

Dated: September 19, 2016.  
**Robert A. Kaplan,**  
*Acting Regional Administrator, Region 5.*

40 CFR part 52 is amended 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.*

■ 2. In § 52.770 the table in paragraph (c) is amended by adding an entry under “Article 5. Opacity Regulations” “Rule 1. Opacity Limitations” for 5–1–8 in numerical order to read as follows:

**§ 52.770 Identification of plan.**

\* \* \* \* \*  
 (c) \* \* \*

**EPA-APPROVED INDIANA REGULATIONS**

| Indiana citation  | Subject  | Indiana effective date | EPA approval date                              | Notes |
|---|--|------------------------|--|-------|
| *   | *  | *                      | *  | *     |
| <b>Article 5. Opacity Regulations<br/>Rule 1. Opacity Limitations</b> |  |                        |  |       |
| 5–1–8 .....   | Site-specific temporary alternate opacity limitations. | 12/6/2014              | 9/30/2016, [insert Federal Register citation]. |       |
| *   | *  | *                      | *  | *     |

\* \* \* \* \*  
 [FR Doc. 2016–23296 Filed 9–29–16; 8:45 am]  
**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 97**

[EPA–HQ–OAR–2015–0500; FRL–9953–30–OAR]

**Availability of Data on Allocations of Cross-State Air Pollution Rule Allowances to Existing Electricity Generating Units**

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

**ACTION:** Final rule; notice of data availability (NODA).

**SUMMARY:** Under the Cross-State Air Pollution Rule (CSAPR) trading program regulations, the EPA allocates emission allowances to existing electricity generating units (EGUs) as provided in a notice of data availability (NODA). In the CSAPR Update promulgated earlier this year, the EPA finalized default allocations of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for the control periods in 2017 and subsequent years to existing EGUs in 22 eastern states for which the EPA finalized Federal Implementation Plans (FIPs)—Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee,

Texas, Virginia, West Virginia, and Wisconsin. Through this NODA, the EPA is providing notice of the availability of data on these allowance allocations to existing units, as well as the data upon which the allocations are based.

**DATES:** September 30, 2016.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this notice should be addressed to Michael Cohen, at (202) 343–9497 or *cohen.michael@epa.gov*; or Robert Miller, at (202) 343–9077 or *miller.robertl@epa.gov*. The mailing address for each of these individuals is U.S. Environmental Protection Agency, Clean Air Markets Division, MC 6204M, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The CSAPR allowance trading programs require affected EGUs to hold emission allowances sufficient to cover their emissions of nitrogen oxides (NO<sub>x</sub>) and/or sulfur dioxide in each control period. In the CSAPR Update for the 2008 ozone National Ambient Air Quality Standards (NAAQS), the EPA established new emissions budgets for ozone season NO<sub>x</sub> emissions in 2017 and subsequent years for 22 eastern states and promulgated FIP provisions requiring affected EGUs in those states to participate in the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program.<sup>1</sup> Beginning with the 2018 control period, each covered state

generally has the option to determine how the CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances in its state emissions budget should be allocated among the state’s EGUs through a State Implementation Plan (SIP) revision.<sup>2</sup> However, for the 2017 control period, and by default for subsequent control periods in situations where a state has not provided the EPA with the state’s own allocations pursuant to an approved SIP revision, the allocations are made by the EPA.

In the case of units that commenced commercial operations before January 1, 2015, termed “existing” units for purposes of this trading program, the EPA determined default allocations for all control periods in the CSAPR Update rulemaking, according to a methodology finalized in the rulemaking but not included in the regulatory text.<sup>3</sup> Through this NODA, the EPA is providing notice of the availability of unit-level default allocations of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for EGUs that commenced commercial operation before January 1, 2015, as required by the CSAPR regulations.<sup>4</sup> The data are contained in an Excel spreadsheet titled “Unit-Level Allocations and Underlying Data for the

<sup>2</sup> See 40 CFR 52.38 and 52.39.

<sup>3</sup> See CSAPR Allowance Allocations Final Rule TSD, available at <https://www.epa.gov/airmarkets/final-cross-state-air-pollution-rule-update>.

<sup>4</sup> See 40 CFR 97.811(a)(1). The approach of allocating emission allowances to existing EGUs as provided in a NODA was established in the original CSAPR and was unchanged in the CSAPR Update. See, e.g., 40 CFR 97.511(a)(1).

