states to have SIP provisions that comply with the requirements of CAA section 128. Because EPA is proposing to approve provisions into Mississippi's SIP to meet the significant portion of income requirements of section 128(a)(1) as discussed above, it is also proposing to fully approve the SIP submission with respect to the related requirements of section 110(a)(2)(E)(ii) for the NAAQS previously mentioned. EPA notes that section 128 is not NAAQS-specific, and thus once a state has met the requirements of section 128 it will continue to do so for purposes of future NAAQS, unless there were future changes to the approved SIP provisions which would require further evaluation.

## V. Incorporation by Reference

In this notice, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Mississippi Code section 49–2–5 to include certain section 128 requirements for the MDEQ Commission on Environmental Quality; and Appendix C–26, ''Air Emissions Regulations for the Prevention, Abatement, and Control of Air Contaminants'' Title 11, Part 2, Chapter 1, Rule 1.1, and Appendix A–13, ''Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act'', Title 11, Part 1 Chapter 5, Rule 5.1 to incorporate certain section 128 requirements for the MDEQ Permit Board. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## VI. Proposed Action

As described above, EPA is proposing to approve that the Mississippi SIP meets the significant portion of income requirements of 128(a)(1) of the CAA. EPA is also proposing to conclude that, if Mississippi's June 23, 2017, and February 2, 2018, SIP revisions are approved, the section 110(a)(2)(E)(ii) requirements are met for the 2008 8-hour Ozone, 2008 Lead, 2010 $NO_2$, 2010 $SO_2$, and 1997, 2006 and 2012 $PM_{2.5}$, NAAQS for section 110(a)(2)(E)(ii). Consequently, if EPA finalizes approval of this action, the deficiencies identified in the previous partial disapprovals of Mississippi infrastructure SIP submissions related to the state board requirements for the 2008 8-hour Ozone, 2008 Lead, 2010 $NO_2$, 2010 $SO_2$, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS will be cured. Finally, EPA is proposing to approve the new supplemental provisions regarding representation of the public interest of section 128(a)(1) for the MDEQ Permit Board and Mississippi Commission on Environmental Quality, and disclosure of potential conflicts of interest of section 128(a)(2) for the Mississippi Commission on Environmental Quality.

## VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 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. 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 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 (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).

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: March 15, 2018.

**Onis ''Trey'' Glenn, III,**

*Regional Administrator, Region 4.*

[FR Doc. 2018–06544 Filed 3–29–18; 8:45 am]

**BILLING CODE 6560–50–P**

---

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R09–OAR–2017–0661; FRL–9976–18—Region 9]**

## Air Plan Approval; Arizona; Hayden and Miami Areas; Lead and Sulfur Dioxide Control Measures—Copper Smelters

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Arizona State Implementation Plan (SIP). These revisions concern emissions of lead and sulfur dioxide ($SO_2$) from the copper smelter at Hayden, AZ and $SO_2$ from the copper smelter at Miami, AZ. We are proposing to approve State rules to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Any comments must arrive by April 30, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R09–

OAR–2017–0661 at *http://www.regulations.gov,* or via email to Kevin Gong, at *Gong.Kevin@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *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 *http://www.epa.gov/dockets/commenting-epa-dockets.*

**FOR FURTHER INFORMATION CONTACT:** Kevin Gong, EPA Region IX, (415) 972 3073, *Gong.Kevin@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

## Table of Contents

I. The State's Submittal
A. What rules did the State submit?
B. Are there other versions of these rules?
C. What is the purpose of the submitted rules and rule revisions?
II. The EPA's Evaluation and Action
A. How is the EPA evaluating the rules?
B. Do the rules meet the evaluation criteria?
C. EPA Recommendations To Further Improve the Rules
D. Public Comment and Proposed Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

## I. The State's Submittal

### *A. What rules did the State submit?*

Table 1 lists the Arizona Administrative Code rules and regulatory appendix addressed by this proposal with their effective dates and the dates they were submitted by the Arizona Department of Environmental Quality (ADEQ).[1]

