We proposed to approve this revision because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the revision 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 one comment (with four duplicates) that were supportive of our action.

III. EPA Action

No comments were submitted that change our assessment of the revision as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving the rescission of A.A.C. R18–2–715, sections (F)(2) and (H) from the Arizona SIP.

IV. Incorporation by Reference

In this rule, the EPA is amending regulatory text that includes incorporation by reference. The EPA is removing A.A.C. R18–2–715(F)(2) and (H), as described in Table 1 of this preamble, from the Arizona SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

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:

- 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).

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 July 9, 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, Reporting and recordkeeping requirements, Sulfur oxides.


Deborah Jordan,
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

2. In § 52.120, amend table 2 in paragraph (c), under the heading “Article 7 (Existing Stationary Source Performance Standards),” by removing the entry reading “R18–2–715, sections F, G, and H” and adding in its place the entry “R18–2–715, section F, excluding (F)(2); and section G” to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

Subpart D—Arizona
SUMMARY: The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the State of Utah on November 5, 2019. The revisions amend R307–204 to meet the requirements set forth in Utah’s 2019 House Bill (H.B.) 155. This action is being taken under section 110 requirements of the Clean Air Act (CAA).

DATES: This rule is effective on June 9, 2021.

ADDITIONAL INFORMATION: This Federal Register notice is being open for 30 days. The EPA did not receive any comments.

III. Final Action

For the reasons stated in our February 25, 2021 proposed rule, the EPA is finalizing approval of SIP revisions submitted by the State of Utah on November 5, 2019. EPA is approving:

- Removal of R307–204–10. Requirements for Wildland Fire Use events. This deletion is removing outdated smoke policy terminology, such as, wildland fire use.

The revisions for R307–204 meet the applicable CAA requirements and contain smoke management requirements for land managers within the State of Utah as required by 40 CFR 51.309(d)(6).

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference R307–204–1; R307–204–2; R307–204–3; R307–204–4; R307–204–5; combination of R307–204–6 and R307–204–7, under R307–204–6 for streamlining; combination of R307–204–8 and R307–204–9, under R307–204–7; and the removal of R307–204–10 due to outdated information. The EPA has