final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of the rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

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

Dated: December 19, 2014.

Karl Brooks,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend 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 Q—Iowa

■ 2. In § 52.820, the table in paragraph (c) is amended by revising the entry for ''CHAPTER V'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA–APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
*	*	*	*	* * *
Polk County				
CHAPTER V	Polk County Board of Health Rules and Regulations Air Pollution Chapter V.	08/05/13	January 12, 2015 [*Insert* **Federal Register** *citation*].	Article I, Section 5–2, definition of ''variance,'' ''anaerobic lagoon,'' and ''greenhouse gases''; Article III, Incineration and Open Burning, Section 5–7(d) Variance Application; Article VI, Sections 5–16(n), (o) and (p); Article VIII; Article IX, Sections 5–27(3) and (4); Article X, Section 5–28, subsections (a) through (c), and Article X, Section 5–35(b)(5); Article XIII; and Article XVI, Section 5–75 are not part of the SIP. Article VI, Section 5–17, adopted by Polk County on 7/26/2011, is not part of the SIP, and the previously approved version of Article VI, Section 5–17 remains part of the SIP.

* * * * *

[FR Doc. 2015–00080 Filed 1–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2014–0813; FRL–9921–22–Region 9]

Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 1997 $PM_{2.5}$ Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to reclassify the San Joaquin Valley (SJV) Moderate nonattainment area, including areas of Indian country within it, as a Serious nonattainment area for the 1997 $PM_{2.5}$ national ambient air quality standards (NAAQS) based on EPA's determination that the area cannot practicably attain these NAAQS by the applicable attainment date of April 5, 2015. Upon final reclassification as a Serious area, California will be required to submit a Serious area plan including a demonstration that the plan provides for attainment of the 1997 annual and 24-hour $PM_{2.5}$ standards in the SJV area by the applicable attainment date, which is no later than December 31, 2015, or by the most expeditious alternative date practicable, in accordance with the requirements of part D of title I of the Clean Air Act.

DATES: Comments must arrive by February 11, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0813, by one of the following methods:

- *Federal e-Rulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
- *Email: lee.anita@epa.gov.*
- *Mail or delivery:* Anita Lee; Air Planning Office (AIR–2); U.S. Environmental Protection Agency, Region 9; 75 Hawthorne Street, San Francisco, California 94105.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comments due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket (docket number EPA–R09–OAR–2014–0813) for this proposed rule is available electronically on the

www.regulations.gov Web site and in hard copy at EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Anita Lee, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region 9, (415) 972–3958, *lee.anita@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. Background for Proposed Action

On July 18, 1997, EPA established new national ambient air quality standards (NAAQS) for $PM_{2.5}$, particulate matter with a diameter of 2.5 microns or less, including an annual standard of 15.0 micrograms per cubic meter (μg/m^3) based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour (daily) standard of 65 μg/m^3 based on a 3-year average of 98th percentile 24-hour $PM_{2.5}$ concentrations.[1] EPA established these standards after considering substantial evidence from numerous health studies demonstrating that serious health effects are associated with exposures to $PM_{2.5}$ concentrations above the levels of these standards.

Epidemiological studies have shown statistically significant correlations between elevated $PM_{2.5}$ levels and premature mortality. Other important health effects associated with $PM_{2.5}$ exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work, and restricted activity days), changes in lung function and increased respiratory symptoms, as well as new evidence for more subtle indicators of cardiovascular health. Individuals particularly sensitive to $PM_{2.5}$ exposure include older adults, people with heart and lung disease, and children.[2]

$PM_{2.5}$ can be emitted directly into the atmosphere as a solid or liquid particle (primary $PM_{2.5}$ or direct $PM_{2.5}$) or can be formed in the atmosphere as a result of various chemical reactions from precursor emissions of nitrogen oxides, sulfur oxides, volatile organic compounds, and ammonia (secondary $PM_{2.5}$).[3]

Following promulgation of a new or revised NAAQS, EPA is required by Clean Air Act (CAA) section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. On January 5, 2005, EPA published initial air quality designations for the 1997 annual and 24-hour $PM_{2.5}$ NAAQS, using air quality monitoring data for the three-year periods of 2001–2003 and 2002–2004.[4] These designations became effective on April 5, 2005.[5] EPA designated the San Joaquin Valley (SJV) area as nonattainment for both the 1997 annual $PM_{2.5}$ standard (15.0 μg/m^3) and the 1997 24-hour $PM_{2.5}$ standard (65 μg/m^3).[6]

The SJV $PM_{2.5}$ nonattainment area encompasses over 23,000 square miles and includes all or part of eight counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and the valley portion of Kern.[7] The area is home to 4 million people and is the nation's leading agricultural region. Stretching over 250 miles from north to south and averaging 80 miles wide, it is partially enclosed by the Coast Mountain range to the west, the Tehachapi Mountains to the south, and the Sierra Nevada range to the east. The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or District) has primary responsibility for developing plans to provide for attainment of the NAAQS in this area. The District works cooperatively with the California Air Resources Board (CARB) in preparing these plans.

Between 2007 and 2011, California made six SIP submittals to address nonattainment area planning requirements for the 1997 $PM_{2.5}$ NAAQS in the SJV.[8] We refer to these submittals collectively as the ''SJV $PM_{2.5}$ SIP.'' On November 9, 2011, EPA approved all elements of the SJV $PM_{2.5}$ SIP except for the contingency measures, which EPA disapproved.[9] As part of this action and pursuant to CAA section 172(a)(2)(A), EPA granted California's request for an extension of the attainment date for the SJV area to April 5, 2015.[10] EPA took these actions in accordance with the ''Clean Air Fine Particle Implementation Rule,'' which EPA issued in April 2007 to assist states in their development of SIPs to meet the Act's attainment planning requirements for the 1997 $PM_{2.5}$ NAAQS (hereafter ''2007 $PM_{2.5}$ Implementation Rule'').[11] In July 2013, the State submitted a revised $PM_{2.5}$ contingency measure plan for the SJV, which EPA fully approved in May 2014.[12]

On January 4, 2013, the U.S. Court of Appeals for the D.C. Circuit issued its decision in a challenge by the Natural Resources Defense Council (NRDC) to EPA's 2007 $PM_{2.5}$ Implementation Rule.[13] In *NRDC,* the court held that EPA erred in implementing the 1997 $PM_{2.5}$ standards solely pursuant to the general implementation requirements of subpart 1, without also considering the requirements specific to nonattainment areas for particulate matter with a diameter of 10 microns or less (PM_{10}) in subpart 4, part D of title I of the CAA. The court reasoned that the plain meaning of the CAA requires

[1] *See* 62 FR 36852 (July 18, 1997) and 40 CFR 50.7. Effective December 18, 2006, EPA strengthened the 24-hour $PM_{2.5}$ NAAQS by lowering the level to 35 μg/m^3. *See* 71 FR 61144 (October 17, 2006) and 40 CFR 50.13. Effective March 18, 2013, EPA strengthened the annual $PM_{2.5}$ NAAQS by lowering the level to 12 μg/m^3. *See* 78 FR 3086 (January 15, 2013) and 40 CFR 50.18. In this preamble, all references to the $PM_{2.5}$ NAAQS, unless otherwise specified, are to the 1997 24-hour $PM_{2.5}$ standard of 65 μg/m^3 and annual standard of 15.0 μg/m^3 as codified in 40 CFR 50.7.

