



40 CFR Part 52

[EPA-R01-OAR-2016-0168; FRL- 13109-01-R1]

Air Plan Approval; Connecticut; Plan Submittals for the 2008 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: The Environmental Protection Agency (EPA) previously approved State Implementation Plan (SIP) revisions submitted by the State of Connecticut under the Clean Air Act (CAA) to address moderate area nonattainment requirements for the 2008 ozone standard for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment areas. This rule does not change those previous EPA approvals; it merely corrects an error inadvertently introduced in a November 30, 2022, final rule by reinserting reference to EPA's previous approval of Connecticut's motor vehicle inspection and maintenance program certifications.

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

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2016-0168. 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.

FOR FURTHER INFORMATION CONTACT: Patrick Lillis, Air and Radiation Division, Environmental Protection Agency, Region 1, 5 Post Office Square – Suite 100, Boston, MA 02109, (617) 917-1067, *lillis.patrick@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

EPA has identified the need for a typographical correction to the regulatory text approved into the Code of Federal Regulations (CFR) on November 30, 2022, by FR Rule Doc. 2022-26016. The typographical error appears on page 73471, in the first column, in § 52.377, in amendment 2, within the revised paragraph (t).

II. Final Action

The EPA is revising a final rule published in the **Federal Register** on November 30, 2022, that corrected an earlier typographical error in 40 CFR 52.377(t) but inadvertently introduced a new one. In an October 1, 2018, final rule, EPA approved SIP revisions submitted by the State of Connecticut to meet moderate area nonattainment requirements for the 2008 ozone standard. The SIP revisions were for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment areas, and included these areas’ 2011 base year emissions inventories, an emissions statement certification, RFP demonstrations, RACM analyses, motor vehicle emissions budgets, and contingency measures (See 83 FR 49297). In the regulatory text added to 40 FR 52.377(t) by the October 1, 2018, final rule, EPA incorrectly cited to CAA § 182(c)(9) for the contingency measure requirements (See 83 FR 49298). The correct citation for contingency measure requirements for moderate ozone nonattainment areas is CAA § 172(c)(9). In addition, in a separate March 29, 2019, final rule, EPA approved motor vehicle inspection and maintenance (I/M) program

certifications submitted by Connecticut for the same ozone nonattainment areas (See 84 FR 11884). In the March 29, 2019, final rule, EPA revised 40 CFR 52.377(t) to reflect EPA approval of the I/M program certifications but continued the incorrect citation to CAA § 182(c)(9) for the contingency measure requirements (See 84 FR 11885). Finally, on November 30, 2022, EPA published a document that corrected the citation for moderate area contingency measures to CAA § 172(c)(9) but inadvertently deleted the reference to EPA's approval of Connecticut's I/M program certifications from 40 CFR 52.377(t).

This revision does not change EPA's October 1, 2018, and March 29, 2019, approvals, but rather corrects 40 CFR 52.377(t) to reinsert reference to EPA's approval of Connecticut's I/M program certifications that was mistakenly deleted in the November 30, 2022, final rule. We have determined that there is good cause for making this rule final without prior proposal and opportunity for comment because we are merely correcting an inadvertent deletion made in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

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 Clean Air 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);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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 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).

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.

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

Dated: December 4, 2025.

Mark Sanborn,
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 H—Connecticut

2. Section 52.377 is amended by revising paragraph (t) to read as follows:

§ 52.377 Control strategy: Ozone.

* * * * *

(t) *Approval.* Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on January 17, 2017, September 5, 2017, and August 8, 2017, to meet, in part, requirements of the 2008 ozone NAAQS. These revisions satisfy the rate of progress requirement of section 182(b) through 2017, the motor vehicle inspection and maintenance requirements of section 182(b), the contingency measure requirements of section 172(c)(9), the emission statement requirements of section 182(a)(3)(B), and the reasonably available control measure requirement of section 172(c)(1) for the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT area, and the Greater Connecticut moderate ozone nonattainment areas. The January 17, 2017, revision establishes motor vehicle emissions budgets for 2017 of 15.9 tons per day of VOC and 22.2 tons per day of NOX to be used in transportation conformity in the Greater Connecticut moderate ozone nonattainment area. The August 8, 2017, revision establishes motor vehicle emissions budgets for 2017 of 17.6 tons per day of VOC and 24.6 tons per day of NOX to be used in transportation conformity in the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment area.

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