

The EPA Administrator, Gina McCarthy, signed the following notice on 1/18/2017, 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 FDSys website (<http://gpo.gov/fdsys/search/home.action>) and on Regulations.gov (<http://www.regulations.gov>) in Docket No. EPA-HQ-OAR-2014-0464. 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 81

[EPA-HQ-OAR-2014-0464; FRL -]

Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard—Round 2: Notice of Action Denying Petition for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of action denying petition for reconsideration.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that it has responded to a petition for reconsideration of a rule published in the *Federal Register* on July 12, 2016, that promulgated air quality designations for the 2010 sulfur dioxide (SO₂) primary National Ambient Air Quality Standard (NAAQS) for certain areas in the United States, titled “Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard – Round 2.” The petition submitted on behalf of the Southern Illinois Power Cooperative (SIPC) requested reconsideration of the nonattainment designation for Williamson County, Illinois, where SIPC operates the Marion Power Station. The EPA carefully considered this petition and supporting information, along with information contained in the rulemaking docket, in reaching the decision on this petition. The EPA denied the SIPC petition for reconsideration in a letter to SIPC dated January 23, 2017. The letter, including related enclosures, explains the EPA's reasons for the denial.

DATES: The SIPC petition for reconsideration was denied on January 23, 2017.

FOR FURTHER INFORMATION, CONTACT: Liz Etchells, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Planning Division, C539-04, Research Triangle Park, NC 27711, telephone (919) 541-0253, email at etchells.elizabeth@epa.gov.

SUPPLEMENTARY INFORMATION:

This *Federal Register* notice, the petition for reconsideration, and the response letter to SIPC are available in the EPA's docket established for the rulemaking to promulgate the air quality designations for the 2010 SO₂ primary NAAQS, under Docket ID No. EPA-HQ-OAR-2014-0464.

The EPA is providing notice that the EPA denied the petition for reconsideration dated September 12, 2016, submitted on behalf of SIPC and regarding the Williamson County, Illinois, designation, in a letter dated January 23, 2017, after carefully considering the petition and supporting information, along with information contained in the rulemaking docket. That letter, including related enclosures, fully details EPA's reasons for the denial. Accordingly, the SO₂ nonattainment designation for Williamson County set out in the July 12, 2016, final action remains effective.

The EPA also notes that via letters dated January 23, 2017, the EPA granted two other petitions for reconsideration submitted on behalf of Sierra Club regarding two other designated areas: the Sierra Club petition dated September 8, 2016, concerns the area surrounding Ameren Labadie Energy Center including portions of Franklin and St. Charles Counties, Missouri, and the Sierra Club petition dated January 6, 2017, concerns the area surrounding General James M. Gavin Power Plant and Kyger Creek Power Plant, including Gallia County and a portion of Meigs Counties, Ohio. Those letters explain EPA's intention to reconsider those designations by initiating a new rulemaking process at a future date, after evaluation of 2017-2019 monitoring

data for those areas—including data from monitors newly sited and operational pursuant to the Data Requirements Rule (80 FR 51052)—and to provide additional public comment opportunity, on or before December 31, 2020, concurrent with the final round (Round 4) of designations for the 2010 SO₂ primary NAAQS. Until such time that the EPA takes final action regarding those grants of reconsideration, the unclassifiable designations of those areas in the July 12, 2016, final action will remain effective.

All documents in the docket are listed in the index at <http://www.regulations.gov>.

Although listed in the index, some information is not publicly available, e.g., confidential business information or other information where 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 either electronically through <http://www.regulations.gov> or in hard copy at EPA's Docket Center, Public Reading Room, U.S. Environmental Protection Agency, William Jefferson Clinton West Building, 1301 Constitution Avenue, NW, Room 3334, Washington, D.C. 20004. This Docket Center 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 Air Docket is (202) 566-1742.

In addition, the EPA has established a Web site for SO₂ designation rulemakings at <https://www.epa.gov/sulfur-dioxide-designations>. This *Federal Register* notice, the petitions for reconsideration, and the response letters to SIPC and Sierra Club are also available on this Web site along with other information relevant to the designations process.

JUDICIAL REVIEW:

Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeal have venue for petitions for review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, if “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” In the rule establishing the air quality designations for the 2010 SO₂ NAAQS at issue in this petition for reconsideration, the EPA determined that the designations are nationally applicable and are of nationwide scope and effect for the purposes of section 307(b)(1), and published those findings in that same *Federal Register* notice. [See 81 FR 45039, 45045 (July 12, 2016)].

The EPA has determined that its action denying this petition for reconsideration also is nationally applicable and is of nationwide scope and effect because it directly relates to the SO₂ designations rulemaking that the EPA previously determined is nationally applicable and is of nationwide scope and effect. Thus, any petition for review of the final letter denying SIPC’s petition for reconsideration must be filed in the Court of Appeals for the District of Columbia Circuit on or before **[INSERT DATE 60 DAYS FROM PUBLICATION IN THE FEDERAL REGISTER]**.

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LIST OF SUBJECTS IN 40 CFR PART 81

Environmental protection, Air pollution control, Sulfur dioxide.

Dated:

Gina McCarthy,
Administrator.