

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R09-OAR-2020-0121; FRL-10017-02-Region 9]

Air Plan Approval; California; South Coast Air Quality Management District; Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) from the use

and application of industrial adhesives. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Effective on March 26, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2020-0121. All documents in the docket are listed on the <https://www.regulations.gov> website. 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 <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other

than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Arnold Lazarus, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3024 or by email at lazarus.arnold@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to the EPA.

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I. Proposed Action

On September 3, 2020 (85 FR 54952), the EPA proposed to approve the following rules into the California SIP:

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	1168	Adhesive and Sealant Applications	October 6, 2017	May 23, 2018.
VCAPCD	74.20	Adhesives and Sealants	October 9, 2018	January 31, 2019.

We proposed to approve these rules because we determined that they comply with the relevant CAA requirements. Our proposed action and associated TSDs contain more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received eight comments. Each of the comments were supportive of the proposed action.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SCAQMD and the VCAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has

made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 Clean Air Act. Accordingly, this 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 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 3, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- 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 April 26, 2021. 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, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Signing Statement

This document of the Environmental Protection Agency was signed on December 11, 2020, by John Busterud, Regional Administrator, Region IX,

pursuant to a consent decree entered on December 4, 2020 in *Our Childrens Earth Foundation v. Wheeler*, 4:20-cv-00396-JSW (N.D. Cal.). That document with the original signature and date is maintained by EPA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned EPA Official re-signs the document for publication, as an official document of the Environmental Protection Agency. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Dated: December 11, 2020.

John Busterud,
Regional Administrator, Region IX.

Signed in Berkeley on February 5, 2021 by:
Deborah Jordan,
Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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)(362)(i)(B)(3), (c)(429)(i)(A)(7), (c)(518)(i)(C), and (c)(545) to read as follows:

§ 52.220 Identification of plan-in part.

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(c) * * *
(362) * * *
(i) * * *
(B) * * *

(3) Previously approved on December 21, 2009 in paragraph (c)(362)(i)(B)(1) of this section and now deleted with replacement in (c)(518)(i)(C)(1), Rule 1168, “Adhesive and Sealant Applications,” amended on January 7, 2005.

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(429) * * *
(i) * * *
(A) * * *

(7) Previously approved on August 30, 2013 in paragraph (c)(429)(i)(A)(1) of this section and now deleted with replacement in (c)(545)(i)(A)(1), Rule 74.20, “Adhesives and Sealants,” revised on September 11, 2012.

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(518) * * *
(i) * * *

(C) South Coast Air Quality Management District.

(1) Rule 1168, “Adhesive and Sealant Applications,” amended on October 6, 2017.

(2) [Reserved]

* * * * *

(545) New regulations for the following APCDs were submitted on January 31, 2019 by the Governor’s designee as an attachment to a letter dated January 23, 2019.

(i) Incorporation by reference.

(A) Ventura County Air Pollution Control District.

(1) Rule 74.20, “Adhesives and Sealants,” revised on October 9, 2018.

(2) [Reserved]

(B) [Reserved]

(ii) [Reserved]

[FR Doc. 2021-02909 Filed 2-23-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA-R08-OAR-2020-0722; FRL-10019-27-Region 8]

Full Approval of Revised Clean Air Act Operating Permit Program; North Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: With this direct final rule, the Environmental Protection Agency (EPA or the “Agency”) is promulgating full approval of the revised and recodified North Dakota operating permit program for stationary sources subject to title V of the Clean Air Act (CAA or the “Act”). On August 6, 2018, North Dakota submitted a request for approval of its revisions to the North Dakota operating permit program (the “title V program”) for stationary sources subject to title V of the CAA and recodification of the State’s title V program under a new title of the North Dakota Administrative Code (NDAC). The EPA determined that the revised and recodified program substantially met the requirements of title V of the Act and Code of Federal Regulations (CFR) but was not fully approvable because the State law provisions for judicial review were not consistent with program requirements found in the CFR. Thus, EPA issued an interim approval of North Dakota’s title V program. North Dakota has made the changes required for full program approval. Accordingly, the EPA is taking this action in accordance with the CAA and CFR title V program