

the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Effective date.* This rule is effective from 12 p.m. until 3 p.m., on May 17, 2022, through May 18, 2022.

Dated: May 6, 2022.

**Matthew A. Thompson,**

*Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.*

[FR Doc. 2022-10181 Filed 5-11-22; 8:45 am]

BILLING CODE 9110-04-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 50 and 51**

[EPA-HQ-OAR-2022-0313; FRL-9812-01-OAR]

**Identifying Additional Areas Subject to Mitigation Plan Requirements Under the 2016 Exceptional Events Rule: Notice of Availability**

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

**ACTION:** Notification of availability.

**SUMMARY:** Notification is hereby given that the Environmental Protection Agency (EPA) has finalized a list of additional areas subject to the mitigation plan requirements found in the 2016 Exceptional Events Rule. This list is included within this document and is available on the Agency's website and in the electronic docket for this action. The EPA is separately notifying states with areas newly subject to these requirements. These notification letters are also available on the Agency's website and in the electronic docket for this action.

**DATES:** May 12, 2022.

**FOR FURTHER INFORMATION CONTACT:** For general questions concerning this notice, please contact, Gobeail McKinley, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C539-04, Research Triangle Park, NC 27711, telephone (919) 541-5246, email at [mckinley.gobeail@epa.gov](mailto:mckinley.gobeail@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**1. General Information**

*Where can I get information related to this action?*

*Docket:* The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2022-0313. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information may not be publicly available, e.g., Confidential Business Information 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. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

*Agency website:* A list of the additional areas subject to mitigation plans is found on the website that contains information related to exceptional events at: <https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events-homepage-exceptional>.

**II. What is the purpose of this action?**

In keeping with the EPA's mission to protect public health and consistent with the principles included at the Clean Air Act section 319(b)(3)(A), the 2016 Exceptional Events Rule (Rule) promulgated new regulations requiring states to develop mitigation plans for areas with historically documented or known seasonal exceptional events. Using air quality monitoring data contained within the Air Quality System (AQS) for the period January 1, 2013, through December 31, 2015, the EPA initially identified 29 areas required to submit mitigation plans within 2 years of the effective date of the Rule.<sup>1</sup>

Further, the 2016 Exceptional Events Rule states that as areas become subject to the mitigation plan requirements, the Administrator will notify the states in writing. However, the Rule did not establish a specific process for providing notice to states with areas

newly identified as being subject to mitigation plan requirements. This action establishes a process for providing that notice and fulfills our obligation to identify additional areas with recurring events of the same type and pollutant. Table 1 contains a list of the newly identified areas subject to mitigation requirements. Generally, areas subject to the mitigation requirements have experienced three events or three seasons of events of the same type and pollutant in a 3-year period. For purposes of this analysis and notification, the EPA evaluated rolling 3-year periods for January 1, 2016, through December 31, 2020. A detailed description of the process the EPA followed to identify these areas and a summary of required components of a mitigation plan are included in a background document placed in the docket for this rulemaking titled, "Additional Areas Subject to Mitigation Plan Requirements in 40 CFR 51.930(b)."

Within 2 years of being notified that they are subject to the mitigation plan provisions within the 2016 Exceptional Events Rule, air agencies responsible for ensuring air quality for the areas identified in Table 1 shall submit mitigation plans to the applicable EPA Regional Administrator. Consistent with the 2016 Exceptional Events Rule, after this 2-year timeframe, if an air agency has not submitted the required mitigation plan, the EPA will not concur with an air agency's request to exclude data that have been influenced by an event of the type that is the subject of a required mitigation plan. An air agency may submit a mitigation plan in advance of, or as part of, an exceptional events demonstration submission of the same event type and pollutant as the focus of the mitigation plan.

The discussion of the mitigation plan components is included in the preamble to the 2016 Exceptional Events Rule<sup>2</sup> and 40 CFR 51.930(b)(2) identifies the required components for each mitigation plan. A discussion of mitigation plan components is also included in the background document placed in the docket for this rulemaking.

TABLE 1—ADDITIONAL AREAS SUBJECT TO THE MITIGATION REQUIREMENTS IN 40 CFR 51.930(b) <sup>a</sup>

Pollutant	AQS flag <sup>b</sup>	AQS flag description	State	County/nonattainment area boundary
Ozone .....	RT .....	Wildfire-U.S .....	NV .....	Washoe.
Ozone .....	RT .....	Wildfire-U.S .....	CA .....	Tehama (Tuscan Buttes).
Ozone .....	RT .....	Wildfire-U.S .....	CA .....	Ventura.

