

we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 30 hours that will prohibit entry within 300 feet of the Kosciuszko Bridge spans crossing Newtown Creek at mile 2.1 while final stay cable adjustments are being made. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T01–0725 to read as follows:

#### § 165.T01–0725 Safety Zone, Newtown Creek, New York, NY.

(a) *Location.* The following area is a safety zone: All waters of Newtown Creek within a 300-foot radius of the Kosciuszko Bridge spans at mile 2.1.

(b) *Definitions.* As used in this section:

*Designated representative* means any Coast Guard commissioned, warrant, petty officer, or designated Patrol Commander of the U.S. Coast Guard who has been designated by the Captain of the Port, Sector New York (COTP), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of the regulations in this section.

*Official patrol vessels* means any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP to enforce this section.

(c) *Regulations.* (1) The general regulations contained in §§ 165.20 and 165.23 apply.

(2) During periods of enforcement, no person or vessel may enter or remain in the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port (COTP) or the COTP's designated representative. However, any vessel that is granted permission by the COTP or the COTP's designated representative must proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

(3) During periods of enforcement, any vessels transiting must comply with all orders and directions from the COTP or the COTP's designated representative.

(4) Upon being hailed by a Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed by the Coast Guard.

(5) The COTP will promulgate a notice of the channel closure or restrictions by appropriate means to the affected segments of the public. Such means of notification may include, but are not limited to, LNM and/or Broadcast Notice to Mariners.

(d) *Enforcement periods.* (1) This section is effective without actual notice from September 11, 2019 through November 30, 2019. For the purposes of enforcement, actual notice will be used from August 27, 2019 through September 11, 2019. This section will only be enforced during the final stay cable adjustments at each bridge tower anchorage.

(2) If enforcement is suspended, the COTP will promulgate a notice of the suspension of enforcement by appropriate means. Such means of

notification may include, but are not limited to, Broadcast Notice to Mariners and/or LNM. Such notification will include the approximate date and time enforcement will be suspended as well as the approximate date and time enforcement will resume.

(3) Violations of the regulations in this section may be reported to the COTP at (718) 354–4353 or on VHF–Channel 16.

Dated: August 21, 2019.

**J.P. Tama,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2019–19545 Filed 9–9–19; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Chapter III

[Docket ID ED–2019–OSERS–0044]

#### Final Waiver and Extension of the Project Period for Various Grants That Provide Technical Assistance on Transition

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

**ACTION:** Final waiver and extension of project periods.

**SUMMARY:** The Secretary waives the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The waiver and extension enable 33 projects under Catalog of Federal Domestic Assistance (CFDA) numbers 84.326E, 84.328M, 84.235F, and 84.235G to receive funding for an additional period, not to exceed September 30, 2020.

**DATES:** The waiver and extension of the project periods are effective September 10, 2019.

**FOR FURTHER INFORMATION CONTACT:** For the National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students with Disabilities (NTACT), CFDA number 84.326E, contact Selete Avoke, U.S. Department of Education, 400 Maryland Avenue SW, Room 5002, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: 202–245–7260. Email: [Selete.Avoke@ed.gov](mailto:Selete.Avoke@ed.gov). Or contact Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5094, Potomac Center Plaza, Washington, DC 20202–5076.

Telephone: 202-245-6103. Email: [Kristen.Rhinehart@ed.gov](mailto:Kristen.Rhinehart@ed.gov).

For the Office of Special Education Programs (OSEP)—funded Parent Training and Information Centers (PTIs), CFDA number 84.328M, contact Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5162, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: 202-245-6595. Email: [Carmen.Sanchez@ed.gov](mailto:Carmen.Sanchez@ed.gov).

For the Rehabilitation Services Administration (RSA)—funded Parent Information and Training Centers (PTIs), CFDA number 84.235F, and the National Technical Assistance for Parent Information and Training Centers (national PTI TA center), CFDA number 84.235G, contact Tara Jordan, U.S. Department of Education, 400 Maryland Avenue SW, Room 5058E, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: 202-245-7341. Email: [Tara.Jordan@ed.gov](mailto:Tara.Jordan@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** On June 7, 2019, we published a document in the **Federal Register** (84 FR 26623) proposing an extension of project period and a waiver of the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as a waiver of the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds, in order to enable the Secretary to provide additional funds to 33 projects under CFDA numbers 84.326E, 84.328M, 84.235F, and 84.235G for an additional period, not to exceed September 30, 2020.

