

submissions are not required under title I part D of the CAA, and in this instance are not in response to a SIP call under section 110(k)(5) of the CAA.

### III. The EPA Approach To Review of Infrastructure SIP Submissions

Due to ambiguity in some of the language of CAA section 110(a)(2), the EPA believes that it is appropriate to interpret these provisions in the specific context of taking action on infrastructure SIP submissions. The EPA has previously provided comprehensive guidance on the application of these provisions in the 2013 Guidance and through regional actions on infrastructure submissions.<sup>6</sup> Unless otherwise noted below, we are following that existing approach in taking action on these submissions. In addition, in the context of taking action on such infrastructure submissions, the EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.<sup>7</sup> The EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

### IV. The EPA Evaluation

The EPA's evaluation and rationale for proposing action on Washington's September 30, 2019 and April 3, 2020 infrastructure SIP revisions are detailed in the "Technical Support Document for the EPA's Proposed Rulemaking for the Washington Implementation Plan Revision for Meeting the Infrastructure Requirements in the Clean Air Act" (TSD). The TSD is available in the docket for this action.

### V. Proposed Action

We are proposing to approve the September 2019 and April 2020 Washington infrastructure SIP revisions as meeting certain infrastructure requirements for the 2010 SO<sub>2</sub> and 2015 ozone NAAQS, specifically CAA section 110(a)(2)(A), (B), (C) (except for those provisions covered by the PSD FIP), (D)(i)(II) (except for those provisions covered by the PSD and regional haze FIPs), (D)(ii) (except for those provisions covered by the PSD FIP), (E), (F), (G), (H), (J) (except for those provisions

covered by the PSD FIP), (K), (L), and (M).

### VI. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- 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 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).

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law. Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the Puyallup Tribe of Indians Settlement Act of 1989, 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the EPA provided a consultation opportunity to the Puyallup Tribe in a letter dated July 15, 2019.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 14, 2020.

**Christopher Hladick,**

*Regional Administrator, Region 10.*

[FR Doc. 2020-10853 Filed 5-22-20; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

**[EPA-R06-OAR-2010-0580; FRL-10009-48-Region 6]**

### New Source Performance Standards; Delegation of Authority to Oklahoma

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

**ACTION:** Proposed rule; notice of delegation.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to update the Code of Federal Regulations (CFR) to reflect Oklahoma's current New Source Performance Standards (NSPS) delegation status and mailing address for the Oklahoma Department of Environmental Quality (ODEQ). The ODEQ has submitted updated

<sup>6</sup> The EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available in the docket for this action and at <https://www.epa.gov/air-quality-implementation-plans/infrastructure-sip-requirements-and-guidance>).

<sup>7</sup> See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center v. EPA*, No. 16-71933 (August 30, 2018).

regulations for delegation of the EPA authority for implementation and enforcement of certain NSPS. The updated State regulations incorporate by reference certain NSPS promulgated by the EPA, as they existed through June 30, 2018.

**DATES:** Written comments on this proposed rule must be received on or before June 25, 2020.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R06-OAR-2010-0580, at <https://www.regulations.gov> or via email to [pitre.randy@epa.gov](mailto:pitre.randy@epa.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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, please contact Randy Pitre, (214) 665-7229; email: [pitre.randy@epa.gov](mailto:pitre.randy@epa.gov). For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov). While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.*, CBI).

**FOR FURTHER INFORMATION CONTACT:** Mr. Randy Pitre, EPA Region 6 Office, Infrastructure and Ozone Section, 214-665-7229, [pitre.randy@epa.gov](mailto:pitre.randy@epa.gov). Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID-19. We encourage the public to submit comments via <https://www.regulations.gov>, as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean the EPA.

#### I. Background

Section 111(c)(1) of the Clean Air Act (CAA), 42 U.S.C. 7411(c)(1), authorizes the EPA to delegate to a state the authority to implement and enforce NSPS promulgated by the EPA under CAA section 111(b) and codified at part 60 of title 40 of the CFR. CAA section 111(c)(2) states that the EPA retains the authority to enforce any applicable NSPS delegated to a state. On March 25, 1982, the EPA approved the delegation of authority to implement and enforce NSPS to Oklahoma (1982 NSPS Delegation). See 47 FR 1785 (April 22, 1982). On October 8, 1999, the EPA updated Oklahoma’s NSPS delegation, including specific provisions setting forth the terms and conditions of the delegation of authority for NSPS responsibility to the ODEQ (1999 NSPS Delegation). See 64 FR 57392 (October 25, 1999). Copies of the initial 1982 NSPS Delegation and the 1999 NSPS Delegation updates are included in the docket for this action, both of which contain provisions specifying conditions and limitations applicable to the EPA’s delegation of authority to implement and enforce the NSPS in Oklahoma.

