

TABLE 4—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS—Continued

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
Rule 323 .....	Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources.	11/02/2016	7/20/2020, [INSERT <b>Federal Register</b> CITATION].	Submitted on June 22, 2017.
Rule 324 .....	Stationary Reciprocating Internal Combustion Engines (RICE).	11/02/2016	7/20/2020, [INSERT <b>Federal Register</b> CITATION].	Submitted on June 22, 2017.

■ 4. Amend § 52.133 by adding paragraph (h) to read as follows:

**§ 52.133 Rules and regulations.**

(h) Maricopa County Air Quality Department Rule 322 “Power Plant Operations”, submitted on June 22, 2017, contains: An option for the Air Pollution Control Officer to apply alternative emission limits to applicable equipment, and alternative compliance deadlines, without Agency approval of those limits and deadlines into the Arizona State Implementation Plan; limits that have not been demonstrated to meet RACT; overly broad exemptions from certain requirements during emergency fuel use operations; and a lack of sufficient compliance determination requirements. Therefore, this rule is disapproved.

[FR Doc. 2020–14095 Filed 7–17–20; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R07–OAR–2019–0400; FRL–10011–87–Region 7]

**Air Plan Approval; Missouri; Removal of Control of Emissions From Bakery Ovens**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) revision submitted by the State of Missouri on December 3, 2018 and supplemented by letter on May 22, 2019. Missouri requests that the EPA remove a rule related to control of emissions from bakery ovens in the Kansas City, Missouri area from its SIP. This removal does not have an adverse effect on air

quality. The EPA’s approval of this rule revision is in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on August 19, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2019–0400. 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, *i.e.*, 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 information.

**FOR FURTHER INFORMATION CONTACT:** William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7714; email address [stone.william@epa.gov](mailto:stone.william@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” and “our” refer to the EPA.

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**I. What is being addressed in this document?**

The EPA is approving the removal of 10 Code of State Regulation (CSR) 10–2.360, *Control of Emissions from Bakery Ovens*, from the Missouri SIP.

As explained in detail in the EPA’s proposed rule, Missouri has demonstrated that removal of 10 CSR

10–2.360 will not interfere with attainment of the NAAQS, reasonable further progress<sup>1</sup> or any other applicable requirement of the CAA because the single source subject to the rule has permanently ceased operations and removal of the rule will not cause VOC emissions to increase. 85 FR 22378, April 22, 2020. Therefore, the EPA is finalizing its proposal to remove 10 CSR 10–2.360 from the SIP.

**II. Have the requirements for approval of a SIP revision been met?**

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from February 28, 2018, to April 5, 2018 and received five comments from the EPA that related to Missouri’s lack of an adequate demonstration that the rule could be removed from the SIP in accordance with section 110(l) of the CAA. Missouri’s May 22, 2019 letter addressed the EPA’s comments. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

**III. The EPA’s Response to Comments**

The public comment period on the EPA’s proposed rule opened April 22, 2020, the date of its publication in the **Federal Register** and closed on May 22, 2020. During this period, the EPA received four comments. Three of the comments were not adverse and do not require a response from the EPA. The remaining comment is addressed in this document.

**Comment:** The commenter stated that they did not support this action because industrial cooking produces significant amounts of black carbon or soot and indoor air pollution, referring to cooking

<sup>1</sup> Reasonable further progress is not applicable to the Kansas City Area because the area is in attainment of all applicable ozone standards.

over open fires or on inefficient cookstoves. The commenter also requested that a comprehensive study should be conducted for each existing bakery in the Kansas City Area that is currently operating under Missouri's SIP rule 10 CSR 2.360 before any deregulation. The commenter also stated that the rule should be changed to apply only to existing bakeries and to exclude any overlap with the NSR permitting program.

**Response:** The regulation being rescinded applies to commercial bakery ovens, not cookstoves. Commercial bakery ovens differ from cookstoves in important ways. Simple cookstoves burn solid fuels such as coal, wood, and animal dung.<sup>2</sup> These cookstoves emit large amounts of pollutants, including particulate matter (PM), carbon monoxide (CO), metals, hydrocarbons, oxygenated organic compounds, and chlorinated organic compounds, depending on fuel and stove types.

