

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
*	*	*	*	*
<b>Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area</b>				
*	*	*	*	*
10-2.320 .....	Control of Emissions from Production of Pesticides and Herbicides.	1/30/19	8/21/20, [insert <b>Federal Register</b> citation].	
*	*	*	*	*

\* \* \* \* \*  
 [FR Doc. 2020-16440 Filed 8-20-20; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R01-OAR-2019-0220; FRL-10012-83-Region 1]

**Air Plan Approval; Massachusetts; Negative Declaration for the Oil and Gas Industry**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. The revision provides Massachusetts’ determination, via a negative declaration, that there are no facilities within its borders subject to EPA’s 2016 Control Technique Guideline (CTG) for the oil and gas industry with respect to both the 2008 and 2015 Ozone National Ambient Air Quality Standards (NAAQS). The intended effect of this action is to approve this item into the non regulatory portion of the Massachusetts SIP. This action is being taken under the Clean Air Act.

**DATES:** This rule is effective on September 21, 2020.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2019-0220. 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, *i.e.*, 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 at <https://www.regulations.gov>, or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID-19.

**FOR FURTHER INFORMATION CONTACT:** Ariel Garcia, Environmental Protection Specialist, Air and Radiation Division (Mail Code 05-2), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109-3912; (617) 918-1660. [garcia.ariel@epa.gov](mailto:garcia.ariel@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

**Table of Contents**

- I. Background and Purpose
- II. Response to Comment
- III. Final Action
- IV. Statutory and Executive Order Reviews

**I. Background and Purpose**

On May 18, 2020, EPA published a Notice of Proposed Rulemaking (NPRM; see 85 FR 29678) with an associated Direct Final Rule (DFR; see 85 FR 29628) for the Commonwealth of Massachusetts. The DFR approved a negative declaration for Massachusetts for EPA’s 2016 Control Technique Guideline (CTG) for the oil and gas industry. We received one relevant adverse comment on the NPRM, and so withdrew the DFR via a Withdrawal Notice published on June 26, 2020. See 85 FR 38327. Other specific requirements of Massachusetts’ submittal and the rationale for EPA’s

action are explained in the DFR and will not be restated here. Our response to the adverse comment on the NPRM is summarized and responded to in section II below.

**II. Response to Comment**

We received one relevant adverse comment on the NPRM. A summary of the comment, and our response, follows.

*Comment: EPA provides no explanation of why Massachusetts’ SIP is acceptable. EPA’s mere “understanding” is not enough to approve a SIP, EPA must evaluate the merits of the SIP and independently verify the accuracy of Massachusetts’ assertions. EPA must check sources of information for any sources subject to the oil and natural gas industry CTG.*

*Response:* First, we note that the commenter does not provide any information to contradict Massachusetts’ finding that no sources subject to EPA’s 2016 CTG for the oil and gas industry exist within the Commonwealth. EPA is not aware of any information indicating that a facility subject to the 2016 oil and gas CTG exists within the Commonwealth of Massachusetts. Additionally, we note that EPA has historically allowed states to submit a negative declaration for a particular CTG category if the state finds that no sources exist in the state which would be subject to that CTG. EPA has addressed the idea of negative declarations numerous times and for various NAAQS including in the General Preamble to the 1990 Amendments,<sup>1</sup> the 2006 RACT Q&A Memo,<sup>2</sup> and the 2008 Ozone Implementation Rule.<sup>3</sup> In each of these

<sup>1</sup> “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” (57 FR 13498 at 13512 (April 16, 1992)).

<sup>2</sup> “RACT Q’s and A’s—Reasonably Available Control Technology RACT: Questions and Answers” Memorandum from William T. Harnett, May 18, 2006.

<sup>3</sup> “Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State

documents, EPA asserted that if no sources exist in the nonattainment area for a particular CTG category, the state would be allowed to submit a negative declaration SIP revision. This principle also applies to states in the ozone transport region.

Second, we note that Massachusetts' finding is consistent with information contained within EPA data resources of industrial activity within the United States, such as the National Emissions Inventory (NEI) database of sources of air pollution, which is available at: <https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei>. And last, we note that EPA Region 1 worked with Massachusetts, and EPA headquarters' technical experts on the CTG, to review the applicability criteria of EPA's 2016 oil and gas CTG to assist the Commonwealth of Massachusetts with its determination.

### III. Final Action

We are approving a negative declaration for EPA's 2016 CTG entitled "Control Techniques Guidelines for the Oil and Natural Gas Industry" into the Massachusetts SIP.

### 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 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);
- Is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;

Implementation Plan Requirements," (80 FR 12263 at 12278 (March 6, 2015)).

- 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 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of

particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 20, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: July 27, 2020.

**Dennis Deziel,**

*Regional Administrator, EPA Region 1.*

For the reasons stated in the preamble, the EPA amends Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 W—Massachusetts

- 2. In § 52.1120, amend the table in paragraph (e) by adding the entry for "Negative declaration for the 2016 Control Techniques Guideline for the Oil and Natural Gas Industry" at the end of the table, to read as follows:

#### § 52.1120 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

## MASSACHUSETTS NON-REGULATORY

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date <sup>3</sup>	Explanations
Negative declaration for the 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry.	Statewide .....	10/18/2018	8/21/2020 [Insert FEDERAL REGISTER citation].	Negative declaration

<sup>3</sup> To determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. 2020-16725 Filed 8-20-20; 8:45 am]  
BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA-HQ-OAR-2016-0243; FRL-10009-65-OAR]

RIN 2060-A066

### National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products Residual Risk and Technology Review

#### Correction

In rule document 2020-12725 appearing on pages 49434-49469 in the issue of August 13, 2020, make the following correction:

#### § 63.2282 [Corrected]

■ On page 49459, in § 63.2282, in the third column, in the ninth line down, “August 13, 2021” should read “August 13, 2020”.

[FR Doc. C1-2020-12725 Filed 8-20-20; 8:45 am]  
BILLING CODE 1300-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2019-0460; FRL-10010-98]

### Flupyradifurone; Pesticide Tolerances

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of flupyradifurone in or on multiple commodities which are identified and discussed later in this document. The Interregional Project Number 4 (IR-4) and the registrant, Bayer CropScience, requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective August 21, 2020. Objections and requests for hearings must be received on or before October 20, 2020 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-2019-0460, is available at <http://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.

Please note that due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit <https://www.epa.gov/dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Michael Goodis, 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: [RDFFRNotices@epa.gov](mailto:RDFFRNotices@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 EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

##### 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-2019-0460 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 October 20, 2020. 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