

emissions reductions, and potential 2017 QM reporting metrics for the control measures discussed above, including wood stove and open burning curtailment days, wood stove change-outs, and road sanding agreements. Idaho's proposed QMs are consistent with EPA's suggested metrics and will provide an objective way to determine whether the area is making necessary progress towards attainment. Therefore, the commitment letter demonstrates that the State will, within one year of EPA's finalization, revise the Idaho attainment plan to satisfy the QM requirement.<sup>8</sup>

Lastly, with respect to MVEBs, Idaho calculated projected 2014 emission budgets based on the former subpart 1 attainment deadline of December 2014. On April 25, 2017, Idaho requested that the EPA approve the submitted 2014 MVEBs as early progress budgets.<sup>9</sup> We have concluded that the submitted budgets are consistent with making progress toward attaining the 2006 PM<sub>2.5</sub> NAAQS by December 31, 2015, because the budgets show reduced emissions from the motor vehicle sector over time. Therefore, we are proposing approval of the submitted 2014 MVEBs as early progress budgets. We are also proposing to conditionally approve Idaho's commitment to submit MVEBs for the 2015 attainment year.

## II. Proposed Action

For the reasons discussed above, the EPA is proposing to approve the attainment demonstration in the Idaho attainment plan for the Idaho portion of the Logan UT-ID area. The EPA is also proposing to approve the 2014 MVEBs as early progress budgets, in that they are consistent with making progress toward attainment of the 2006 PM<sub>2.5</sub> NAAQS by December 31, 2015. Lastly, the EPA is proposing to conditionally approve RFP, QMs, and revised MVEBs in the Idaho attainment plan, based on

<sup>8</sup> Our confidence in Idaho's ability to expeditiously revise the Idaho attainment plan to include valid QMs is bolstered by the information the State submitted in a February 26, 2016 letter. Specifically, the February 26, 2016 letter provides a list of all woodstove and open burning curtailment days that have occurred in the Idaho portion of the Logan, UT-ID area since the program was established, along with the public outreach materials and criteria used in forecasting curtailment days. The letter also gives a listing of all woodstove change-outs conducted in the area to date and quantifies the estimated emission reductions achieved through those change-outs since 2006. Lastly, the letter details compliance with the road sanding agreements documenting the amount of sand and salt used by Franklin County Road and Bridge verifying that the local agency has met its obligations since these agreements were put in place in 2012.

<sup>9</sup> Early progress budgets for PM<sub>2.5</sub> areas were discussed in the July 1, 2004 transportation conformity final rule. (See 69 FR 40030-1.)

IDEQ's April 25, 2017 commitment to adopt and submit updated plan elements to meet these requirements. Under a conditional approval, the State must adopt and submit the specific revisions it has committed to by a date certain but not later than within one year of the EPA's finalization.<sup>10</sup> If the EPA fully approves the submittal of the revisions specified in the commitment letter, the conditional nature of the approval would be removed and the submittal would become fully approved. If the State does not submit these revisions by a date certain within one year of final action, or if the EPA finds the State's revisions to be incomplete, or EPA disapproves the State's revisions, a conditional approval will convert to a disapproval. If any of these occur and the EPA's conditional approval converts to a disapproval, that will constitute a disapproval of a required plan element under part D of title I of the Act, which starts an 18-month clock for sanctions, see section 179(a)(2), and the two-year clock for a Federal Implementation Plan (FIP), see CAA section 110(c)(1)(B).

## III. Statutory and Executive Orders Review

Under the CAA, 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, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve 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

<sup>10</sup> In IDEQ's April 25, 2017 commitment letter, IDEQ committed to a date certain to submit revisions by August 1, 2018, which we anticipate will be within one year of the effective date of final action.

