

permitting authorities, will enable permitting authorities to communicate permitting and other affected actions to the public more quickly and efficiently and will provide cost savings over newspaper publication. EPA further anticipates that e-access will expand access to permit-related documents. A full description of the e-notice and e-access provisions are contained in EPA's October 18, 2016, rulemaking (81 FR 71613).

## II. Analysis of Illinois' E-Notice Rule Revisions

IEPA revised Chapter 35 Illinois Administrative Code (IAC) part 252, *Public Participation in the Air Pollution Control Permit Program*, to incorporate EPA's amendments to the Federal public notice regulations discussed above. Specifically, IEPA revised 35 IAC 252 section 201, "Notice and Opportunity to Comment" and section 204, "Availability of Documents". IEPA's revisions to 35 IAC 252 section 201 add language to allow for the use of e-notice for certain air permit hearings, including those regarding major stationary source construction and modification (IEPA's nonattainment NSR program), CAA Permit Program permits (IEPA's title V program), and others, by providing notice to the public by prominent placement at a dedicated page on IEPA's website. Revisions to part 252 section 204 specify the location of certain permitting documents and allow a copy of the draft permit to be placed on a dedicated page on IEPA's website for the duration of the public comment period.

IEPA's regulations were the subject of a public hearing on January 11, 2018 and were adopted on August 17, 2018 with an effective date of August 1, 2018. EPA received IEPA's SIP submittal on August 27, 2020. Based on a review of the proposed revisions, EPA has preliminarily determined that IEPA's revisions meet the requirements of the Federal e-notice provisions.<sup>1</sup>

## III. What Action is EPA Taking?

EPA is proposing to approve IEPA's August 27, 2020 SIP program revisions addressing public notice requirements for CAA permitting. EPA has preliminarily concluded that the State's submittal meets the plan revisions requirements of CAA section 110 and the implementing regulations at 40 CFR 51.161, 40 CFR 70.4 and 70.7.

<sup>1</sup> IEPA has submitted additional SIP revision requests which will impact part 252. These submittals will be the subject of forthcoming EPA actions.

## IV. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to 35 IAC part 252 section 201 "Notice and Opportunity to Comment" and section 204, "Availability of Documents", effective August 1, 2018. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. 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. 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 it is not a significant regulatory action 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 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).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Administrative practice and procedure, Incorporation by reference, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: February 22, 2021.

**Cheryl Newton,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 2021-03982 Filed 2-25-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2021-0013; FRL-10019-66-Region 9]

### Air Plan Limited Approval, Limited Disapproval; Arizona; Arizona Department of Environmental Quality

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing a limited approval and limited disapproval of a portion of a state implementation plan (SIP) submission made by the State of Arizona to address Moderate area nonattainment plan requirements for purposes of the 1987 24-hour national ambient air quality standards (NAAQS) for particulate matter less than 10 microns in diameter (PM<sub>10</sub>). The SIP submission includes an amended statute

and certain state rules that govern emissions of particulate matter (PM) from agricultural activity.

**DATES:** Comments must be received on or before March 29, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2021-0013 at <http://www.regulations.gov>. For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://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, 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 <http://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Nancy Levin, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3848 or by email at [levin.nancy@epa.gov](mailto:levin.nancy@epa.gov).

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

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#### I. The State’s Submission

##### A. What did the State submit?

The Arizona Department of Environmental Quality (ADEQ) made a SIP submission to address emissions of PM from certain emission sources located in the West Pinal County PM<sub>10</sub> nonattainment area of Arizona.<sup>1</sup> In this submission, the ADEQ seeks to revise the existing EPA-approved SIP for Arizona by modifying an existing state statutory provision and adding related regulatory requirements specific to the West Pinal County PM<sub>10</sub> nonattainment area. Table 1 lists the statute and rules addressed in this proposed rule along with the date of submission and the effective dates of the respective elements of the SIP submission.

