appendix F or approved alternative); and

(h) Proposed format for the reporting of data.

Condition 3 will allow TDEC to assess the technical aspects of the monitors that the source would be installing to ensure compliance with 40 CFR 60, appendix B.

Operating permit Condition 4 requires Domtar to calculate NO_x mass emissions (in tons) for each control period and report the total to TDEC no later than December 31 following the end of the control period. Further, Condition 4 requires that NO_x emission rates shall be calculated from continuous emissions monitoring system (CEMS) measurements using Method 19 in appendix A–7 to 40 CFR part 60.

Operating permit Condition 5 requires Domtar to maintain records of all measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. These records shall be retained for at least five years following the end of the control period in which such measurements, maintenance, reports, and records were collected.

In its submittal, TDEC includes a demonstration in accordance with section 110(l) of the CAA that the proposed source-specific SIP revision for Domtar would not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable

requirement of the CAA. Tennessee's demonstration explains that the proposed changes are compliant with section 110(l) of the CAA because: (1) As a newly constructed affected unit, TDEC calculated pursuant to the SIP-approved version of TAPCR 1200–03–27–.12(6) that the NO_x allowance allocation for the No. 2 Power Boiler would be 160 tons per control period based on construction permit No. 978656, Condition S2–4.F (establishing NO_x emission limit of 0.10 lb/MMBtu), which would be 2.8 percent of Tennessee's NO_x budget of 5,666 tons; (2) revising the monitoring method will not increase NO_x emissions; (3) Tennessee's review of all non-EGUs subject to the NO_x SIP Call demonstrates that NO_x emissions for the collection of affected facilities are well below the State's NO_x budget; and (4) the alternative monitoring requirements would be permanent, enforceable, and sufficient to determine whether the source is in compliance with the NO_x SIP Call emissions requirements. EPA preliminarily agrees with Tennessee's rationale summarized above and the conclusion that the proposed revision would not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA.

In order to address the requirements of the NO_x SIP Call for sources that are not covered under a CSAPR trading program for ozone season NO_x emissions, SIP revisions must provide for enforceable emissions limitations and require emissions monitoring consistent with the NO_x SIP Call's general enforceability and monitoring requirements. EPA is proposing to find that TDEC's submittal meets these requirements and all other applicable requirements of the CAA, including 40 CFR 51.121(i)(1) and (4). Thus, EPA is proposing to approve TDEC operating permit No. 079291, State effective on January 12, 2022, into Tennessee's SIP pursuant to CAA section 110(k)(3).

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, and as discussed in sections I through III of this preamble, EPA is proposing to incorporate by reference TAPCR 1200–03–27–.12(11), State effective on November 24, 2022, into Tennessee's SIP. EPA is also proposing to incorporate by reference Tennessee Air Pollution Control Board operating permit No. 079291 for Domtar, State effective on January 12, 2022. EPA has

made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Proposed Action

EPA is proposing to approve TAPCR 1200–03–27–.12(11), State effective November 24, 2022, and Tennessee Air Pollution Control Board operating permit No. 079291 for Domtar, State effective on January 12, 2022, for incorporation into the Tennessee SIP. These changes were submitted by Tennessee on June 26, 2023.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed 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 14094 (88 FR 21879, April 11, 2023);
- 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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 Clean Air Act.

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).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

TDEC did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this proposed action. Due to the nature of the action being proposed here, this proposed action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this proposed action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: July 9, 2024.

Jeananne Gettle,

Acting Regional Administrator, Region 4.

[FR Doc. 2024–15396 Filed 7–15–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA–R02–OAR–2024–0277; FRL 12035–01–R2]

Outer Continental Shelf Air Regulations Update To Include New Jersey State Requirements

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to update a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of states’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by the Clean Air Act (CAA). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the State of New Jersey is the COA. The intended effect of approving the OCS requirements for the State of New Jersey is to regulate emissions from OCS sources in accordance with the requirements onshore. The requirements discussed below are proposed to be incorporated by reference into the Code of Federal Regulations and listed in the appendix to the OCS air regulations.

DATES: Written comments must be received on or before August 15, 2024.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2024–0277 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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 <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background and Purpose
- II. The EPA’s Evaluation
- III. The EPA’s Proposed Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background and Purpose

On September 4, 1992, EPA promulgated 40 CFR part 55 (“Part 55”),¹ which established requirements to control air pollution from Outer Continental Shelf (OCS) sources in order to attain and maintain Federal and State ambient air quality standards (AAQS) and to comply with the provisions of part C of title I of the Clean Air Act (CAA). The 40 CFR part 55 regulations apply to all OCS sources offshore of the states except those located in the Gulf of Mexico west of 87.5 degrees longitude.

Section 328(a) of the CAA requires that for such OCS sources located within 25 miles of a State’s seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the corresponding onshore area (COA). Because the OCS requirements are based on onshore requirements, and onshore requirements may change, CAA section 328(a)(1) requires that the EPA update the OCS requirements as necessary to maintain consistency with onshore requirements. To comply with this statutory mandate, the EPA must incorporate by reference into part 55 all relevant state rules in effect for onshore sources, so they can be applied to OCS sources located offshore. This limits EPA’s flexibility in deciding which requirements will be incorporated into

¹ The reader may refer to the Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.