[2] *See* EPA, Air Quality Criteria for Particulate Matter, No. EPA/600/P–99/002aF and EPA/600/P–99/002bF, October 2004.

[3] *See* 72 FR 20586, 20589 (April 25, 2007).

[4] *See* 70 FR 944 (January 5, 2005).

[5] *Id.*

[6] *See* 40 CFR 81.305.

[7] For a precise description of the geographic boundaries of the San Joaquin Valley $PM_{2.5}$ nonattainment area, see 40 CFR 81.305.

[8] *See* 76 FR 69896 at n. 2 (November 9, 2011).

[9] *See id.* at 69924.

[10] *See id.* Under CAA section 172(a)(2)(A), the attainment date for a nonattainment area is ''the date by which attainment can be achieved as expeditiously as practicable, but no later than five years from the date such area was designated nonattainment,'' except that EPA may extend the attainment date as appropriate for a period no greater than ten years from the date of designation as nonattainment, considering the severity of nonattainment and the availability and feasibility of pollution control measures. CAA section 172(a)(2)(A); *see also* 40 CFR 51.1004(a) and (b).

[11] *See* 72 FR 20583 (April 25, 2007), codified at 40 CFR part 51, subpart Z. This rule was premised on EPA's prior interpretation of the Act as allowing for implementation of the $PM_{2.5}$ NAAQS solely pursuant to the general nonattainment area provisions of subpart 1 and not the more specific provisions for particulate matter nonattainment areas in subpart 4 of part D, title I of the Act.

[12] *See* 79 FR 29327 (May 22, 2014).

[13] See *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013).

implementation of the 1997 $PM_{2.5}$ standards under subpart 4 because $PM_{2.5}$ particles fall within the statutory definition of PM_{10} and are thus subject to the same statutory requirements as PM_{10}. The court remanded the rule and instructed EPA ''to repromulgate these rules pursuant to Subpart 4 consistent with this opinion.''[14]

Consistent with the *NRDC* decision, on June 2, 2014, EPA published a final rule classifying all areas currently designated nonattainment for the 1997 and/or 2006 $PM_{2.5}$ standards as Moderate under subpart 4.[15] EPA also established a deadline of December 31, 2014 for states to submit attainment-related and nonattainment new source review (NNSR) SIP elements required for these areas pursuant to subpart 4.[16] This rulemaking did not affect any action that EPA had previously taken under section 110(k) of the Act on a SIP for a $PM_{2.5}$ nonattainment area.[17] Accordingly, EPA's previous approval of the April 5, 2015 attainment date for the SJV area remains in effect.[18]

Under section 188(b)(1) of the CAA, prior to an area's attainment date, EPA has discretionary authority to reclassify as a Serious nonattainment area ''any area that the Administrator determines cannot practicably attain'' the $PM_{2.5}$ NAAQS by the applicable Moderate area attainment date.[19] On September 25, 2014, the District requested that EPA reclassify the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ standards. This request included a demonstration that the SJV cannot practicably attain the 1997 annual $PM_{2.5}$ standard by the April 5, 2015 attainment date.[20]

II. Evaluation of Ambient $PM_{2.5}$ Air Quality Monitoring Data

A determination of whether an area's air quality currently meets the $PM_{2.5}$ NAAQS is generally based upon the most recent three years of complete, quality-assured data gathered at established State and Local Air Monitoring Stations (SLAMS) in a nonattainment area and entered into EPA's Air Quality System (AQS) database. Data from air monitors operated by state/local agencies in compliance with EPA monitoring requirements must be submitted to AQS. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, EPA relies primarily on data in AQS when determining the attainment status of areas.[21]

Under EPA regulations in 40 CFR 50.7 and in accordance with part 50, appendix N, the 1997 annual $PM_{2.5}$ standard is met when the ''annual $PM_{2.5}$ NAAQS design value'' (based on the 3-year average of $PM_{2.5}$ annual mean mass concentrations)[22] is less than or equal to 15.0 μg/m^3 at each eligible monitoring site. The 1997 24-hour $PM_{2.5}$ standard is met when the ''24-hour $PM_{2.5}$ NAAQS design value'' (based on the 3-year average of annual 98th percentile 24-hour $PM_{2.5}$ mass concentrations)[23] is less than or equal to 65 μg/m^3 at each eligible monitoring site.

A. $PM_{2.5}$ Trends in the SJV

Ambient annual and 24-hour $PM_{2.5}$ NAAQS design value levels in the SJV are the highest recorded in the United States at 18.1 μg/m^3 (Madera) and 65 μg/m^3 (Bakersfield), respectively, for the 2011–2013 period.[24] The levels and composition of ambient $PM_{2.5}$ in the SJV differ by season.[25] Higher $PM_{2.5}$ concentrations occur during the winter, between late November and February, when the SJV experiences extended periods of stagnant weather with cold foggy conditions which encourage wood burning, a source of directly emitted particulates (direct $PM_{2.5}$), and are conducive to the formation of ammonium nitrate from the reaction of nitrogen oxides (NO_X) with ammonia. Tables 1 and 2 show the annual and 24-hour concentrations recorded at $PM_{2.5}$ monitoring sites in the SJV during the 2005–2013 period.

TABLE 1—ANNUAL $PM_{2.5}$ NAAQS DESIGN VALUES[a] IN μg/m^3 FOR MONITORS IN THE SJV

Site	AQS ID	2005	2006	2007	2008	2009	2010	2011	2012	2013
Bakersfield:										
Planz	60290016	18.4	18.9	20.3	21.5	22.6	21.2	18.2	15.6	17.3
CA Ave	60290014	18.0	18.5	19.6	20.9	21.0	18.4	16.5	14.5	16.4
Golden State Hwy	60290010	19.0	18.6	19.2	18.8	19.3	n/a	n/a	n/a	n/a
Corcoran	60310004	17.0	17.2	17.6	17.0	17.3	17.1	16.2	n/a	n/a
Hanford	60311004	n/a	n/a	n/a	n/a	n/a	n/a	n/a	15.8	17.0
Visalia	61072002	18.0	18.2	19.3	19.7	18.8	16.5	15.2	14.8	16.6
Fresno:										
Pacific	60195025	17.2	17.2	17.1	17.0	16.0	14.9	14.5	13.8	14.7
Garland	60190011	16.9	16.6	17.4	17.7	17.1	15.2	14.5	[b]14.3	[b]15.4
Clovis	60195001	17.1	16.4	16.4	16.3	17.0	16.4	17.0	16.0	16.4
Tranquility	60192009	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7.4	7.8
Madera	60392010	n/a	n/a	n/a	n/a	n/a	n/a	n/a	19.0	18.1
Merced:										
M Street	60472510	15.0	14.7	14.7	n/a	n/a	n/a	11.7	10.4	11.1
Coffee	60470003	n/a	n/a	n/a	n/a	n/a	n/a	18.2	14.3	13.3

[14] *Id.*

[15] See 79 FR 31566 (June 2, 2014).

