

V operating permitted sources, under the authority in 22a-174-9 of the Regulations of the Connecticut State Agencies (RCSA). This delegation mechanism was approved in a letter dated September 30, 1982 from EPA Region 1 to CT DEEP, was confirmed in a letter dated December 22, 1994 from EPA Region 1 to CT DEEP, and was again confirmed in a letter dated November 8, 2018 from CT DEEP to EPA. This MOA reconfirms this delegation mechanism for part 60 NSPS and part 61 NESHAPs. In addition, this MOA revises the procedures and conditions of delegation contained in the September 30, 1982 letter.

II. Procedures for Delegation

1. EPA Region 1 will provide an annual letter to CT DEEP with a checklist identifying the newly promulgated part 60 NSPS, part 61 NESHAPs, and part 63 NESHAPs standards and amendments to standards which have been previously delegated.

2. CT DEEP will complete the checklist and return it to EPA Region 1 within 60 days of receipt of the checklist. For each standard, CT DEEP will indicate whether there are any affected sources in the State.

3. CT DEEP will complete the checklist to indicate whether CT DEEP requests delegation of part 60 NSPS, part 61 NESHAPs, and part 63 NESHAPs standards for affected sources subject to the Title V operating permit program. Delegation of a standard for a source subject to a Title V operating permit occurs upon issuance of the Title V operating permit incorporating the applicable standards for affected sources.

4. CT DEEP will complete the checklist to indicate which new part 60 NSPS and part 61 NESHAPs standards, if any, for which the CT DEEP is requesting delegation for all sources.

5. Amendments to standards previously delegated will be automatically delegated, unless CT DEEP declines delegation in writing to EPA Region 1 within 60 days of receipt of the annual checklist.

6. Upon receipt of the completed checklist, EPA Region 1 will issue a letter to the CT DEEP confirming delegation of the federal standards.

7. EPA Region 1 will develop and maintain a list of delegated NSPS and NESHAPs on the EPA Region 1 website.

III. Conditions of Delegation

1. CT DEEP will assume primary responsibility for enforcement of delegated NSPS and NESHAPs.

2. CT DEEP will not grant a variance from compliance with applicable

emission standards of NSPS and NESHAPs.

3. CT DEEP will communicate with EPA Region 1 to keep each office fully informed regarding the current compliance status of subject sources in Connecticut and interpretation of applicable regulations.

4. CT DEEP will require all NSPS and NESHAPs sources to adhere to the reporting, monitoring, and recordkeeping requirements specified in the NSPS and NESHAPs, except as may be modified through Title V streamlining or other approvals. CT DEEP will describe any Title V streamlining or alternatives to reporting, monitoring, and recordkeeping in the Title V Technical Support Document or in documentation concerning approvals for modifications of reporting, monitoring and recordkeeping for non-Title V sources.

5. CT DEEP will issue applicability determinations that are routine in nature and will forward to EPA Region 1 any applicability questions that are unique or unusually complex. EPA Region 1 will provide technical assistance as necessary to the CT DEEP.

6. EPA delegates only the authority to approve minor or intermediate alternatives to test methods and monitoring.¹ EPA retains the authority to approve major alternatives to test methods and monitoring. CT DEEP must maintain a record of all approved alternatives to all monitoring, testing, recordkeeping, and reporting requirements and provide this list of alternatives to EPA Region 1 at least semi-annually.

7. CT DEEP will follow the process identified in 40 CFR 63.96(b) for returning delegation of part 61 NESHAPs or part 63 NESHAPs standards. CT DEEP will notify EPA Region 1 in writing if CT DEEP intends to return delegation of any part 60 NSPS and will coordinate with EPA Region 1 on the process required for returning delegation of a part 60 NSPS standard.

8. CT DEEP will coordinate with EPA Region 1 on the process required in the event CT DEEP intends to pursue partial delegation of part 60 NSPS, part 61

¹Forty CFR part 63 subpart E, section 63.91(g) specifies the part 63 subpart A authorities which may be delegated. In addition, the EPA document titled "How to Review and Issue Clean Air Act Applicability Determinations and Alternative Monitoring" (EPA 305-B-99-004, February 1999) specifies that EPA may delegate the authority to issue minor or intermediate alternatives to test methods and monitoring for part 60 NSPS and part 61 NESHAPs. This guidance document and 40 CFR 63.90 provide definitions of minor, intermediate, and major alternatives to test methods and monitoring.

NESHAPs, or part 63 NESHAPs standards.

9. If the EPA Regional Administrator determines that CT DEEP is not adequately implementing or enforcing NSPS or NESHAPs, the Regional Administrator may revoke delegation of NSPS or NESHAPs in whole or part.

