

Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public, EPA is making available a copy of EPA's letter to West Virginia through this notice.

DATES: On October 8, 2020, EPA sent West Virginia a letter acknowledging that West Virginia's delegation of authority to implement and enforce Federal NESHAPs and NSPS had been updated.

ADDRESSES: Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. Copies of West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304.

FOR FURTHER INFORMATION CONTACT: Riley Burger, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–2217. Mr. Burger can also be reached via electronic mail at burger.riley@epa.gov.

SUPPLEMENTARY INFORMATION: On May 6, 2019, West Virginia notified EPA that West Virginia had updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards as found in Title 40 of the Code of Federal Regulations (CFR), parts 60, 61, and 63 as of June 1, 2018. On June 3, 2020, West Virginia notified EPA that West Virginia had updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards as found in Title 40 of the CFR, parts 60, 61, and 63 as of June 1, 2019. On October 8, 2020, EPA sent West Virginia a letter acknowledging that West Virginia now has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notices to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports, and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both EPA Region III and to the West Virginia Department of Environmental Protection, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the West Virginia Department of Environmental Protection. A copy of

EPA's October 8, 2020 letter to West Virginia follows:

Mr. Laura M. Crowder, Director
Division of Air Quality
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, West Virginia 25304
Dear Ms. Crowder:

The United States Environmental Protection Agency (EPA) has previously delegated to the State of West Virginia the authority to implement and enforce various federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), which are found at 40 CFR parts 60, 61, and 63. In those actions EPA also delegated to West Virginia the authority to implement and enforce any future EPA NESHAP or NSPS on the condition that West Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated May 6, 2019, West Virginia informed EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2018. In a letter dated June 3, 2020, West Virginia informed EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2019. West Virginia noted in both letters that it understood it was automatically delegated the authority to implement these standards. West Virginia committed to enforcing the standards in conformance with the terms of EPA's previous delegations of authority. West Virginia made only allowed wording changes.

West Virginia provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS which West Virginia has adopted by reference. These revised Legislative Rules are entitled 45 CSR 34—"Emission Standards for Hazardous Air Pollutants," and 45 CSR 16—"Standards of Performance for New Stationary Sources." These revised Rules have an effective date of June 1, 2019 for the 2019 letter and June 1, 2020 for the 2020 letter.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA's previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia adopted by reference in West Virginia's revised Legislative Rules 45 CSR 34 and 45 CSR 16, as effective on June 1, 2019 and subsequently on June 1, 2020.

Please note that on December 19, 2008 in *Sierra Club v. EPA*,¹ the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the

¹ *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).

Court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR part 63, 63.6(f)(1), and (h)(1).

Accordingly, EPA no longer allows sources to use the SSM exemption as provided for in the vacated provisions at 40 CFR 63.6(f)(1), and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 CFR part 63. Because West Virginia incorporated 40 CFR part 63 by reference, West Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR part 63 due to the Court's ruling in *Sierra Club vs. EPA*.

EPA appreciates West Virginia's continuing NESHAP and NSPS enforcement efforts, and also West Virginia's decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

If you have any questions, please contact me or Ms. Mary Cate Opila, Chief, Permits Branch, at 215–814–2041.

Sincerely,

Cristina Fernandez, Director
Air and Radiation Division
EPA Region III

This notice acknowledges the updates of West Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

Dated: November 17, 2020.

Cristina Fernandez,

Director, Air & Radiation Division, Region III.

[FR Doc. 2021–00965 Filed 1–15–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2016–0731; FRL–10017–49–OAR]

Proposed Information Collection Request; Renewal; EPA's Methane Challenge Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit a renewal information collection request (ICR), "EPA's Natural Gas STAR and Methane Challenge Programs" (EPA ICR No. 2547.01, OMB Control No. 2060–0722) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. Specifically, EPA is proposing to merge the ICR with "EPA's Natural Gas STAR Program" (EPA ICR