Under the terms and conditions of the 1999 NSPS Delegation, “[f]uture provisions of 40 CFR part 60 shall be delegated to ODEQ pursuant to this agreement provided that (1) ODEQ requests delegation and provides copies of the proposed or adopted rules, (2) ODEQ adopts the federal standard without change (*e.g.*, incorporation by reference) and (3) EPA does not object to the delegation within thirty (30) days of ODEQ’s request.” See Specific Provision 1 of the 1999 NSPS Delegation.

#### II. ODEQ’s December 23, 2019 NSPS Delegation Update

By letter dated December 23, 2019, the ODEQ requested an update to its NSPS delegation. ODEQ reaffirmed that it retains all required authorities set forth in 40 CFR 60.4 for delegation of a CAA section 111(c) program and all authority identified in the 1982 and 1999 NSPS Delegations. ODEQ provided copies of the duly adopted state regulations which incorporate specifically identified NSPS found at 40 CFR part 60 into the Oklahoma Administrative Code (OAC) 252:100-2 and OAC 252:100 Appendix A, as published in the *Oklahoma Register* on September 3, 2019 (36 Okla. Reg. 1573)

with an effective date of September 15, 2019.<sup>1</sup> These ODEQ regulations are, therefore, at least as stringent as the EPA’s rules. See 40 CFR 60.10(a). ODEQ’s December 23, 2019, request included the following NSPS in 40 CFR part 60, as they existed through June 30, 2018: 40 CFR part 60, subparts A (except sections 60.4, 60.9, 60.10, and 60.16), D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, TTTT, and Appendices A and B to 40 CFR part 60.<sup>2</sup> In accordance with the authority provided by CAA section 111(c)(1) and consistent with the provisions of the 1982 NSPS Delegation and the 1999 NSPS Delegation, the EPA has determined that the ODEQ has met the conditions required for approval of the ODEQ’s requested update to its NSPS delegation, as described above. All authorities not affirmatively and expressly requested by the ODEQ are not delegated. In addition, the provisions and conditions contained in the 1982 and 1999 NSPS Delegations remain in effect, including Specific Provision 7 of the 1999 NSPS Delegation which states that the delegation excludes the State’s authority for sources located on Indian lands.<sup>3</sup> Furthermore, no authorities are delegated that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards. All inquiries and requests concerning implementation and enforcement of the excluded standards in the State of Oklahoma should be directed to the EPA Region 6 Office of Enforcement and Compliance Assurance. Furthermore, the EPA retains any authority in an individual NSPS that may not be delegated according to provisions of the standard. Finally, the EPA retains the

<sup>1</sup> The ODEQ previously submitted requests to the EPA for updates to the Oklahoma NSPS delegation, by letters dated June 29, 2018, November 2, 2016, March 17, 2015, August 23, 2012, and May 5, 2000. EPA has determined that such requests meet the requirements of the CAA and the 1982 and 1999 NSPS Delegations concerning the approval of the EPA’s delegation of authority for the enforcement and implementation of the NSPS in Oklahoma.

<sup>2</sup> See EPA Docket No. EPA-R06-OAR-2010-0580 in [www.regulations.gov](http://www.regulations.gov).

<sup>3</sup> For purposes of the ODEQ’s NSPS delegation, the term “Indian lands” is synonymous with the term “Indian county,” as defined at 18 U.S.C. 1151.

authorities stated in the 1982 and 1999 NSPS Delegations.

### III. Proposed Action

Apart from the notification of the updated NSPS delegation to the ODEQ as discussed above, the EPA is

proposing to amend 40 CFR part 60 to include a table of the specific NSPS delegated to the ODEQ and update the mailing address for the ODEQ. If finalized as proposed, 40 CFR 60.4(b)(38) will be amended to read:

State of Oklahoma: State of Oklahoma, Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, and the following language and table will be added to 40 CFR 60.4(e):

#### DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF OKLAHOMA

[Excluding Indian Country]

