

*Title:* Restructuring of Stationary Source Audit Program.

*ICR numbers:* EPA ICR No. 2355.03, OMB Control No. 2060-0652.

*ICR status:* This ICR is currently scheduled to expire on January 31, 2014. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* This ICR concerns the reporting of the true value of the audit sample to the compliance authority (state, local or EPA Regional Office) by the accredited audit sample provider (AASP) as required in the General Provisions of Parts 51, 60, 61 and 63. This ICR reflects revisions of the previous ICR of 2011, and it covers the period of 2014-2016. The number of audit sample reports is expected to remain stable for 2014-2016.

A regulated emission source conducting a compliance test would purchase an audit sample from an AASP. The AASP would report the true value of the audit sample to the compliance authority (state, local or EPA Regional Office). The AASP would, in most cases, make the report by electronic mail. A report would be made for each audit sample that the AASP sold to a regulated emission source that was conducting an emissions test to determine compliance with an emission limit.

Although this ICR has been in place for three years, the audit program only started being required on June 16, 2013; therefore, the cost estimates are on historic data of the time that the EPA conducted the audit program.

*Burden Statement:* The EPA estimates that there will be about 1,000 audit samples sold each year generating the need for about 1,000 reports which corresponds to 80 hours burden or 0.08 hours per response for reporting and recordkeeping. The estimated cost burden is \$5.05 per response or an annual burden of \$5,050. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 294 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate,

maintain, retain, disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the agency's estimate, which is only briefly summarized here:

*Estimated total number of potential respondents:* 9.

Frequency of response: There is no regular schedule for collecting information. The information is event driven and information is collected only when an AASP supplies an audit sample to a user.

*Estimated total annual burden hours:* 2,646 hours.

*Estimated total annual costs:* \$201,116. This includes the cost of preparing, validating, distributing and reporting the audit results.

#### **Are there changes in the estimates from the last approval?**

No.

#### **What is the next step in the process for this ICR?**

The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to the OMB for review and approval pursuant to 5 CFR 1320.12. At that time, the EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to the OMB and the opportunity to submit additional comments to the OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: August 13, 2013.

**Mary E. Henigin,**

*Acting Director, Air Quality Assessment Division.*

[FR Doc. 2013-20319 Filed 8-19-13; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[EPA-R10-OAR-2013-0441, FRL-9900-16-Region 10]

### **Air Pollution Control: Proposed Actions on Clean Air Act Section 105 Grant to the Lane Regional Air Protection Agency; Proposed Determination With Request for Comments; and a Notice of Opportunity for a Public Hearing**

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

**ACTION:** Notice; Proposed determination with request for comments; and notice of opportunity for public hearing.

**SUMMARY:** The EPA has made a proposed determination that a reduction in recurring expenditures of non-Federal funds for the Lane Regional Air Protection Agency (LRAPA) in Eugene, Oregon is a result of agency wide non-selective reductions in expenditures. This determination, when final, will permit the LRAPA to continue to receive grant funding under Section 105 of the Clean Air Act for the state fiscal year (SFY) 2014. This determination will also reset the LRAPA required maintenance of effort level for SFY 2012 and 2013 to reflect the non-selective reductions made to address reductions in revenue due to adverse economic conditions in Lane County, Oregon.

**DATES:** Comments and/or requests for a public hearing must be received by EPA at the address stated below by September 19, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OAR-2013-0441, by one of the following methods:

- <http://www.regulations.gov>, Follow the online instructions for submitting comments.

- *Email:* [Koprowski.Paul@epa.gov](mailto:Koprowski.Paul@epa.gov)

- *Mail:* Paul Koprowski, U.S.

Environmental Protection Agency, Region 10, 805 SW. Broadway, Suite 500, Portland, OR 97205.

**FOR FURTHER INFORMATION CONTACT:** Paul Koprowski, Region 10, Oregon Operations Office, 805 SW. Broadway, Portland, OR, 97205, phone: (503) 326-6363, fax: (503) 326-3399 or email: [Koprowski.Paul@epa.gov](mailto:Koprowski.Paul@epa.gov).

**SUPPLEMENTARY INFORMATION:** Section 105 of the Clean Air Act (CAA) provides grant support for the continuing air programs of eligible state, local and tribal agencies. Section 105 contains two cost-sharing requirements agencies must meet to qualify for grants under CAA § 105(a)(1)(A). Eligible entities must meet a minimum match and a

maintenance of effort (MOE) requirement under CAA § 105(c)(1). The match requires that at least two-fifths (40%) of the total costs for approved Section 105 program activities must be paid by the state/local recipient. Program activities relevant to the match consist of both recurring and non-recurring (unique, one-time only) expenses. The LRAPA is currently meeting the two-fifths (40%) match requirement. The MOE provision requires that a state or local agency spend at least the same dollar level of funds as it did in the previous grant year for recurring activities. Specifically, CAA § 105(c)(1) [42 U.S.C. 7405(c)(1)], provides that “no agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year.” Pursuant to CAA § 105(c)(2), however, the EPA may award a grant to an agency not meeting the requirements of CAA § 105(c)(1), “if the Administrator, after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government.” These statutory requirements are repeated in the EPA’s implementing regulations at 40 CFR 35.140 through 35.148.