<sup>1</sup> See Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS (September 7, 2016), available at <https://www.epa.gov/airmarkets/final-cross-state-air-pollution-rule-update>.

CSAPR Update for the 2008 Ozone NAAQS” that is included in the docket for the CSAPR Update final rule and has been posted on the EPA’s Web site at <https://www.epa.gov/airmarkets/final-cross-state-air-pollution-rule-update>. The spreadsheet contains the default allocations of allowances for each control period starting with 2017. For EGUs in all covered states except Arkansas, the unit-level allocations in the spreadsheet are the same for each year. For EGUs in Arkansas, the unit-level allocations for many EGUs are higher for the 2017 control period because Arkansas’ 2017 ozone season NO<sub>x</sub> emissions budget is higher than its emissions budget for the control period in 2018 and subsequent years. The spreadsheet also contains the data used to compute the allocations and describes how the computations are performed. The EPA is not requesting comment on the allocations, underlying data, or allocation methodology.

The EPA notes that an allocation or lack of allocation of emission allowances to a given EGU does not constitute a determination that CSAPR does or does not apply to the EGU.<sup>5</sup> The EPA also notes that allocations are subject to potential correction under the rule.<sup>6</sup>

In accordance with the allowance recordation deadlines set forth in the regulations, the EPA will record allocations of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances to existing units for the 2017 control period by January 3, 2017 (the first business day after January 1, 2017).<sup>7</sup> The EPA will also record allocations for the 2018 control period by that same date except in instances where a state has provided the EPA with timely notice of the state’s intent to submit a SIP revision with state-determined allowance allocations replacing the EPA’s default allocations for the 2018 control period.<sup>8</sup>

For units commencing commercial operation on or after January 1, 2015, termed “new” units for purposes of the CSAPR NO<sub>x</sub> Ozone Season Group 2

Trading Program, the EPA’s default allocations for each control period are annually determined during and after the control period based on current and prior year emission data, using a methodology set out in the regulatory text.<sup>9</sup>

Dated: September 22, 2016.

**Reid P. Harvey,**

*Director, Clean Air Markets Division.*

[FR Doc. 2016–23434 Filed 9–29–16; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 435**

[EPA–HQ–OW–2016–0598; FRL–9953–26–OW]

RIN 2040–AF68

**Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category—Implementation Date Extension**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to extend the implementation deadline for certain facilities subject to the final rule establishing pretreatment standards under the Clean Water Act (CWA) for discharges of pollutants into publicly owned treatment works (POTWs) from onshore unconventional oil and gas (UOG) extraction facilities (81 FR 41845; June 28, 2016). EPA is making this revision in response to new information suggesting that there are likely facilities subject to the final rule not presently meeting the zero discharge requirements in the final rule.

**DATES:** This direct final rule is effective on November 29, 2016 without further notice, unless EPA receives adverse comment by October 31, 2016. If EPA receives adverse comment, we will

publish a timely withdrawal in the **Federal Register** informing the public that the direct final rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. [EPA–HQ–OW–2016–0598], at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** For more information, see EPA’s Web site: <https://www.epa.gov/eg/unconventional-oil-and-gas-extraction-effluent-guidelines>. For technical information, contact Karen Milam, Engineering and Analysis Division (4303T), Office of Water, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone: 202–566–1915; email: [milam.karen@epa.gov](mailto:milam.karen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Does this action apply to me?**

Entities potentially regulated by this final action include:

| Category       | Example of regulated entity                      | North American Industry Classification System (NAICS) code |
|----------------|--|--|
| Industry ..... | Crude Petroleum and Natural Gas Extraction ..... | 211111   |
| Industry ..... | Natural Gas Liquid Extraction .....              | 211112   |

**II. Why is EPA issuing a direct final rule?**

EPA is publishing this direct final rule without a prior proposed rule

because we view this as a noncontroversial action and anticipate no adverse comment. This direct final rule merely extends the implementation

deadline for existing onshore UOG extraction facilities that were discharging to POTWs on or between the date of the **Federal Register** Notice

<sup>5</sup> See 40 CFR 97.811(a)(1).

<sup>6</sup> See 40 CFR 97.811(c).

<sup>7</sup> See 40 CFR 97.821(a).

<sup>8</sup> See 40 CFR 52.38(b)(7) and 97.821(b).

<sup>9</sup> See 40 CFR 97.812.