Subpart	Source category	ODEQ
A	General Provisions (except Sections 60.4, 60.9, 60.10 and 60.16)	Yes.
D	Fossil Fueled Steam Generators (250 MM BTU/hr)	Yes.
Da	Electric Utility Steam Generating Units (250 MM BTU/hr)	Yes.
Db	Industrial-Commercial-Institutional Steam Generating Units (100 to 250 MM BTU/hr)	Yes.
Dc	Industrial-Commercial-Institutional Small Steam Generating Units (10 to 100 MM BTU/hr)	Yes.
E	Incinerators (>50 tons per day)	Yes.
Ea	Municipal Waste Combustors	Yes.
Eb	Large Municipal Waste Combustors	Yes.
Ec	Hospital/Medical/Infectious Waste Incinerators	Yes.
F	Portland Cement Plants	Yes.
G	Nitric Acid Plants	Yes.
Ga	Nitric Acid Plants (after October 14, 2011)	Yes.
H	Sulfuric Acid Plants	Yes.
I	Hot Mix Asphalt Facilities	Yes.
J	Petroleum Refineries	Yes.
Ja	Petroleum Refineries (After May 14, 2007)	Yes.
K	Storage Vessels for Petroleum Liquids (After 6/11/73 & Before 5/19/78)	Yes.
Ka	Storage Vessels for Petroleum Liquids (After 6/11/73 & Before 5/19/78)	Yes.
Kb	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Stg/Vessels) After 7/23/84	Yes.
L	Secondary Lead Smelters	Yes.
M	Secondary Brass and Bronze Production Plants	Yes.
N	Primary Emissions from Basic Oxygen Process Furnaces (Construction Commenced After June 11, 1973)	Yes.
Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities Construction is Commenced After January 20, 1983.	Yes.
O	Sewage Treatment Plants	Yes.
P	Primary Copper Smelters	Yes.
Q	Primary Zinc Smelters	Yes.
R	Primary Lead Smelters	Yes.
S	Primary Aluminum Reduction Plants	Yes.
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Plants	Yes.
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	Yes.
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	Yes.
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	Yes.
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	Yes.
Y	Coal Preparation Plants	Yes.
Z	Ferroalloy Production Facilities	Yes.
AA	Steel Plants: Electric Arc Furnaces After 10/21/74 & On or Before 8/17/83	Yes.
AAa	Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels After 8/07/83	Yes.
BB	Kraft Pulp Mills	Yes.
BBa	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.	Yes.
CC	Glass Manufacturing Plants	Yes.
DD	Grain Elevators	Yes.
EE	Surface Coating of Metal Furniture	Yes.
GG	Stationary Gas Turbines	Yes.
HH	Lime Manufacturing Plants	Yes.
KK	Lead-Acid Battery Manufacturing Plants	Yes.
LL	Metallic Mineral Processing Plants	Yes.
MM	Automobile & Light Duty Truck Surface Coating Operations	Yes.
NN	Phosphate Manufacturing Plants	Yes.
PP	Ammonium Sulfate Manufacture	Yes.
QQ	Graphic Arts Industry: Publication Rotogravure Printing	Yes.
RR	Pressure Sensitive Tape and Label Surface Coating Operations	Yes.
SS	Industrial Surface Coating: Large Appliances	Yes.
TT	Metal Coil Surface Coating	Yes.
UU	Asphalt Processing and Asphalt Roofing Manufacture	Yes.
VV	VOC Equipment Leaks in the SOCM Industry	Yes.
VVa	VOC Equipment Leaks in the SOCM Industry (After November 7, 2006)	Yes.
WW	Beverage Can Surface Coating Industry	Yes.
XX	Bulk Gasoline Terminals	Yes.
AAA	New Residential Wood Heaters	No.
BBB	Rubber Tire Manufacturing Industry	Yes.

DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF OKLAHOMA—Continued  
[Excluding Indian Country]