<sup>1</sup> 81 FR 68272, Table 6—Areas Subject to the Mitigation Requirements in 40 CFR 51.930(b), October 3, 2016.

<sup>2</sup> 81 FR 68273, October 3, 2016.

TABLE 1—ADDITIONAL AREAS SUBJECT TO THE MITIGATION REQUIREMENTS IN 40 CFR 51.930(b) <sup>a</sup>—Continued

Pollutant	AQS flag <sup>b</sup>	AQS flag description	State	County/nonattainment area boundary
PM <sub>10</sub> .....	RJ .....	High Winds .....	CA .....	Ventura.
PM <sub>10</sub> .....	RJ .....	High Winds .....	WY .....	Campbell.
PM <sub>10</sub> .....	RJ .....	High Winds .....	WY .....	Sweetwater.
PM <sub>10</sub> .....	RJ .....	High Winds .....	NM .....	Bernalillo.
PM <sub>10</sub> .....	RT .....	Wildfire-U.S .....	CA .....	Santa Barbara.
PM <sub>10</sub> .....	RT .....	Wildfire-U.S .....	CA .....	San Joaquin Valley.
PM <sub>2.5</sub> .....	RT .....	Wildfire-U.S .....	CA .....	Butte.
PM <sub>2.5</sub> .....	RT .....	Wildfire-U.S .....	CA .....	San Joaquin Valley.
PM <sub>2.5</sub> .....	RT .....	Wildfire-U.S .....	CA .....	South Coast.
PM <sub>2.5</sub> .....	RH .....	Fireworks .....	CA .....	San Joaquin Valley.
PM <sub>2.5</sub> .....	RH .....	Fireworks .....	CA .....	South Coast.
PM <sub>2.5</sub> .....	RJ .....	High Winds .....	CA .....	San Joaquin Valley.

<sup>a</sup> The EPA identified these counties using data submitted through the Exceptional Events Submission and Tracking System, EPA's AQS, and other sources for the January 1, 2016–December 31, 2020, timeframe. The EPA used these data to identify areas with three events or event seasons within a 3-year period.

<sup>b</sup> The complete list of AQS qualifier codes and descriptions is available at <https://www.epa.gov/aqs/aqs-code-list>.

**Panagiotis Tsirigotis,**  
*Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2022–09748 Filed 5–11–22; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R10–OAR–2020–0684; FRL–9402–02–R10]

**Air Plan Approval; OR; Air Contaminant Discharge Permit Fee Revision**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Oregon State Implementation Plan (SIP) submitted on November 5, 2020. The revision establishes new fees to be paid by stationary sources of air contaminants that submit notices of intent to construct. The revision also adds a new basic air contaminant discharge permit category to allow certain minor sources, that would otherwise be required to obtain a general, simple, or standard permit, the option to qualify for a basic permit.

**DATES:** This final rule is effective June 13, 2022.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2020–0684. 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 or other information the disclosure of which 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 at <https://www.regulations.gov>,

or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Kristin Hall (15–H13), EPA Region 10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, (206) 553–6357, [hall.kristin@epa.gov](mailto:hall.kristin@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we” or “our” is used, it refers to the EPA.

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**I. Background**

On November 5, 2020, Oregon submitted a SIP revision addressing stationary source permitting and associated fees.<sup>1</sup> The revision, State effective September 21, 2020, makes updates to SIP-approved air quality permitting regulations. Oregon’s air quality regulations are codified in Divisions 200 through 268 of Chapter 340 of the Oregon Administrative Rules (OAR).

We proposed to approve the submitted SIP revision on February 14, 2022 (87 FR 8222). The reasons for our proposed approval are included in the

<sup>1</sup> Oregon subsequently revised the scope of the SIP revision submitted for EPA approval in a letter dated December 22, 2021. In the letter, Oregon clarified that OAR 340–216–8020, which includes the specific fee amounts to be paid by sources, is not submitted for SIP approval. The letter has been placed in the docket for this action.

proposal and will not be restated here. The public comment period closed on March 16, 2022. We received no public comments, therefore, we are finalizing the action as proposed.

**II. Final Action**

The EPA is approving, and incorporating by reference, revisions to the Oregon SIP submitted on November 5, 2020, for the purposes of SIP-related permitting. Upon the effective date of this action, the Oregon SIP will include the following regulations, State effective September 21, 2020:

- OAR 340–210–0230, Notice of Construction and Approval of Plans: Notice to Construct;
- OAR 340–210–0240, Notice of Construction and Approval of Plans: Construction Approval; and
- OAR 340–216–8010, Table 1—Activities and Sources.

**III. 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, we are finalizing the incorporation by reference of Oregon regulatory provisions as described in Section II of this preamble and set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air