The EPA issued additional guidance to recipients on what constitutes a non-selective reduction on September 30, 2011. In consideration of legislative history, the guidance clarified that a non-selective reduction does not necessarily mean that each executive branch agency or units of a single-purpose local air district need be reduced in equal proportion. However, it must be clear to the EPA, from the weight of evidence, that a recipient’s CAA-related air program is not being disproportionately reduced or singled out for a reduction.

No later than 90 days after the close of its grant period a CAA § 105 recipient must submit a Federal Financial Report (FFR) that documents all of its federal and non-federal expenditures for the completed period. A recipient seeking an adjustment to its MOE for that period must provide the rationale and the documentation necessary the EPA to make a determination that a non-selective reduction has occurred. To expedite that determination, the recipient must provide details of the budget action and the comparative fiscal impacts on all the jurisdiction’s

executive branch agencies, the recipient agency itself, and the agency’s air program. The recipient should identify any executive branch agencies or programs that should not be included in the comparison and explain why. The recipient must provide evidence that the air program is not being singled out for a reduction or being disproportionately reduced. Documentation in two key areas is required: Budget data specific to the recipient’s air program and comparative budget data between the recipient’s air program, the agency containing the air program and the other executive branch agencies. The EPA may also request information from the recipient about how impacts on its program operations will affect its ability to meet its CAA obligations and requirements.

The LRAPA is a single purpose local air agency authorized to implement most aspects of the federal Clean Air Act in Lane County, Oregon. The chief executive is the LRAPA Executive Director and the fiscal decision-making body is the 9-member LRAPA Board of Directors.

The EPA provides annual grant funding under the authority of CAA Section 105 to help the LRAPA support the operation of its CAA-related continuing environmental program for air quality. The LRAPA’s annual grant period is based on the state fiscal year from July 1 through June 30. For the SFY 2012 grant year, the EPA allocated \$275,609 in CAA Section 105 funds to the LRAPA. The LRAPA’s contribution to the total approved program funding for this period was \$935,855. This represents a match of 78% for the period ending June 30, 2012.

The LRAPA’s FFR for SFY 2011 indicated that the LRAPA’s MOE level was \$1,068,396. This was the LRAPA’s final level of recurrent expenditures for the SFY 2011 grant period and constituted the required MOE level for the SFY 2012 grant year. However, the LRAPA’s FFR dated November 8, 2012 showed the actual SFY 2012 MOE was \$935,855. On December 31, 2012 the LRAPA informed the EPA in writing that due to continued reductions in the state and local contributions to the LRAPA’s budget the LRAPA fell short of its required MOE level by \$132,541 for the SFY 2012 grant year. The LRAPA also projected a shortfall of an additional \$135,542 in SFY 2013. As a result, the LRAPA requests the EPA adjust the MOE level to \$935,855 for SFY 2012 and to \$800,313 for SFY 2013.

In the letter submitted on December 31, 2012 the LRAPA provided the rationale and essential documentation necessary to support approval of a non-

selective reduction to the LRAPA’s MOE level. The documentation includes details of the actions LRAPA took to address the shortfall including comparative fiscal impacts. The shortfall stems from budget actions taken to reduce state and local general funds available to the LRAPA due to adverse economic conditions in Oregon.

The Oregon Department of Environmental Quality (ODEQ) is responsible for passing on state general funds to the LRAPA for air quality management in Lane County. For the SFY 2011–2013 biennial budget the Oregon Legislature reduced the amount of general funds available to the ODEQ by about 24% overall. The general fund resources available to manage ODEQ air and water quality programs were cut by 31% each while land quality program funds were cut by 44%. ODEQ then reduced the amount of general fund passed through to the LRAPA to manage air quality programs in Lane County by 31%, from \$364,929 to \$252,385. To address the general fund reductions to executive branch agencies in Oregon, the Governor imposed across-the-board unpaid furlough leave for state employees, wage and spending freezes and other agency-specific budget cuts necessary to address the shortfall to each agency.

Since 2008 Lane County and the cities (Eugene, Springfield, Cottage Grove and Oakridge) that contribute locally to the LRAPA’s budget have been subject to adverse economic conditions. These conditions are primarily due to the recession, reduced timber sales and property tax limitations. The Lane County general fund budget overall declined by 11% in SFY 2012 and 17% in SFY 2013 primarily due to a decrease in revenue from timber sales on federal land in Lane County. These overall reductions were applied to other executive branch agencies in Lane County and were passed on to the Lane Regional Air Protection Agency. The following table illustrates the overall impact of local budget reductions on the local contribution to the LRAPA budget between SFY 2011 and SFY 2013.