Subpart	Source category	ODEQ
DDD	Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry	Yes.
FFF	Flexible Vinyl and Urethane Coating and Printing	Yes.
GGG	VOC Equipment Leaks in Petroleum Refineries	Yes.
GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction or Modification Commenced After November 7, 2006.	Yes.
HHH	Synthetic Fiber Production	Yes.
III	VOC Emissions from the SOCM I Air Oxidation Unit Processes	Yes.
JJJ	Petroleum Dry Cleaners	Yes.
KKK	VOC Equipment Leaks From Onshore Natural Gas Processing Plants	Yes.
LLL	Onshore Natural Gas Processing: SO <sub>2</sub> Emissions	Yes.
NNN	VOC Emissions from SOCM I Distillation Operations	Yes.
OOO	Nonmetallic Mineral Processing Plants	Yes.
PPP	Wool Fiberglass Insulation Manufacturing Plants	Yes.
QQQ	VOC Emissions From Petroleum Refinery Wastewater Systems	Yes.
RRR	VOC Emissions from SOCM I Reactor Processes	Yes.
SSS	Magnetic Tape Coating Operations	Yes.
TTT	Industrial Surface Coating: Plastic Parts for Business Machines	Yes.
UUU	Calciners and Dryers in Mineral Industries	Yes.
VVV	Polymeric Coating of Supporting Substrates Facilities	Yes.
WWW	Municipal Solid Waste Landfills	Yes.
XXX	Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification after July 17, 2014.	Yes.
AAAA	Small Municipal Waste Combustion Units (Construction is Commenced After 8/30/99 or Modification/Reconstruction is Commenced After 6/06/2001).	Yes.
CCCC	Commercial & Industrial Solid Waste Incineration Units (Construction is Commenced After 11/30/1999 or Modification/Reconstruction is Commenced on or After 6/01/2001).	Yes.
EEEE	Other Solid Waste Incineration Units (Constructed after 12/09/2004 or Modification/Reconstruction is commenced on or after 06/16/2004).	Yes.
IIII	Stationary Compression Ignition Internal Combustion Engines	Yes.
JJJJ	Stationary Spark Ignition Internal Combustion Engines	Yes.
KKKK	Stationary Combustion Turbines (Construction Commenced After 02/18/2005)	Yes.
LLLL	New Sewage Sludge Incineration Units	Yes.
OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015.	Yes.
OOOOa	Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015.	Yes.
TTTT	Greenhouse Gas Emissions for Electric Generating Units	Yes.
N/A	Appendices A (Test Methods) and B (Performance Specifications)	Yes.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA previously delegated to the ODEQ the authority to implement and enforce certain NSPS for sources located in Oklahoma, as provided for under 42 U.S.C. 7411(c)(1); see also 40 CFR 60.4(b). Pursuant to the terms and conditions of that delegation, this action informs the public that the EPA has found the ODEQ’s December 23, 2019, request to update the delegation status for NSPS meets Federal requirements and does not impose additional requirements beyond those imposed by state law. Through this action, the EPA is proposing to add a table to 40 CFR part 60 listing the specific NSPS currently delegated to the ODEQ and update the ODEQ’s address for submittal of documents required under the delegated NSPS provisions. For these reasons, this action:

- Is not a “significant regulatory action” subject to review by the Office

of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because NSPS delegation updates are exempted under Executive Order 12866;
- 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 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 Oklahoma NSPS delegation does not extend to Indian country. If finalized as proposed, the EPA’s action will 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).

#### List of Subjects in 40 CFR Part 60

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

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

Dated: May 14, 2020.

**David Garcia,**

Director, Air & Radiation Division, Region 6.

[FR Doc. 2020-10834 Filed 5-22-20; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-1989-0011; FRL-10008-68-Region 9]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the JASCO Chemical Corp. Superfund Site

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

**ACTION:** Proposed rule; notice of intent.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 9 is issuing a Notice of Intent to Delete the JASCO Chemical Corporation Superfund Site (Site) located in Mountain View, California, from the National Priorities List (NPL) and requests public comments on this proposed action. 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). EPA and the State of California, through the Department of Toxic Substances Control, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** Comments must be received by June 25, 2020.

**ADDRESSES:** Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-1989-0011, by one of the following methods:

- <http://www.regulations.gov>: Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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. 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://www.epa.gov/dockets/commenting-epa-dockets>.

- **Email:** Superfund Project Manager: Eric Canteenwala, [canteenwala.eric@epa.gov](mailto:canteenwala.eric@epa.gov).

- Written comments submitted by mail are temporarily suspended and no hand deliveries will be accepted. We encourage the public to submit comments via <https://www.regulations.gov>

**Instructions:** Direct your comments to Docket ID no. EPA-HQ-SFUND-1989-0011. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email. The <http://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov> your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to

technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the <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 the hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the following repositories:

The EPA is temporarily suspending its Docket Center and Regional Records Centers for public visitors to reduce the risk of transmitting COVID-19. In addition, many site information repositories are closed and information in these repositories, including the deletion docket, has not been updated with hardcopy or electronic media. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID.

**FOR FURTHER INFORMATION CONTACT:** Eric Canteenwala, Superfund Project Manager, U.S. EPA, Region 9 (SFD-7-1), 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3932, email: [canteenwala.eric@epa.gov](mailto:canteenwala.eric@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
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- IV. Basis for Site Deletion

#### I. Introduction

EPA Region 9 announces its intent to delete the JASCO Chemical Corporation Superfund Site from the NPL and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of