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 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 this action does not involve technical standards; and
- Does not provide the 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where the 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

## 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: May 15, 2017.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 2017-11226 Filed 5-31-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2017-0152; FRL-9962-45-Region 3]

### Air Plan Approval; Delaware; Infrastructure Requirements for the 2012 Fine Particulate Matter Standard

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve

portions of a state implementation plan (SIP) revision submittal from the State of Delaware pursuant to the Clean Air Act (CAA). Whenever new or revised national ambient air quality standards (NAAQS) are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements, including, but not limited to, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. Delaware made a SIP submittal to address the infrastructure requirements for the 2012 fine particulate matter (PM<sub>2.5</sub>) NAAQS. This action proposes to approve portions of this submittal pursuant to section 110 of the CAA. EPA is not proposing any action on the portion of the submittal which addresses interstate transport of emissions and intends to take later separate action on this portion.

**DATES:** Written comments must be received on or before July 3, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2017-0152 at <http://www.regulations.gov>, or via email to [rehn.brian@epa.gov](mailto:rehn.brian@epa.gov). For comments submitted at [Regulations.gov](http://www.Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.Regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Gavin Huang, (215) 814-2042, or by email at [huang.gavin@epa.gov](mailto:huang.gavin@epa.gov).

**SUPPLEMENTARY INFORMATION:** On December 14, 2015, the State of Delaware, through the Delaware Department of Natural Resources and Environmental Control (DNREC), submitted a revision to its SIP to satisfy the requirements of section 110(a)(2) of the CAA for the 2012 PM<sub>2.5</sub> NAAQS.

### I. Background

On July 18, 1997, EPA promulgated a new 24-hour and a new annual NAAQS for PM<sub>2.5</sub> (62 FR 38652). On October 17, 2006, EPA revised the NAAQS for PM<sub>2.5</sub>, tightening the 24-hour PM<sub>2.5</sub> standard from 65 micrograms per cubic meter (µg/m<sup>3</sup>) to 35 µg/m<sup>3</sup>, and retaining the annual PM<sub>2.5</sub> NAAQS at 15 µg/m<sup>3</sup> (71 FR 61144). Subsequently, on December 14, 2012, EPA revised the level of the health based (primary) annual PM<sub>2.5</sub> NAAQS to 12 µg/m<sup>3</sup>. See 78 FR 3086 (January 15, 2013).<sup>1</sup>

Pursuant to section 110(a)(1) of the CAA, states are required to submit a SIP revision to address the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements to assure attainment and maintenance of the NAAQS—such as requirements for monitoring, basic program requirements, and legal authority. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances of each NAAQS and what is in each state's existing SIP. In particular, the data and analytical tools available at the time the state develops and submits the SIP revision for a new or revised NAAQS affect the content of the submission. The content of such SIP submission may also vary depending upon what provisions the state's existing SIP already contains.

Specifically, section 110(a)(1) provides the procedural and timing requirements for SIP submissions. Section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS such as requirements for monitoring, basic

program requirements, and legal authority that are designed to assure attainment and maintenance of the NAAQS.

### II. Summary of SIP Revision and EPA Analysis

On December 14, 2015, EPA received a SIP revision submittal from DNREC in order to satisfy the requirements of section 110(a)(2) of the CAA for the 2012 PM<sub>2.5</sub> NAAQS. EPA reviewed the submittal and determined that it addressed the following infrastructure elements: Section 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA. A detailed summary of EPA's review and rationale for approving Delaware's submittal may be found in the Technical Support Document (TSD) for this rulemaking action, which is available on line at [www.regulations.gov](http://www.regulations.gov), Docket ID Number EPA-R03-OAR-2017-0152. This rulemaking action does not include any proposed action on section 110(a)(2)(I) of the CAA which pertains to the nonattainment requirements of part D, title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of section 110(a)(1) of the CAA, and will be addressed in a separate process if necessary.