[16] *Id.*

[17] *Id.* at 31569.

[18] *Id.; see also* 79 FR 29327 at 29329 (May 22, 2014) (noting that ''[a]bsent an EPA rulemaking to withdraw or revise [the November 9, 2011] final rule, which *NRDC* does not compel, our final action on the SJV $PM_{2.5}$ SIP remains effective . . .'').

[19] Section 188(b)(1) of the Act is a general expression of delegated rulemaking authority. See ''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) (hereafter ''General Preamble'') at 13537, n. 15. Although subparagraphs (A) and (B) of section 188(b)(1) mandate that EPA reclassify by specified timeframes any areas that it determines appropriate for reclassification by those dates, these subparagraphs do not restrict the general authority but simply specify that, at a minimum, EPA's authority must be exercised at certain times. *See id.*

[20] *See* letter dated September 25, 2014 from Seyed Sadredin, Executive Director/Air Pollution Control Officer, SJVUAPCD, to Jared Blumenfeld, Regional Administrator, EPA Region 9, ''RE: San Joaquin Valley Unified Air Pollution Control District Request for Reclassification of the San Joaquin Valley as a Serious $PM_{2.5}$ Nonattainment Area for the Federal 1997 $PM_{2.5}$ Standard,'' attaching Memorandum dated August 21, 2014 from Seyed Sadredin, Executive Director/APCO and Sheraz Gill, Project Coordinator, to the SJVUAPCD Governing Board, ''RE: Item Number 9: Review and Approve Actions to Address Air Quality Impacts Resulting from the Exceptional Weather Conditions Caused by the Recent Drought'' (hereafter ''Sadredin Memo'').

[21] *See* 40 CFR 50.7; 40 CFR part 50, appendix L; 40 CFR part 50, appendix N; 40 CFR part 53; 40 CFR part 58; and 40 CFR part 58, appendices A, C, D, and E.

[22] *See* 40 CFR part 50, appendix N (section 1.0).

[23] *See id.*

[24] *See* U.S. EPA, 2013 Design Value Reports, $PM_{2.5}$ Detailed Information Updated 8/24/14, available at *http://www.epa.gov/airtrends/values.html* (''PM25_DesignValues_20112013_FINAL_08_28_14'') (hereafter ''2013 p.m.2.5 Design Value Reports''). The Bakersfield monitor also recorded the nation's second highest annual $PM_{2.5}$ NAAQS design value (17.3 μg/m^3) during this period. *See id.*

[25] *See* 76 FR 41338 at 41339 (July 13, 2011) (proposed action on SJV $PM_{2.5}$ Plan).

TABLE 1—ANNUAL $PM_{2.5}$ NAAQS DESIGN VALUES [a] IN μg/m³ FOR MONITORS IN THE SJV—Continued

Site	AQS ID	2005	2006	2007	2008	2009	2010	2011	2012	2013
Turlock	60990006	n/a	n/a	n/a	n/a	n/a	n/a	15.3	14.9	15.7
Modesto	60990005	14.0	14.1	14.6	15.3	14.7	n/a	n/a	12.9	13.6
Manteca	60772010	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	10.2
Stockton	60771002	13.1	12.9	12.8	13.5	12.9	12.1	11.1	11.4	13.8

Source: 2013 $PM_{2.5}$ Design Value Reports. The term ''n/a'' means monitoring data is not available or does not meet minimum data completeness requirements (40 CFR part 50, appendix N).

[a] The annual $PM_{2.5}$ NAAQS design value for each monitor is based on the 3-year average of annual mean $PM_{2.5}$ concentrations. See 40 CFR part 50, appendix N. For example, the annual $PM_{2.5}$ NAAQS design value for 2013 for each monitor is the average of the annual mean $PM_{2.5}$ concentrations for 2011, 2012, and 2013 at that monitor. The 1997 annual $PM_{2.5}$ NAAQS is attained when the design value at each eligible monitor is 15.0 μg/m³ or less.

[b] The Garland site was approved for replaced operation of the First Street site (AQS ID: 60190008) beginning with data collected in calendar year 2012. The design value reported represents a combined site record with the existing Garland site and old First Street site which ceased operation in early 2012.

TABLE 2—24-HOUR $PM_{2.5}$ NAAQS DESIGN VALUES [a] IN μg/m³ FOR MONITORS IN THE SJV

Site	AQS ID	2005	2006	2007	2008	2009	2010	2011	2012	2013
Bakersfield:										
Planz	60290016	54	60	68	70	70	65	55	47	60
CA Ave	60290014	58	62	66	66	68	62	62	58	65
Golden State Hwy	60290010	60	64	69	64	66	64	n/a	n/a	n/a
Corcoran	60310004	55	58	61	52	53	49	46	43	49
Hanford	60311004	n/a	n/a	n/a	n/a	n/a	n/a	n/a	54	60
Visalia	61072002	55	56	58	57	59	51	47	47	56
Fresno:										
Pacific	60195025	57	59	61	52	50	43	48	53	63
Garland	60190011	60	58	63	58	60	54	58	[b] 59	[b] 62
Clovis	60195001	55	56	58	54	53	47	54	54	58
Tranquility	60192009	n/a	n/a	n/a	n/a	n/a	n/a	n/a	31	30
Madera	60392010	n/a	n/a	n/a	n/a	n/a	n/a	n/a	51	52
Merced:										
M Street	60472510	45	45	48	50	51	45	39	40	49
Coffee	60470003	n/a	n/a	n/a	n/a	n/a	n/a	43	41	42
Turlock	60990006	n/a	n/a	n/a	n/a	n/a	55	51	49	53
Modesto	60990005	49	51	55	54	55	49	50	44	51
Manteca	60772010	n/a	n/a	n/a	n/a	n/a	n/a	n/a	38	37
Stockton	60771002	40	41	45	51	50	44	38	36	45

Source: 2013 $PM_{2.5}$ Design Value Reports. The term ''n/a'' means monitoring data is not available or does not meet minimum data completeness requirements (40 CFR part 50, appendix N).

[a] The 24-hour $PM_{2.5}$ NAAQS design value for each monitor is based on the 3-year average of annual 98th percentile 24-hour $PM_{2.5}$ concentrations. See 40 CFR part 50, appendix N. For example, the 24-hour $PM_{2.5}$ NAAQS design value for 2013 for each monitor is the average of the 98th percentile $PM_{2.5}$ concentrations for 2011, 2012, and 2013 at that monitor. The 1997 24-hour $PM_{2.5}$ NAAQS is attained when the design value at each eligible monitor is 65 μg/m³ or less.

