

Dated: November 27, 2023.

**Dzung Kim Ngo Kidd,**

*Acting Director, Water Division, Region 6.*

[FR Doc. 2023–26437 Filed 11–30–23; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–11578–01–R3]

### Delegation of Authority to the Commonwealth of Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On October 24, 2023, the Environmental Protection Agency (EPA) sent the Commonwealth of Virginia (Virginia) a letter acknowledging that Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public, EPA is making available a copy of EPA's letter to Virginia through this notice.

**DATES:** On October 24, 2023, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce certain Federal NSPS and NESHAPs had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103–2029. Copies of Virginia's submittal are also available at the Virginia Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219.

**FOR FURTHER INFORMATION CONTACT:** Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339, or Mr. He can also be reached via electronic mail at [He.Yongtian@epa.gov](mailto:He.Yongtian@epa.gov).

**SUPPLEMENTARY INFORMATION:** On March 16, 2023, Virginia notified EPA that Virginia had updated its incorporation

by reference of Federal NSPS, NESHAP, and Maximum Available Control Technology (MACT) standards to include many such standards, as they were published in final form in the Code of Federal Regulations (CFR) dated July 1, 2022. On October 24, 2023, EPA sent Virginia a letter acknowledging that Virginia now has the authority to implement and enforce the NSPS, NESHAP, and MACT standards as specified by Virginia in its notice to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports, and other correspondence required pursuant to the delegated NSPS, NESHAP, and MACT must be submitted to both EPA, Region III and to the Virginia Department of Environmental Quality, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the Virginia Department of Environmental Quality. A copy of EPA's letter to Virginia follows:

“Michael G. Dowd, Director  
Air Division  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218  
Dear Mr. Dowd:

The United States Environmental Protection Agency (EPA) has previously delegated to the Commonwealth of Virginia (Virginia) the authority to implement and enforce various federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT standards) which are found at 40 CFR parts 60, 61 and 63, respectively. In those actions, EPA also delegated to Virginia the authority to implement and enforce any future federal NSPS, NESHAP or MACT Standards on the condition that Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated March 16, 2023, Virginia submitted to EPA revised versions of Virginia's regulations which incorporate by reference specified federal NSPS, NESHAP and MACT standards, as those federal standards had been published in final form in the Code of Federal Regulations dated July 1, 2022. Virginia committed to enforcing the federal standards in conformance with the terms of EPA's previous delegations of authority and made only allowed wording changes.

Virginia stated that it had submitted the revisions “to retain its authority to enforce the NSPSs and NESHAPs under the delegation of authority granted by EPA on August 27, 1981 (46 FR 43300) and to enforce

the MACT standards under the delegation of authority granted by EPA on January 26, 1999 (64 FR 3938) and January 8, 2002 (67 FR 825).”

Virginia provided copies of its revised regulations which specify the NSPS, NESHAP and MACT Standards which it had adopted by reference. Virginia's revised regulations are entitled 9 VAC 5–50 “New and Modified Stationary Sources,” and 9 VAC 5–60 “Hazardous Air Pollutant Sources.” These revised regulations have an effective date of March 15, 2023.

Based on Virginia's submittal, EPA acknowledges that EPA's delegations to Virginia of the authority to implement and enforce EPA's NSPS, NESHAP, and MACT standards have been updated, as provided for under the terms of EPA's previous delegation of authority actions, to allow Virginia to implement and enforce the federal NSPS, NESHAP and MACT standards which Virginia has adopted by reference as specified in Virginia's revised regulations 9 VAC 5–50 and 9 VAC 5–60, both effective on March 15, 2023.

EPA appreciates Virginia's continuing NSPS, NESHAP and MACT standards enforcement efforts, and also Virginia's decision to take automatic delegation of additional or updated NSPS, NESHAP and MACT standards by adopting them by reference.

Sincerely,  
Cristina Fernandez, Director  
Air and Radiation Division”

This notice acknowledges the update of Virginia's delegation of authority to implement and enforce NSPS, NESHAP, and MACT standards.

**Cristina Fernandez,**  
*Director, Air and Radiation Division, Region III.*

[FR Doc. 2023–26440 Filed 11–30–23; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–098]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS)

Filed November 17, 2023 10 a.m. EST

Through November 27, 2023 10 a.m. EST

Pursuant to 40 CFR 1506.9.

*Notice:* Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

*EIS No. 20230164, Final, FAA, ID, Adoption—Airspace Optimization for Readiness for Mountain Home Air Force Base, Contact: Lonnie Covalt 206–231–3998.*

The Federal Aviation Administration (FAA) has adopted the United States Air Force's Final EIS No. 20230035 filed 02/22/2023 with the Environmental Protection Agency. The FAA was a cooperating agency on this project. Therefore, republication of the document is not necessary under section 1506.3(b)(2) of the CEQ regulations.

