

#### IV. What action is EPA taking?

EPA is proposing to approve EGLE's request for a Clean Data Determination for the St. Clair nonattainment area in St. Clair County, Michigan. Finalizing this determination would suspend the requirements for EGLE to submit an attainment demonstration and other associated nonattainment planning requirements for so long as the St. Clair nonattainment area continues to attain the 2010 SO<sub>2</sub> NAAQS. This proposed action is consistent with EPA's long-held interpretation of CAA requirements.

Finalizing this action would not constitute a redesignation of the St. Clair area to attainment of the 2010 SO<sub>2</sub> NAAQS under section 107(d)(3) of the CAA. The St. Clair area will remain designated nonattainment for the 2010 SO<sub>2</sub> NAAQS until such time as EPA determines that the area meets the CAA requirements for redesignation to attainment and takes action to redesignate the area.

#### V. Statutory and Executive Order Reviews

This action proposes to make a clean data determination for the St. Clair area for the 2010 SO<sub>2</sub> NAAQS based on air quality data which would result in the suspension of certain Federal requirements and does not impose any additional requirements. 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, the SIP is not approved to apply on any Indian reservation land or in any other area where 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).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Sulfur oxides.

Dated: August 9, 2021.

**Cheryl Newton,**

*Acting Regional Administrator, Region 5.*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Parts 52 and 81

[EPA-R07-OAR-2021-0391; FRL-8693-03-R7]

#### Air Plan Approval; Missouri Redesignation Request and Associated Maintenance Plan for the Jefferson County 2010 SO<sub>2</sub> 1-Hour NAAQS Nonattainment Area; Reopening of Comment Period

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** On June 29, 2021, the Environmental Protection Agency (EPA) proposed a rule titled, "Air Plan Approval; Missouri Redesignation Request and Associated Maintenance Plan for the Jefferson County 2010 SO<sub>2</sub> 1-Hour NAAQS Nonattainment Area." In response to stakeholder requests, the EPA is reopening the comment period for this proposed rule.

**DATES:** The comment period for the proposed rule published on June 29,

2021 (86 FR 34177), is reopened. Written comments must be received on or before September 16, 2021.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-R07-OAR-2021-0391 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Ashley Keas, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7629, or by email at: [keas.ashley@epa.gov](mailto:keas.ashley@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 29, 2021, the EPA published in the **Federal Register** (86 FR 34177), a notice of proposed rulemaking, proposing to approve the State of Missouri's December 27, 2017, request for the EPA to redesignate the Jefferson County, Missouri, 2010 1-hour sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) nonattainment area to attainment and to approve a State Implementation Plan (SIP) revision containing a maintenance plan for the area. The State provided supplemental information on: May 15, 2018; February 7, 2019; February 25, 2019; and April 9, 2021. In response to these submittals, on June 28, 2021, the EPA proposed to take the following actions: Approve the State's plan for maintaining attainment of the 2010 1-hour SO<sub>2</sub> primary standard in the area; and approve the State's request to redesignate the Jefferson County SO<sub>2</sub> nonattainment area to attainment for the 2010 1-hour SO<sub>2</sub> primary standard.

For more detailed information about this matter, please refer to the June 29, 2021 **Federal Register** document.

The notice of proposed rulemaking, as initially published in the **Federal Register**, provided for written comments to be submitted to the EPA on or before July 29, 2021 (a 30-day public comment period). Since publication, the EPA was made aware that the Technical Support Document (TSD) associated with the proposed rule was not included in the docket. The TSD was uploaded to the docket on July 18, 2021. Subsequently, the EPA received stakeholder requests

for the comment period to be extended. Accordingly, the EPA is reopening the public comment period to afford stakeholders the ability to fully evaluate the EPA's proposed action and an opportunity to comment on the

technical basis for the EPA's proposed action. The EPA will address all comments received on the original proposal and on this supplemental notice in our final action.

Dated: August 11, 2021.

**Edward H. Chu,**

*Acting Regional Administrator, Region 7.*

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