

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R05–OAR–2016–0169; FRL–9951–28–Region 5]

**Air Plan Approval; Indiana; RACM Determination for Indiana Portion of the Cincinnati-Hamilton 1997 Annual PM<sub>2.5</sub> Nonattainment Area****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the reasonably available control measures (RACM) and reasonably available control technology (RACT) analysis that Indiana submitted as part of their earlier attainment plan for the 1997 fine particulate matter (PM<sub>2.5</sub>) standard, in accordance with Indiana's request dated February 11, 2016. The RACM/RACT analysis addresses RACM and RACT for the Indiana portion of the Cincinnati-Hamilton nonattainment area for the 1997 PM<sub>2.5</sub> standard. EPA is not proposing to act on the portions of the state implementation plan (SIP) revision that are unrelated to RACM/RACT. Other portions of the attainment plan have either been addressed or will be addressed in future rulemaking actions.

**DATES:** Comments must be received on or before September 26, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0169 at <http://www.regulations.gov> or via email to [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be

Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy,

information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Ko, Environmental Engineer, Attainment, Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7947, [ko.joseph@epa.gov](mailto:ko.joseph@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Rules and Regulations section of this **Federal Register**, EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions 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 and Regulations section of this **Federal Register**.

Dated: August 9, 2016.

**Robert Kaplan,***Acting Regional Administrator, Region 5.*

[FR Doc. 2016–20311 Filed 8–24–16; 8:45 am]

**BILLING CODE 6560–50–P****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R03–OAR–2016–0368; FRL–9951–26–Region 3]

**Determination of Attainment by the Attainment Date for the 2008 Ozone National Ambient Air Quality Standards; Pennsylvania; Pittsburgh-Beaver Valley****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to determine that the Pittsburgh-Beaver Valley, Pennsylvania marginal ozone nonattainment area (the Pittsburgh Area) has attained the 2008 ozone national ambient air quality standards (NAAQS) by the July 20, 2016 attainment date. This proposed determination is based on complete, certified, and quality assured ambient air quality monitoring data for the Pittsburgh Area for the 2013–2015 monitoring period. This proposed determination does not constitute a redesignation to attainment. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before September 26, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0368 at <http://www.regulations.gov>, or via email to [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Maria A. Pino, (215) 814–2181, or by email at [pino.maria@epa.gov](mailto:pino.maria@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

**A. Statutory Requirement—  
Determination of Attainment by the  
Attainment Date**

Section 181(b)(2) of the CAA requires EPA to determine, within 6 months of an ozone nonattainment area’s attainment date, whether that area attained the ozone standard by that date. Section 181(b)(2) of the CAA also requires that areas that have not attained the standard by their attainment deadlines be reclassified to either the next higher classification (e.g., marginal to moderate, moderate to serious, etc.) or to the classifications applicable to the areas’ design values in Table 1 of 40 CFR 51.1103. CAA section 181(a)(5) provides a mechanism by which the EPA Administrator may grant a 1-year extension of an area’s attainment deadline, provided that the relevant states meet certain criteria.

**B. The Pittsburgh Area and Its  
Attainment Date**

On July 18, 1997, EPA promulgated a revised ozone NAAQS of 0.08 parts per million (ppm), averaged over eight hours. 62 FR 38855. This standard was determined to be more protective of public health than the previous 1979 1-hour ozone standard. In 2008, EPA revised the 8-hour ozone NAAQS from 0.08 to 0.075 ppm (the 2008 ozone NAAQS). See 73 FR 16436 (March 27, 2008). In a May 21, 2012 final rule, the Pittsburgh Area was designated as marginal nonattainment for the more stringent 2008 ozone NAAQS, effective on July 20, 2012. 77 FR 30088. The Pittsburgh Area consists of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties in Pennsylvania. See 40 CFR 81.339.

In a separate rulemaking action, also published on May 21, 2012 and effective on July 20, 2012, EPA established the air quality thresholds that define the classifications assigned to all nonattainment areas for the 2008 ozone NAAQS (the Classifications Rule). 77 FR

