any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the Federal Register (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at http://www.regulations.gov and can be viewed by following that Web site’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:


2. Add §165.T08–0340 to read as follows:

§165.T08–0340 Safety Zones; Captain of the Port New Orleans Zone; New Orleans to Baton Rouge, LA.

(a) Safety zones. The following areas are safety zones:

(1) Fireworks display, New Orleans, LA. (i) Location. All waters of the Lower Mississippi River from mile marker 94.0 to mile marker 95.0 Above Head of Passes.

(ii) Effective date and time. June 15, 2016, for one hour in the evening between the hours of 6:00 p.m. and 11:00 p.m.

(2) LLamasoft Convention fireworks display, New Orleans, LA. (i) Location. All waters of the Lower Mississippi River from mile marker 94.5 to mile marker 95.5 Above Head of Passes.

(ii) Effective date and time. June 16, 2016, for one hour in the evening between the hours of 6:00 p.m. and 11:00 p.m.

(3) U.S. Travel Association fireworks display, New Orleans, LA. (i) Location. All waters of the Lower Mississippi River from mile marker 95.7 to mile marker 96.7 Above Head of Passes.

(ii) Effective date and time. June 22, 2016, for one hour in the evening between the hours of 6:00 p.m. and 11:00 p.m.

(4) St. John the Baptist Independence Day Celebration fireworks display, Edgard, LA. (i) Location. All waters of the Lower Mississippi River from mile marker 137.5 to mile marker 138.5 Above Head of Passes.

(ii) Effective date and time. June 30, 2016, for one hour in the evening between the hours of 6:00 p.m. and 11:00 p.m.

(5) L’Auberge Casino Independence Day Celebration fireworks display, Baton Rouge, LA. (i) Location. All waters of the Lower Mississippi River from mile marker 216.0 to mile 217.0 Above Head of Passes.

(ii) Effective date and time. July 4, 2016, for one hour in the evening between the hours of 6:00 p.m. and 11:00 p.m.

(6) City of Mandeville Independence Day Celebration fireworks display, Mandeville, LA. (i) Location. All waters of the Lower Mississippi River from mile marker 94.0 to mile marker 95.0 Above Head of Passes.

(ii) Effective date and time. September 23, 2016, for one hour in the evening between the hours of 6:00 p.m. and 11:00 p.m.

(7) American Psychological Association Convention fireworks display, New Orleans, LA. (i) Location. All waters of the Lower Mississippi River from mile marker 94.0 to mile marker 95.0 Above Head of Passes.

(ii) Effective date and time. September 23, 2016, for one hour in the evening between the hours of 6:00 p.m. and 11:00 p.m.

(b) Regulations. (1) In accordance with the general regulations in §165.23 of this part, entry into these zones is prohibited unless specifically authorized by the Captain of the Port (COTP) New Orleans or designated personnel. Designated personnel include commissioned, warrant and petty officers of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans. For each event, the COTP New Orleans designated representative will be announced via Marine Safety Information Bulletin and Notice to Mariners.

(2) Vessels requiring deviation from this rule must request permission from the COTP New Orleans or a COTP New Orleans designated representative. They may be contacted via the U.S. Coast Guard Sector New Orleans Command Center, via VHF–FM Channel 16 or by phone at (504) 365–2200.

(3) Persons and vessels permitted to deviate from this safety zone regulation and enter the restricted areas must transit at the slowest safe speed and comply with all lawful directions issued by the COTP New Orleans or the designated representative.

(c) Information Broadcasts. The COTP New Orleans or designated representative will inform the public through broadcast notices to mariners of the enforcement periods for the safety zones as well as any changes in the planned schedules.

Dated: May 13, 2016.

P.C. Schifflin, 
Captain, U.S. Coast Guard, Captain of the Port New Orleans.

[FR Doc. 2016–13119 Filed 6–2–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Infrastructure State Implementation Plan Requirements for the National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Louisiana for the National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5), lead (Pb), ozone (O3), nitrogen dioxide (NO2), and sulfur dioxide (SO2). This submission addresses how the existing SIP provides for implementation, maintenance, and enforcement of the NAAQS for these pollutants (also referred to as an infrastructure SIP or i-SIP). These i-SIPs ensure that the State’s SIP is adequate to meet the state’s responsibilities under the Federal Clean Air Act (CAA).