TABLE 1—SUBMITTED STATUTE AND RULES

Arizona Revised Statutes (ARS)	Statute title	Effective	Submitted
ARS section 49–457 .....	Agricultural best management practices committee; members; powers; permits; enforcement; preemption; definitions.	12/31/15	12/21/15
Arizona Administrative Code (AAC)	AAC Title	Amended/ Effective	Submitted
AAC R18–2–611 .....	Definitions for R18–2–611.01 <sup>2</sup> .....	07/02/15	12/21/15
AAC R18–2–611.03 .....	Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area.	07/02/15	12/21/15

On March 21, 2016, the EPA determined that the SIP revisions submitted by the ADEQ and listed in Table 1 met the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

#### B. Are there other versions of the statute and rules?

We approved an earlier version of ARS section 49–457 into the SIP on June 29, 1999 (64 FR 34726). There are no previous versions of AAC R18–2–611 “Definitions for R18–2–611.01” or AAC R18–2–611.03 “Agricultural PM General Permit for Animal Operations; Pinal

County PM Nonattainment Area” in the SIP.

We note that on October 11, 2001, we approved AAC R18–2–611, “Agricultural PM–10 General Permit; Maricopa PM<sub>10</sub> Nonattainment Area” into the Arizona SIP, which applies to Maricopa County commercial farmers (crop operations). *See* 66 FR 51869 (October 11, 2001). The December 21, 2015 submittal of rule AAC R18–2–611, “Definitions for R18–2–611.01” is a separate rule that applies to certain animal operations in Maricopa County and West Pinal County PM<sub>10</sub> nonattainment areas, among other areas,

and was not submitted to replace the existing SIP-approved rule AAC R18–2–611, “Agricultural PM–10 General Permit; Maricopa PM<sub>10</sub> Nonattainment Area.” If the EPA approves the new rule AAC R18–2–611, “Definitions for R18–2–611.01” into the Arizona SIP, there will be two different rules in the SIP with the same number, but they would be differentiated by their different titles and dates.

#### C. What is the purpose of the submitted rules and statutory revisions?

Emissions of PM, including PM<sub>10</sub>, contribute to effects that are harmful to

<sup>1</sup> On December 21, 2015, Arizona submitted the West Pinal County PM<sub>10</sub> Plan, intended to address the Moderate area nonattainment requirements, to the EPA as a revision to the Arizona SIP. The rules addressed in this proposed rule were included as part of Appendix G to this plan submission. We have previously acted on the additional rules

contained in Appendix G (82 FR 20267, May 1, 2017), and have proposed action on the remainder of the submission in a separate **Federal Register** proposed rule. 86 FR 1347 (January 8, 2021).

<sup>2</sup> The title of the new rule R18–2–611 was mistakenly labeled as “Definitions for R18–2–611.01” in the submitted strikeout version of the

rule. *See* page GVI–19. Since this new rule also applies to AAC R18–2–611.02 and R18–2–611.03, a correction to the title of the new AAC 18–2–611 was made in the codified version of the rule. *See* April 13, 2017 Email from N. Muilenberg, ADEQ to N. Levin, EPA, Re\_quick question on title for R18–2–611.pdf.

human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. The Clean Air Act (CAA or the Act) requires states to have SIPs that provide for attainment, maintenance, and enforcement of the PM<sub>10</sub> NAAQS, including the adoption and implementation of regulations to control PM emissions in designated PM<sub>10</sub> nonattainment areas. ADEQ's submission addresses emissions from certain sources of PM<sub>10</sub> emissions through a statutory provision and several regulations.

First, this submission would revise the existing SIP-approved version of ARS section 49–457 by, among other things, expanding the definition of “regulated agricultural activities” to include activities of dairies, beef feedlots, poultry facilities, and swine facilities. It would also expand the definition of “regulated area” to apply to any PM<sub>10</sub> nonattainment areas designated by the EPA on or after June 1, 2009, which includes the West Pinal County PM<sub>10</sub> nonattainment area.<sup>3</sup> It would preempt “further regulation” of regulated agricultural activities by other jurisdictions (e.g., counties, cities, and towns).

