



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2015-0198; A-1-FRL-9965-52-Region 1]

Air Plan Approval; Connecticut; Infrastructure Requirement for the 2010 Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving one aspect (the remaining portion) of a State Implementation Plan (SIP) revision submitted on May 30, 2013 by the State of Connecticut. This revision addresses the interstate transport requirements of the Clean Air Act (CAA), referred to as the good neighbor provision, with respect to the 2010 sulfur dioxide (SO₂) national ambient air quality standard (NAAQS). This action approves Connecticut's demonstration that the State is meeting its obligations regarding the transport of SO₂ emissions into other states. This action is being taken under the Clean Air Act.

DATES: This rule is effective on [Insert date 30 days after date of publication in the *Federal Register*].

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2015-0198. All documents in the docket are listed on the <https://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, i.e., 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 at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Permits, Toxics and Indoor Air Programs

Unit, 5 Post Office Square - Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Donald Dahl, Air Permits, Toxics and Indoor Programs Units, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square - Suite 100, (Mail code OEP05-2), Boston, MA 02109 - 3912, (617) 918-1657; e-mail at dahl.donald@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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I. Background and Purpose

On May 30, 2013, the Connecticut Department of Energy and Environmental Protection (CT DEEP) submitted a revision to its SIP, certifying that its SIP meets the requirements of section 110(a)(2) of the CAA with respect to the 2010 SO₂ NAAQS (infrastructure SIP). On June 3, 2016 (81 FR 35636), EPA took final action on CT DEEP's certification that its SIP was adequate to meet the program elements required by section 110(a)(2) of the CAA with respect to the 2010 SO₂ NAAQS. However, at that time, EPA did not take action on CT DEEP's certification that its SIP met the requirements of section 110(a)(2)(D)(i)(I), the good neighbor provision.

On May 8, 2017 (82 FR 21351), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut 2010 SO₂ NAAQS infrastructure SIP as it pertains to section 110(a)(2)(D)(i)(I) of the CAA. The specific requirements of this infrastructure SIP element and

the rationale for EPA's proposed action on the State's submittal is explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is approving the remainder of the May 30, 2013 SIP submission from Connecticut certifying that the State's current SIP is sufficient to meet the required infrastructure elements under section 110(a)(2)(D)(i)(I) for the 2010 SO₂ NAAQS.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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 (Public Law 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- 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; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days

after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

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 section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Sulfur oxides.

Dated: July 12, 2017.

Deborah A. Szaro,
Acting Regional Administrator,
EPA New England.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart H - Connecticut

2. Section 52.386 is amended by redesignating the undesignated paragraph as paragraph (a) and adding paragraph (b) to read as follows:

§ 52.386 Section 110(a)(2) infrastructure requirements.

* * * * *

(b) On May 30, 2013, the State of Connecticut submitted a State Implementation Plan (SIP) revision addressing the Section 110(a)(2)(D)(i)(I) interstate transport requirements of the Clean Air Act for the 2010 SO₂ National Ambient Air Quality Standards (NAAQS). EPA has found that Connecticut's May 30, 2013 submittal meets the requirements of Section 110(a)(2)(D)(i)(I) for the 2010 SO₂ NAAQS.

[FR Doc. 2017-16487 Filed: 8/7/2017 8:45 am; Publication Date: 8/8/2017]