DATES: Written comments must be received on or before July 5, 2016.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2013–0465, at http://www.regulations.gov or via email to fuerst.sherry@epa.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be
periodic review of the NAAQS for Pb, we revisited the NAAQS to 0.15 μg/m³ for both the primary and secondary standards (73 FR 66964). On March 27, 2008, following a periodic review, EPA revised the primary and secondary O₃ NAAQS (73 FR 16205) to establish a new primary standard of 0.075 parts per million (ppm), expressed to three decimal places, based on a 3-year average of the fourth-highest maximum 8-hour average concentration, and revised the current 8-hour standard by making it identical to the revised primary standard.

Likewise, on February 9, 2010, EPA revised the primary national ambient air quality standard for oxides of nitrogen as measured by nitrogen dioxide (NO₂), for 1-hour standard at a level of 100 ppb, based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations, to supplement the existing annual standard (75 FR 6474). EPA also established requirements for an NO₂ monitoring network that includes monitors at locations where maximum NO₂ concentrations are expected to occur, including within 50 meters of major roadways, as well as monitors sited to measure the area-wide NO₂ concentrations that occur more broadly across communities. (75 FR 6474).

Additionally, on June 22, 2010, the EPA revised the primary SO₂ NAAQS to establish a new 1-hour standard, with a level of 75 ppb, based on the 3-year average of the 99th percentile of 1-hour daily maximum concentrations (75 FR 35520).

Each state must submit an i-SIP within three years after the promulgation of a new or revised NAAQS. Section 110(a)(2) of the CAA includes a list of specific elements the i-SIP must meet. In an effort to assist states in complying with this requirement, EPA issued guidance addressing the i-SIP elements for NAAQS.

The Secretary of the Louisiana Department of Environmental Quality (LDEQ) submitted an i-SIP revisions to address the revised NAAQS. With the exception of the certain portions that pertain to interstate transport, EPA is proposing to approve the Louisiana i-SIP submittals for these pollutant NAAQS.

I. Background

On October 17, 2006, following a periodic review of the NAAQS for PM₂.₅, EPA revised the PM₂.₅ NAAQS.¹ The 24-hour standard was revised to 35 micrograms per cubic meter (μg/m³), and the annual standard was revised to 15 μg/m³ (71 FR 61144). On December 14, 2012, we promulgated a revised primary annual PM₂.₅ NAAQS (78 FR 3086). The primary annual standard was revised to 12.0 μg/m³, and we retained the 24-hour PM₂.₅ standard of 35 μg/m³ (76 FR 3086). In 2008, following a

² Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act sections 110(a)(1) and 110(a)(2), Memorandum from Stephen D. Page, September 13, 2013.

³ Additional information on: The history of the priority pollutants, their levels, forms and, determination of compliance; EPA’s approach for

¹ Additional information on: The history of the pollutants, its levels, forms and, determination of compliance; EPA’s approach for reviewing i-SIPs; the details of the SIPs submittal and EPA’s evaluation; the effect of recent court decisions on i-SIPs; the statute and regulatory citations in the Louisiana SIP specific to this review; the specific i-SIP applicable CAA and EPA regulatory citations; Federal Register Notice citations for Louisiana SIP approvals; Louisiana’s minor New Source Review program and EPA approval activities; and Louisiana’s Prevention of Significant Deterioration (PSD) program can be found in the Technical Support Document (TSD).


4 Louisiana provided a demonstration of how the existing Louisiana SIP meets the requirements of the 2006 PM₂.₅ NAAQS, on May 11, 2011; 2008 Pb NAAQS on October 14, 2011; 2008 O₃, 2010 NOₓ, 2010 SO₂, 2013 NAAQS on June 7, 2013 and the 2012 PM₂.₅ NAAQS on December 16, 2015. The 2006 PM₂.₅, 2008 Pb, 2008 O₃, 2010 NOₓ and 2010 SO₂ SIP submittals are complete by operation of law.

