

The EPA's website for the rulemaking, which includes the proposal and information about the listening sessions, can be found at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>. Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the proposal (82 FR 48035) for the addresses and detailed instructions.

How to Register: If you would like to present oral testimony at the listening sessions, registration will begin on February 1, 2018. The last day to register to present oral testimony will be February 14, 2018, for Kansas City; February 21, 2018, for San Francisco; and March 20, 2018, for Gillette. To register to speak, please use the online registration form available at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>. To register to speak, we request the following information: The time you wish to speak, name, affiliation, email address, and telephone number. If you register to speak online, you do not need to call. If you require reasonable accommodations, such as the service of a translator, please let us know at the time of registration. Please note that updates made to any aspect of the sessions will be posted online at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>. While the EPA expects the listening sessions to go forward as set forth above, it asks that you monitor its website or contact the appropriate person listed below to determine if there are any updates to the information on the sessions. The EPA does not intend to publish a notice in the **Federal Register** announcing any such updates.

FOR FURTHER INFORMATION CONTACT: If you are not able to register online or if you have key questions, contact Amy Bhesania at (913) 551-7147 or at bhesania.amy@epa.gov for the session in Kansas City; Trina Martynowicz at (415) 947-8715 or at R9CIPP@epa.gov for the session in San Francisco; or Laura J. Farris at (303) 312-6388 or at farris.laura@epa.gov for the session in Gillette.

Questions concerning the proposed rule that was published in the **Federal Register** on October 16, 2017, should be addressed to Mr. Nick Swanson, Natural Resources Group, Sector Policies and Programs Division (E143-03), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina

27711; telephone number: (919) 541-4080; email address: swanson.nicholas@epa.gov.

SUPPLEMENTARY INFORMATION: The proposal for which the EPA is holding the listening sessions was published in the **Federal Register** on October 16, 2017, and is available at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0> and also in the docket identified below. The listening sessions will provide interested parties the opportunity to present oral comments regarding the EPA's proposed repeal, including data, views, or arguments concerning the proposal. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the public comment period will be considered with the same weight as any oral comments and supporting information presented at the listening sessions. The EPA will keep the public comment period open until April 26, 2018.

For planning purposes, each speaker should anticipate speaking for no more than 5 minutes, although we might need to shorten that time if there is a large turnout. The EPA encourages commenters to submit to the docket a copy of their testimony electronically (via email or CD) or in hard copy form.

The listening session schedules, including lists of speakers, will be posted on the EPA's website at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>. Verbatim transcripts of the sessions and written statements will be included in the docket for the rulemaking. The EPA will make every effort to follow the schedule as closely as possible on the day of the sessions; however, please plan for the sessions to run either ahead of schedule or behind schedule.

How can I get copies of this document and other related information?

The EPA has established a docket for the proposed rule, "Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," under Docket ID No. EPA-HQ-OAR-2017-0355, available at: <http://www.regulations.gov>.

Dated: January 17, 2018.

E. Scott Pruitt,
Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R03-OAR-2017-0570; FRL-9973-29-Region 3]

Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Control of Emissions From Existing Commercial and Industrial Solid Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to notify the public that it has received a negative declaration for commercial and industrial solid waste incineration (CISWI) units within the State of Maryland. This negative declaration certifies that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the jurisdictional boundaries of the State of Maryland. EPA is accepting the negative declaration in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before March 5, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2017-0570 at <http://www.regulations.gov>, or via email to duke.gerallyn@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, 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. 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:

Mike Gordon, (215) 814-2039, or by email at gordon.mike@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Sections 111(d) and 129 of the CAA require submittal of state plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established by EPA under section 111(b) for new sources of the same source category and the EPA has established emission guidelines for such existing sources. When designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant. Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants from designated facilities under sections 111(d) and 129 of the CAA. Also, Subpart A of 40 CFR part 62 provides the procedural framework for the submission of these plans.

If a state fails to submit a satisfactory plan, the CAA provides the EPA the authority to prescribe a plan for regulating the designated pollutants at the designated facilities. The EPA prescribed plan, also known as a federal plan, is often delegated to states with designated facilities but no EPA approved state-specific plan. If no such designated facilities exist within a state's jurisdiction, a state may submit to the EPA a letter of certification to that effect (referred to as a negative declaration) in lieu of a state plan to satisfy the state's obligation. 40 CFR 60.23(b) and 62.06. A negative declaration exempts the state from the requirement to submit a CAA section 111(d)/section 129 plan for that designated pollutant and source category. 40 CFR 60.23(b).

II. Commercial and Industrial Solid Waste Incinerators

On December 1, 2000 (60 FR 75338), the EPA promulgated new source performance standards for new CISWI units, 40 CFR part 60, subpart CCCC, and emission guidelines for existing CISWI units, 40 CFR part 60, subpart DDDD. After a series of legal challenges, amendments, and reconsiderations, the EPA promulgated the Reconsideration and Final Amendments for CISWI units on February 7, 2013 (78 FR 9112) (providing final standards for new and existing sources). A CISWI unit is any distinct operating unit of any commercial or industrial facility that

combusts, or has combusted in the preceding six months, any solid waste, as that term is defined in 40 CFR part 241, Solid Wastes Used as Fuels or Ingredients in Combustion Units. 40 CFR 60.2875. A state plan must address all existing CISWI units that commenced construction on or before June 4, 2010, or for which modification or reconstruction was commenced on or before August 7, 2013, with limited exceptions as provided in paragraph 40 CFR 60.2555. 40 CFR 60.2550.

As discussed above, however, if there are no designated facilities in the state, the state may submit a negative declaration in lieu of a state plan. The EPA will provide public notice of receipt of a state's negative declaration with respect to CISWI. 40 CFR 60.2530. If any subsequently identified existing CISWI unit is found in a state that had submitted a negative declaration, the Federal plan implementing the emission guidelines for subpart DDDD would automatically apply to that CISWI unit until a state plan is approved. 40 CFR 60.2530.

III. State Submittals and EPA Analysis

The State of Maryland, through the MDE, has determined that there are no CISWI units subject to CAA 111(d)/129 requirements in its respective air pollution control jurisdiction. Accordingly, the MDE submitted a negative declaration letter to EPA certifying this fact on January 20, 2017. The negative declaration letter is available in the docket for this rulemaking and available online at www.regulations.gov.

IV. Proposed Action

EPA's review of this material indicates that MDE has fulfilled its obligation under CAA Sections 129 and 111(d) for submittal of a negative declaration. EPA is proposing to approve the Maryland negative declaration for CISWI units, which was submitted on January 20, 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

In reviewing section 111(d)/129 plan 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 Order 12866 (58 FR 51735, October 4, 1993);

- 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 for existing CISWI units within the State of Maryland does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the section 111(d)/129 plan 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 62

Environmental protection, Administrative practice and procedure, Air pollution control, Commercial and industrial solid waste incineration units, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 11, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

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