[b] The Garland site was approved for replaced operation of the First Street site (AQS ID: 60190008) beginning with data collected in calendar year 2012. The design value reported represents a combined site record with the existing Garland site and old First Street site which ceased operation in early 2012.

B. Impracticability of Attaining the 1997 Annual $PM_{2.5}$ Standard by April 5, 2015

In its September 25, 2014 letter to EPA, the District provided ambient air quality data showing that the SJV area cannot attain the 1997 $PM_{2.5}$ annual standard by April 5, 2015.[26] Specifically, the District provided annual average $PM_{2.5}$ concentrations recorded at monitoring sites in the SJV for 2012 and 2013, and then calculated the maximum 2014 annual average concentration for each monitoring site that would result in a 3-year average $PM_{2.5}$ concentration of 15.0 μg/m³ at that site. According to the District, the maximum 2014 annual average concentration at the Bakersfield-Planz site (which recorded the area's highest annual concentrations in 2013) that will enable the site to show a design value at or below 15.0 μg/m³ for 2014 is 7.5 μg/m³.[27] The annual average value for a given year is calculated based on the quarterly averages for that year.[28] The District reported that the average $PM_{2.5}$ concentration measured at the Bakersfield-Planz site in the first quarter of 2014, however, was 29.7 μg/m³.[29] Thus, according to the District, average $PM_{2.5}$ concentrations at this monitoring site for the remaining three quarters of 2014 would have to be zero in order to result in a design value at or below 15.0 μg/m³ for 2014.[30] The remaining three quarters of 2014 include November and December, which, like other winter months in the SJV, tend to experience high $PM_{2.5}$ concentrations. These preliminary data and analyses indicate that it is not possible for the Bakersfield-Planz monitoring site to show an annual $PM_{2.5}$ NAAQS design value at or below 15.0 μg/m³ by April 5, 2015.

EPA also independently evaluated preliminary 2014 $PM_{2.5}$ air quality data available in AQS as of August 2014 to assess the District's representations.[31] Table 3 shows four monitoring locations for which preliminary 2014 AQS data already indicate that the 3-year average $PM_{2.5}$ concentration for 2012–2014 will likely be well above 15.0 μg/m³. Specifically, for each of these monitoring sites, EPA calculated the maximum 2014 average $PM_{2.5}$ concentration that would enable the site to show a 2014 annual $PM_{2.5}$ NAAQS design value at or below 15.0 μg/m³.[32]

[26] See Sadredin Memo at 2–6.

[27] *Id.* at Table 3.

[28] 40 CFR part 50, appendix N, section 4.4.

[29] *See* Sadredin Memo at Table 4.

[30] *Id.*

[31] *See* Memorandum from Elfego Felix and Scott Bohning to Docket entitled ''Practicability of SJV 2014 attainment of the 1997 $PM_{2.5}$ NAAQS'' dated December 10, 2014 with attachment entitled ''SJV PM2 5 1997 std impracticable 2014–12–10.xlsx'' (hereafter ''Felix and Bohning Memo'').

[32] The small differences between the District's and EPA's calculations of ''maximum 2014'' values are due to the use of different rounding conventions. EPA's calculations of maximum 2014 values are based on the rounding convention in 40 CFR part 50, appendix N, which provides that intermediate calculations are not rounded, and that a design value with a decimal lower than 15.05 μg/m³ is rounded down to 15.0 μg/m³. *See* 40 CFR part 50, appendix N, section 4.3. In computing the maximum 2014 concentration consistent with attainment and consistent with 2012 and 2013

Continued

As shown in Table 3, the 2014 annual average $PM_{2.5}$ concentration at the Visalia, Corcoran, and Hanford sites would have to be nearly 20 percent lower than the lowest annual averages observed at each of those sites during the 2003–2013 period, and the 2014 annual average $PM_{2.5}$ concentration at the Bakersfield-Planz site would have to be nearly 50 percent lower than the lowest annual average observed during that same period, in order to result in a 2014 annual $PM_{2.5}$ NAAQS design value at or below 15.0 μg/m³.[33]

TABLE 3—PRELIMINARY RECORDED 2014 ANNUAL AVERAGE $PM_{2.5}$ CONCENTRATIONS (IN μg/m³) FOR SELECTED SITES IN SJV AND COMPARISON TO LOWEST RECORDED CONCENTRATIONS

	Average recorded 2014 [a]	EPA estimate for max 2014 annual average allowed to attain [b]	Lowest recorded annual average (year) [b]	Percent difference between max 2014 and lowest recorded annual verage
Bakersfield—Planz	29.7	7.7	14.5 (2011)	47
Visalia	27.9	11.4	13.6 (2010)	16
Corcoran	22.9	13.0	15.6 (2013)	16
Hanford	18.7	12.1	14.8 (2012)	18

[a] Source: U.S. EPA, Air Quality System, Combined Site Sample Values Report, $PM_{2.5}$, 2014 (Report Date: August 7, 2014) (preliminary 2014 1st quarter data for all identified sites and 2nd quarter data for Hanford site).
[b] *See* Felix and Bohning Memo and attachment.

If 2014 monitoring data is timely certified by May 1, 2015 (*see* 40 CFR 58.15) and EPA's determination of whether the SJV area meets the $PM_{2.5}$ NAAQS occurs after this date, the determination would be based on monitoring data for the 2012–2014 period as this would be the most recent 3-year period for which complete, quality-assured and certified monitoring data is available. Because a determination of attainment requires that each eligible monitoring site in the area show a design value at or below the level of the $PM_{2.5}$ NAAQS (*see* 40 CFR part 50, § 50.7 and appendix N), a 2014 design value above this level at one eligible monitor would render attainment by April 5, 2015 impossible.

In sum, air quality data for the 2003–2014 period indicate that it is not practicable for the Bakersfield-Planz monitoring site to show an annual $PM_{2.5}$ NAAQS design value at or below 15.0 μg/m³ by April 5, 2015, and that the SJV area cannot practicably attain the 1997 annual $PM_{2.5}$ NAAQS by this date.[34]

C. Impracticability of Attaining the 1997 24-Hour $PM_{2.5}$ Standard by April 5, 2015

The District's September 25, 2014 letter did not specifically address the SJV area's ability to attain the 24-hour $PM_{2.5}$ standard by April 5, 2015. EPA independently reviewed ambient air quality data available in AQS, however, to consider whether the SJV area can practicably attain the 24-hour standard by this date.

