

(2) Previously approved on January 15, 1987 in paragraph (c)(166)(i)(A)(1) and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 466.

(B) [Reserved]

(ii) [Reserved]

\* \* \* \* \*

(184) \* \* \*

(i) \* \* \*

(B) \* \* \*

(13) Previously approved on August 11, 1992 in paragraph (c)(184)(i)(B)(2) and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 465.

\* \* \* \* \*

(ii) [Reserved]

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■ 3. Section 52.220a in paragraph (c), table 1 is amended by revising the entries for “6452”, “6452.2”, “6558”, “6577” and “6864” to read as follows:

**§ 52.220a Identification of plan—in part.**

\* \* \* \* \*

(c) \* \* \*

TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS<sup>1</sup>

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
6452 .....	Reduced Volatile Organic Compound Emissions Field Fumigation Methods.	11/1/2013	81 FR 64350, 9/20/2016.	Amends previous version of rule approved at 77 FR 65294 (October 26, 2012). Amended rule adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
6452.2 .....	Volatile Organic Compound Emission Limits.	11/1/2013	81 FR 64350, 9/20/2016.	Amends previous version of rule approved at 77 FR 65294 (October 26, 2012). Amended rule adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
6558 .....	Recommendations for Use of Non-fumigants in the San Joaquin Valley Ozone Nonattainment Area.	11/1/2013	81 FR 64350, 9/20/2016.	Adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
6577 .....	Sales of Nonfumigants for Use in the San Joaquin Valley Ozone Nonattainment Area.	11/1/2013	81 FR 64350, 9/20/2016.	Adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
6864 .....	Criteria for Identifying Pesticides as Toxic Air Contaminants.	11/1/2013	81 FR 64350, 9/20/2016.	Adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.

<sup>1</sup> Table 1 lists EPA-approved California statutes and regulations incorporated by reference in the applicable SIP. Table 2 of paragraph (c) lists approved California test procedures, test methods and specifications that are cited in certain regulations listed in table 1. Approved California statutes that are nonregulatory or quasi-regulatory are listed in paragraph (e).

\* \* \* \* \*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R03-OAR-2021-0854; FRL-9381-02-R3]**

**Air Plan Approval; Delaware; Philadelphia Area Base Year Inventory for the 2015 Ozone National Ambient Air Quality Standards**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state

implementation plan (SIP) revision formally submitted by the State of Delaware. This revision consists of the base year inventory for the Delaware portion of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE marginal nonattainment area (Philadelphia Area) for the 2015 ozone national ambient air quality standards (NAAQS). This action is being taken under the Clean Air Act (CAA).

**DATES:** This final rule is effective on April 25, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2021-0854. 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.

**FOR FURTHER INFORMATION CONTACT:**  
Adam Yarina, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2108. Mr. Yarina can also be reached via electronic mail at [Yarina.Adam@epa.gov](mailto:Yarina.Adam@epa.gov).

**SUPPLEMENTARY INFORMATION:** On October 9, 2020, the Delaware Department of Natural Resources and Environmental Control (DNREC) on behalf of the State of Delaware, submitted a revision to the Delaware SIP entitled, “2017 Base Year Emissions Inventory State Implementation Plan for VOC, NO<sub>x</sub>, and CO for Areas of Marginal Nonattainment of the 2015 Ozone NAAQS in Delaware.” New Castle County comprises Delaware’s portion of the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 2015 ozone NAAQS nonattainment area. This SIP revision, referred to in this rulemaking action as the “New Castle County base year inventory SIP,” addresses Delaware’s base year inventory requirement for the 2015 ozone NAAQS.

## I. Background

The background for this action is discussed in detail in the January 21, 2022 notice of proposed rulemaking (NPRM) and will not be restated here. See 87 FR 3259. The NPRM proposed to approve the 2017 New Castle County base year inventory SIP for the 2015 ozone NAAQS for the Philadelphia Area because the State prepared the inventory in accordance with the requirements in sections 172(c)(3) and 182(a)(1)<sup>1</sup> of the CAA and its implementing regulations, including those at 40 CFR 51.1315. EPA is

finalizing its proposed approval of Delaware’s 2017 New Castle County base year inventory for the 2015 ozone NAAQS for the Philadelphia Area.

## II. Response to Comments Received

EPA held a 30-day public comment period on the NPRM for this action, beginning on January 21, 2022 and ending on February 22, 2022. No comments were received.

## III. Final Action

EPA’s review of this material indicates the New Castle County base year inventory SIP meets the base year inventory requirements for the 2015 ozone NAAQS for the Philadelphia Area. Therefore, EPA is approving the New Castle County base year inventory SIP, which was submitted on October 9, 2020.

## IV. Statutory and Executive Order Reviews

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, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. 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);
- 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 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, this final rule approving Delaware’s base year inventory SIP for the 2015 ozone NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

## List of Subjects in 40 CFR Part 52

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

Dated: March 20, 2022.

**Diana Esher,**

*Acting Regional Administrator, Region III.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 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 I—Delaware

- 2. In § 52.420, the table in paragraph (e) is amended by adding an entry for “Philadelphia Area Base Year Inventory for the 2015 Ozone National Ambient Air Quality Standards” at the end of the table to read as follows:

#### § 52.420 Identification of plan.

(e) \* \* \*

<sup>1</sup> 42 U.S.C. 7502(c)(3), 7511a(a)(1).

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * * Philadelphia Area Base Year Inventory for the 2015 Ozone National Ambient Air Quality Standards.	* * * Delaware's portion of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 2015 ozone NAAQS nonattainment area (i.e., New Castle County).	* * * 10/09/20	* * * 3/25/2022, [insert <b>Federal Register</b> citation].	* * * Delaware's portion of the Philadelphia Area consists of New Castle County.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2018-0156; FRL-9574-01-0CSPP]

#### **Butoxypolypropylene glycol, et al.; Exemption From the Requirement of a Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes exemptions from the requirement of a tolerance for residues of butoxypolypropylene glycol (BPG;  $\alpha$ -butyl- $\omega$ -hydroxy-poly-oxy(methyl-1,2-ethanediyl) (CAS Reg. No. 9003-13-8)), oxirane, 2-methyl-, polymer with oxirane, mono-2-propen-1-yl ether (CAS Reg. No. 9041-33-2; polyether 1), poly(oxy-1,2-ethanediyl),  $\alpha$ -acetyl- $\omega$ -(2-propen-1-yloxy)- (CAS Reg. No. 27252-87-5; polyether 2) and poly(oxy-1,2-ethanediyl),  $\alpha$ -methyl- $\omega$ -(2-propen-1-yloxy)- (CAS Reg. No. 27252-80-8; polyether 3) when used as an inert ingredient in/on growing crops and raw agricultural commodities pre- and post-harvest and applied to animals. Spring Trading Company, on behalf of Evonik Corporation, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of exemptions from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of BPG and polyethers 1, 2, and 3 when used in accordance with these exemptions.

**DATES:** This regulation is effective March 25, 2022. Objections and requests for hearings must be received on or before May 24, 2022, 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-2018-0156, is available at <https://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.

Due to the public health concerns related to COVID-19, the EPA Docket Center (EPA/DC) and Reading Room is open to visitors by appointment only. For the latest status information on EPA/DC services and access, visit <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Marietta Echeverria, 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](mailto: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 Office of the Federal Register's e-CFR site at <https://www.ecfr.gov/current/title-40>.

#### *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-2018-0156 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before May 24, 2022. 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-2018-0156, by one of the following methods:

- **Federal eRulemaking Portal:** <https://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