

TABLE 6—ADDITIONAL REGULATIONS APPROVED FOR THE OLYMPIC REGION CLEAN AIR AGENCY (ORCAA) JURISDICTION

[Applicable in Clallam, Grays Harbor, Jefferson, Mason, Pacific, and Thurston counties, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction; facilities subject to the Washington Department of Ecology's direct jurisdiction under Chapters 173–405, 173–410, and 173–415 Washington Administrative Code (WAC); Indian reservations; any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction; and the Prevention of Significant Deterioration (PSD) permitting of facilities subject to the applicability sections of WAC 173–400–700.]

State/local citation	Title/subject	State/local effective date	EPA approval date	Explanations
<b>Olympic Region Clean Air Agency Regulations Rule 6.2 Outdoor Burning</b>				
6.2.7	Recreational Burning	3/6/23	1/17/2025, [INSERT FIRST PAGE OF Federal Register CITATION].	

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[FR Doc. 2025–00559 Filed 1–16–25; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R08–OAR–2023–0587; FRL–11571–02–R8]

### Revisions to the Federal Implementation Plan for the Billings/Laurel, Montana, Sulfur Dioxide Area

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is revising a Federal Implementation Plan (FIP) applicable to sulfur dioxide (SO<sub>2</sub>) emissions from four sources located in Billings and Laurel, Montana. Specifically, the EPA is revising a portion of the FIP promulgated by the EPA in 2008 (2008 Billings/Laurel SO<sub>2</sub> FIP) by removing a provision which contained an affirmative defense for exceedances of flare emission limits during malfunctions, startups, and shutdowns. The EPA is taking this action pursuant to the Clean Air Act (CAA).

**DATES:** This rule is effective on February 18, 2025.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2023–0587. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on

the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

#### FOR FURTHER INFORMATION CONTACT:

Adam Clark, Air and Radiation Division, EPA, Region 8, Mail code 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, telephone number: (303) 312–7104, email address: [clark.adam@epa.gov](mailto:clark.adam@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

### I. Background

The background for this action is discussed in detail in our October 15, 2024, proposal (89 FR 82948). In that document we proposed to revise the 2008 Billings/Laurel SO<sub>2</sub> FIP by removing the portion of the FIP found at 40 CFR 52.1392(i), titled “Affirmative defense provisions for exceedances of flare emission limits during malfunctions, startups, and shutdowns.” We received one comment on this proposal.

### II. Response to Comments

*Comment:* The EPA received one comment on this proposal from an individual commenter. The commenter expressed support for the EPA’s proposed action, noting the harms of SO<sub>2</sub> pollution and the importance of protecting the communities near impacted sources.

*Response:* The EPA acknowledges this supportive comment.

### III. Final Action

The EPA is revising the 2008 Billings/Laurel SO<sub>2</sub> FIP by removing section 52.1392(i) and all of the provisions therein, including paragraphs sections 52.1392 (i)(1)–(3).

### IV. Environmental Justice Considerations

The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”<sup>1</sup> The EPA further defines the term “fair treatment” to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”<sup>2</sup> Recognizing the importance of these considerations to local communities, the EPA conducted an EJ screening analysis around the location of the facilities associated with this action to evaluate environmental and demographic indicators for the areas impacted by this final action. However, the EPA is providing the information associated with this analysis for informational purposes only. The information provided herein is not a basis of this action.

The EPA conducted the screening analyses using EJScreen, an EJ mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining various environmental and demographic

<sup>1</sup> See <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

<sup>2</sup> Id.

indicators.<sup>3</sup> The EJScreen tool presents these indicators at a census block group (CBG) level or a larger user-specified “buffer” area that covers multiple CBGs.<sup>4</sup> An individual CBG is a cluster of contiguous blocks within the same census tract and generally contains between 600 and 3,000 people. EJScreen is not a tool for performing in-depth risk analysis, but is instead a screening tool that provides an initial representation of indicators related to EJ and is subject to uncertainty in some underlying data (e.g., some environmental indicators are based on monitoring data which are not uniformly available; others are based on self-reported data).<sup>5</sup> For informational purposes, we have summarized EJScreen data within larger “buffer” areas covering multiple block groups and representing the average resident within the buffer areas surrounding the facilities. EJScreen environmental indicators help screen for locations where residents may experience a higher overall pollution burden than would be expected for a block group with the same total population in the U.S. These indicators of overall pollution burden include estimates of ambient particulate matter (PM<sub>2.5</sub>) and ozone concentration, a score for traffic proximity and volume, percentage of pre-1960 housing units (lead paint indicator), and scores for proximity to Superfund sites, risk management plan (RMP) sites, and hazardous waste facilities.<sup>6</sup> EJScreen also provides information on demographic indicators, including percent of low-income, communities of color, linguistic isolation, and less than high school education.

The EPA prepared EJScreen reports covering buffer areas of approximately five kilometers around the four facilities subject to the 2008 Billings/Laurel SO<sub>2</sub> FIP. From those reports, no facilities showed EJ indices greater than the 80th

national percentiles.<sup>7</sup> The full, detailed EJScreen reports are provided in the docket for this rulemaking.

## V. Statutory and Executive Order Reviews

### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is exempt from review under Executive Order 12866, as amended by Executive Order 14094, as it is not a rule of general applicability. This action specifically applies to 4 facilities in the State of Montana.

### B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (PRA), because it revises the reporting requirements for 4 facilities in the State of Montana.