V. Signatures

For the United States, United States Environmental Protection Agency, Region 1

Dennis Deziel, Regional Administrator, October 2, 2019

For the State of Connecticut, Department of Energy and Environmental Protection

Katherine S. Dykes, Commissioner, September 10, 2019

This document informs the public of EPA Region 1 and CT DEEP's October 2, 2019 Memorandum of Agreement for delegation of NSPS and NESHAPs. In addition, as specified in the October 2, 2019 MOA, EPA Region 1 has developed and will maintain a list of NSPS and NESHAP standards delegated to CT DEEP, available on the <https://www.epa.gov/caa-permitting/epa-region-1-state-delegations-federal-new-source-performance-standard-nsp-and-website>. The list of delegated standards, the October 2, 2019 MOA, and accompanying letters exchanged between EPA Region 1 and CT DEEP are also available in the public docket for this action identified in the **ADDRESSES** section above.

List of Subjects in 40 CFR Parts 60, 61, and 63

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 15, 2020.

Dennis Deziel,

Regional Administrator, EPA Region 1.

[FR Doc. 2020-01112 Filed 1-30-20; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2019-0653; FRL-10002-88]

Extension of Time-Limited Tolerances for Emergency Exemptions (Multiple Chemicals, Various Commodities)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends time-limited tolerances for residues of five pesticides on various commodities, as identified in this document. These actions are in response to EPA's granting of emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of these pesticides. In addition, the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA.

DATES: This regulation is effective January 31, 2020. Objections and requests for hearings must be received on or before March 31, 2020 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the

SUPPLEMENTARY INFORMATION).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2019-0653, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDfrNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2019-0653 in the subject line on the first page of your submission. All requests must be in writing, and must be received by the Hearing Clerk on or before March 31, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2019-0653, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>. Additional instructions on commenting

or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Background and Statutory Findings

EPA previously published final rules establishing time-limited tolerances in the **Federal Register** for each chemical and commodity listed under FFDCA section 408, 21 U.S.C. 346a. EPA established the tolerances because FFDCA section 408(l)(6) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established at EPA's own initiative and without providing notice or time for public comment.

EPA received requests to extend the emergency use of these chemicals for this year's growing season. After having reviewed these submissions, EPA concurs that emergency conditions continue to exist. EPA assessed the potential risks presented by residues of each chemical in the listed commodities. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2) and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18.

The data and other relevant material have been evaluated and were discussed in the final rules originally establishing the time-limited tolerances. Based on those data and information considered, the Agency affirms that extension of these time-limited tolerances will continue to meet the requirements of FFDCA section 408(l)(6). Therefore, the time-limited tolerances are extended until December 31, 2022. Although these tolerances will expire and are revoked on the date listed, under FFDCA section 408(l)(5), residues of the pesticides not in excess of the amounts specified in the tolerance remaining in or on the commodity after that date will not be unlawful, provided the residue is present as a result of an application or use of a pesticide at a time and in a manner that was lawful under FIFRA, the tolerance was in place at the time of the application, and the residue does not exceed the level that was authorized by the tolerance. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on these pesticides indicate that the residues are not safe. EPA will publish a document in the **Federal Register** to remove the

revoked tolerances from the Code of Federal Regulations (CFR).

Time-limited tolerances for the use of the following pesticide chemicals on specific commodities are being extended:

Bifenthrin. EPA has authorized under FIFRA section 18 the use of bifenthrin on pomegranate for control of leaf-footed plant bugs in California. This regulation extends the time-limited tolerance for residues of the insecticide bifenthrin in or on pomegranate at 0.5 ppm for an additional 3-year period. This tolerance will expire and is revoked on December 31, 2022. The time-limited tolerance was originally published in the **Federal Register** of December 22, 2016 (81 FR 93824) (FRL–9954–47).

Flupyradifurone. EPA has authorized under FIFRA section 18 the use of flupyradifurone on sweet sorghum for control of sugar cane aphids in Arkansas, Georgia, Kentucky, Mississippi, North Carolina, and Tennessee. This regulation extends time-limited tolerances for residues of the insecticide flupyradifurone and its metabolites and degradates in or on sorghum, syrup at 90.0 ppm, and in or on sweet sorghum, forage at 30.0 ppm for an additional 3-year period. These tolerances will expire and are revoked on December 31, 2022. The time-limited tolerances were originally published in the **Federal Register** of March 10, 2017 (82 FR 13251) (FRL–9958–75).

Methoxyfenozide. EPA has authorized under FIFRA section 18 the use of methoxyfenozide on rice for control of armyworms in California. This regulation extends time-limited tolerances for residues of the insecticide methoxyfenozide and its metabolites and degradates in or on rice, bran at 4.0 ppm, and in or on rice, grain at 0.50 ppm, for an additional 3-year period. These tolerances will expire and are revoked on December 31, 2022. The time-limited tolerances were originally published in the **Federal Register** of May 6, 2016 (81 FR 27332) (FRL–9945–28).

