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 by the ADEQ.
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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 et seq.
Dated: December 20, 2016.
Heather McTeer Toney,
Regional Administrator, Region 4.
[FR Doc. 2017–00162 Filed 1–6–17; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval of Arizona Air Plan Revisions, Arizona Department of Environmental Quality and Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Arizona State Implementation Plan (SIP). These revisions include a state statute and certain state rules that govern air pollution sources under the Arizona Department of Environmental Quality (ADEQ) and the Pinal County Air Quality Control District (PCAQCD). These revisions concern emissions of particulate matter (PM) from construction sites, agricultural activity and other fugitive dust sources. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by February 8, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0702 at http://www.regulations.gov, or via email to Steckel.Andrew@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the FOR FURTHER INFORMATION CONTACT section.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, EPA Region IX,(415) 947–4125, vineyard.christine@epa.gov.

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

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I. The State’s Submittal
   A. What statute and rules did the State submit?

Table 1 lists the statute and rules addressed by this proposal with the dates that they were adopted by the state or local air agency and submitted by the ADEQ.
TABLE 1—SUBMITTED STATUTE AND RULES

<table>
<thead>
<tr>
<th>Local agency</th>
<th>Rule No.</th>
<th>Rule title</th>
<th>Adopted</th>
<th>Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCAQCD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chapter 4—Article 1 ...</td>
<td>Fugitive Dust</td>
<td>10/28/15</td>
<td>12/21/15</td>
</tr>
<tr>
<td></td>
<td>Chapter 4—Article 3 ...</td>
<td>Construction Sites—Fugitive Dust</td>
<td>10/28/15</td>
<td>12/21/15</td>
</tr>
<tr>
<td>Arizona Revised Statutes (ARS)</td>
<td>Statute No.</td>
<td>Statute title</td>
<td>Effective date</td>
<td>Submitted</td>
</tr>
<tr>
<td>ARS</td>
<td>§49–424</td>
<td>Duties of Department</td>
<td>4/18/14</td>
<td>12/21/15</td>
</tr>
<tr>
<td>Arizona Administrative Code (AAC)</td>
<td>AAC No.</td>
<td>AAC title</td>
<td>Amended/ effective date</td>
<td>Submitted</td>
</tr>
<tr>
<td>AAC</td>
<td>R18–2–210</td>
<td>Attainment, Nonattainment, and Unclassifiable Area Designations.</td>
<td>07/01/14</td>
<td>12/21/15</td>
</tr>
<tr>
<td>AAC</td>
<td>R18–2–610</td>
<td>Definitions for R18–2–610.01, R18–2–610.02, and R18–2–610.03.</td>
<td>07/02/15</td>
<td>12/21/15</td>
</tr>
<tr>
<td>AAC</td>
<td>R18–2–610.03</td>
<td>Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area.</td>
<td>07/02/15</td>
<td>12/21/15</td>
</tr>
<tr>
<td>AAC</td>
<td>R18–2–612</td>
<td>Definitions for R18–2–612.01</td>
<td>07/02/15</td>
<td>12/21/15</td>
</tr>
<tr>
<td>AAC</td>
<td>R18–2–612.01</td>
<td>Agricultural PM General Permit for Irrigation Districts; PM Nonattainment Areas Designated After June 1, 2009.</td>
<td>07/02/15</td>
<td>12/21/15</td>
</tr>
<tr>
<td>AAC</td>
<td>Appendix 2</td>
<td>Test Methods and Protocols</td>
<td>07/02/15</td>
<td>12/21/15</td>
</tr>
</tbody>
</table>

On March 21, 2016, the EPA determined that the submitted revisions from ADEQ and PCAQCD listed in Table 1 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of the statute and rules?

There are no previous versions of PCAQCD Chapter 4, Articles 1 and 3 in the SIP. Table 2 lists versions of the statute and rules EPA has previously approved into the SIP.

TABLE 2—SIP-APPROVED RULES

<table>
<thead>
<tr>
<th>ARS</th>
<th>Title</th>
<th>Existing SIP-approved rule superseded by this action</th>
<th>Previous approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>§49–424</td>
<td>Duties of Department</td>
<td>49–424 (2011) Duties of Department</td>
<td>77 FR 66398 11/05/12</td>
</tr>
<tr>
<td>AAC</td>
<td>Attainment, Nonattainment, and Unclassifiable Area Designations.</td>
<td>Attainment, Nonattainment, and Unclassifiable Area Designations.</td>
<td>79 FR 56656 09/23/14</td>
</tr>
<tr>
<td>R18–2–210</td>
<td>Test Methods and Protocols</td>
<td>Test Methods and Protocols</td>
<td>79 FR 56655 09/23/15</td>
</tr>
</tbody>
</table>

In addition, we note that SIP-approved rule R18–2–610, “Definitions for R18–2–611,” has the same AAC number as new rule R18–2–610. “Definitions for R18–2–610.01 R18–2–610.02, and R18–2–610.03,” but is not superseded by the new rule. See 66 FR 51869 (October 11, 2001). Both versions of R18–2–610 will be in the SIP, but can be differentiated by their different titles and dates.

