



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2018-0054; FRL-9979-42-Region 3]

**Approval and Promulgation of Air Quality Implementation Plans;
Pennsylvania; Interstate Transport 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 a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the infrastructure requirement for interstate transport of pollution with respect to the 2012 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before **[insert date 30 days after date of publication in the Federal Register]**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2018-0054 at <http://www.regulations.gov>, or via email to spielberger.susan@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: Joseph Schulingkamp, (215) 814-2021, or by e-mail at schulingkamp.joseph@epa.gov.

SUPPLEMENTARY INFORMATION: On July 15, 2014, the Commonwealth of Pennsylvania submitted, through the Department of Environmental Protection (PADEP), a revision to its SIP to address for the 2012 PM_{2.5} NAAQS the elements of CAA section 110(a)(2) with the exception of section 110(a)(2)(D)(i)(I). EPA approved portions of that SIP revision on May 8, 2015. *See* 80 FR 26461. In that action, EPA approved for the 2012 PM_{2.5} NAAQS all elements except for section 110(a)(2)(D)(i)(II) (relating to the protection of visibility, also known as prong 4), for which EPA stated it would take later separate action. Because the July 15, 2014 SIP submittal did not address 110(a)(2)(D)(i)(I) for the 2012 PM_{2.5} NAAQS, EPA took no rulemaking action addressing whether Pennsylvania had addressed that specific element. EPA’s previous approval on that July 15, 2014 submittal is not at issue in this proposed rulemaking action and is mentioned herein for background; EPA is not at this time taking action on the remaining section of PADEP’s July 15, 2014 submittal relating to visibility protection for the 2012 PM_{2.5} NAAQS.

On October 11, 2017, the Commonwealth of Pennsylvania, through PADEP submitted a SIP

revision addressing the infrastructure requirements under section 110(a)(2)(D)(i) of the CAA for the 2012 PM_{2.5} NAAQS.

I. Background

A. General

Particle pollution is a complex mixture of extremely small particles and liquid droplets in the air. When inhaled, these particles can reach the deepest regions of the lungs. Exposure to particle pollution is linked to a variety of significant health problems. Particle pollution also is the main cause of visibility impairment in the nation's cities and national parks. PM_{2.5} can be emitted directly into the atmosphere, or they can form from chemical reactions of precursor gases including sulfur dioxide (SO₂), nitrogen dioxide (NO₂), certain volatile organic compounds (VOC), and ammonia. On January 15, 2013, EPA revised the level of the health based (primary) annual PM_{2.5} standard to 12 micrograms per cubic meter (µg/m³). *See* 78 FR 3086.

B. EPA's Infrastructure Requirements

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.

C. Interstate Pollution Transport Requirements

Section 110(a)(2)(D)(i)(I) of the CAA requires a state's SIP to address any emissions activity in one state that contributes significantly to nonattainment, or interferes with maintenance, of the NAAQS in any downwind state. The EPA sometimes refers to these requirements as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance), or jointly as the "good neighbor" provision of the CAA. Further information can be found in the Technical Support Document (TSD) for this rulemaking action, which is available online at www.regulations.gov, Docket number EPA-R03-OAR-2018-0054.

II. Summary of SIP Revisions and EPA Analysis

Pennsylvania's October 11, 2017 SIP submittal includes a summary of statewide annual emissions of PM_{2.5}, coarse particulate matter (PM₁₀), and precursors of PM_{2.5} including oxides of nitrogen (NO_x), SO₂, ammonia, and VOCs. Pennsylvania also included statewide SO₂ and NO_x emissions specifically from the electric generating units (EGU) sector as EGUs are the largest contributor to the point source emissions. The emissions summary shows that, for the years

2011 through 2015, emissions of all pollutants presented have been steadily decreasing or remained nearly steady for sources that potentially contribute with respect to the 2012 PM_{2.5} NAAQS to nonattainment in, or interfere with maintenance of, any other state. The submittal also included annual PM_{2.5} design values (DVs) in Pennsylvania for the ten most recent years of available data (2006 through 2015).¹