Although Delaware's December 14, 2015 SIP submission contained provisions to address section 110(a)(2)(D)(i)(I) of the CAA, EPA is not proposing any action on the portion of the December 14, 2015 submittal which addresses section 110(a)(2)(D)(i)(I) regarding the interstate transport of emissions. EPA intends to take later separate action on this portion of Delaware's December 14, 2015 submittal. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

### III. Proposed Action

EPA is proposing to approve the portions of Delaware's December 14, 2015 SIP revision which address for the following elements of section 110(a)(2) of the CAA for the 2012 PM<sub>2.5</sub> NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). Delaware's December 14, 2015 SIP revision addressing 110(a)(2)(A-C), (D)(i)(II) and (D)(ii), (E-H), and (J-M) provides the basic program elements specified in section 110(a)(2) of the CAA necessary to implement, maintain, and enforce the 2012 PM<sub>2.5</sub> NAAQS. EPA will take separate action, at a future date, on the portion of the December 14, 2015 SIP revision addressing section 110(a)(2)(D)(i)(I) (interstate transport of

<sup>1</sup> In EPA's 2012 PM<sub>2.5</sub> NAAQS revision, EPA left unchanged the existing welfare (secondary) standards for PM<sub>2.5</sub> to address particulate matter (PM) related effects such as visibility impairment, ecological effects, damage to materials and climate impacts. This includes a secondary annual standard of 15 µg/m<sup>3</sup> and a 24-hour standard of 35 µg/m<sup>3</sup>.

emissions) for the 2012 PM<sub>2.5</sub> NAAQS. This proposed rulemaking action does not include action on section 110(a)(2)(I) of the CAA which pertains to the nonattainment planning requirements of part D, title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of section 110(a)(1) of the CAA, and will be addressed in a separate process if necessary.

#### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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 proposed 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 (Pub. L. 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 CAA; 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, this proposed rule to approve portions of Delaware's December 14, 2015 SIP for section 110(a)(2) infrastructure requirements for the 2012 PM<sub>2.5</sub> NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: April 26, 2017.

**John A. Armstead,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2017-11085 Filed 5-31-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2017-0255; FRL-9963-08-Region 9]

### Air Plan Approval; Arizona; Stationary Sources; New Source Review

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing approval of regulatory revisions to the Arizona Department of Environmental Quality (ADEQ) portion of the applicable state implementation plan (SIP) for the State of Arizona. These revisions are primarily intended to make corrections to ADEQ's SIP-approved rules for the issuance of New Source Review (NSR) permits for stationary sources, with a focus on preconstruction permit requirements under the Clean Air Act (CAA or Act) for major sources and major modifications. On November 2, 2015, we took final action on a SIP submittal from ADEQ that significantly updated ADEQ's SIP-approved NSR permitting program. However, that action identified several deficiencies in ADEQ's program that needed to be corrected. This proposed action will correct a substantial portion of the deficiencies we identified in that 2015

action. We are seeking comment on our proposed action and plan to follow with a final action.

**DATES:** Any comments must arrive by July 3, 2017.

**ADDRESSES:** Submit comments, identified by Docket ID No. EPA-R09-OAR-2017-0255, at <http://www.regulations.gov>, or via email to [R9airpermits@epa.gov](mailto:R9airpermits@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from [Regulations.gov](http://www.regulations.gov). For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Lisa Beckham, EPA Region 9, (415) 972-3811, [beckham.lisa@epa.gov](mailto:beckham.lisa@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, the terms "we," "us," and "our" refer to the EPA.

#### Table of Contents

- I. The State's Submittal
  - A. Which rules did the State submit?
  - B. Are there previous versions of the rules in the Arizona SIP?
  - C. What is the purpose of the EPA's proposed rule?
- II. The EPA's Evaluation
  - A. How is the EPA evaluating the State's rules?
  - B. Do the rules meet the evaluation criteria?
  - C. Review of Rules Requested To Be Removed From the SIP
  - D. Remaining NSR Deficiencies
  - E. Federal Implementation Plan for GHGs and ADEQ's PSD Program
  - F. The EPA's Recommendations To Further Improve the State's Rules
  - G. Do the rules meet the evaluation criteria under Sections 110(l) and 193 of the Clean Air Act?