5 The 2012 PM₂.₅ submission was reviewed and determined to be complete.

(A) Emission limits on other control measures: The SIP must include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement,
maintain and enforce each of the NAAQS.\(^6\) The Louisiana Air Control Law found in the Louisiana Environmental Quality Act at Louisiana Revised Statute (La R.S.) 30:2054 provides the Secretary of the Department of Environmental Quality with broad legal authority. The Secretary can adopt emission standards and compliance schedules which are applicable to regulated entities; emission standards and limitations and any other measures necessary for attainment and maintenance of national standards. The Secretary can also enforce applicable laws, regulations, standards and compliance schedules, and seek injunctive relief. This authority has been employed in the past to adopt and submit multiple revisions to the Louisiana State Implementation Plan. The approved SIP for Louisiana is documented at 40 CFR part 52.970, subpart T.\(^7\) LDEQ’s air quality rules and standards are codified at Title 33, Part III of the Louisiana Administrative Code (LAC). Numerous parts of the regulations codified into 33 LAC necessary for implementing and enforcing the NAAQS have been adopted into the SIP.\(^8\)

**(B) Ambient air quality monitoring/data system:** The SIP must provide for: Establishment and implementation of ambient air quality monitors, collection and analysis of ambient air quality data, and authority to provide such data to EPA upon request.

The La R.S. Chapter 2 provides LDEQ with the authority to collect air quality monitoring data, quality-assure the results, and report the data. LDEQ maintains and operates a monitoring network to measure levels of the pollutants in accordance with EPA regulations governing siting and monitoring requirements. All monitoring data is measured using EPA approved methods and subject to the EPA quality assurance requirements. LDEQ submits all required data to EPA, following the EPA regulations. The monitoring network was approved into the SIP and it undergoes recurrent annual review by EPA.\(^9\) In addition, LDEQ conducts a recurrent assessment of its monitoring network every five years, as required by EPA rules. The most recent of these 5-year monitoring network assessments was conducted by LDEQ and approved by EPA.\(^10\) The LDEQ Web site provides the monitor locations and posts past and current concentrations of criteria pollutants measured in the State’s network of monitors.\(^11\)

**(C) Program for enforcement of control measures:** The SIP must include the following three elements: (1) A program providing for enforcement of the measures in paragraph A above; (2) a program for the regulation of the modification and construction of stationary sources as necessary to protect the applicable NAAQS (i.e., state-wide permitting of minor sources); and (3) a permit program to meet the major source permitting requirements of the CAA (for areas designated as attainment or unclassifiable for the NAAQS in question).\(^12\)

**(1) Enforcement of SIP Measures.** As noted in (A), the state statutes provide authority for the LDEQ and its Secretary to enforce the requirements of the LAC, and any regulations, permits, or final compliance orders. These statutes also provide the LDEQ and its Secretary with general enforcement powers. Among other things, they can file lawsuits to compel compliance with the statutes and regulations; commence civil actions; issue inspections; conduct investigations of regulated entities; collect criminal and civil penalties; develop and enforce rules and standards related to protection of air quality; issue compliance orders; pursue criminal prosecutions; investigate, enter into remediation agreements; and issue emergency cease and desist orders. The LAC also provides additional enforcement authorities and funding mechanisms.

**(2) Minor New Source Review:** The SIP is required to include measures to regulate construction and modification of stationary sources to protect the NAAQS. The Louisiana minor NSR permitting requirements are approved as part of the SIP.\(^13\)

**(3) Prevention of Significant Deterioration (PSD) permit program.** The Louisiana PSD portion of the SIP covers all NSR regulated pollutants and has been approved by EPA.\(^14\)

**D(ii) Interstate Pollution Transport:** The i-SIP must prohibit emissions within Louisiana from contributing significantly to the nonattainment of the NAAQS in other states, and from interfering with the maintenance of the NAAQS in other states (CAA(a)(2)(D)(ii)). The SIP must also prohibit emissions within Louisiana both from interfering with measures required to prevent significant deterioration in other states and from interfering with measures required to protect visibility in other states (CAA(a)(2)(D)(iii)).