**Background:** We are extending 33 projects under four programs in order to align and coordinate all OSERS-funded training and TA services focused on transition-age children and youth with disabilities and their families. The waiver and extensions allow OSERS to align and coordinate, and improve the efficiency and cost-effectiveness of, direct training and TA services focused on transition-age children and youth with disabilities and their families. In addition, the Department of Education (Department) will consider approaches for improving coordination among programs that provide these services to more efficiently and effectively meet the needs of States, service providers, youth with disabilities, and families and to allow for efficient use of the funding available to support these activities.

The projects that provide transition-age TA services (and other TA services for individuals with disabilities and their families) are:

**The National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students With Disabilities (NTACT) (CFDA 84.326E)**

In September 2014, OSEP and RSA jointly made a 60-month award to the University of North Carolina at Charlotte to establish and operate the NTACT. NTACT was funded under the TA and Dissemination Program as authorized under sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1463 and 1481(d), and section 303(b) of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (Rehabilitation Act), 29 U.S.C 773(b). The current project period ends on December 31, 2019.

The purpose of the NTACT is to provide TA to State educational agencies (SEAs), local educational agencies (LEAs), State vocational rehabilitation agencies (SVRAs), and other vocational rehabilitation (VR) service providers to implement evidence-based and promising practices and strategies to ensure that students with disabilities, including those with significant disabilities, graduate from high school with the knowledge, skills, and supports needed for success in postsecondary education and employment.

Specifically, NTACT has five primary goals aligned with OSEP and RSA priorities:

1. Youth and young adults with disabilities receive and participate in evidence-based and promising practices in secondary transition services and supports.
2. SEAs and LEAs implement evidence-based and promising practices and strategies, including early warning and intervention systems to reduce dropout rates and increase graduation rates.
3. Students with disabilities participate in career-related curricula so they are prepared for postsecondary employment and careers.
4. Students with disabilities receive rigorous academic preparation so they are prepared for success in postsecondary education.
5. SEAs, LEAs, SVRAs, and local VR offices use data-driven decision making to develop their respective plans and reports.

**OSEP-Funded Parent Training and Information Centers (CFDA 84.328M)**

In September 2014, OSEP made twenty-three 60-month awards to the following entities to operate PTIs:

| Center   | State |
|--|-------|
| Raising Special Kids, Inc .....                          | AZ    |
| Advocates for Justice and Education, Inc.                | DC    |
| Parent Information Center of Delaware, Inc.              | DE    |
| Learning Disabilities Association of Hawaii.             | HI    |
| Access for Special Kids Resource Center, Inc.            | IA    |
| Idaho Parents Unlimited, Inc .....                       | ID    |
| Indiana Resource Center for Families with Special Needs. | IN    |
| Families Helping Families of Greater New Orleans.        | LA    |
| Federation for Children with Special Needs, Inc.         | MA    |
| PACER Center, Inc .....                                  | MN    |
| Missouri Parents Act (MPACT) .....                       | MO    |
| Mississippi Coalition for Citizens with Disabilities.    | MS    |
| Exceptional Children's Assistance Center, Inc.           | NC    |
| NH Coalition for Citizens with Disabilities.             | NH    |
| Oklahoma Parents Center, Inc .....                       | OK    |
| Parent Education and Advocacy Leadership Center.         | PA    |
| Rhode Island Parent Information Network.                 | RI    |
| South Dakota Parent Connection, Inc                      | SD    |
| Support & Training for Exceptional Parents, Inc.         | TN    |
| Parent Educational Advocacy Training Center.             | VA    |
| PAVE .....   | WA    |
| WVPTI, Inc .....   | WV    |
| Parents Helping Parents of Wyoming, Inc.                 | WY    |

In June 2016, OSEP made a 36-month award to Learning Disabilities Associates of Hawaii to operate a PTI to serve the outlying areas and freely associated States in the Pacific (American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau).

All 24 of the OSEP-funded PTIs are funded under the Training and Information for Parents of Children with Disabilities program as authorized under sections 671 and 681(d) of IDEA, 20 U.S.C. 1463 and 1481(d), and all current project periods end on September 30, 2019.

The purpose of the OSEP-funded PTIs is to provide services designed to meet the information and training needs of parents of children with disabilities, and transition-age youth with disabilities. The OSEP-funded PTIs were funded to help youth become

effective self-advocates and provide parents with information, individual assistance, and training to enable them to (a) ensure that their children are included in general education classrooms and extracurricular activities with their peers; (b) help their children meet developmental and academic goals; (c) help their children meet challenging expectations established for all children, including college- and career-ready academic standards; and (d) prepare their children to achieve positive postsecondary outcomes that lead to lives that are as productive and independent as possible.