Table 4 shows the 98th percentile 24-hour average $PM_{2.5}$ concentrations recorded in 2012 and 2013 at selected monitoring sites. The 98th percentile 24-hour concentrations in 2013 were higher than in 2012, and in some cases the 2013 value was significantly higher than the 2012 value, *e.g.,* at the Bakersfield-Planz monitoring site.[35] Based on these observed 98th percentile values in 2012 and 2013, EPA calculated for each of these monitoring sites the maximum 98th percentile 24-hour concentration in 2014 that would enable the site to show a 2014 24-hour $PM_{2.5}$ NAAQS design value at or below 65 μg/m³. EPA also calculated a low estimate of the 98th percentile 24-hour concentration for 2014 at each of these sites, based on preliminary data reported to AQS for the first quarter of 2014 and a conservative assumption that 24-hour $PM_{2.5}$ concentrations remain below these levels for the remainder of the year at each monitoring site.[36] As shown in Table 4, EPA's low estimates of the 98th percentile concentrations for 2014 at the two monitoring sites in Bakersfield (Planz and California Avenue) already exceed the maximum 2014 values that would enable these two sites to show a 24-hour $PM_{2.5}$ NAAQS design value for 2014 at or below 65 μg/m³. Thus, these two monitoring sites in Bakersfield cannot practicably show a 24-hour $PM_{2.5}$ NAAQS design value at or below 65 μg/m³ by April 5, 2015.

annual mean concentrations, EPA did not round the 2012 and 2013 means in the intermediate steps of the calculation, and used 15.04 as the highest design value consistent with the standard. In contrast, the Sadredin memo rounded 2012 and 2013 means to one decimal place initially, and used 15.00 as the highest attaining design value.

[33] *See* Felix and Bohning Memo and attachment.

[34] Any reclassification of a Moderate $PM_{2.5}$ nonattainment area as Serious based on a determination that the area cannot practicably attain the NAAQS by the applicable attainment date will be based on the facts and circumstances of the particular nonattainment area at issue. Monitored air quality and the reductions in ambient concentrations that the area would need to achieve in order to monitor attainment are important factors. Another important factor is whether additional control measures could be implemented in time and reduce emissions adequately to attain the NAAQS. Given the significant reductions in ambient $PM_{2.5}$ levels that the SJV nonattainment area would need to monitor attainment, and the extremely short time remaining before the applicable attainment date for this area (April 5, 2015), EPA focused its analysis in this proposal on air quality-related information.

[35] The Sadredin Memo cites weather conditions associated with the extreme drought in California, including low precipitation, high stagnation, and strong inversions, among the reasons for the high $PM_{2.5}$ concentrations observed in the winter of 2013–2014. *See* Sadredin Memo at 3–7.

[36] Identification of the 98th percentile 24-hour concentration is based on the number of creditable samples in a given year. *See* 40 CFR part 50, appendix N, section 4.5. Specifically, in any year for which there are at least 351 creditable samples, the 98th percentile is the 8th highest concentration, and as the number of creditable samples decreases the 98th percentile concentration increases. *See id.* at Table 1. To calculate a low estimate of the 98th percentile 24-hour concentration for 2014 at each monitoring site, EPA assumed conservatively that preliminary 2014 monitoring data available in AQS (*see* Table 4) represented the highest values for 2014 (*i.e.,* no higher values would be recorded at these sites for the remainder of 2014) and that the total number of creditable samples in 2014 would be consistent with the sampling frequency observed as of August 7, 2014. *See* Felix and Bohning Memo and attachment. We note that 2014 monitoring data is not due for certification until May 1, 2015. *See* 40 CFR 58.15.

TABLE 4—PRELIMINARY RECORDED 2014 24-HOUR $PM_{2.5}$ CONCENTRATIONS (IN μg/m³) FOR SELECTED SITES IN SJV AND CALCULATION OF 98TH PERCENTILE VALUES

	98th percentile in 2012 [a]	98th percentile in 2013 [a]	Low estimate of 98th percentile in 2014 [b]	Max 98th percentile allowed in 2014 to attain [b]
Bakersfield—Planz	40.6	96.7	64.4	58.9
Bakersfield—CA Ave	56.4	71.8	72.6	68.0
Hanford	48.3	67.6	76.7	80.3
Fresno—Pacific	51.3	71.6	61.8	73.3
Fresno—Garland	52.6	63.8	65.5	79.8

[a] Source: See 2013 $PM_{2.5}$ Design Value Reports.
[b] *See* Felix and Bohning Memo and attachment (calculations based on preliminary 2014 1st quarter data for all identified sites and 2nd quarter data for Hanford site).

If 2014 monitoring data is timely certified by May 1, 2015 (*see* 40 CFR 58.15) and EPA's determination of whether the SJV area meets the $PM_{2.5}$ NAAQS occurs after this date, the determination would be based on monitoring data for the 2012–2014 period as this would be the most recent 3-year period for which complete, quality-assured and certified monitoring data is available. Because a determination of attainment requires that each eligible monitoring site in the area show a design value at or below the level of the $PM_{2.5}$ NAAQS (*see* 40 CFR part 50, § 50.7 and appendix N), a 2014 design value above this level at one eligible monitor would render attainment by April 5, 2015 impossible.

In sum, air quality data for the 2003–2014 period indicate that it is not practicable for the two Bakersfield monitoring sites to show a 24-hour $PM_{2.5}$ NAAQS design value at or below 65 μg/m³ by April 5, 2015, and that the SJV area cannot practicably attain the 1997 24-hour $PM_{2.5}$ NAAQS by this date.[37]

III. Reclassification as Serious Nonattainment and Applicable Attainment Dates

Section 188 of the Act outlines the process for classification of $PM_{2.5}$ nonattainment areas and establishes the applicable attainment dates. In accordance with section 188 and in response to the *NRDC* decision, EPA classified the SJV area as Moderate nonattainment for the 1997 $PM_{2.5}$ NAAQS, effective July 2, 2014.[38] This classification rulemaking did not affect any prior action that EPA had taken under CAA section 110(k) on a $PM_{2.5}$ attainment plan for a nonattainment area. Accordingly, the April 5, 2015 attainment date that EPA approved on November 9, 2011 for the SJV area remains the applicable attainment date for the 1997 $PM_{2.5}$ NAAQS in this area.[39]

Under the plain meaning of the terms of section 188(b)(1) of the Act, EPA has general authority to reclassify at any time before the applicable attainment date any area that EPA determines cannot practicably attain the standard by such date. Accordingly, section 188(b)(1) of the Act is a general expression of delegated rulemaking authority. In addition, subparagraphs (A) and (B) of section 188(b)(1) mandate that EPA reclassify ''appropriate'' PM_{10} nonattainment areas at specified time frames (*i.e.,* by December 31, 1991 for the initial PM_{10} nonattainment areas, and within 18 months after the SIP submittal due date for subsequent nonattainment areas). These subparagraphs do not restrict EPA's general authority but simply specify that, at a minimum, it must be exercised at certain times.[40] In accordance with section 188(b)(1) of the Act, EPA is proposing to reclassify the SJV area from Moderate to Serious nonattainment for the 1997 annual and 24-hour $PM_{2.5}$ standards of 15.0 and 65 μg/m³, respectively, based on EPA's determination that the SJV area cannot practicably attain these standards by the applicable attainment date of April 5, 2015.