**Fine Particulate Matter:** Previously we approved the portion of Louisiana’s 2006 PM\(_{2.5}\) NAAQS i-SIP which addressed the requirement that emissions within Louisiana be prohibited from contributing to the nonattainment of the NAAQS in other states, and from interfering with the maintenance of the NAAQS in other states (79 FR 4436). We are not acting on the nonattainment/maintenance component for the 2012 PM\(_{2.5}\) NAAQS at this time. We expect to propose an action at a later date.

Based on information presented in this submission, we are approving the portion of the i-SIP submittal for both the 2006 PM\(_{2.5}\) NAAQS and the 2012 PM\(_{2.5}\) NAAQS which addresses the prevention of interference with PSD programs in other states. Louisiana has a fully acceptable PSD program. The program regulates all NSR pollutants, including greenhouse gas (GHG) which prevents significant deterioration in nearby states. Since Louisiana’s Regional Haze Plan was not fully approved, we are disapproving the portion of the i-SIP which addresses the prevention of interference with measures required to protect visibility.

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\(^6\) The specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirements of section 172, not the timing requirement of section 110(a)(1). Thus, section 110(a)(2)(A) does not require that states submit regulations or emissions limits specifically for attaining the 2006 PM\(_{2.5}\), 2008 Pb, 2008 O\(_3\), 2010 NO\(_x\), 2010 SO\(_2\), or 2012 PM\(_{2.5}\) NAAQS. Those SIP provisions are due as part of each state’s attainment plan, and will be addressed separately from the requirements of section 110(a)(2)(A). In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state’s SIP has basic structural provisions for the implementation of the NAAQS.

\(^7\) http://www.ecfr.gov/cgi-bin/text-idx?SID=6e5b08c787e1898a51b0abe704c4f866&mc=true&node=sp40.3.52.18rgn=dive.

\(^8\) See the TSD for additional information.

\(^9\) A copy of the 2015 Annual Air Monitoring Network Plan and EPA’s approval letter are included in the docket for this proposed rulemaking.

\(^10\) A copy of LDEQ’s 2010 5-year ambient monitoring network assessment and EPA’s approval letter are included in the docket for this proposed rulemaking.


\(^12\) As discussed in further detail in the TSD.

\(^13\) EPA is not proposing to approve or disapprove the existing Louisiana minor NSR program to the extent that it may be inconsistent with EPA’s regulations governing this program. EPA has maintained that the CAA does not require that new infrastructure SIP submissions correct any defects in existing EPA-approved provisions of minor NSR programs in order for EPA to approve the SIP infrastructure for element C (e.g., 76 FR 41076–41079, July 13 2011). EPA believes that a number of states may have minor NSR provisions that are contrary to the existing EPA regulations for this program. The statutory requirements of section 110(a)(2)(C) provide for considerable flexibility in designing minor NSR programs.

\(^14\) As discussed further in the TSD.
in other states for both the 2006 PM$_{2.5}$ NAAQS and the 2012 PM$_{2.5}$ NAAQS. We cannot ensure that Louisiana emissions will not interfere with visibility protection measures in other States.

**Lead:** We propose to approve the portion of the submittal which addresses the requirement that emissions within Louisiana be prohibited from contributing to the nonattainment of the Pb NAAQS in other states, and from interfering with the maintenance of the Pb NAAQS in other states. The physical properties of Pb, which is a metal and very dense, prevent Pb emissions from experiencing a significant degree of travel in the ambient air. No complex chemistry is needed to form Pb or Pb compounds in the ambient air; therefore, ambient concentrations of Pb are typically highest near Pb sources. More specifically, there is a sharp decrease in ambient Pb concentrations as the distance from the source increases.