C. What is the purpose of the submitted rule and statute revisions?

Particulate matter, including PM equal to or less than 2.5 microns in diameter (PM$_{2.5}$) and PM equal to or less than 10 microns in diameter (PM$_{10}$), contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires states to submit regulations that control PM emissions.

PC AQCD Chapter 4, Article 1—Fugitive Dust

- New rule applies to open areas/vacant lots, unpaved roads, unpaved lots and paved public roadways.
- Establishes a 20 percent opacity limit.
- Requires no trespassing signs, physical barriers or other effective control measures upon evidence of trespass.

- Limits silt content on unpaved lots and roads to eight percent and six percent respectively.

PC AQCD Chapter 4, Article 3—Construction Sites—Fugitive Dust

- New rule designed to regulate PM$_{10}$ emissions attributed to construction activities under both stagnation and windy conditions.
- Limits opacity to 20 percent.

ARS § 49–424—Duties of Department

- Revised rule extends the requirement to develop and disseminate air quality dust forecasts to the Maricopa County PM$_{10}$ maintenance area and any other PM$_{10}$ nonattainment or maintenance areas designated on or after December 31, 2011.
II. The EPA's Evaluation and Action

A. How is the EPA evaluating the statute and rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and are limited in how they can modify certain SIP control requirements in nonattainment areas (see CAA section 193).

In addition, generally, SIP rules must implement Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), in moderate PM₁₀, PM₂.₅, and nonattainment areas (see CAA sections 172(c)(1) and 189(a)(1)(C)). The PCAQCD regulates a PM₁₀ nonattainment area classified as moderate for the 1987 24-hour PM₁₀ National Ambient Air Quality Standard (NAAQS) (40 CFR 81.303).¹ A RACM evaluation is generally performed in context of a broader plan, so we are not proposing to determine whether ADEQ has demonstrated RACM for the Pinal area as part of this notice.

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:


B. Do the rules and statute meet the evaluation criteria?

We believe these rules and statute are consistent with CAA requirements and relevant guidance and fulfill the evaluation criteria. The statute and rules are clear and contain adequate testing.

¹The 1997 PM₁₀ 24-hour National Ambient Air Quality Standard (primary and secondary) is 150 micrograms per cubic meter. See https://www.epa.gov/criteria-air-pollutants/naaqs-table.
not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- 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 Clean Air Act; and
- does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, August 10, 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: December 20, 2016.

Alexis Strauss,
Acting Regional Administrator, Region IX.

[FR Doc. 2017–00054 Filed 1–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81


Approval of Arizona Air Plan Revisions; Ajo and Morenci, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plans and Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the second ten-year maintenance plans for the Ajo and Morenci areas in Arizona for the 1971 National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO2), and to correct an error in the description of the Ajo, Arizona SO2 maintenance area in the Code of Federal Regulations.

DATES: Any comments on this proposal must arrive by February 8, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0287 at http://www.regulations.gov, or via email to Wieken tax, at tax.wienke@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the FOR FURTHER INFORMATION CONTACT section.

FOR FURTHER INFORMATION CONTACT:
Wieken Tax, EPA Region IX, (415) 947–4192, tax.wienke@epa.gov.

SUPPLEMENTARY INFORMATION:
Throughout this document, “we,” “us” and “our” refer to the EPA. This proposal addresses the second ten-year maintenance plans submitted by the Arizona Department of Environmental Quality to address the 1971 SO2 NAAQS in the Ajo and Morenci maintenance areas, AZ. In the Rules and Regulations section of this Federal Register, we are approving these second ten-year maintenance plans in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. If we receive adverse comment on a distinct provision of this rulemaking, i.e., our action regarding only one maintenance plan, we will publish a timely withdrawal in the Federal Register indicating which provisions we are withdrawing. The provisions that are not withdrawn, i.e., our approval of the other maintenance plan that is not the subject of an adverse comment, will become effective on the date set out above, notwithstanding adverse comment on the other maintenance plan.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.


Alexis Strauss,
Acting Regional Administrator, Region IX.

[FR Doc. 2016–31636 Filed 1–6–17; 8:45 am]

BILLING CODE 6560–50–P