



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2015-0067; FRL-9960-35-Region 10]

Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area; Further Delay of Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; further delay of effective date.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” and the **Federal Register** document published by the Environmental Protection Agency (EPA or Agency) on January 26, 2017, the EPA is taking final action further delaying the effective date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area until April 20, 2017.

DATES: As of [insert date of publication in the Federal Register], the effective date of the rule amending 40 CFR part 52 published in the Federal Register at 82 FR 729 on January 4, 2017, delayed at 82 FR 8499 on January 26, 2017, is further delayed to a new effective date of April 20, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2015-0067. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., 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 is publicly available only in hard copy form. Publicly available docket materials are available at

<http://www.regulations.gov> or at EPA Region 10, Office of Air and Waste, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person 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 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, Air Planning Unit, Office of Air and Waste (OAW-150), Environmental Protection Agency, Region 10, 1200 Sixth Ave, Suite 900, Seattle, WA 98101; telephone number: (206) 553-0256; email address: hunt.jeff@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background Information

On January 26, 2017, the EPA published a document in the **Federal Register** entitled "Delay of Effective Date for 30 Final Regulations Published by the Environmental Protection Agency Between October 28, 2016 and January 17, 2017" (82 FR 8499). In that document, the EPA delayed the effective date of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area to March 21, 2017, as requested in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review" (January 20 Memo). That memo directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the January 20 Memo the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect.

The January 20 Memo also states: "Where appropriate and as permitted by applicable law, [agencies] should consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period." On February 24, 2017, the EPA proposed to

further delay the effective date for the Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area until April 20, 2017. In this document, the EPA is finalizing action further delaying the effective date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area until April 20, 2017. This additional delay will give Agency officials the opportunity to decide whether they would like to conduct a substantive review of this rule. If Agency officials decide to conduct a substantive review of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area, the EPA will take appropriate actions to conduct such a review, including, but not limited to, issuing a document in the **Federal Register** addressing any further delays of the effective date of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area or extensions of compliances dates in the rule. If Agency officials decide not to conduct a substantive review of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area, it will become effective on April 20, 2017.

II. Response to Comments

The EPA received two comments generally opposing delaying the effective date of the final rule, arguing that it was “absurd... under any circumstances” (*Commenter 1*) and that there were “no grounds whatsoever” for the delay (*Commenter 2*).

Response: Contrary to the position asserted by comments, there are reasonable grounds for this additional short delay of the effective date. As explained in the proposal and above, and consistent with the January 20 Memo, this extension of the effective date is needed to give Agency officials – many of whom have arrived at the Agency in recent weeks – an opportunity

to review the action and to decide whether they would like to conduct a substantive review of this rule, including any necessary briefings that may be needed to make such a determination.

III. Final Action

The EPA is further delaying the effective date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM_{2.5} Nonattainment Area until April 20, 2017.

March 13, 2017.

Dated:

Michelle L. Pirzadeh,
Acting Regional Administrator,
Region 10.

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