Second, this submission would add new regulations to the Arizona SIP, applicable to the West Pinal County PM<sub>10</sub> nonattainment area. AAC R18–2–611.03 requires that commercial dairy operations, beef cattle feedlots, poultry facilities, and swine facilities implement best management practices (BMPs) to reduce PM<sub>10</sub> emissions from those sources. The new AAC R18–2–611 provides definitions for AAC R18–2–611.03 and other animal operations BMP rules.

The EPA's technical support documents (TSDs) have more information about the statute and rules.

## II. The EPA's Evaluation and Action

### A. How is the EPA evaluating the statute and rules?

SIP rules must meet applicable substantive requirements, e.g., must be sufficiently stringent (see CAA sections 172(c)(1) and 189(a)(1)(C)), must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section

110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

States must adopt and implement reasonably available control measures (RACM), including reasonably available control technology (RACT), in Moderate PM<sub>10</sub> nonattainment areas (see CAA sections 172(c)(1) and 189(a)(1)(C)).<sup>4</sup> The EPA has addressed the State's nonattainment plan SIP submission for the West Central Pinal PM<sub>10</sub> area with respect to the RACM/RACT requirement in a separate proposed action.<sup>5</sup>

Guidance and policy documents that we use to evaluate control rules submitted for PM<sub>10</sub> nonattainment areas, including enforceability, revision/relaxation, and rule stringency requirements, include the following:

1. “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

2. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

3. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).

5. “State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 59 FR 41998 (August 16, 1994).

6. “PM–10 Guideline Document,” EPA 452/R–93–008, April 1993.

7. “Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures,” EPA 450/2–92–004, September 1992.

### B. Do the statute and rules meet the evaluation criteria?

The revised statute and rules largely meet the evaluation criteria, with the exception of the specific deficiencies identified in section II.C below.

With respect to enforceability, AAC R18–2–611.03 states clear requirements, specifying that animal operators “shall implement” or “shall apply and maintain” BMPs.<sup>6</sup> The rule is clear about what is required of sources, and it establishes recordkeeping requirements requiring operators to

demonstrate compliance with the agricultural BMP (AgBMP) requirements.<sup>7</sup> The rule also provides in paragraph N that “[t]he Director shall document noncompliance with this section before issuing a compliance order,” and in paragraph O that “[a] commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49–457(I), (J), and (K).”

Paragraphs I, J, and K of ARS section 49–457 provide a mechanism for the ADEQ director to revoke the agricultural general permit for an operator. These paragraphs set out a three-step process that the director may take if the director determines that a person who is engaged in a regulated activity is not in compliance with the agricultural PM general permit. First, for persons not previously subject to a compliance order, the director may issue an order requiring compliance with the general permit and specifying a period of not less than 60 days for the operator to submit a plan to the appropriate natural resource conservation district identifying the BMPs the operator will use to comply with the general permit. If noncompliance is repeated or continues, the director may issue a second order, requiring the submission of a plan to the ADEQ, within a specified period of time of not less than 60 days, specifying the BMPs the operator will use to comply with the general permit. Third, if the operator is still not complying with the terms of the agricultural general permit, the director may revoke the general permit with respect to that operator, and require that the operator obtain an individual permit, pursuant to ARS section 49–426.<sup>8</sup>

Because the provisions in paragraphs I, J, and K refer to the “director,” the EPA understands that these provisions relate only to authorities of the ADEQ director. Provided that the statute and rules do not preclude enforcement of a violation of the terms of an agricultural general permit outside of the provisions in these paragraphs, states may elect to provide a specific means and process by which the director may revoke the agricultural general permit with respect to a particular operator.

Based on our review of the submission and the State's general enforcement authority, the EPA concludes that the procedure laid out in paragraphs I, J, and K does not inappropriately constrain the State's own authority to enforce a violation of an agricultural general permit. The EPA

<sup>3</sup> This submission also expands the regulated area to any portion of area A that is located in a county with a population of two million or more persons. Area A is defined in ARS section 49–451.