Specifically, the OSEP-funded PTIs (a) inform parents of children with disabilities and youth with disabilities of how they can benefit from the services provided by the PTI; (b) provide high-quality services that increase parents' capacity to help their children with disabilities improve their early learning, school-aged, and postsecondary outcomes and increase youth's capacity to be effective self-advocates; and (c) work in partnership with any Community Parent Resource Centers (CPRCs) and any other PTIs funded in the State under sections 672 and 671 of IDEA, respectively, and local, State, and national organizations and agencies, such as protection and advocacy agencies and VR agencies, that serve children and youth with disabilities and their families.

#### **RSA-Funded Parent Information and Training Centers (CFDA 84.235F)**

In September 2014, RSA made seven 60-month awards to the following entities to operate RSA-funded PTIs:

| Center   | State |
|--|-------|
| PEAK Parent Center .....                         | CO    |
| Statewide Parent Advocacy Network ..             | NJ    |
| Open Doors for Multicultural Families            | WA    |
| Federation for Children with Special Needs, Inc. | MA    |
| Resources for Children with Special Needs, Inc.  | NY    |
| PACER Center Inc .....                           | MN    |
| Missouri Parents Act MPACT .....                 | MO    |

These RSA-funded PTIs are funded under the Parent Information and Training Program as authorized under section 303(c) of the Rehabilitation Act. The current project periods end on September 30, 2019.

These RSA-funded PTIs are designed to meet the unique training and information needs of those individuals who live in the areas to be served, particularly those who are members of populations that have been unserved or underserved by programs under the Rehabilitation Act. The RSA-funded

PTIs are geographically distributed to the extent possible throughout the country. The RSA-funded PTIs coordinate and work closely with the OSEP-funded PTIs and with the centers for independent living.

The RSA-funded PTIs provide information and training to individuals with disabilities and their parents, family members, guardians, advocates, and other authorized representatives. Specifically, the RSA-funded PTIs help individuals with disabilities and their families to (a) better understand VR and independent living programs and services; (b) provide follow-up support for transition services and employment programs; (c) communicate effectively with transition and rehabilitation personnel and other relevant professionals; (d) provide support in the development of individualized plans for employment; (e) provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and (f) understand the provisions of the Rehabilitation Act, particularly provisions relating to employment, supported employment, and independent living.

#### **National Technical Assistance for Parent Information and Training Centers (84.235G)**

In September 2014, RSA made one 60-month award to the Statewide Parent Advocacy Network (SPAN), New Jersey, to establish and operate the national PTI TA center. The center is funded under the Parent Information and Training Program as authorized by section 303(c) of the Rehabilitation Act. The current project period ends on September 30, 2019.

The purpose of the national PTI TA center is to ensure that the seven State-level PTI centers funded by RSA are providing consistent information and training to assist individuals with disabilities and their families, including youth with disabilities who are of transition age, to achieve their employment and independent living goals.

The national PTI TA center also disseminates information on promising and evidence-based practices that lead to high-quality employment outcomes and independent living for individuals with disabilities; shares strategies for communicating effectively with individuals from culturally, ethnically, and linguistically diverse backgrounds; and coordinates the seven State-level PTIs funded by RSA and the PTIs funded by OSEP in disseminating information and training materials on transition services, VR, supported

employment, independent living, and career development.

*Public Comment:* In response to our invitation in the notice of proposed waiver and extension of the project periods, 21 parties submitted responsive comments. Generally, we do not address technical and other minor changes. In addition, we do not address general comments that raise concerns not directly related to the proposed waiver and extension.

There are no substantive differences between the proposed waiver and extension and this final waiver and extension, other than updated estimates of the award amounts, as discussed below.

#### **Analysis of Comments and Changes**

*Comment:* Twenty of the 21 commenters provided favorable and supportive comments regarding the proposed waiver and extension of the project periods. These commenters expressed appreciation for the work carried out by these projects. Many of these commenters also noted that since competing the centers late in the fiscal year (FY) is impractical, the extension allows potential applicants to develop more responsive applications in FY 2020.

*Discussion:* We thank these commenters for their support of extending the project periods, and we agree that extending the project periods will allow for better and more responsive applications for all of these projects in FY 2020.

*Changes:* None.

*Comment:* One commenter stated that they did not support the extension of the project periods for the OSEP-funded PTIs, expressing their concern that the centers in some States had become complacent and requesting that OSEP hold a competition in order to allow more responsive organizations to apply for the grants.