According to EPA’s report entitled *Our Nation’s Air: Status and Trends Through 2010*, Pb concentrations that are not near a source of Pb are approximately 8 times less than the typical concentrations near the source.\(^{15}\) There are no areas within the State of Louisiana designated as nonattainment with respect to the 2008 lead NAAQS. LDEQ’s 2015 ambient monitoring plan provided information on significant lead sources and their location. There are two significant sources of Pb emissions within the state that emit more than Pb in amounts equal to or exceeding 0.5 tons per year and no sources within two miles of a neighboring state line.

We are also proposing to approve the portion pertaining to the prevention of significant deterioration in other states for load, as Louisiana has a fully acceptable PSD program. The program regulates all NSR pollutants, including greenhouse gas (GHG) which prevents significant deterioration in nearby States.

Significant impacts from Pb emissions from stationary sources are limited to short distances from emitting sources, therefore, visibility is not affected by lead emissions.\(^{16}\) Given this information, we propose to approve the portion of the Pb i-SIP submittal related to the protection of visibility in other states.

**Ozone:** At this time we are not proposing action on the i-SIP submittals which address the prevention of emissions which significantly contribute to the nonattainment of the ozone NAAQS in other states, and the interference with the maintenance of the ozone NAAQS in other states. We plan to act on this portion of the i-SIP in a separate action.

Based on information presented in this submission, we are proposing to approve the portion of the submittal related to the prevention of significant deterioration in other states, as Louisiana has a fully acceptable PSD program. The program regulates all NSR pollutants, including greenhouse gas (GHG) which prevents significant deterioration in nearby states. Since Louisiana’s Regional Haze Plan was not fully approved, we also are disapproving the portion of the submittal related to the protection of visibility in other states.

**Nitrogen Dioxide:** We propose to approve the portion of the submittal which addresses the prevention of emissions which significantly contribute to the nonattainment of the NO$_2$ NAAQS in other states and interfere with the maintenance of the NO$_2$ NAAQS in other states. On February 17, 2012, EPA designated the entire country as “unclassifiable/attainment” for the 2010 NO$_2$.\(^{17}\) The available air quality data show that all areas in the country meet the 2010 NO$_2$ NAAQS for 2008–2010. No state or tribal entity recommended an area be designated “nonattainment.” As listed in our NO$_2$ Design Values report,\(^{18}\) only one maintenance area exists for the prior annual NO$_2$ NAAQS (Los Angeles, California). With no nonattainment or maintenance areas in surrounding states, Louisiana does not significantly contribute to nonattainment or maintenance of these NAAQS in any of the contiguous states. As further evidence that Louisiana’s NO$_2$ emissions do not contribute to nonattainment or maintenance of NAAQS, we reviewed more recent monitoring data for NO$_2$ throughout the United States. Using previous EPA methodology,\(^{19}\) we evaluated specific monitors identified as having nonattainment and or maintenance problems, which we refer to as “receptors”. We identify nonattainment receptors as any monitor that violated the NO$_2$ NAAQS in the most recent three year period. Meanwhile, we identify NO$_2$ maintenance receptors as any monitor that violated the NO$_2$ NAAQS in either of the prior monitoring cycles (2010–2012 and 2011–2013), but attained in the most recent monitoring cycle (2012–2014). During the three most recent design value periods of 2010 through 2012, 2011 through 2013 and 2012 through 2014, we found no monitors violating the 2010 NO$_2$ NAAQS in the U.S.

We are approving the portion of the submittal related to the prevention of significant deterioration in other states, as Louisiana has a fully acceptable PSD program. The program regulates all NSR pollutants, including greenhouse gas (GHG) which prevents significant deterioration in nearby states. Since Louisiana’s Regional Haze Plan was not fully approved, we also are not approving the portion of the submittal related to the protection of visibility in other states.

**Sulfur Dioxide:** At this time we are not taking action on the portion of the submittal which addresses the prevention of emissions which significantly contribute to the nonattainment of the SO$_2$ NAAQS in other states and interfere with the maintenance of the SO$_2$ NAAQS in other states. We expect to take action on this portion of the SIP submittal at a later time.