<sup>4</sup> The West Pinal County PM<sub>10</sub> nonattainment area was classified as Moderate (40 CFR 81.303) on May 31, 2012 (77 FR 32024) and subsequently reclassified, by operation of law, to Serious on June 24, 2020 (85 FR 37756).

<sup>5</sup> 86 FR 1347 (January 8, 2021).

<sup>6</sup> AAC R18–2–611.03 paragraphs A and B.

<sup>7</sup> Id. at paragraphs H and J.

<sup>8</sup> Id. at paragraphs I, J, and K.

notes that in addition to ARS section 49–457, the ADEQ has additional enforcement authorities, including those laid out in ARS sections 49–460, 49–461, 49–462, and 49–463.<sup>9</sup> These provisions provide the ADEQ with broad enforcement authority, including the authority to serve an order of abatement, or file a complaint in state court seeking penalties or injunctive relief against any person who “has violated or is in violation of any provision of this article, any rule adopted pursuant to this article or any requirement of a permit issued pursuant to this article.”<sup>10</sup> Because ARS section 49–457 is included in the same article as these broad enforcement authorities, the EPA interprets Arizona law as providing adequate authority to the ADEQ to enforce a violation of an agricultural general permit issued pursuant to ARS section 49–457 without invoking the procedures set out in paragraphs I, J, and K. The EPA is not aware of any provisions of state law to the contrary.

Accordingly, the EPA concludes that the submitted rules and statutory amendments contain clear and enforceable requirements, and that the State possesses adequate authority to enforce the requirements for the agricultural general permit as set out in the submitted rules. If approved into the SIP, the submitted rules will be enforceable by the EPA, and by citizens through section 304 of the Act. Moreover, the procedures laid out in paragraphs I, J, and K do not affect the ability of the EPA and the public to enforce violations of ARS section 49–457 and the submitted rules. The EPA interprets those provisions to be specifications on ADEQ’s exercise of its own enforcement discretion, setting out a procedure for revoking a permit, separate from the State’s general enforcement authority. Neither EPA nor citizen suit plaintiffs are required to follow the same three-step process if they seek to enforce in the event of alleged violations.

With respect to the criterion of stringency, because the rules and revised statute were submitted as part of a PM<sub>10</sub> Moderate area nonattainment plan, they are subject to the section 172(c)(1) RACM/RAC<sup>1</sup>T requirement. As discussed above, the EPA generally evaluates whether a state has met the RACM/RAC<sup>1</sup>T requirement for PM<sub>10</sub> in the context of its evaluation of the entire

nonattainment plan SIP submission because the RACM/RAC<sup>1</sup>T analysis is interrelated with other nonattainment plan elements such as reasonable further progress and the modeled attainment demonstration. Accordingly, we are not evaluating the submitted statute and rules for RACM/RAC<sup>1</sup>T level stringency in this action since we have addressed the RACM/RAC<sup>1</sup>T requirement for the West Pinal County PM<sub>10</sub> nonattainment area in a separate proposal.<sup>11</sup>

With respect to the evaluation criterion regarding SIP revisions, section 110(l) of the CAA provides that “[t]he Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress . . . or any other applicable requirement of [the Act].” Approving the submitted statute and rules into the SIP would expand the applicability of ARS section 49–457 to additional parts of the State, including the West Pinal County PM<sub>10</sub> nonattainment area, and would add new BMP requirements to animal operations in Pinal County. These changes would strengthen the SIP by regulating a broader class of sources, in a larger portion of the State. However, the submitted statute and rules also contain deficiencies that would interfere with applicable requirements of the Act. These deficiencies are identified in the following section of this proposed rule and described in detail in the TSDs contained in the docket for this action.