By contrast, commercial bakery ovens burn gaseous fuels like natural gas.<sup>3</sup> The primary pollutant produced in the commercial bakery process is VOC's from the yeast metabolism and emitted when the dough is exposed to the high temperatures of the bakery oven. The emissions are vented outdoors often through elevated stacks.

This rule only controlled VOC emissions from commercial bakery ovens and does not impact emissions from cookstoves.

The commenter requests a study of other bakeries in the Kansas City Area operating under 10 CSR 10–2.360. As we stated in the proposal, the only source that was subject to the rule, has been shut down since 2001 and was dismantled. No new commercial bakery oven facilities have commenced operation in the area since Missouri developed this rule. As stated in the proposal, air quality in the Kansas City area has also steadily improved. The air monitoring data for the area can be found at <https://www.epa.gov/air-trends/air-quality-design-values>.

The commenter proposes that the rule should be changed to only apply to existing sources so that there is no overlap with NSR permitting. As stated in the proposal and above, there are no sources currently subject to the rule. New sources and existing sources who meet certain criteria when modifying their facility are subject to NSR permitting. The NSR rules are contained in a separate portion of the Clean Air

Act and work together with RACT rules, such as this one, to ensure the air quality goals of the Clean Air Act are met.

#### IV. What action is the EPA taking?

The EPA is taking final action to approve Missouri's request to remove 10 CSR 10–2.360 from the SIP.

#### V. Incorporation by Reference

In this document, the EPA is amending regulatory text that includes incorporation by reference. As described in the amendments to 40 CFR part 52 set forth below, the EPA is removing provisions of the EPA-Approved Missouri Regulation from the Missouri State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

#### 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 Act 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 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);
- 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.*);
- 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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).

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 March 24, 2020. 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, Reporting and recordkeeping

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3673244/>.

<sup>3</sup> [https://www3.epa.gov/airquality/ctg\\_act/199212\\_voc\\_epa453\\_r-92-017\\_bakery\\_ovens.pdf](https://www3.epa.gov/airquality/ctg_act/199212_voc_epa453_r-92-017_bakery_ovens.pdf).

requirements, Volatile organic compounds.

Dated: July 1, 2020.

**James Gulliford,**

*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

## **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 AA—Missouri**

#### **§ 52.1320 [Amended]**

■ 2. In § 52.1320, amend the table in paragraph (c) by removing the entry “10–2.360” under the heading “Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area”.

[FR Doc. 2020–14653 Filed 7–17–20; 8:45 am]

**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 180**

**[EPA–HQ–OPP–2017–0155 and EPA–HQ–OPP–2019–0383; FRL–10008–84]**

#### **Hexythiazox; Pesticide Tolerances**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation amends the existing tolerances for residues of the ovicide/miticide hexythiazox in or on Caneberry, Subgroup 13–07A, by increasing the current tolerance from 1 part per million (ppm) to 3 ppm; and on Date, dried, by increasing the current tolerance from 1.0 ppm to 3 ppm. This regulation also establishes a tolerance for residues of the ovicide/miticide hexythiazox in or on Tea, dried at 15 ppm. Gowan Company and the Tea Association of the USA, Inc. requested these tolerances and tolerance revisions under the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a.

**DATES:** This regulation is effective July 20, 2020. Objections and requests for hearings must be received on or before September 18, 2020, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The dockets for this action, identified by docket identification (ID) numbers EPA–HQ–OPP–2017–0155 and EPA–HQ–OPP–2019–0383, are available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Please note that due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit <https://www.epa.gov/dockets>.

#### **FOR FURTHER INFORMATION CONTACT:**

Michael L. Goodis, Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: [RDfRNotices@epa.gov](mailto:RDfRNotices@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

###### *B. How can I get electronic access to other related information?*

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-

CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

###### *C. How can I file an objection or hearing request?*

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID numbers EPA–HQ–OPP–2017–0155 and EPA–HQ–OPP–2019–0383 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before September 18, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID numbers EPA–HQ–OPP–2017–0155 and EPA–HQ–OPP–2019–0383, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

##### **II. Summary of Petitioned-For Tolerance**

In the **Federal Register** of February 11, 2020 (85 FR 7708) (FRL–10005–02), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a