



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2025-0056; FRL-12601-02-R9]

Interim Final Determination to Stay or Defer Sanctions; California; Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: The Environmental Protection Agency (EPA) is making an interim final determination that the California Air Resources Board (CARB) has submitted a Clean Air Act (CAA or “Act”) state implementation plan (SIP) revision on behalf of the Antelope Valley Air Quality Management District (AVAQMD or “District”) that corrects deficiencies concerning the District’s New Source Review (NSR) stationary source permitting program. This determination is based on a proposed approval, published elsewhere in this issue of the ***Federal Register***, of AVAQMD Rules 1301, 1302 (except 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, and 1309. The effect of this interim final determination is to stay the application of the offset sanction and to defer the action of the highway sanction that were triggered by the EPA’s limited disapproval of AVAQMD Rules 1301, 1302 (except 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, 1309 on July 3, 2023.

DATES: This interim final determination is effective [INSERT DATE OF PUBLICATION IN THE ***FEDERAL REGISTER***]. However, comments will be accepted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE ***FEDERAL REGISTER***].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2025-0056, at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public

docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Shaheerah Kelly, U.S. Environmental Protection Agency, Region IX (AIR-3-2), phone: (415) 947-4156, email: kelly.shaheerah@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” refer to the EPA.

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I. Background

On July 3, 2023, we published a limited approval and limited disapproval of Rules 1301, 1302 (except for 1302(C)(5) and 1302(C)(7)(c), which were not submitted for inclusion in the SIP), 1303, 1304, 1305, and 1309, as amended on July 20, 2021.¹ We based our limited

¹ 88 FR 42621.

disapproval action on deficiencies identified in the submitted rules. This limited approval and limited disapproval action started a sanctions clock for imposition of offset sanctions eighteen (18) months after August 2, 2023, and highway sanctions six (6) months later, pursuant to section 179 of the Act and our regulations at 40 CFR 52.31. Under 40 CFR 52.31(d)(1), offset sanctions apply 18 months after the effective date of a disapproval and highway sanctions apply 6 months after the offset sanctions, unless we determine that the deficiencies forming the basis of the disapproval have been corrected.

On December 30, 2024, the AVAQMD amended Rules 1301, 1302 (except for 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, and 1309, and adopted new Rule 1314. These amended and adopted rules were intended to address the deficiencies that were the basis for our limited disapproval in our July 3, 2023 action.

On January 7, 2025, the California Air Resources Board (CARB) submitted Rules 1301, 1302 (except for 1302(C)(5) and 1302(C)(7)(c), which were not submitted for inclusion in the SIP), 1303, 1304, 1305, 1309, and 1314 to the EPA. CARB is the governor's designee for California SIP submittals. In the Proposed Rules section of this ***Federal Register***, we are proposing approval of AVAQMD Rules 1301, 1302 (except 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, and 1309, and we are proposing a limited approval of Rule 1314, because we believe they correct the deficiencies identified in our July 3, 2023 limited disapproval action and meet other applicable CAA requirements. Our approval of Rule 1314 is limited because the EPA is simultaneously proposing a limited disapproval of the rule based on a separate deficiency that does not meet applicable CAA requirements. Based on this proposed action, we are taking this final rulemaking action, effective on publication, to stay the imposition of the offset sanction and defer the imposition of the highway sanction that was triggered by our July 3, 2023 limited disapproval.

The EPA is providing the public with an opportunity to comment on this stay and deferral of sanctions. If comments are submitted that change our assessment described in this final

determination, and our proposed approval of Rules 1301, 1302, 1303, 1304, 1305, and 1309, and our proposed limited approval of Rule 1314, we intend to take subsequent final action to reimpose sanctions pursuant to 40 CFR 52.31(d). If no comments are submitted that change our assessment, then all sanctions and sanction clocks associated with our July 3, 2023 final action will be permanently terminated on the effective date of a final rule approval.

II. EPA Evaluation and Action

We are making an interim final determination to stay the application of the offset sanction and to defer the application imposition of the highway sanction associated with our limited disapproval of AVAQMD Rules 1301, 1302, 1303, 1304, 1305, and 1309 (as amended on July 20, 2021). This determination is based on a concurrent proposal to approve AVAQMD Rules 1301, 1302 (except for 1302(C)(5) and 1302(C)(7)(c) which was not submitted for inclusion in the SIP), 1303, 1304, 1305, and 1309, and limitedly approve Rule 1314 (as amended or adopted on December 30, 2024) as satisfying the relevant CAA requirements which, if finalized, would correct the deficiencies that initiated the sanctions under section 179 of the CAA.

Because the EPA has preliminarily determined that the State has corrected the deficiencies identified in the EPA's July 3, 2023 limited disapproval action, relief from sanctions should be provided as quickly as possible. Therefore, the EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.² However, by this action, the EPA is providing the public with an opportunity to comment on the EPA's determination after the effective date, and the EPA will consider any comments received in determining whether to reverse such action.

The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the

² 5 U.S.C. 553(b)(B).

State has corrected the deficiencies that were the basis for the limited disapproval that started the sanctions clocks. Therefore, it is not in the public interest to apply sanctions. The EPA believes that it is necessary to use the interim final rulemaking process to stay the application of the offset sanction and defer the application of the highway sanction while the EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, the EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction.³

III. Statutory and Executive Order Reviews

This action stays or defers Federal sanctions and imposes no additional requirements. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it does not concern an environmental health risk or safety risk;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

³ 5 U.S.C. 553(d)(1).

- 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.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the 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).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2). The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this action as discussed in Section II of this preamble, including the basis for that finding.

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 **[Insert date 60 days after date of publication in the *FEDERAL REGISTER*]**. 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 CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ammonia, Nitrogen oxides, Ozone, Particulate matter, Reporting

and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: **March 7, 2025.**

Cheree D. Peterson,
Acting Regional Administrator, Region IX.

[FR Doc. 2025-05157 Filed: 3/25/2025 8:45 am; Publication Date: 3/26/2025]