30160. This rule also established December 31 of each relevant calendar year as the attainment date for all nonattainment area classification categories. Section 181 of the CAA provides that the attainment deadline for ozone nonattainment areas is “as expeditiously as practicable” but no later than the prescribed dates that are provided in Table 1 of that section. In the Classifications Rule, EPA translated the deadlines in Table 1 of CAA section 181 for purposes of the 2008 standard by measuring those deadlines from the effective date of the new designations, but extended those deadlines by several months to December 31 of the corresponding calendar year. Pursuant to a challenge of EPA’s interpretation of the attainment deadlines, on December 23, 2014, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued a decision rejecting, among other things, the Classifications Rule’s attainment deadlines for the 2008 ozone nonattainment areas, finding that EPA did not have statutory authority under the CAA to extend those deadlines to the end of the calendar year. *NRDC v. EPA*, 777 F.3d 456, 464–69 (D.C. Cir. 2014). Accordingly, as part of the final SIP Requirements Rule for the 2008 ozone NAAQS (80 FR 12264, March 6, 2015), EPA modified the maximum attainment dates for all nonattainment areas for the 2008 ozone NAAQS, consistent with the D.C. Circuit’s decision. The State Implementation Plan (SIP) Requirements Rule established a maximum deadline for marginal nonattainment areas of three years from the effective date of designation, or July 20, 2015, to attain the 2008 ozone NAAQS. See 80 FR at 12268; 40 CFR 51.1103.

In a final rulemaking action published on May 4, 2016, EPA determined that the Pittsburgh Area did not attain the 2008 ozone NAAQS by its July 20, 2015 attainment date, based on ambient air quality monitoring data for the 2012–2014 monitoring period. In that same action, EPA determined that the

Pittsburgh Area qualified for a 1-year extension of its attainment date, as provided in section 181(a)(5) of the CAA and interpreted by regulation at 40 CFR 51.1107. The new attainment date for the Pittsburgh Area is July 20, 2016. See 81 FR 26697 (May 4, 2016).

**II. EPA’s Analysis of the Relevant Air  
Quality Data**

Under EPA regulations at 40 CFR part 50, appendix P, the 2008 ozone NAAQS is attained at a monitoring site when the three-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentration is less than or equal to 0.075 ppm. This three-year average is referred to as the design value. When the design value is less than or equal to 0.075 ppm at each ambient air quality monitoring site within the area, then the area is deemed to be meeting the NAAQS. The rounding convention under 40 CFR part 50, appendix P dictates that concentrations shall be reported in ppm to the third decimal place, with additional digits to the right being truncated. Thus, a computed three-year average ozone concentration of 0.0759 ppm or lower would meet the standard, but 0.0760 ppm or higher is over the standard.

EPA’s determination of attainment is based upon data that has been collected and quality-assured in accordance with 40 CFR part 58 and recorded in EPA’s Air Quality System (AQS) database. Ambient air quality monitoring data for the three-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the three-year average of the percent (%) of required monitoring days with valid ambient monitoring data is greater than 90%, and no single year has less than 75% data completeness, as determined according to appendix P of part 50. Tables 1 and 2 show the data completeness and ozone design values, respectively, for each monitor in the Pittsburgh Area for the years 2013–2015.

**TABLE 1—2013–2015 PITTSBURGH AREA OZONE MONITOR DATA COMPLETENESS**

County	Site ID	Percent data completeness			2013–2015 average percent completeness	Comment
		2013	2014	2015		
Allegheny .....	420030008	98	100	95	98	Site shut down in 2013. <sup>a</sup>
	420030010	100	.....	.....		
	420030067	99	99	100	99	
	420031005	98	.....	.....	33	
	420031008	.....	100	93	64	Site started 2014. <sup>b</sup>
Armstrong .....	420050001	95	100	100	98	
Beaver .....	420070002	98	96	97	97	

TABLE 1—2013–2015 PITTSBURGH AREA OZONE MONITOR DATA COMPLETENESS—Continued

	420070005	96	95	93	95	
	420070014	89	99	94	94	
Washington .....	421250005	98	100	97	98	
	421250200	98	98	100	98	
	421255001	100	98	94	97	
	421255200	99	99	.....	66	Site shut down in 2015. <sup>a</sup>
Westmoreland .....	421290006	98	38	.....	45	Site shut down in July 2014. <sup>a</sup>
	421290008	97	99	97	98	

**Notes:**

<sup>a</sup> The monitoring site shutdowns and startups are included in the Pennsylvania Department of the Environment's (PADEP's) July 2014 Annual Network Plan. PADEP submitted the monitoring plan to EPA on June 27, 2014, and EPA approved it on November 21, 2014.

<sup>b</sup> The ozone monitor at monitoring site 420031005 was moved to monitoring site 420031008 in February 2014. The new location is about one quarter of a mile away from the previous location, and is at a similar elevation. The data from these sites will be combined to calculate a valid design value. This monitor move was included in the Allegheny County Health Department's (ACHD's) July 2014 monitoring plan, which ACHD submitted to EPA on July 1, 2014, and which EPA approved on November 21, 2014.