No. 2004–0082, OMB Control No. 2060–0328). This is a renewal with modification of the existing ICR, which is currently approved through August 31, 2021. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before March 22, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2016–0731 online using www.regulations.gov (our preferred method), by email to a-and-r-Docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Lau, Office of Atmospheric Programs, Climate Change Division, (6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–7312; email address: lau.patrick@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents for the two existing ICR, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR and the Natural Gas STAR ICR (Docket ID: EPA–HQ–OAR–2016–2004–0082). The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is Necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and

clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Natural Gas STAR and Methane Challenge programs (“Gas STAR Programs”) are voluntary programs sponsored by the U.S. Environmental Protection Agency (EPA) that encourage oil and natural gas companies to adopt cost effective technologies and practice that improve operational efficiency and reduce methane emissions. Methane is the primary component of natural gas and a potent greenhouse gas. The Programs work with oil and natural gas companies in the production, gathering & boosting, processing, transmission & storage, and distribution segments to remove barriers that inhibit the implementation of technologies and practices that reduce methane emissions. The Programs effectively promote the adoption of emission reduction technologies and practices by helping partners evaluate Best Management Practices (BMPs) in the context of their current operations and implement them where cost-effective. Implementation of the Programs' BMPs saves participants money, improves operational efficiency, and enhances the protection of the environment. Combining the ICR's for the Methane Challenge and the Natural Gas STAR programs is expected to streamline partners' engagement with the programs and simplify communications about reporting.

Form Numbers: The Natural Gas STAR and Methane Challenge Programs each have Partnership Agreements (“PA”) that describe the terms of participation in the Program. A company that wishes to become a Natural Gas STAR or Methane Challenge partner signs and submits the applicable PA to EPA. The PA forms covered under this ICR include:

- *Natural Gas STAR Program—Partnership Agreement:* EPA Form No. 5900–105
- *Methane Challenge Program—Partnership Agreement for Best*

Management Practice Commitment Option: EPA Form No. 5900–412

- *Methane Challenge Program—Partnership Agreement for ONE Future Emissions Intensity Commitment Option:* EPA Form No. 5900–411

Partners agree to complete and submit a Natural Gas STAR or Methane Challenge Implementation Plan (as applicable) within six to twelve months of signing the PA. The Implementation Plan forms covered under this ICR include:

- *Natural Gas STAR Program—Production Implementation Plan:* EPA Form No. 5900–103
- *Natural Gas STAR Program—Transmission Implementation Plan:* EPA Form No. 5900–109
- *Natural Gas STAR Program—Distribution Implementation Plan:* EPA Form No. 5900–97
- *Natural Gas STAR Program—Gathering and Processing Implementation Plan:* EPA Form No. 5900–100
- *Methane Challenge Program—Implementation Plan Template:* EPA Form No. 5900–410

After one full year of participation in either Program, partners submit an annual report documenting the previous year's methane emission reduction activities. Partners only need to submit the applicable form(s) for the Program/commitment option/segments they have joined. The annual reporting forms covered under this ICR include:

- *Natural Gas STAR Program—Production Reporting Form:* EPA Form No. 5900–104
- *Natural Gas STAR Program—Transmission Reporting Form:* EPA Form No. 5900–95
- *Natural Gas STAR Program—Distribution Reporting Form:* EPA Form No. 5900–99
- *Natural Gas STAR Program—Gathering and Processing Reporting Form:* EPA Form No. 5900–102
- *Methane Challenge Program—BMP Commitment Option Reporting Form:* EPA Form No. 5900–434
- *Methane Challenge Program—ONE Future Commitment Option Reporting Form:* EPA Form No. 5900–435

Upon becoming a partner in the Methane Challenge Program, companies are given an opportunity to draft and submit a Historical Actions Fact Sheet, which provides information on historical methane reduction actions taken prior to joining Methane Challenge. A two-page fact sheet template is made available to partner companies and allows entry of up to five key methane mitigation activities, including text, photos, and graphics.

Submitting this document is *not* a requirement of the Methane Challenge Program partnership. The fact sheet template covered under this ICR is:

- *Methane Challenge Program—Historical Actions Fact Sheet Template*: EPA Form No. 5900–413

Respondents/affected entities: The Natural Gas STAR Programs are open to companies in the production segment of the oil industry, and to companies in the production, gathering & boosting, processing, transmission & storage, and distribution segments of the natural gas industry.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 97 (Natural Gas STAR) and 58 (Methane Challenge) partners, and 50 vendors (total).