Under section 188(c)(2) of the Act, the attainment date for a Serious area ''shall be as expeditiously as practicable but no later than the end of the tenth calendar year beginning after the area's designation as nonattainment. . . .'' The SJV area was designated nonattainment for the 1997 $PM_{2.5}$ standards effective April 5, 2005.[41] Therefore, upon final reclassification of the SJV area as a Serious nonattainment area, the latest permissible attainment date under section 188(c)(2) of the Act, for purposes of the 1997 $PM_{2.5}$ standards in this area, will be December 31, 2015.

Under section 188(e) of the Act, a state may apply to EPA for a single extension of the Serious area attainment date by up to 5 years, which EPA may grant if the State satisfies certain conditions. Before EPA may extend the attainment date for a Serious area under section 188(e), the State must: (1) Apply for an extension of the attainment date beyond the statutory attainment date; (2) demonstrate that attainment by the statutory attainment date is impracticable; (3) have complied with all requirements and commitments pertaining to the area in the implementation plan; (4) demonstrate to the satisfaction of the Administrator that the plan for the area includes the most stringent measures that are included in the implementation plan of any State or are achieved in practice in any State, and can feasibly be implemented in the area; and (5) submit a demonstration of attainment by the most expeditious alternative date practicable.[42] As more fully described in Section V of this proposal, EPA anticipates that California may choose to submit a request for an extension of the Serious area attainment date consistent with

[37] *See* note 34 *supra.*

[38] *See* 79 FR 31566 at 31587, 31593 (June 2, 2014).

[39] *See* notes 17 and 18, *supra.*

[40] For a general discussion of EPA's interpretation of the reclassification provisions in section 188(b)(1) of the Act, see the General Preamble, 57 FR 13498 at 13537–38 (April 16, 1992).

[41] *See* 70 FR 944 at 956, 957 (January 5, 2005).

[42] For a discussion of EPA's interpretation of the requirements of section 188(e), see ''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) (hereafter ''Addendum'') at 42002; 65 FR 19964 (April 13, 2000) (proposed action on PM_{10} Plan for Maricopa County, Arizona); 66 FR 50252 (October 2, 2001) (proposed action on PM_{10} Plan for Maricopa County, Arizona); 67 FR 48718 (July 25, 2002) (final action on PM_{10} Plan for Maricopa County, Arizona); and *Vigil* v. *EPA,* 366 F.3d 1025, amended at 381 F.3d 826 (9th Cir. 2004) (remanding EPA action on PM_{10} Plan for Maricopa County, Arizona but generally upholding EPA's interpretation of CAA section 188(e)).

these requirements when it submits a Serious area attainment plan for the 1997 $PM_{2.5}$ standards for this area.

IV. Reclassification of Areas of Indian Country [43]

Eight Indian tribes are located within the boundaries of the San Joaquin Valley $PM_{2.5}$ nonattainment area: the Big Sandy Rancheria of Mono Indians of California, the Cold Springs Rancheria of Mono Indians of California, the North Fork Rancheria of Mono Indians of California, the Picayune Rancheria of Chukchansi Indians of California, the Santa Rosa Rancheria of the Tachi Yokut Tribe, the Table Mountain Rancheria of California, the Tejon Indian Tribe, and the Tule River Indian Tribe of the Tule River Reservation.

We have considered the relevance of our proposal to reclassify the SJV nonattainment area as Serious for the 1997 $PM_{2.5}$ standards to each tribe located within the SJV area. We believe that the same facts and circumstances that support the proposal for the non-Indian country lands also support the proposal for Indian country located within the SJV nonattainment area. EPA is therefore proposing to exercise our authority under CAA section 188(b)(1) to reclassify areas of Indian country geographically located in the SJV nonattainment area. Section 188(b)(1) broadly authorizes EPA to reclassify a nonattainment area—including any area of Indian country located within such area—that EPA determines cannot practicably attain the relevant standard by the applicable attainment date.

Elevated $PM_{2.5}$ levels are a pervasive pollution problem throughout the SJV area. Directly-emitted $PM_{2.5}$ and its precursor pollutants (NO_X, SO_X, VOC, and ammonia) are emitted throughout a nonattainment area and can be transported throughout that nonattainment area. Therefore, boundaries for nonattainment areas are drawn to encompass both areas with direct sources of the pollution problem as well as nearby areas in the same airshed. Initial classifications of nonattainment areas are coterminous with, that is, they match exactly, their boundaries. EPA believes this approach best ensures public health protection from the adverse effects of $PM_{2.5}$ pollution. Therefore, it is generally counterproductive from an air quality and planning perspective to have a disparate classification for an area located within the boundaries of a larger nonattainment area, such as the areas of Indian country contained within the SJV $PM_{2.5}$ nonattainment area. Moreover, violations of the 1997 $PM_{2.5}$ standards, which are measured and modeled throughout the nonattainment area, as well as shared meteorological conditions, would dictate the same conclusion. Furthermore, emissions increases in portions of a $PM_{2.5}$ nonattainment area that are left classified as Moderate could counteract the effects of efforts to attain the standards within the overall area because less stringent requirements would apply in those Moderate portions relative to those that would apply in the portions of the area reclassified to Serious.

Uniformity of classification throughout a nonattainment area is thus a guiding principle and premise when an area is being reclassified. Equally, if EPA believes it is likely that a given nonattainment area will not attain the $PM_{2.5}$ standards by the applicable attainment date, then it may be an additional reason why it is appropriate to maintain a uniform classification within the area and thus to reclassify the Indian country together with the balance of the nonattainment area. In this particular case, we are proposing to determine, based on the State's demonstration and current ambient air quality trends, that the SJV nonattainment area in its entirety cannot practicably attain the 1997 $PM_{2.5}$ standards by the applicable area attainment date of April 5, 2015.

In light of the considerations outlined above that support retention of a uniformly-classified $PM_{2.5}$ nonattainment area, and our finding that is impracticable for the area to attain by the applicable attainment date, we propose to reclassify the areas of Indian country areas within the San Joaquin Valley nonattainment area as Serious for the 1997 $PM_{2.5}$ standards.

The effect of reclassification would be to lower the applicable ''major source'' emissions threshold for purposes of the nonattainment new source review program and the Title V operating permit program from its current level of 100 tpy to 70 tpy (CAA sections 189(b)(3) and 501(2)(B)) thus subjecting more new or modified stationary sources to these requirements. The reclassification may also lower the *de minimis* threshold under the CAA's General Conformity requirements (40 CFR part 93, subpart B) from 100 tpy to 70 tpy. Under the General Conformity requirements, Federal agencies bear the responsibility of determining conformity of actions in nonattainment and maintenance areas that require Federal permits, approvals, or funding. Such permits, approvals or funding by Federal agencies for projects in these areas of Indian country may be more difficult to obtain because of the lower *de minimis* thresholds.

Given the potential implications of the reclassification, EPA has contacted tribal officials to invite government-to-government consultation on this rulemaking effort.[44] EPA specifically solicits additional comment on this proposed rule from tribal officials. We note that although eligible tribes may opt to seek EPA approval of relevant tribal programs under the CAA, none of the affected tribes will be required to submit an implementation plan to address this reclassification.