**(D)(iii) Interstate Pollution Abatement and International Air Pollution:** In addition, states must comply with the requirements listed in sections 115 and 126 of the CAA which were designed to aid in the abatement of interstate and international pollution (CAA 110(a)(2)(D)(ii)). Section 126(a) requires new or modified sources to notify neighboring states of potential impacts from the source. Louisiana’s PSD program contains the element pertaining to notification to neighboring states of the issuance of PSD permits. Section 115 relates to international pollution abatement. As there are no findings by EPA that air emissions originating in Louisiana affect other countries, we propose to approve the portions of the i-SIP pertaining to CAA section 110(a)(2)(D)(ii).

**(E) Adequate authority, resources, implementation, and oversight:** The SIP must provide for the following: (1) Necessary assurances that the state (and other entities within the state responsible for implementing the SIP) will have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) compliance with requirements relating to state boards as explained in section 128 of the CAA; and (3) necessary assurances that the state has responsibility for ensuring

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\(^{16}\) More information about this is provided in the TSD.

\(^{17}\) 77 FR 9532, February 17, 2012.

\(^{18}\) http://epa.gov/airtrends/values.html.

\(^{19}\) See NO$_2$ SIP call, 63 FR 57371 (October 27, 1998); CAIR, 7025172 (May 12, 2005); and Transport Rule or Cross-State Air Pollution Rule 76 FR 48208 (August 8, 2001).
adequate implementation of any plan provision for which it relies on local governments or other entities to carry out. Both elements (A) and (E) address the state have adequate authority to implement and enforce the SIP without legal impediments.

The i-SIP submissions for these pollutants describe the SIP regulations governing the various functions of personnel within the LDEQ, including the administrative, technical support, planning, enforcement, and permitting functions of the program.

With respect to funding, La R.S. 30:2011 and the SIP require LDEQ to establish a system to monitor or test emissions and to file reports containing information relating to the nature and amount of emissions. The SIP must provide for the availability of improved methods for reporting emissions inventories (60 FR 02014). In addition, SIP-approved rules establish general requirements for maintaining records and reporting emissions.

The SIP requires emission reports. It shall require that emissions from stationary sources and to public health. The SIP requires this information be made available to the public. Provisions concerning the handling of confidential data and proprietary business information are included in the SIP-approved rules.

As required by the CAA and the SIP, the majority of the members that compose any board or body which approves permits or enforcement orders must not derive any “significant portion” of their income from persons subject to permits and enforcement orders or persons who appear before the board on issues related to the SIP.

Louisiana has not delegated any authority to establish a cooperative agreements with the federal government and other states, the federal government and other states, the federal government and other states.

Furthermore, the Louisiana PSD SIP requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

As noted earlier, EPA believes that nonattainment area requirements should be treated separately from the infrastructure SIP requirements. The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. Instead, EPA will take action on part D attainment plan SIP submissions through a separate rulemaking process governed by the requirements for nonattainment areas, as described in part D.

(j) Consultation with government officials, public notification, PSD and visibility protection: The SIP must meet the following four CAA requirements:

(1) Those listed in section 121 of the CAA, relating to interagency consultation;
(2) Those listed in section 127, relating to public notification of NAAQS exceedances and related issues;
(3) Prevention of significant deterioration of air quality and (4) visibility protection.

(1) Interagency consultation: As required by the LAC, there must be a public hearing before the adoption of any regulations or emission control requirements, and all interested persons are given a reasonable opportunity to review the action that is being proposed and to submit data or arguments, either orally or in writing, and to examine witnesses testifying at the hearing.

33 LAC Chapter 9 authorizes the LDEQ to require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to the nature and amount of emissions. There are also SIP-approved state regulations pertaining to sampling and testing and requirements for reporting of emissions inventories (60 FR 02014). In addition, SIP-approved rules establish general requirements for maintaining records and reporting emissions.

The LDEQ uses this information, in addition to information obtained from other sources, to track progress towards maintaining the NAAQS, develop control and maintenance strategies, identify sources and general emission levels, and determine compliance with SIP-approved regulations and additional EPA requirements. The SIP requires this information be made available to the public. Provisions concerning the handling of confidential data and proprietary business information are included in the SIP-approved rules.

