

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 (Public Law 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 Clean Air Act; and
- Does not provide the 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, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 2018.

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 nor does it 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 section 307(b)(2).)

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

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

Dated: November 6, 2017.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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.*

#### Subpart F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(154)(iii)(D) and (c)(488)(i)(C) to read as follows:

##### § 52.220 Identification of plan-in part.

\* \* \* \* \*

(c) \* \* \*

(154) \* \* \*

(iii) \* \* \*

(D) Rule 455, previously approved on January 24, 1985 in paragraph (c)(154)(iii)(B) of this section, is deleted with replacement in (c)(488)(i)(C)(1).

\* \* \* \* \*

(488) \* \* \*

(i) \* \* \*

(C) Sacramento Metropolitan Air Quality Management District.

(1) Rule 464, "Organic Chemical Manufacturing Operations," amended on April 28, 2016.

\* \* \* \* \*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2017-0066; EPA-R05-OAR-2017-0067; FRL-9960-05-Region 5]

#### Air Plan Approval; Minnesota and Michigan; Regional Haze SIP; FIP for Regional Haze; Final Action on Petitions for Reconsideration

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

**ACTION:** Notification of action denying petitions for reconsideration.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of its denials of petitions for reconsideration of rules addressing regional haze planning requirements for the States of Michigan and Minnesota. Specifically, on November 26, 2013, the United States Steel Corporation (U.S. Steel) petitioned EPA to reconsider and stay the final rulemaking captioned "Approval and Promulgation of Air Quality Implementation Plans; States of Minnesota and Michigan; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze" published on February 6, 2013, as well as the final rulemaking captioned "Approval and Promulgation of Air Quality Implementation Plans; States of Michigan and Minnesota; Regional Haze," published on September 30, 2013. Further, on June 13, 2016, U.S. Steel petitioned EPA to reconsider and stay the final rulemaking captioned "Air Plan Approval; Minnesota and Michigan; Revision to 2013 Taconite Federal Implementation Plan Establishing BART for Taconite Plants," published on April 12, 2016. EPA has denied the petitions by final action signed January 18, 2017, for reasons that EPA explains in the document denying U.S. Steel's petitions.

**DATES:** December 4, 2017.

**ADDRESSES:** EPA has established dockets for these actions under EPA-R05-OAR-2017-0066 for the Petition to Reconsider the Original 2013 Taconite FIP and EPA-R05-OAR-2017-0067 for the Petition to Reconsider the 2016 Revisions to the Taconite FIP. These dockets include the petitions for reconsideration, EPA's response, and other related documents. All documents are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, 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 Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Steven Rosenthal, Environmental Engineer, at (312) 886-6052 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Environmental Engineer, Air Planning and Maintenance Section, at 312-886-6052, [rosenthal.steven@epa.gov](mailto:rosenthal.steven@epa.gov) or at Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**SUPPLEMENTARY INFORMATION:** Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeal have venue for petitions for review of final actions by EPA. This action pertains to facilities in Minnesota and is not based on a determination of nationwide scope or effect. Thus, under section 307(b)(1), any petitions for review of EPA's action denying the U.S. Steel petition for reconsideration must be filed in the Court of Appeals for the Eighth Circuit on or before February 2, 2018.

Dated: February 28, 2017.

**Robert Kaplan,**

*Acting Regional Administrator, Region 5.*

**Editorial note:** This document was received for publication by the Office of the Federal Register on November 28, 2017.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R02-OAR-2017-0013; FRL 9971-28-Region 2]

### Approval and Revision of Air Quality Implementation Plans; State of New York; Regional Haze State and Federal Implementation Plans

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a source-specific revision to the New York state implementation plan (SIP) that establishes Best Available Retrofit

Technology (BART) emission limits for the Danskammer Generating Station ("Danskammer") Unit 4, owned and operated by Danskammer Energy LLC. The SIP revision establishes BART emission limits for sulfur dioxide, oxides of nitrogen, and particulate matter that are identical to the emission limits established by the EPA's federal implementation plan (FIP) for Danskammer Unit 4, which was published on August 28, 2012. The EPA finds that the SIP revision fulfills the requirements of the Clean Air Act and the EPA's Regional Haze Rule for BART at Danskammer Unit 4. In conjunction with this approval, we are withdrawing those portions of the FIP that address BART for Danskammer Unit 4.

**DATES:** This rule is effective on January 3, 2018.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R02-OAR-2017-0013. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. 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 [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Linky, Environmental Protection Agency, Air Programs Branch, 290 Broadway, New York, New York 10007-1866 at 212-637-3764 or by email at [Linky.Edward@epa.gov](mailto:Linky.Edward@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us," and "our" refer to the EPA.

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### I. What action is the EPA taking today?

The EPA is approving a source-specific SIP revision for Danskammer Unit 4 (the "Danskammer SIP Revision") that was submitted by the New York State Department of Environmental Conservation (NYSDEC) on August 10, 2015, and supplemented on August 5, 2016. Specifically, the EPA

is approving BART emission limits for sulfur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), and particulate matter (PM) for Danskammer Unit 4 that are equivalent to the emission limits established by the EPA's FIP that was promulgated on August 28, 2012 (77 FR 51915, 51917).

In its submittal, NYSDEC included the following BART emission limits for Danskammer Unit 4: 0.12 pounds of NO<sub>x</sub> per million British thermal units (lb NO<sub>x</sub>/MMBtu) calculated on a 24-hour average during the ozone season and on a rolling 30-day average during the rest of the year; 0.09 lb SO<sub>2</sub>/MMBtu calculated on a 24-hour average; and 0.06 lb PM/MMBtu calculated on a 1-hour average. NYSDEC also included a condition that restricts Danskammer Unit 4 to combusting only natural gas. As a result of the EPA's approval, the EPA is withdrawing those portions of the FIP that address BART for Danskammer Unit 4. The reader is referred to EPA's Proposed Rule, 82 FR 21749 (May 10, 2017), for a detailed discussion of this SIP revision.

### II. What significant comments were received in response to the EPA's proposed action?

EarthJustice (EJ) submitted the following comments on behalf of the National Parks Conservation Association (NPCA) and Sierra Club.

*Comment 1:* EJ supports the inclusion in the New York SIP of limits that restrict combustion at Danskammer Unit 4 to natural gas. EJ agrees with the EPA's conclusion that such a restriction will have the effect of reducing visibility-impairing emissions compared to the prior Title V permit and the EPA FIP that allowed combustion of coal, oil, or natural gas in Unit 4. According to the 2012 BART determination study for Danskammer Unit 4 that formed the basis for NYSDEC's and the EPA's BART determinations, 100% firing of natural gas is associated with the highest percent reduction of SO<sub>2</sub> of the controls examined at the time, and the third highest percent reduction of NO<sub>x</sub>. Elimination of coal combustion is consistent with BART and will certainly provide visibility benefits at Class I areas.

*Response:* The EPA acknowledges EJ's support of the natural gas requirement in the Danskammer SIP Revision.

*Comment 2:* The 2012 BART determination for Danskammer Unit 4 formed the basis for NYSDEC's and EPA's prior BART determinations. Since the unit had already been converted to co-fire or exclusively fire natural gas in 1987, the determination included the option of 100% firing of natural gas as a feasible BART technology. Thus, the