V. $PM_{2.5}$ Serious Area SIP Requirements

Upon reclassification as a Serious nonattainment area for the 1997 $PM_{2.5}$ NAAQS, California will be required to submit additional SIP revisions to satisfy the statutory requirements that apply to Serious areas, including the requirements of subpart 4 of part D, title I of the Act.

The Serious area SIP elements that California will be required to submit are as follows:

1. Provisions to assure that the best available control measures (BACM), including best available control technology (BACT) for stationary sources, for the control of direct $PM_{2.5}$ and $PM_{2.5}$ precursors shall be implemented no later than 4 years after the area is reclassified (CAA section 189(b)(1)(B));

2. a demonstration (including air quality modeling) that the plan provides for attainment as expeditiously as practicable but no later than December 31, 2015, or where the State is seeking an extension of the attainment date under section 188(e), a demonstration that attainment by December 31, 2015 is impracticable and that the plan provides for attainment by the most expeditious

[43] ''Indian country'' as defined at 18 U.S.C. 1151 refers to: ''(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.''

[44] We sent letters to tribal officials of seven tribes regarding government-to-government consultation on September 30, 2014. EPA inadvertently did not send a letter to the Tejon Indian Tribe, therefore, concurrently with this proposed action, EPA is sending a letter to the chairperson of the Tejon Indian Tribe inviting consultation on our proposed reclassification of the SJV $PM_{2.5}$ nonattainment area. All eight letters can be found in the docket for this proposed action.

alternative date practicable (CAA sections 188(c)(2) and 189(b)(1)(A));

3. plan provisions that require reasonable further progress (RFP) (CAA section 172(c)(2));

4. quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate RFP toward attainment by the applicable date (CAA section 189(c));

5. provisions to assure that control requirements applicable to major stationary sources of $PM_{2.5}$ also apply to major stationary sources of $PM_{2.5}$ precursors, except where the State demonstrates to EPA's satisfaction that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the standard in the area (CAA section 189(e));

6. a comprehensive, accurate, current inventory of actual emissions from all sources of $PM_{2.5}$ and $PM_{2.5}$ precursors in the area (CAA section 172(c)(3));

7. contingency measures to be implemented if the area fails to meet RFP or to attain by the applicable attainment date (CAA section 172(c)(9)); and

8. a revision to the nonattainment new source review (NSR) program to lower the applicable ''major stationary source'' [45] thresholds from 100 tons per year (tpy) to 70 tpy (CAA section 189(b)(3)).

Section 189(b)(2) states, in relevant part, that the State must submit the required BACM provisions ''no later than 18 months after reclassification of the area as a Serious Area'' and must submit the required attainment demonstration ''no later than 4 years after reclassification of the area to Serious.'' Thus, if a final reclassification of the area to Serious becomes effective in early 2015, the Act provides the State with up to 18 months after this date (*i.e.,* until late 2016) to submit a BACM demonstration and up to 4 years after this date (*i.e.,* until early 2019) to submit a Serious area attainment demonstration. Given the December 31, 2015 Serious area attainment date for the 1997 $PM_{2.5}$ standards in this area under CAA section 188(c)(2), however, EPA expects the State to adopt and submit a Serious area plan for the 1997 $PM_{2.5}$ standards well before the statutory SIP submittal deadlines in section 189(b)(2).

Additionally, in light of the available ambient air quality data and the short amount of time available before the December 31, 2015 attainment date under CAA section 188(c)(2), EPA anticipates that California may choose to submit a request for an extension of the Serious area attainment date pursuant to section 188(e) simultaneously with its submittal of a Serious area plan for the area. If California fails to submit a request for an extension of the Serious area attainment date that satisfies the requirements of section 188(e) and the SJV area fails to attain the 1997 $PM_{2.5}$ standards by December 31, 2015, under CAA section 189(d) the State would be required to submit, within 12 months after December 31, 2015, plan revisions which provide for attainment of the $PM_{2.5}$ standards and, from the date of such submission until attainment, for an annual reduction in emissions within the SJV area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for the area (hereafter ''section 189(d) plan''). If, however, California submits and EPA approves a section 188(e) request for an extension of the Serious area attainment date prior to the December 31, 2015 attainment date for the SJV area, the requirement to submit a section 189(d) plan would not apply unless and until the SJV area fails to attain the 1997 $PM_{2.5}$ standards by the extended attainment date approved by EPA under section 188(e).

The Act does not specify a deadline for the State's submittal of nonattainment NSR program revisions to lower the ''major stationary source'' threshold from 100 tons per year (tpy) to 70 tpy (CAA section 189(b)(3)) following reclassification of a Moderate $PM_{2.5}$ nonattainment area as Serious nonattainment under subpart 4. Pursuant to EPA's gap-filling authority in CAA section 301(a) and to effectuate the statutory control requirements in section 189 of the Act, EPA proposes to require the State to submit these nonattainment NSR SIP revisions no later than 12 months from the effective date of final reclassification of the SJV area as Serious nonattainment for the 1997 $PM_{2.5}$ standards. We believe this timeframe will give the state sufficient time to make this relatively straightforward revision to its nonattainment NSR SIP while assuring that new or modified major sources locating in the SJV area will be subject to the lower statutory major source thresholds expeditiously. We are requesting comment on this proposed 12-month timeframe for submission of the nonattainment NSR SIP revisions. As noted above, however, if California intends to seek an extension of the Serious area attainment date, the State will need to submit a request that satisfies the requirements of CAA section 188(e), including NSR SIP provisions to implement the major stationary source threshold in CAA section 189(b)(3), in time for EPA to approve such an extension prior to the December 31, 2015 Serious area attainment date.

Given the short amount of time available for California's development of these SIP submittals, EPA anticipates that the Serious area attainment demonstration for the SJV area may rely to some extent on existing photochemical modeling analyses developed for previous $PM_{2.5}$ plan submittals. EPA commits to work with the District and CARB as they develop the necessary technical support for the Serious area plan and to provide guidance on the requirements that California must meet to qualify for an extension of the Serious area attainment date under CAA section 188(e).

EPA is currently developing a proposed rulemaking to provide guidance to states on the attainment planning requirements in subparts 1 and 4 of part D, title I of the Act that apply to areas designated nonattainment for $PM_{2.5}$. In the interim, EPA encourages the State to review the General Preamble and Addendum for guidance on how to implement these statutory requirements in the SJV $PM_{2.5}$ nonattainment area.[46]

VI. Summary of Proposed Action and Request for Public Comment

Pursuant to section 188(b)(1) of the Act, EPA is proposing to reclassify the SJV nonattainment area from Moderate to Serious nonattainment for the 1997 annual and 24-hour $PM_{2.5}$ standards based on EPA's determination that the area cannot practicably attain these NAAQS by the applicable attainment date of April 5, 2015. This proposed action is based upon EPA's evaluation of ambient air quality data for the 2003–2014 period indicating that it is not practicable for certain monitoring sites within the SJV to show $PM_{2.5}$ design values at or below the level of the 1997 $PM_{2.5}$ NAAQS by April 5, 2015. Upon reclassification as a Serious nonattainment area, California will be required to submit a Serious area plan that satisfies the requirements of part D of title I of the Act, including a demonstration that the plan provides for attainment of the 1997 annual and 24-hour $PM_{2.5}$ standards in the SJV area by the applicable attainment date, which is

[45] For any Serious area, the terms ''major source'' and ''major stationary source'' include any stationary source that emits or has the potential to emit at least 70 tons per year of PM_{10} (CAA section 189(b)(3)).

