



**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R01-OAR-2020-0284; FRL- 10014-81-Region 1]**

**Air Plan Approval; Maine; Midcoast Area and Portland Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS**

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Maine. On February 18, 2020, the State submitted its 1997 ozone national ambient air quality standards (NAAQS) Limited Maintenance Plans (LMPs) for the Portland and Midcoast areas. EPA is approving the Portland and Midcoast LMPs because they provide for the maintenance of the 1997 ozone NAAQS through the end of the second 10-year portion of the maintenance period. The effect of this action will be to make certain commitments related to maintenance of the 1997 ozone NAAQS in the Portland and Midcoast maintenance areas part of the Maine SIP and therefore federally enforceable.

**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-2020-0284. 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 Region 1 Regional Office, Air and Radiation Division, 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 and facility closures due to COVID-19.

**FOR FURTHER INFORMATION CONTACT:** Eric Rackauskas, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square - Suite 100, (Mail code 05-2), Boston, MA 02109-3912, tel. 617-918-1628, email [rackauskas.eric@epa.gov](mailto:rackauskas.eric@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

#### **Table of Contents**

- I. Background and Purpose
- II. Final Action
- III. Statutory and Executive Order Reviews

#### **I. Background and Purpose**

Under the CAA, EPA is approving Limited Maintenance Plans (LMPs) for the Portland and Midcoast maintenance areas for the 1997 ozone NAAQS submitted as a revision to the Maine State Implementation Plan (SIP) on February 18, 2020. The Portland area under the 1997 ozone NAAQS is comprised of 57 cities and towns in York, Cumberland and Sagadahoc Counties along with Durham, Maine in Androscoggin County. The Midcoast area is made up of

55 coastal towns and islands in Hancock, Knox, Lincoln and Waldo counties. On June 15, 2004, the Portland and Midcoast areas were designated as nonattainment areas under the 1997 ozone NAAQS. On January 10, 2007, the areas were redesignated to attainment under that standard.

The Portland and Midcoast areas' LMPs for the 1997 ozone NAAQS submitted by Maine are designed to maintain the 1997 ozone NAAQS within these areas through the end of the second ten-year period of the maintenance period. We are approving the plans because they meet all applicable requirements under CAA sections 110 and 175A.

Other specific requirements of the LMPs and the rationale for EPA's proposed action are explained in the notice of proposed rulemaking and will not be restated here. EPA received two public comments during the comment period for the notice of proposed rulemaking. One comment supported the action. The second comment was not germane to the rulemaking notice, did not indicate any technical or legal reason why EPA should not approve the SIP revision, and did not propose any changes to the SIP revision.

## **II. Final Action**

EPA is approving, and incorporating into the Maine SIP, the 1997 ozone national ambient air quality standards LMPs for the Portland and Midcoast areas. EPA is approving the LMPs because the plans are consistent with the requirements of the CAA.

## **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);
- Is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 14, 2020.

Dennis Deziel,  
Regional Administrator,  
EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 U - Maine**

2. In § 52.1020(e), amend the table by adding the entries “Portland Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS” and “Midcoast Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS”, at the end of the table, to read as follows:

**§ 52.1020 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

**Maine Non Regulatory**

<b>Name of non regulatory SIP provision</b>	<b>Applicable geographic or nonattainment area</b>	<b>State submittal date/effective date</b>	<b>EPA approved date <sup>3</sup></b>	<b>Explanations</b>
**	*	*	*	**
Portland Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS	Portland Area	2/18/2020	<b>[Insert date of publication in the Federal Register]</b> <b>[Insert Federal Register citation]</b>	2 <sup>nd</sup> maintenance plan for 1997 ozone standard
Midcoast Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS	Midcoast area	2/18/2020	<b>[Insert date of publication in the Federal Register]</b> <b>[Insert Federal Register citation]</b>	2 <sup>nd</sup> maintenance plan for 1997 ozone standard

<sup>3</sup> In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.