*Discussion:* OSEP intends to compete PTIs in all States in FY 2020. In addition, as other commenters noted, competing the centers this late in the fiscal year would be impractical and less likely to generate new applicants. OSEP project officers will continue to monitor the projects to ensure high-quality services are provided to parents and families.

*Changes:* None.

#### **Final Waivers and Extensions**

We do not believe that it would be in the public interest to run competitions for these programs in FY 2019 because the Department is reviewing the alignment of its training and TA services focused on transition from high

school to college, careers, and adult services for children and youth with disabilities and their families. During the remainder of FY 2019 the Department will consider approaches for improving coordination among programs that provide these services to more efficiently and effectively meet the needs of States, service providers, youth with disabilities, and their families and to allow for more efficient use of the funding available to support these activities.

The Department has also concluded that it would not be in the public

interest to have a lapse in the critically needed resources currently provided by these programs. Allowing funding to lapse before the Department establishes a new, coordinated strategy for training and TA services would leave youth and families without access to critical services and assistance that ensure that students with disabilities, including those with significant disabilities, transition from K–12 prepared for postsecondary success.

For these reasons, the Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods

exceeding five years, and the requirements in 34 CFR 75.261(a) and (c)(2), which allow for the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver allows the Department to issue one-time FY 2019 continuation awards to the projects originally funded in FY 2014 and FY 2016, as follows, with estimates updated from the notice of proposed waiver and extension of project periods to reflect the most recent information available:<sup>1</sup>

| CFDA          | Recipient   | Amount    |
|---------------|---|-----------|
| 84.235F ..... | PEAK Parent Center .....  | \$130,933 |
| 84.235F ..... | Statewide Parent Advocacy Network .....                         | 130,933   |
| 84.235F ..... | Open Doors for Multicultural Families .....                     | 130,845   |
| 84.235F ..... | Federation for Children with Special Needs, Inc .....           | 130,886   |
| 84.235F ..... | Resources for Children with Special Needs, Inc .....            | 130,309   |
| 84.235F ..... | PACER Center Inc .....  | 130,000   |
| 84.235F ..... | Missouri Parents Act MPACT .....                                | 130,929   |
| 84.235G ..... | Statewide Parent Advocacy Network .....                         | 250,000   |
| 84.326E ..... | University of North Carolina .....                              | 378,000   |
| 84.328M ..... | Raising Special Kids, Inc .....                                 | 392,365   |
| 84.328M ..... | Advocates for Justice and Education, Inc .....                  | 200,000   |
| 84.328M ..... | Parent Information Center of Delaware, Inc .....                | 200,000   |
| 84.328M ..... | Learning Disabilities Association of Hawaii (Hawaii PTI) .....  | 200,000   |
| 84.328M ..... | Access for Special Kids Resource Center, Inc .....              | 201,543   |
| 84.328M ..... | Idaho Parents Unlimited, Inc .....                              | 200,000   |
| 84.328M ..... | Indiana Resource Center for Families with Special Needs .....   | 399,970   |
| 84.328M ..... | Families Helping Families of Greater New Orleans .....          | 290,932   |
| 84.328M ..... | Federation for Children with Special Needs, Inc .....           | 346,661   |
| 84.328M ..... | PACER Center, Inc .....   | 307,684   |
| 84.328M ..... | Missouri Parents Act (MPACT) .....                              | 358,058   |
| 84.328M ..... | Mississippi Coalition for Citizens with Disabilities .....      | 213,590   |
| 84.328M ..... | Exceptional Children's Assistance Center, Inc .....             | 590,453   |
| 84.328M ..... | NH Coalition for Citizens with Disabilities .....               | 200,000   |
| 84.328M ..... | Oklahoma Parents Center, Inc .....                              | 236,936   |
| 84.328M ..... | Parent Education and Advocacy Leadership Center .....           | 695,235   |
| 84.328M ..... | Learning Disabilities Association of Hawaii (Pacific PTI) ..... | 200,000   |
| 84.328M ..... | Rhode Island Parent Information Network .....                   | 200,000   |
| 84.328M ..... | South Dakota Parent Connection, Inc .....                       | 200,000   |
| 84.328M ..... | Support & Training for Exceptional Parents, Inc .....           | 386,028   |
| 84.328M ..... | Parent Educational Advocacy Training Center .....               | 462,823   |
| 84.328M ..... | PAVE .....  | 384,480   |
| 84.328M ..... | WVPTI, Inc .....  | 200,000   |
| 84.328M ..... | Parents Helping Parents of Wyoming, Inc .....                   | 200,000   |

Any activities carried out during the year of these continuation awards must be consistent with the scope, goals, and objectives of the grantees' applications as approved in either the 2014 or 2016 competitions. The requirements for continuation awards are set forth in 34 CFR 75.253.