As required by the CAA and the SIP, the majority of the members that compose any board or body which approves permits or enforcement orders must not derive any “significant portion” of their income from persons subject to permits and enforcement orders or persons who appear before the board on issues related to the CAA or the Louisiana Air Quality Rules (La. R.S. 30:2011). The members of the board or body, or the head of an agency with similar powers, are required to adequately disclose any potential conflicts of interest.

Louisiana has not delegated any authority to implement any of the provisions of its plan to local governmental entities. The LDEQ acts as the primary air pollution control agency.

(F) Stationary source monitoring system: The SIP must provide for the establishment of a system to monitor emissions from stationary sources and to submit periodic emission reports. It must require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources, to monitor emissions from such sources.

The SIP shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources. It shall require that the state correlate the source reports with emission limitations or standards established under the CAA. These reports must be made available for public inspection at reasonable times.

LAC 33:III Chapter 9 authorizes the LDEQ to require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to the nature and amount of emissions. There are also SIP-approved state regulations pertaining to sampling and testing and requirements for reporting of emissions inventories (60 FR 02014). In addition, SIP-approved rules establish general requirements for maintaining records and reporting emissions.

The LDEQ uses this information, in addition to information obtained from other sources, to track progress towards maintaining the NAAQS, develop control and maintenance strategies, identify sources and general emission levels, and determine compliance with SIP-approved regulations and additional EPA requirements. The SIP requires this information be made available to the public. Provisions concerning the handling of confidential data and proprietary business information are included in the SIP-approved rules.

(G) Emergency authority: The SIP must provide the LDEQ with authority to restrain any source from causing imminent and substantial endangerment to public health or welfare or the environment. The SIP must include an adequate contingency plan to implement LDEQ’s emergency authority.

La R.S. 30:2011.D.15 provides LDEQ with the required authority to address environmental emergencies, and LDEQ has contingency plans to implement the emergency episode provisions in the SIP. The LDEQ promulgated the “Prevention of Air Pollution Emergency Episodes,” which includes contingency measures, and these provisions were approved into the SIP in 1989 (54 FR 9783). The episode criteria and contingency measures are found in 33 LAC Chapter 56.

Louisiana has general emergency powers to address any possible dangerous air pollution episode if necessary, to protect the environment and public health.

(H) Future SIP revisions: States must have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for maintaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

La R.S. 30:2011 authorizes the LDEQ to revise the Louisiana SIP, as necessary, to account for revisions of an existing NAAQS, establishment of a new NAAQS, to attain and maintain a NAAQS, to abate air pollution, to adopt more effective methods of attaining a NAAQS, and to respond to EPA SIP calls concerning NAAQS adoption or implementation.

(I) Nonattainment areas: The CAA section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

However, as noted earlier, EPA believes that nonattainment area requirements should be treated separately from the infrastructure SIP requirements. The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. Instead, EPA will take action on part D attainment plan SIP submissions through a separate rulemaking process governed by the requirements for nonattainment areas, as described in part D.

20This infrastructure SIP rulemaking will not address the Louisiana program for provisions related to nonattainment areas, since EPA considers evaluation of these provisions to be outside the scope of infrastructure SIP actions.
public participation and notification regarding permitting applications to any other state or local air pollution control agencies, local government officials of the city or county where the source will be located, tribal authorities, and Federal Land Manager (FLMs) whose lands may be affected by emissions from the source or modification (LAC 33:III.509). Additionally, the State’s PSD SIP rules require the LDEQ to consult with FLMs regarding permit applications for sources with the potential to impact Class I Federal Areas. The SIP also includes a commitment to consult continually with the FLMs on the review and implementation of the visibility program. Louisiana recognizes the expertise of the FLMs in monitoring, as well as new source review applicability analyses for visibility. The State has agreed to notify the FLMs of any advance notification or early consultation with a new or modifying source prior to the submission of a permit application. Likewise, the State’s Transportation Conformity SIP rules require the LDEQ to cooperate with the federal government and local authorities concerning matters of common interest in the field of air quality control, thereby allowing the agency to make such submissions to the EPA.