### 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 as no small entities are subject to the requirements of this rule.

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

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

### 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: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175, because this rule would not apply on any Indian reservation

land or in any other area where the EPA or an Indian Tribe has demonstrated that the Tribe has jurisdiction, and it 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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997). 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 merely removes a provision from the 2008 Billings/Laurel SO<sub>2</sub> FIP that is inconsistent with the requirements of the CAA.

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

This action is not subject to Executive Order 13211 (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 rulemaking does not involve technical standards.

### J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

The EPA believes that it is not practicable to assess whether the human health or environmental conditions that exist prior to this action result in disproportionate and adverse effects on communities with environmental justice concerns. While the EPA has identified the sources that would be impacted by this action, the EPA cannot quantify the baseline conditions and impacts the affirmative defense provisions have had on these sources, nor can we project potential emissions impacts from these sources as a result of this action. However, the EPA expects that this action is expected to have a neutral to positive impact on the air quality of the affected area.

<sup>3</sup> The EJSCREEN tool is available at <https://www.epa.gov/ejscreen>.

<sup>4</sup> See <https://www.census.gov/programs-surveys/geography/about/glossary.html>.

<sup>5</sup> In addition, EJSCREEN relies on the five-year block group estimates from the U.S. Census American Community Survey. The advantage of using five-year over single-year estimates is increased statistical reliability of the data (i.e., lower sampling error), particularly for small geographic areas and population groups. For more information, see [https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs\\_general\\_handbook\\_2020.pdf](https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs_general_handbook_2020.pdf).

<sup>6</sup> For additional information on environmental indicators and proximity scores in EJSCREEN, see “EJSCREEN Environmental Justice Mapping and Screening Tool: EJSCREEN Technical Documentation,” chapter 3 and appendix C (September 2019) at [https://www.epa.gov/sites/default/files/2021-04/documents/ejscreen\\_technical\\_document.pdf](https://www.epa.gov/sites/default/files/2021-04/documents/ejscreen_technical_document.pdf).

<sup>7</sup> For a place at the 80th percentile nationwide, that means 20 percent of the U.S. population has a higher value. The EPA identified the 80th percentile filter as an initial starting point for interpreting EJScreen results. The use of an initial filter promotes consistency for the EPA's programs and regions when interpreting screening results.

**K. Determination Under Section 307(d)**

Pursuant to CAA section 307(d)(1)(B), this action is subject to the requirements of CAA section 307(d), as it promulgates a FIP under CAA section 110(c).

**L. Congressional Review Act (CRA)**

This rule is exempt from the CRA because it is a rule of particular applicability.

**M. Judicial Review**

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 18, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, does not extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA section 307(b)(2).

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

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

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

**Jane Nishida,**

*Acting Administrator.*

For the reasons stated in the preamble, the Environmental Protection Agency is amending 40 CFR part 52 as follows:

# **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 BB—Montana****§ 52.1392 [Amended]**

- 2. In § 52.1392, remove and reserve paragraph (i).

[FR Doc. 2025–00220 Filed 1–16–25; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 59**

[EPA–HQ–OAR–2006–0971; FRL–7966–03–OAR]

**RIN 2060–AU94**

# **National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is finalizing amendments to the National Volatile Organic Compound Emission Standards for Aerosol Coatings. This action revises national emission standards for the aerosol coatings (aerosol spray paints) category under the Clean Air Act (CAA), which requires control of volatile organic compound (VOC) emissions from certain categories of consumer and commercial products for purposes of reducing VOC emissions contributing to ozone formation and ozone nonattainment. The regulation employs a relative reactivity-based approach to control aerosol coating products' contribution to ozone formation by encouraging the use of less reactive VOC ingredients in formulations. In this final rule, the EPA is updating coating category product-weighted reactivity (PWR) limits, adding new compounds and reactivity factors, updating existing reactivity factors, revising the rule's default reactivity factor, amending thresholds for VOC regulated by the rule, amending reporting requirements, updating test methods to reflect more recent versions, adding a new compliance date, and making clarifying edits.

**DATES:** *Effective date.* The effective date of this final rule is January 17, 2025. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 17, 2025. The incorporation by reference of certain other material listed in this rule was approved by the Director of the Federal Register as of March 24, 2008.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2006–0971. All documents in the dockets are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other

material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov), or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** For information about the National Volatile Organic Compound Emission Standards for Aerosol Coatings, contact Kaye Whitfield, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243–02), Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2509; fax number (919) 541–4991; and email address: [whitfield.kaye@epa.gov](mailto:whitfield.kaye@epa.gov). For questions related to enforcement, contact John Cox, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, U.S. EPA WJC South Building (2221A), Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564–1395 and email address: [cox.john@epa.gov](mailto:cox.john@epa.gov). For questions related to reporting, contact the EPA Regional Office where the regulated entity is located. For a complete list, see Addresses of EPA regional offices in 40 CFR 59.512.

**SUPPLEMENTARY INFORMATION:**

*Preamble acronyms and abbreviations.* Throughout this document the use of “we,” “us,” or “our” is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ACA American Coatings Association  
ASTM American Society for Testing and Materials  
CARB California Air Resources Board  
CAA Clean Air Act  
CBI Confidential Business Information  
CDX Central Data Exchange  
CEDRI Compliance and Emissions Data Reporting Interface  
CFR Code of Federal Regulations  
CRA Congressional Review Act  
EJ Environmental Justice  
EPA Environmental Protection Agency