Streptomycin. EPA has authorized under FIFRA section 18 the use of streptomycin on citrus for control of citrus greening disease in Florida and California. This regulation extends time-limited tolerances for residues of the pesticide streptomycin in or on fruit, citrus, group 10–10 at 2.0 ppm, and fruit, citrus group 10–10, dried pulp at 6.0 ppm, for an additional 3-year period. These tolerances will expire and are revoked on December 31, 2022. The time-limited tolerances were originally published in the **Federal Register** of

March 15, 2017 (82 FR 13759) (FRL–9957–65).

Thiabendazole. EPA has authorized under FIFRA section 18 the use of thiabendazole on sweet potato for control of black rot in North Carolina. This regulation extends the time-limited tolerance for combined residues of the fungicide thiabendazole and its metabolite benzimidazole in or on sweet potato at 10 ppm for an additional 3-year period. This tolerance will expire and is revoked on December 31, 2022. The time-limited tolerance was originally published in the **Federal Register** of September 22, 2016 (81 FR 65289) (FRL–9950–05).

III. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established MRLs for the commodities in this action for bifenthrin, flupyradifurone, methoxyfenozide, streptomycin, or thiabendazole.

IV. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not

contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established under FFDCA sections 408(e) and 408(l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the National Government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA has submitted a report containing this rule 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**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 13, 2019.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. In § 180.242(b):

a. Remove "the following table," "below," and "the table" and add in their places "table 3 to this paragraph (b)," "in table 3 to this paragraph (b)," and "table 3 to this paragraph (b)," respectively, in the introductory text; and

b. Revise the table.

The revision reads as follows:

§ 180.242 Thiabendazole; tolerances for residues.

* * * * *

(b) * * *

TABLE 3 TO PARAGRAPH (b)

Table with 3 columns: Commodity, Parts per million, Expiration/revocation date. Row: Sweet potato 10 12/31/22

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3. In § 180.245, revise the entries for "Fruit, citrus, group 10-10" and "Fruit, citrus, group 10-10, dried pulp" in the table in paragraph (b) to read as follows:

§ 180.245 Streptomycin; tolerances for residues.

* * * * *

(b) * * *

Table with 3 columns: Commodity, Parts per million, Expiration/revocation date. Rows: Fruit, citrus, group 10-10 .. 2.0 12/31/22; Fruit, citrus, group 10-10, dried pulp 6.0 12/31/22

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4. In § 180.442, revise the entry for "Pomegranate" in the table in paragraph (b) to read as follows:

§ 180.442 Bifenthrin; tolerances for residues.

* * * * *

(b) * * *

Table with 3 columns: Commodity, Parts per million, Expiration/revocation date. Row: Pomegranate 0.50 12/31/22

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5. In § 180.544(b):

a. Remove "the table below" and "the following table" and add in their places "table 3 to this paragraph (b)" in the introductory text; and

b. Revise the table.

The revision reads as follows:

§ 180.544 Methoxyfenozide; tolerances for residues.

* * * * *

(b) * * *

TABLE 3 TO PARAGRAPH (b)

Table with 3 columns: Commodity, Parts per million, Expiration/revocation date. Rows: Rice, bran 4.0 12/31/22; Rice, grain 0.50 12/31/22

* * * * *

6. In § 180.679(b):

a. Remove "the table below," "the table," and "the following table" and add in their places "table 2 to this paragraph (b)" in the introductory text; and

b. Revise the table.

The revision reads as follows:

§ 180.679 Flupyradifurone; tolerances for residues.

* * * * *

(b) * * *

TABLE 2 TO PARAGRAPH (b)

Table with 3 columns: Commodity, Parts per million, Expiration/revocation date. Rows: Sorghum, syrup 90.0 12/31/22; Sweet sorghum, forage 30.0 12/31/22

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[FR Doc. 2020-00826 Filed 1-30-20; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-1986-0005; FRL-10004-87-Region 8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Idaho Pole Co. Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 announces the deletion of the surface and unsaturated subsurface soils outside of the 4.5 acre Treated Soils Area of the Idaho Pole Co. Superfund Site (Site) located in Bozeman, Montana from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This partial deletion pertains to the surface and unsaturated subsurface soils remedy component outside of the 4.5 acre Treated Soils Area of the Idaho Pole Company Superfund Site. The groundwater, sediments and saturated subsurface soils are being addressed as part of the groundwater remedy component and are not being considered for deletion as part of this action. The EPA and the State of Montana, through the Department of Environmental Quality (DEQ), have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring-and five-year reviews, have been completed. However, the deletion of the surface and unsaturated surface soils outside of the 4.5 acre Treated Soils Area does not preclude future actions under Superfund.

DATES: This action is effective January 31, 2020.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1986-0005. All documents in the docket are listed on the http://www.regulations.gov website. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information 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