### C. What are the deficiencies?

The submitted provisions do not satisfy the requirements of section 110 and part D of title I of the Act and prevent full approval of the statutory revision and rules. We propose a limited disapproval of the statutory revision and rules based on the following deficiencies:

1. Subsection O of revised ARS section 49–457 may relax the SIP by preempting, as a matter of state law, more stringent existing SIP-approved rules. Although such preemption could not remove the preempted rules from the SIP without an EPA action under section 110(k) of the Act, the preemption of these rules as a matter of state law would render state authority for the preempted rules insufficient under section 110(a)(2).<sup>12</sup>

2. Section H of revised ARS section 49–457 exempts a person who is subject to an agricultural general permit from the permitting requirement in ARS section 49–426. The scope of the exemption in subsection H for Maricopa County is bounded by a rule that is not in the SIP (nor has it been submitted to the EPA for SIP approval). Specifically, AAC R18–2–611.01, the animal operations AgBMP rule for Maricopa County, is not in the SIP, and the exemption in subsection H is based on a source being subject to the permit that is established under this rule. This would allow changes to the scope of the exemption, and thus changes to the SIP, without the process required by section 110 of the Act.

3. The exemption in subsection H of revised ARS section 49–457 is not limited to minor sources and could exempt a major stationary source from CAA New Source Review (NSR) and title V permitting requirements.

4. The exemption in subsection H of revised ARS section 49–457 is overbroad because although it is triggered by the ability to emit PM<sub>10</sub>, the exemption itself is not clearly limited to requirements under the PM<sub>10</sub> NAAQS and could apply to other criteria pollutants as well.

5. The exemption in subsection H of revised ARS section 49–457 may exempt non-fugitive emissions from review under the ADEQ minor NSR program, without a showing that such exemption would be inconsequential to attainment and maintenance of the NAAQS.

6. Paragraph K of AAC R18–2–611.03 provides that a person may develop different PM-reducing management practices than those contained in the rule, and may “submit such practices that are proven effective through on-operation demonstration trials to the [AgBMP] Committee.” The paragraph states that “new best management practices shall not become effective unless submitted as described in A.R.S. § 49–457(L).” Subpart L of A.R.S. section 49–457 states that any approved modifications to the BMPs shall be submitted to the EPA as a revision to the

rules from the SIP, or otherwise impacting the enforceability of such rules that are already SIP-approved. The EPA understands the provision as stating that certain provisions are preempted as a matter of state law. Accordingly, the EPA’s proposed limited approval and limited disapproval of ARS section 49–457 would not remove any such rules from the SIP, “preempt” them in any way as a matter of federal law, or otherwise impact their federal enforceability. If the State wishes to remove particular requirements from the SIP, it should submit a request, pursuant to section 110 of the Act, requesting that specifically-identified provisions be removed.

<sup>9</sup> Approved into the SIP on November 5, 2012 (77 FR 66398).

<sup>10</sup> Parallel provisions are included for enforcement at the County level. See ARS sections 49–510, 49–511, 49–512 and 49–513, also approved into the SIP on November 5, 2012 (77 FR 66398).

<sup>11</sup> 86 FR 1347 (January 8, 2021).

<sup>12</sup> In addition, the inclusion of this provision in the SIP may introduce some uncertainty in the regulated community regarding what requirements are applicable. The EPA does not understand the submitted revision to ARS section 49–457 as requesting to remove any potentially preempted

SIP. Including this provision in the SIP would allow a new BMP to “become effective” in the SIP-approved rule simply upon submission of the modifications to the EPA and without the actual SIP revision required under CAA section 110. This constitutes inappropriate director’s discretion. A state may modify its rules and submit those to the EPA as potential revisions of the SIP, or it may provide that substantive changes to a SIP-approved rule become effective upon EPA approval into the SIP, but it may not effectively modify the SIP-approved rule by simply submitting the changes to the EPA for evaluation.

The deficiencies with the statute and rules are described in greater detail in the TSDs.

#### *D. EPA Recommendations To Further Improve the Statute and Rules*

The TSDs describe additional revisions that we recommend if the State elects to modify the statute and rules to make them appropriate for full approval as part of the Arizona SIP.