<i>Fiscal year</i>	<i>Total local contribution</i>	<i>Percent reduction</i>
SFY 2011 .....	\$333,440	.....
SFY 2012 .....	159,360	52
SFY 2013 .....	121,670	23

Examples of reductions to the budgets of other programs or departments in Lane County include:

<i>Department/program</i>	<i>Fiscal year</i>	<i>Percent reduction</i>
Justice Courts Program .....	SFY 12–13	53.7
Animal Services Program .....	SFY 12–13	71.3
Health and Human Services .....	SFY 12–13	26.3
Public Safety .....	SFY 12–13	16.9

To operate within the limits of the reduced budgets for SFY 2012 and SFY 2013, the LRAPA reduced recurring expenditures by imposing unpaid furlough days, work schedule reductions, and other systematic across-the-board reductions in materials and services, as well as not filling positions vacated due to retirements or resignations.

For the LRAPA to be eligible to receive its SFY 2014 CAA Section 105 grant, the EPA must make a determination (after notice and an opportunity for a public hearing and comment) that the reduction in expenditures is attributable to a non-selective reduction in the budget of the Lane Regional Air Protection Agency. Accordingly, consistent with criteria set forth in CAA Section 105(c)(2) and consistent with the Agency's September 30, 2011 guidance on qualifying for a non-selective reduction, the EPA has determined that it is appropriate to approve the LRAPA's request for a non selective reduction in its level of recurring expenditures for the SFY 2012 and SFY 2013 grant budget period. The revised MOE level for SFY 2012 is \$935,855 and the level for SFY2013 is \$800,313.

This notice constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by September 19, 2013 on this proposal will be considered. The EPA will conduct a public hearing on this proposal only if a written request for such is received by the EPA at the address above by September 19, 2013. If no written request for a hearing is received, the EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**, copies of the determination can be obtained by sending a written request to Paul Koprowski at the above address.

Dated: August 6, 2013.

**Dennis J. McLerran,**

*Regional Administrator, Region 10.*

[FR Doc. 2013–20156 Filed 8–19–13; 8:45 am]

**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL 9900–15–OGC]

### **Proposed Consent Decree, Clean Air Act Citizen Suit**

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

**ACTION:** Notice of Proposed Consent Decree; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (“CAA”), notice is hereby given of a proposed consent decree, to resolve a deadline suit filed by Air Alliance Houston, California Communities Against Toxics, Coalition For A Safe Environment, Community In-Power and Development Association, Del Amo Action Committee, Environmental Integrity Project, Louisiana Bucket Brigade, and Texas Environmental Justice Advocacy Services (collectively, “Plaintiffs”) in the United States District Court for the District of Columbia: *Air Alliance Houston, et al. v. McCarthy*, No. 12–1607 (RMC) (D.D.C.). On September 27, 2012, Plaintiffs filed a complaint concerning EPA's obligation to develop residual risk and technology standards for the petroleum refineries source category, which is subject to two different maximum achievable control technology (MACT) standards. The consent decree would require EPA to propose action by February 14, 2014 and take final action by December 19, 2014.

**DATES:** Written comments on the proposed consent decree must be received by September 19, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA–HQ–OGC–2013–0580, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use

of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Jan Tierney, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–5598; fax number (202) 564–5603; email address: [tierney.jan@epa.gov](mailto:tierney.jan@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Additional Information About the Proposed Consent Decree**

The proposed consent decree would resolve a lawsuit filed by the Plaintiffs seeking to compel the Administrator to take final action under section 112(d)(6), 42 U.S.C. 7412(d)(6), to “review, and revise as necessary” the national emission standards for hazardous air pollutants (“NESHAP”) and to take final action addressing residual risk under CAA section 112(f)(2), 42 U.S.C. 7412(f)(2), for petroleum refineries under 40 CFR Part 63, Subpart CC and 40 CFR Part 63, Subpart UUU, within 8 years of the promulgation of such standards. The proposed consent decree provides that no later than February 14, 2014, EPA shall (1) review and either sign a proposal to revise the emission standards in 40 CFR Part 63, Subparts CC and UUU under CAA section 112(d)(6), 42 U.S.C. 7412(d)(6), or sign a proposed determination that revision of Subparts CC and UUU is not necessary under CAA section 112(d)(6) and (2) review and either sign a proposal to promulgate residual risk standards for the Petroleum Refineries source category subject to NESHAP Subparts CC and UUU under CAA section 112(f)(2), 42 U.S.C. 7412(f)(2), or sign a proposed determination that promulgation of such standards is not required under CAA section 112(f)(2). The proposed consent decree also provides that no later than December 19, 2014, EPA shall, (1) sign a final rule promulgating revisions to the emission standards in NESHAP Subparts CC and UUU under CAA section 112(d)(6), or sign a final determination that revision of NESHAP Subparts CC and UUU is not necessary under CAA section 112(d)(6) and (2) sign a final rule promulgating residual risk standards for the Petroleum Refineries source