Pennsylvania also discussed EPA's March 17, 2016 memorandum (2016 PM_{2.5} Memorandum) and the fact that EPA's analysis showed that only one monitor in the eastern United States had projected PM_{2.5} data above the 12.0 µg/m³ NAAQS value (Allegheny County, PA).²

Pennsylvania also generally discussed the direction of prevailing winds as being from west to east and that, due to the sheer distance of 2,000 to 3,000 miles, Pennsylvania should not affect Idaho or California. Additionally, Pennsylvania described several existing SIP-approved measures and other federally enforceable source-specific measures, pursuant to permitting requirements under the CAA, that apply to sources of PM_{2.5} and its precursors within the Commonwealth. Pennsylvania alleges with these measures, emissions reductions, ambient monitored PM_{2.5} data, and meteorological data, the Commonwealth does not significantly contribute to, or interfere with the maintenance of, another state for the 2012 PM_{2.5} NAAQS. A detailed summary of Pennsylvania's submittal and EPA's review and rationale for approval of this SIP revision as meeting CAA section 110(a)(2)(D)(i)(I) for the 2012 PM_{2.5} NAAQS may be found in the TSD for this rulemaking action, which is available online at www.regulations.gov, Docket number EPA-R03-OAR-2018-0054.

¹ "Design value" means the "calculated concentration according to the applicable appendix of [40 CFR part 50] for the highest site in an attainment or nonattainment area." 40 CFR 58.1 (definitions).

² "Information on the Interstate Transport "Good Neighbor" Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)," memorandum from Stephan D. Page, Director, EPA Office of Air Quality Planning and Standards.

EPA used the information in the 2016 PM_{2.5} Memorandum and additional information for the evaluation and came to the same conclusion as Pennsylvania. As discussed in greater detail in the TSD, EPA identified the potential downwind nonattainment and maintenance receptors identified in the 2016 PM_{2.5} Memorandum, and then evaluated them to determine if Pennsylvania's emissions could potentially contribute to nonattainment and maintenance problems in 2021, the attainment year for moderate PM_{2.5} nonattainment areas for the 2012 PM_{2.5} NAAQS. Specifically, the EPA analysis identified the following areas as potential nonattainment and maintenance receptors: (i) 17 potential receptors in California; (ii) one potential receptor in Shoshone County, Idaho; (iii) data gaps exist for the monitors in four counties in Florida; and (iv) data gaps exist for all monitors in Illinois. For the 17 receptors in California and one potential receptor in Idaho, based on EPA's evaluation of distance and wind direction, EPA proposes to conclude that Pennsylvania's emissions do not significantly impact those receptors. For the four counties in Florida and the monitors in Illinois with data gaps, EPA initially treats those receptors as potential nonattainment or maintenance receptors, but it is unlikely that they will be nonattainment or maintenance receptors in 2021 because the most recent air quality data (from 2015-2017 for Florida and from 2015-2016 for Illinois) indicates that all monitors are likely attaining the PM_{2.5} NAAQS and are therefore unlikely to be nonattainment or maintenance concerns in 2021. Therefore, EPA proposes to conclude that Pennsylvania emissions will not contribute to any of those receptors. For these reasons, EPA is proposing to find that Pennsylvania's existing SIP provisions as identified in the October 11, 2017 SIP submittal are adequate to prevent its emission sources from significantly contributing to nonattainment or interfering with maintenance in another state with respect to the 2012 PM_{2.5} NAAQS.

III. Proposed Action

EPA is proposing to approve the Pennsylvania SIP revision addressing the interstate transport requirements for the 2012 PM_{2.5} NAAQS in CAA section 110(a)(2)(D)(i)(I), which was submitted on October 11, 2017. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted 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 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, regarding Pennsylvania's interstate transport SIP for the 2012 PM_{2.5} 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.

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

Dated: June 5, 2018.

Cosmo Servidio,
Regional Administrator,
Region III.

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