#### Waiver of Delayed Effective Date

The Administrative Procedure Act requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C.

553(d)(3)). All but one of the comments we received supported the proposed waiver and extension, and we have not made any substantive changes to the proposed waiver and extension. A delayed effective date would be contrary to public interest because we would not be able to ensure there is not a lapse in TA services currently provided by the projects. Therefore, the Secretary waives the delayed effective date provision for good cause.

#### Regulatory Flexibility Act Certification

The Secretary certifies that the waiver and extension of the project periods will not have a significant economic impact on a substantial number of small entities. The only entities that will be affected by the waiver and extension of the project periods are the current grantees and any other potential applicants. Additionally, the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding will not

<sup>1</sup> We note that only the funding amount for 84.326E has changed from the notice of proposed waiver and extension of project periods. The

\$78,000 increase is based on subsequent discussions with the grantee and is necessary to accomplish remaining project goals and objectives

during the period of the extension. The updated funding level is below the \$2,500,000 the grantee received in each year since FY 2014.

impose additional regulatory burdens or require unnecessary Federal supervision.

#### Paperwork Reduction Act of 1995

This final waiver and extension of the project periods does not contain any information collection requirements.

#### Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Johnny W. Collett,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2019-19554 Filed 9-9-19; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2019-0246; FRL-9999-41-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Amendments to the Control of Emissions of Volatile Organic Compounds From Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the District of Columbia's (the District) state implementation plan (SIP) submitted on August 29, 2018. The portion of the District's SIP revision being approved is an update to the 2002 Mobile Equipment Repair and Refinishing (MERR) model rule to incorporate the Ozone Transport Commission's (OTC) 2009 Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations regulations (MVMERR) model rule, which was adopted by the District in 2016. The MVMERR rules establish volatile organic compounds (VOC) content limits for coating and cleaning solvents used in vehicle refinishing and standards for coating application, work practices, monitoring, and recordkeeping. The remaining part of the August 29, 2018 SIP revision addressed the District's VOC Reasonably Available Control Technology (RACT) requirements for the 2008 ozone national ambient air quality standards (NAAQS). EPA will address the VOC RACT portion of the SIP revision in a separate rulemaking action. This action is being taken under the Clean Air Act (CAA).

**DATES:** This final rule is effective on October 10, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2019-0246. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, 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 form. Publicly available docket materials are available through [https://](https://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

#### FOR FURTHER INFORMATION CONTACT:

Gregory A. Becoat, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2036. Mr. Becoat can also be reached via electronic mail at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

**SUPPLEMENTARY INFORMATION:** On August 29, 2018, the District of Columbia Department of Energy and Environment (DOEE) submitted a SIP revision for EPA approval which included the District's 2016 update to its 2002 MERR rule, found at Title 20 (Environment), District Municipal Regulations (DCMR) Subtitle A (Air Quality), Chapter 7—Volatile Organic Compounds. The District's 2016 update revised its existing, SIP-approved 2002 MERR rule to include the OTC's 2009 MVMERR model rule. The DOEE's August 29, 2018 SIP revision also addressed all the VOC requirements of RACT set forth by the CAA for the 2008 8-hour ozone NAAQS. The portion addressing the 2008 VOC RACT requirements will be addressed in a separate rulemaking action.

#### I. Background

Ozone is formed in the atmosphere by photochemical reactions between VOCs and nitrogen oxides (NO<sub>x</sub>) in the presence of sunlight. In order to reduce these ozone concentrations, the CAA requires control of VOC and NO<sub>x</sub> emission sources to achieve emission reductions in moderate or more serious ozone nonattainment areas.

Section 184(a) of the CAA established a single ozone transport region (OTR), comprising all or part of 12 eastern states and the District.<sup>1</sup> The District is part of the OTR and, therefore, must comply with the RACT requirements in section 184(b)(1)(B) and (2) of the CAA. In December 1999, EPA identified emission reduction shortfalls in several severe 1-hour ozone nonattainment areas, including those located in the OTR. As a result, the OTC developed model rules for a number of source categories. One of the model rules was to reduce VOC emissions from automotive coatings and cleaning solvents associated with non-assembly line refinishing or recoating of motor vehicles, mobile equipment, and their associated parts and components. The

<sup>1</sup> Only a portion of the Commonwealth of Virginia is included in the OTR.