[46] *See generally* the General Preamble, 57 FR 13498 (April 16, 1992) and Addendum, 59 FR 41998 (August 16, 1994).

no later than December 31, 2015, or by the most expeditious alternative date practicable and no later than December 31, 2020, consistent with the requirements of CAA sections 189(b) and 188(e).

In addition, because EPA is proposing to similarly reclassify areas of Indian country within the SJV $PM_{2.5}$ nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ standards, consistent with our proposed reclassification of the surrounding non-Indian country lands, EPA has invited consultation with interested tribes concerning this issue. We note that although eligible tribes may seek EPA approval of relevant tribal programs under the CAA, none of the affected tribes will be required to submit an implementation plan to address this reclassification.

EPA is requesting public comment on this proposed action.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.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 under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), and therefore was not submitted to the Office of Management and Budget (OMB) for review. Reclassification does not itself create any new requirements, and does not impose a materially adverse impact under Executive Order 12866. With respect to lands under state jurisdiction, this proposed reclassification would trigger statutory deadlines for the state to submit Serious area plan elements. With respect to Indian country, reclassifications do not establish deadlines for air quality plans or plan revisions because tribes are not subject to implementation plan submittal deadlines that apply to states as a result of reclassifications.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521) because it does not contain any information collection activities.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This action will not impose any requirements on small entities. The proposed rule would require the state to adopt and submit SIP revisions to satisfy the statutory requirements that apply to Serious areas, and would not itself directly regulate any small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This action does not contain any unfunded mandate of $100 million or more and does not significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531–1538). This action itself imposes no enforceable duty on any state, local, or tribal governments, or the private sector. The proposed action would reclassify the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS, which would trigger existing statutory timeframes for the state to submit SIP revisions. Such a reclassification in and of itself does not impose any federal intergovernmental mandate. The proposed action would not require any tribes to submit implementation plans.

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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). The requirement to submit SIP revisions to meet the 1997 $PM_{2.5}$ NAAQS is imposed by the CAA. This proposed rule does not alter the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132 and consistent with EPA policy to promote communications between EPA and state and local governments, EPA specifically solicits comments on this proposed action from state and local officials.

F. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have Tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes.''

Eight Indian tribes are located within the boundaries of the SJV nonattainment area for the 1997 $PM_{2.5}$ NAAQS: The Big Sandy Rancheria of Mono Indians of California, the Cold Springs Rancheria of Mono Indians of California, the North Fork Rancheria of Mono Indians of California, the Picayune Rancheria of Chukchansi Indians of California, the Santa Rosa Rancheria of the Tachi Yokut Tribe, the Table Mountain Rancheria of California, the Tejon Indian Tribe, and the Tule River Indian Tribe of the Tule River Reservation.

EPA has concluded that this proposed rule might have tribal implications for the purposes of Executive Order 13175, but that it would not impose substantial direct compliance costs upon the tribes, nor would it preempt tribal law. We note that none of the tribes located in the SJV nonattainment area has requested eligibility to administer programs under the Clean Air Act. The proposed rule would affect EPA's implementation of the new source review program because of the lower ''major source'' threshold triggered by reclassification (70 tons per year for direct $PM_{2.5}$ and precursors to $PM_{2.5}$). The proposed rule may also affect new or modified stationary sources proposed in these areas that require Federal permits, approvals, or funding. Such projects are subject to the requirements of EPA's General Conformity rule, and Federal permits, approvals, or funding for the projects may be more difficult to obtain because of the lower *de minimis* thresholds triggered by reclassification.

Given these potential implications, EPA contacted tribal officials during the process of developing this proposed rule to provide an opportunity for the tribes to have meaningful and timely input into its development. On September 30, 2014, we sent letters to leaders of the

seven tribes with areas of Indian country in the SJV nonattainment area inviting government-to-government consultation on the rulemaking effort. We requested that the tribal leaders, or their designated consultation representatives, provide input or request government-to-government consultation by October 27, 2014. We did not receive a response from any of the tribes. As noted above, EPA inadvertently did not send a letter to the Tejon Indian Tribe prior to this proposed action. We recognize that the proposed reclassification may be of interest to officials of the Tejon Indian Tribe and we are contacting them presently to offer them an opportunity for government-to-government consultation. We intend to continue communicating with all eight tribes located within the boundaries of the SJV nonattainment area for the 1997 $PM_{2.5}$ NAAQS as we move forward developing a final rule. EPA specifically solicits additional comment on this proposed rule from tribal officials.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that 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 proposed action is not subject to Executive Order 13045 because it proposes only to reclassify the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS, which would trigger additional Serious area planning requirements under the CAA. This proposed action does not establish an environmental standard intended to mitigate health or safety risks.

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

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This action is not subject to the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not involve technical standards.

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

Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This proposed action would only reclassify the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS, which would trigger additional Serious area planning requirements under the CAA.

List of Subjects in 40 CFR Part 81

Air pollution control, Incorporation by reference.

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

Dated: December 18, 2014.

Jared Blumenfeld,

Regional Administrator, EPA Region 9.

[FR Doc. 2015–00309 Filed 1–9–15; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2014–0038; 4500030113]

RIN 1018–BA13

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for 21 Species and Proposed Threatened Status for 2 Species in Guam and the Commonwealth of the Northern Mariana Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period and notice of public hearings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), recently published a proposed listing for 21 plant and animal species from the Mariana Islands (U.S. Territory of Guam and the U.S. Commonwealth of the Northern Mariana Islands) as endangered species and 2 plant species from the Mariana Islands as threatened species under the Endangered Species Act of 1973, as amended (Act), and announced a 60-day public comment period on the proposed actions, ending December 1, 2014. We now reopen the public comment period for an additional 30 days, and announce two public hearings and four public information meetings on our proposed rule. We are taking these actions to allow all interested parties additional time and opportunity to comment on the proposed rule.

DATES: *Written Comments:* We will consider comments received or postmarked on or before February 11, 2015, or provided at the public hearings. Please note comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on the proposed rule.

Public Hearings and Information Meetings:

Public hearings	Public information meetings
Guam: Tuesday, January 27, 2015, from 6:00 p.m. to 8:00 p.m.	*Guam:* Tuesday, January 27, 2015, from 5:00 p.m. to 6:00 p.m.