(L) Permitting Fees: The SIP must require each major stationary source to pay permitting fees to the permitting authority, as a condition of any permit required under the CAA, to cover the cost of reviewing and acting upon any application for such a permit, and, if the permit is issued, the costs of implementing and enforcing the terms of the permit. The fee requirement applies until a fee program established by the state pursuant to Title V of the CAA, relating to operating permits, is approved by EPA.

The State has met this requirement as it has a fully developed fee system in place which is outlined in LAC:III Chapter 2 and is approved as part of the SIP. See element (E) above for the description of the mandatory collection of permitting fees outlined in the SIP.

(M) Consultation/participation by affected local entities: The SIP must provide for consultation and participation by local political subdivisions affected by the SIP.

See the discussion for element (J) above for a description of the SIP’s public participation process, the authority to advise and consult, and the PSD SIP’s public participation requirements. Additionally, the state noted that La R.S. 30:2011(D)(21) also requires initiation of cooperative action between local authorities and the LDEQ, between one local authority and another, or among any combination of local authorities and the LDEQ for control of air pollution in areas having related air pollution problems that overlap the boundaries of political subdivisions, and entering into agreements and compacts with adjoining states and Indian tribes, where appropriate. The transportation conformity component of the Louisiana SIP requires that interagency consultation and opportunity for public involvement be provided before making transportation conformity determinations and before adopting applicable SIP revisions on transportation-related issues. (LAC 33:III.1434)

III. Proposed Action

EPA is proposing to approve in part the May 11, 2011, October 14, 2011, June 7, 2013 and December 16, 2013 infrastructure SIP submissions from Louisiana, which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2006 PM$_{2.5}$, 2008 Pb, 2008 O$_3$, 2010 NO$_2$, 2010 SO$_2$, and 2012 PM$_{2.5}$ NAAQS. The table below outlines the specific actions EPA is proposing to take.

| PROPOSED ACTION ON LOUISIANA INFRASTRUCTURE SIP SUBMITTAL FOR VARIOUS NAAQS |
|-------------------------------|-----------------|---------------|---------------|----------------|----------------|----------------|
| Element                       | 2006 PM$_{2.5}$ | 2008 Pb       | 2008 Ozone    | 2010 NO$_2$   | 2010 SO$_2$   | 2012 PM$_{2.5}$ |
| (A): Emission limits and other control measures | A               | A             | A             | A              | A              | A              |
| (B): Ambient air quality monitoring and data system | A               | A             | A             | A              | A              | A              |
| (C)(i): Enforcement of SIP measures | A               | A             | A             | A              | A              | A              |
| (C)(ii): PSD program for major sources and major modifications | A               | A             | A             | A              | A              | A              |
| (D)(ii): Contribute to nonattainment/interfere with maintenance of NAAQS (requirements 1 and 2) | A               | A             | No action     | A              | No action     | No action     |
PROPOSED ACTION ON LOUISIANA INFRASTRUCTURE SIP SUBMITTAL FOR VARIOUS NAAQS—Continued

Based upon review of the state’s infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in these submissions or referenced in Louisiana’s SIP, EPA believes that Louisiana has the infrastructure in place to address all applicable required elements of sections 110(a)(1) and (2) (except as noted in table above) to ensure that the 2006 PM$_{2.5}$, 2008 Pb, 2008 O$_3$, 2010 NO$_2$, 2010 SO$_2$, and 2012 PM$_{2.5}$ NAAQS are implemented in the state.

IV. 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, EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is 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 mandates that may require Federalism analyses or any requirements imposed on tribal governments or preempt Federal 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, Interstate transport of pollution, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 et seq.

Dated: May 18, 2016.

Ron Curry,
Regional Administrator, Region 6.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket Nos. 16–166; FCC 16–61]

Assessment and Collection of Regulatory Fees for Fiscal Year 2016

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Federal Communications Commission (Commission) will revise its Schedule of Regulatory Fees in order to recover an