#### *E. Proposed Action and Public Comment*

Despite the deficiencies identified above, the EPA believes that the Arizona SIP would be strengthened by the addition of the statutory revision and rules. A limited approval of the provisions would place new control requirements on a category of sources that have a substantial emission impact in the West Pinal PM<sub>10</sub> nonattainment area. Although the statutory revision and rules also introduce problematic provisions regarding preemption and permitting exemptions, the EPA anticipates that the expansion of control requirements to this important class of sources will provide an emissions reduction benefit in excess of any emissions increase that may result from the preemption and permitting deficiencies. Therefore, as authorized by the grant of authority to approve and disapprove SIP submissions contained in section 110(k)(3) of the Act, we are proposing a limited approval and limited disapproval of the State’s nonattainment plan SIP submission with respect to the revision of the existing SIP approved version of ARS section 49–457 and the inclusion of new rules AAC R18–2–611 and R18–2–611.03 into the SIP.

The proposed limited approval and limited disapproval would put the entirety of the submitted statutory revision and rules in the SIP, including those provisions identified as deficient. It would simultaneously disapprove the deficiencies enumerated in section II.C.

and would start sanction and Federal Implementation Plan (FIP) clocks for these deficiencies, as detailed below.

If we finalize a limited disapproval, CAA section 110(c) would require the EPA to promulgate a FIP no later than two years after the disapproval unless the State submits, and we approve, a subsequent SIP submission that corrects the deficiencies identified in the final action.

In addition, a final limited disapproval would trigger the offset sanction in CAA section 179(b)(2) 18 months after the effective date of a final limited disapproval, and the highway funding sanction in CAA section 179(b)(1) six months after the offset sanction is imposed. A sanction will not be imposed if the EPA determines that a subsequent SIP submission corrects the deficiencies identified in our final action before the applicable deadline.

We will accept comments from the public on the proposed limited approval and limited disapproval for the next 30 days.

### **III. Incorporation by Reference**

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the rules and statute described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### **IV. Statutory and Executive Order Reviews**

Additional information about these statutes and Executive orders can be found at <http://www.epa.gov/laws-regulations/laws-and-executive-orders>.

##### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

##### *B. Paperwork Reduction Act (PRA)*

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

##### *C. Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

##### *D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

##### *E. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government.

##### *F. Executive Order 13175: Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

##### *G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act (NTTAA)*

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population*

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: February 16, 2021.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2021-03482 Filed 2-25-21; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2020-0674; FRL-10020-67-Region 9]

**Air Plan Approval; California; Yolo-Solano Air Quality Management District; Graphic Arts Printing Operations**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from graphic arts printing operations. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Comments must be received on or before March 29, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2020-0674 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [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, 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>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Nicole Law or Shaye Hong, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone at (415) 947-4126 or (415) 947-4104, or by email at [Law.Nicole@epa.gov](mailto:Law.Nicole@epa.gov) or [Hong.Shaye@epa.gov](mailto:Hong.Shaye@epa.gov).

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

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**I. The State’s Submittal**

*A. What rule did the State submit?*

Table 1 lists the rule addressed by this proposal with the dates that it was revised by the local air agency and submitted by the California Air Resources Board.

**TABLE 1—SUBMITTED RULE**

Local agency	Rule No.	Rule title	Revised	Submitted
YSAQMD .....	2.29	Graphic Arts Printing Operations .....	07/11/2018	08/20/2018

On August 23, 2018, the EPA determined that the submittal for YSAQMD Rule 2.29 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

*B. Are there other versions of this rule?*

We approved an earlier version of Rule 2.29 into the SIP on August 21, 1998 (63 FR 44792). The YSAQMD adopted revisions to the SIP-approved version on August 13, 1997, and May 14, 2008, but those revisions were never

submitted to the EPA. We have evaluated and compared the most recent submittal to the existing SIP approved version of Rule 2.29. If we take final action to approve the August 23, 2018 version of Rule 2.29, this version will