As shown in Table 1, several monitoring sites do not meet the completeness criteria set out in 40 CFR part 50, appendix P. However, the reasons for the completeness issues were either monitor shutdowns or startup, approved into PADEP's and ACHD's monitoring plans. Because three years of complete data is not

possible at these monitoring sites, EPA does not look for valid design values at these sites. However, the circumstances are different for monitoring sites 420031005 and 420031008. The ozone monitor was moved from monitoring site 420031005 to monitoring site 420031008. These sites are within 0.25 miles of each other, and are at similar

elevations. Therefore, EPA is able to consider the data at both monitoring sites as representing the same area, and can combine the data for these two locations to calculate a valid design value. When data from both locations is considered, the three-year average completeness is 97%.

TABLE 2—2013–2015 PITTSBURGH AREA 2008 OZONE DESIGN VALUES

County	Site ID	4th highest daily maximum			2013–2015 Design value (ppm)
		2013	2014	2015	
Allegheny .....	420030008	0.070	0.065	0.071	0.068
	420030010	0.075	.....	.....	.....
	420030067	0.066	0.065	0.068	0.066
	420031005	0.076	0.042	.....	0.073
Armstrong .....	420031008	.....	0.071	0.074	.....
	420050001	0.078	0.068	0.070	0.072
Beaver .....	420070002	0.072	0.069	0.070	0.070
	420070005	0.072	0.070	0.067	0.069
	420070014	0.066	0.066	0.063	0.065
Washington .....	421250005	0.064	0.065	0.072	0.067
	421250200	0.067	0.064	0.069	0.066
	421255001	0.071	0.064	0.071	0.068
	421255200	0.063	0.062	0.045	.....
Westmoreland .....	421290006	0.067	0.053	.....	.....
	421290008	0.070	0.064	0.069	0.067

**Note:** Only valid design values for monitors meeting the completeness criteria are shown.

Consistent with the requirements contained in 40 CFR part 50, EPA has reviewed the ozone ambient air quality monitoring data for the monitoring period from 2013 through 2015 for the Pittsburgh Area, as recorded in the AQS database. As shown in Table 2, all valid 2013–2015 design values are less than or equal to 0.075 ppm. Therefore, the Pittsburgh Area has attained the 2008 ozone NAAQS, considering 2013–2015 data.

### III. Proposed Action

EPA evaluated ozone data from air quality monitors in the Pittsburgh Area in order to determine the area's attainment status under the 2008 ozone NAAQS. State and local agencies responsible for ozone air monitoring

networks supplied and quality assured the data. All the monitoring sites with valid data had design values equal to or less than 0.075 ppm based on the 2013–2015 monitoring period. Considering that review, EPA has concluded that this area attained the 2008 ozone NAAQS based on complete, quality assured and certified data for the 2013–2015 ozone seasons. Thus, EPA proposes to determine, in accordance with its statutory obligations under section 181(b)(2)(A) of the CAA and the provisions of the SIP Requirements Rule (40 CFR 51.1103), that the Pittsburgh Area attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2016.

This proposed determination of attainment does not constitute a

redesignation to attainment. Redesignations require states to meet a number of additional criteria, including EPA approval of a state plan to maintain the air quality standard for 10 years after redesignation. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

### IV. Statutory and Executive Order Reviews

This rulemaking action proposes to make a determination of attainment on the 2008 ozone NAAQS based on air quality and, if finalized, would not impose additional requirements. For that reason, this proposed determination of attainment:

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, proposing to determine that the Pittsburgh Area attained the 2008 ozone NAAQS by its July 20, 2016 attainment date, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because this proposed determination of attainment does not apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

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

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

Dated: August 12, 2016.

**Shawn M. Garvin,**

*Regional Administrator, Region III.*

[FR Doc. 2016–20313 Filed 8–24–16; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R08–OAR–2013–0145; FRL–9951–30–Region 8]

### Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing approval of State Implementation Plan (SIP) revisions submitted by the State of North Dakota on January 28, 2013 and April 22, 2014. The revisions are to Article 33–15 “Air Pollution Control” rules of the North Dakota Administrative Code. The revisions include amendments to update the Prevention of Significant Deterioration (PSD) rules and the definition of “volatile organic compounds”; to add particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) methods of measurement; to modify the PM<sub>2.5</sub> state ambient air quality standard, permissible open burning rule, and permit fee processes; and, to remove permitting fees for sources that operate an air monitoring site. The revisions also make clarifying changes. This action is being taken under section 110 of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before September 26, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R08–OAR–2013–0145 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](http://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full

EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jaslyn Dobrahner, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6252, [dobrahner.jaslyn@epa.gov](mailto:dobrahner.jaslyn@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

*What should I consider as I prepare my comments for EPA?*

1. *Submitting Confidential Business Information (CBI).* Do not submit CBI to the EPA through <http://www.regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying