

The EPA Administrator, Andrew R. Wheeler, signed the following notice on 8/15/2019, and EPA is submitting it for publication in the *Federal Register* (FR). While we have taken steps to ensure the accuracy of this Internet version of the rule, it is not the official version of the rule for purposes of compliance. Please refer to the official version in a forthcoming FR publication, which will appear on the Government Printing Office's govinfo website (<https://www.govinfo.gov/app/collection/fr>) and on Regulations.gov (<https://www.regulations.gov>) in Docket No. EPA-HQ-OAR-2019-0298. Once the official version of this document is published in the FR, this version will be removed from the Internet and replaced with a link to the official version.

6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-HQ-OAR-2019-0298; FRL-]

RIN 2060-AU49

General Provisions Amendments to 40 CFR Part 62: Incorporation by Reference of State Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency is proposing to amend the Approval and Promulgation of State Plans for Designated Facilities and Pollutants, General Provisions to clarify the process by which state plans for the control of pollutants and facilities are incorporated by reference into this part. This action is intended to update and modify the outdated General Provisions that note that state plans are incorporated by reference and that describe the availability of state plans. Concurrently, EPA is also taking direct final action on these amendments. If we receive no significant adverse comment, we will not take further action on this proposed rule.

DATES: *Comments.* Comments must be received on or before **[INSERT DATE 45 DAYS**

AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], or 30 days after date of public hearing, if one is requested.

Public hearing. If anyone contacts us requesting a public hearing on or before **[INSERT DATE 5 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, we

will hold a hearing. Additional information about the hearing, if requested, will be published in a subsequent **Federal Register** document and posted at <https://www.epa.gov/stationary-sources-air-pollution/amendments-general-provisions-part-62-incorporation-reference-clean>. See **SUPPLEMENTARY INFORMATION** for information on registering and attending a public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OAR-2019-0298, by any of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov/> (our preferred method).
Follow the online instructions for submitting comments.
- Email: a-and-r-docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2019-0298 in the subject line of the message.
- Fax: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2019-0298.
- Mail: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA-HQ-OAR-2019-0298, Mail Code 28221T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
- Hand/Courier Delivery: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m. – 4:30 p.m., Monday – Friday (except federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking.

Comments received may 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 **SUPPLEMENTARY INFORMATION** section of this document.

This document is a prepublication version, signed by EPA Administrator, Andrew R. Wheeler on 8/15/2019. We have taken steps to ensure the accuracy of this version, but it is not the official version.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Ms. Jodi Howard, Sector Policies and Programs Division (D205-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-4607; fax number: (919) 541-4991; and email address: howard.jodi@epa.gov.

SUPPLEMENTARY INFORMATION:

Public hearing. Please contact Nancy Perry at (919-541-5628 or at perry.nancy@epa.gov to request a hearing, to determine if a hearing will be held, or to register to speak at the hearing, if one is held.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA-HQ-OAR-2019-0298. All documents in the docket are listed in Regulations.gov. Although listed, some information is not publicly available, *e.g.*, Confidential Business Information (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. Publicly available docket materials are available either electronically in Regulations.gov or in hard copy at the EPA Docket Center, Room 3334, WJC West Building, 1301 Constitution Avenue, NW, Washington, DC. 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 EPA Docket Center is (202) 566-1742.

Instructions. Direct your comments to Docket ID No. EPA-HQ-OAR-2019-0298. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov/>, including any personal

information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <https://www.regulations.gov/> or email. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

The <https://www.regulations.gov/> website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through <https://www.regulations.gov/>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be

free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets>.

Submitting CBI. Do not submit information containing CBI to the EPA through <https://www.regulations.gov/> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA-HQ-OAR-2019-0298.

I. Why is the EPA issuing this proposed rule?

The EPA is issuing both a proposal and a direct final rule amending sections 62.02, 62.10, and 62.12 of subpart A of 40 CFR part 62. As further discussed in the direct final rule action, these amendments update and clarify provisions relating to the Incorporation by Reference (IBR) of state plans approved, in accordance with Clean Air Act sections 111(d) and 129, by the EPA, including information concerning the availability of such plans.

The EPA is taking direct final action because we view the revisions as administrative, noncontroversial, and anticipate no significant adverse comments. The EPA has identified the specific revisions and explained our reasons for these revisions in the direct final rule. At the same time, the EPA is proposing to make the same amendments. If no significant adverse comments are received, no further action will be taken on the proposal, and the direct final rule will become effective as provided in that action.

If the EPA receives significant adverse comments, we will withdraw the direct final rule. The EPA will publish a timely withdrawal in the **Federal Register**. If the direct final rule in the Rules and Regulations section of this **Federal Register** is withdrawn, all comments will be addressed in a subsequent final rule based on this proposal. The EPA will not institute a second comment period pertaining to the revisions on the subsequent final action. Any parties interested in commenting should do so at this time.

The amendments to the regulatory text proposed in this notice are identical to the amendments made in the direct final rule published in the Rules and Regulations section of this **Federal Register**. For further supplementary information and the rationale for the proposal and the regulatory revisions, see the direct final rule published in the Rules and Regulations section of this **Federal Register**.

**General Provisions Amendments to 40 CFR Part 62: Incorporation by Reference of State
Plans**

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II. Statutory and Executive Order Reviews

For a complete discussion of the administrative requirements applicable to this action, see the direct final rule in the Rules and Regulations section of this **Federal Register**.

Dated:

Andrew R. Wheeler,
Administrator.