*EIS No. 20230165, Draft, USFS, WY, Dell Creek and Forest Park Elk Feedgrounds: Long-Term Special Use Permits, Comment Period Ends: 01/16/2024, Contact: Randall Griebel 307–739–5537.*

*EIS No. 20230166, Draft, NRCS, ND, Cart Creek Site 1 of the North Branch Park River Watershed Plan, Comment Period Ends: 01/26/2024, Contact: Christi Fisher 701–530–2091.*

*EIS No. 20230167, Final Supplement, USFS, NAT, Nationwide Aerial Application of Fire Retardant on National Forest System Lands, Review Period Ends: 01/02/2024, Contact: Laura Conway 406–802–4317.*

Dated: November 27, 2023.

**Julie Smith,**

*Acting Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2023–26426 Filed 11–30–23; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–11577–01–R3]

### Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards and New Source Performance Standards

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On October 24, 2023, the Environmental Protection Agency (EPA) sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated

facilities and the public, EPA is making available a copy of EPA's letter to West Virginia through this notice.

**DATES:** On October 24, 2023, EPA sent West Virginia a letter acknowledging that West Virginia's delegation of authority to implement and enforce Federal NESHAP and NSPS had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. Copies of West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339. Mr. He can also be reached via electronic mail at [He.Yongtian@epa.gov](mailto:He.Yongtian@epa.gov).

**SUPPLEMENTARY INFORMATION:** On May 1, 2023, West Virginia notified EPA that West Virginia had updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards as found in title 40 of the Code of Federal Regulations (CFR), parts 60, 61, and 63 as of June 1, 2021. On October 24, 2023, EPA sent West Virginia a letter acknowledging that effective June 1, 2023, West Virginia has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notices to EPA, as provided for under previously approved automatic delegation mechanisms (49 FR 48692, December 14, 1984, and 67 FR 15486, April 2, 2002, EPA delegation letters dated March 19, 2001 and January 8, 2002). All notifications, applications, reports, and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both EPA Region III and to the West Virginia Department of Environmental Protection, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the West Virginia Department of Environmental Protection. A copy of EPA's October 24, 2023 letter to West Virginia follows:

“Ms. Laura M. Crowder, Director

Division of Air Quality  
West Virginia Department of Environmental Protection

601 57th Street SE  
Charleston, West Virginia 25304  
Via email at [laura.m.crowder@wv.gov](mailto:laura.m.crowder@wv.gov)

Dear Ms. Crowder:

This letter acknowledges your letter dated May 1, 2023 in which the West Virginia Department of Environmental Protection (WVDEP) Division of Air Quality (DAQ) informed the United States Environmental Protection Agency (EPA) that West Virginia had updated its incorporation by reference of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2022. WVDEP DAQ noted in the letter that it understood it was automatically delegated the authority to implement these standards. WVDEP DAQ stated its intent to enforce the standards in conformance with the terms of EPA's previous delegations of authority pursuant to the EPA final rules published at 49 FR 48692 and 67 FR 15486, and EPA delegation letters.

In two rulemakings, 49 FR 48692 (December 14, 1984) and 67 FR 15486 (April 2, 2002), EPA established the basis for delegation to West Virginia of specified federal standards at 40 CFR parts 60, 61, and 63. Subsequently, in a letter dated March 19, 2001 to WVDEP Director Michael Callaghan, EPA delegated to the State of West Virginia the authority to implement and enforce various federal NESHAP found in 40 CFR part 63. In another letter to Director Callaghan dated January 8, 2002, EPA delegated to the State of West Virginia the authority to implement and enforce various federal NESHAP found in 40 CFR part 61 and NSPS found in 40 CFR part 60. In those letters, EPA also established that future part 60, part 61, and part 63 standards would be automatically delegated to West Virginia subject to the conditions set forth in those letters. Those rulemakings and letters continue to control the conditions of delegation of future standards and their terms should be consulted for the specific conditions that apply to each regulatory program. However, in general terms, for automatic delegation to take effect, the letters establish conditions that can be paraphrased as requiring: legal adoption of the standards; restrictions on the kinds of wording changes West Virginia may make to the federal standards when adopting them; and specific notification from West Virginia to EPA when a standard has been adopted.

WVDEP DAQ provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS regulations West Virginia has adopted by reference. These revised Legislative Rules are entitled 45 CSR 34—“Emission Standards for Hazardous Air Pollutants,” and 45 CSR 16—“Standards of Performance for New Stationary Sources.” These revised Rules have an effective date of June 1, 2023. EPA has reviewed the revised rules and determined that they meet the conditions for automatic delegation as established by EPA in its prior letters and rulemakings.