Frequency of response: Annual for partners and semi-annual for vendors.

Total estimated burden: 2,846 hours (per year) for the Natural Gas STAR Program plus 2,978 hours (per year) for the Methane Challenge Program. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$268,577.00 (per year) for the Natural Gas STAR Program plus \$268,952 (per year) for the Methane Challenge Program. There are no capital/start-up costs or O&M costs associated with this information collection.

Changes in Estimates: EPA expects that the burden associated with the final ICR submission for the Methane Challenge Program will increase compared to its previous estimated burden due to modifying this ICR to include the addition of respondents from the Natural Gas STAR Program. However, the final total burden for the total of the two programs is not expected to exceed the sum of the burdens for Natural Gas STAR and Methane Challenge Programs.

Hans Christopher Grundler,

Director, Office of Atmospheric Programs.

[FR Doc. 2021–01070 Filed 1–15–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–10016–80–Region 3]

Delegation of Authority to the Commonwealth of Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On October 8, 2020, the Environmental Protection Agency (EPA) sent the Commonwealth of Virginia (Virginia) a letter acknowledging that Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public, EPA is making available a copy of EPA's letter to Virginia through this notice.

DATES: On October 8, 2020, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce Federal NESHAPs had been updated.

ADDRESSES: Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air and Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. Copies of Virginia's submittal are also available at the Virginia Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219.

FOR FURTHER INFORMATION CONTACT:

Riley Burger, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814 2217, or by Mr. Burger can also be reached via electronic mail at burger.riley@epa.gov.

SUPPLEMENTARY INFORMATION: On March 5, 2020, Virginia notified EPA that Virginia had updated its incorporation by reference of Federal NESHAP, NSPS, and Maximum Achievable Control Technology (MACT) standards to include many such standards, as they were published in final form in the Code of Federal Regulations (CFR) dated July 1, 2019. On October 8, 2020, EPA sent Virginia a letter acknowledging that Virginia now has the authority to implement and enforce the NESHAPs as specified by Virginia in its notice to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports, and other correspondence required pursuant to the delegated NESHAPs must be submitted to both EPA, Region III and to the Virginia Department of Environmental Quality, unless the delegated standard specifically provides that such submittals may be sent to EPA

or a delegated State. In such cases, the submittals should be sent only to the Virginia Department of Environmental Quality. A copy of EPA's letter to Virginia follows:

“Michael G. Dowd, Director,
Air Division,
Virginia Department of Environmental Quality,
P.O. Box 1105,
Richmond, Virginia 23218
Dear Mr. Dowd:

The United States Environmental Protection Agency (EPA) has previously delegated to the Commonwealth of Virginia (Virginia) the authority to implement and enforce various federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT standards) which are found at 40 CFR parts 60, 61 and 63, respectively. In those actions, EPA also delegated to Virginia the authority to implement and enforce any future federal NSPS, NESHAP or MACT Standards on the condition that Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated March 5, 2020, Virginia submitted to EPA revised versions of Virginia's regulations which incorporate by reference specified federal NSPS, NESHAP and MACT standards, as those federal standards had been published in final form in the Code of Federal Regulations dated July 1, 2019. Virginia committed to enforcing the federal standards in conformance with the terms of EPA's previous delegations of authority and made only allowed wording changes.

Virginia stated that it had submitted the revisions “to retain its authority to enforce the NSPSs and NESHAPs under the delegation of authority granted by EPA on August 27, 1981 (46 FR 43300) and to enforce the MACT standards under the delegation of authority granted by EPA on January 26, 1999 (64 FR 3938) and January 8, 2002 (67 FR 825).”

Virginia provided copies of its revised regulations which specify the NSPS, NESHAP and MACT Standards which it had adopted by reference. Virginia's revised regulations are entitled 9 VAC 5–50 “New and Modified Stationary Sources,” and 9 VAC 5–60 “Hazardous Air Pollutant Sources.” These revised regulations have an effective date of March 4, 2020.

Based on Virginia's submittal, EPA acknowledges that EPA's delegations to Virginia of the authority to implement