TABLE 1—SUBMITTED RULES

| Rule citation | Rule title | Effective | Submitted |
|---|---|---|---|
| R18–2–B1301 | Limits on Lead Emissions from the Hayden Smelter. | 7/1/2018 or 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647. | 4/6/2017 |
| R18–2–C1302 | Limits on $SO_2$ Emissions from the Miami Smelter | On the later of the effective date of the EPA Administrator's action approving it as part of the state implementation plan or January 1, 2018. | 4/6/2017 |
| Appendix 14 | Procedures for Sulfur Dioxide and Lead Fugitive Emissions Studies for the Hayden Smelter. | 5/7/2017 | 4/6/2017 |
| R18–2–715.02 | Standards of Performance for Existing Primary Copper Smelters; Fugitive Emissions. | 5/7/2017 | 4/6/2017 |

On July 17, 2017, the EPA determined that the submittal for the rules and documents in Table 1 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

### *B. Are there other versions of these rules?*

There are no previous versions of Rules R18–2–B1301, R18–2–C1302 or Appendix 14 in the SIP. We approved an earlier version of Rule R18–2–715.02 into the SIP on November 1, 2004 (69 FR 63321).

### *C. What is the purpose of the submitted rules and rule revisions?*

On November 12, 2008, the EPA published a final rule revising the lead National Ambient Air Quality Standards (NAAQS). On June 22, 2010, the EPA promulgated a new 1-hour primary sulfur dioxide ($SO_2$) NAAQS. CAA section 172(c)(1) requires SIPs for nonattainment areas to provide for implementation of all reasonably available control measures (RACM), including reasonably available control technology (RACT), and provide for attainment of the NAAQS. The EPA designated the Hayden area as nonattainment for lead in 2014 (79 FR 52205) and designated the Hayden and Miami areas as nonattainment for $SO_2$ in 2013 (78 FR 47191). Rule R18–2–B1301 establishes control requirements for lead emissions from the copper smelter located in the Hayden, AZ nonattainment area (''Hayden Smelter''). Rule R18–2–C1302 establishes control requirements for $SO_2$ emissions from the copper smelter located in the Miami, AZ nonattainment area (''Miami Smelter''). Appendix 14 requires the evaluation and characterization of fugitive lead and $SO_2$ emissions from the Hayden Smelter. Rule R18–2–715.02 contains the existing requirements for fugitive $SO_2$ emissions studies at both smelters. These requirements will sunset after: (1) The revisions to Rule R18–2–715.02 are approved into the SIP, and (2) Rule B1302 (for the Hayden Smelter) and Rule R18–2–C1302 (for the Miami Smelter) take effect. The EPA's technical support documents (TSDs) have more information about these rules.

## II. The EPA's Evaluation and Action

### *A. How is the EPA evaluating the rules?*

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). The EPA will address the overall

[1] In addition to the rules addressed in this proposal, ADEQ's April 6, 2017 submittal also included R18–2–B1301.01—Limits on Lead-Bearing Fugitive Dust from the Hayden Smelter; R18–2–B1302—Limits on $SO_2$ Emissions from the Hayden Smelter; R18–2–715—Standards of Performance for Existing Primary Copper Smelters: Site-Specific Requirements; and R18–2–715.01—Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring. The EPA has already approved R18–2–B1301.01 into the SIP, 83 FR 7614 (February 22, 2018) and intends to take action on the remaining rules in a separate rulemaking.

RACM/RACT requirement for the Hayden lead nonattainment area in the context of our action on ADEQ's lead plan (''SIP Revision: Hayden Lead Nonattainment Area,'' submitted by ADEQ to the EPA on March 3, 2017), and we will address the RACM/RACT requirement for the Miami $SO_2$ nonattainment area in the context of our action on ADEQ's $SO_2$ plan (''Arizona SIP Revision: Miami Sulfur Dioxide Nonattainment Area for the 2010 $SO_2$ NAAQS,'' submitted by ADEQ to the EPA on March 8, 2017). Therefore, our stringency evaluations here consider whether Rules R18–2–B1301 and R18–2–C1302 implement reasonable controls for the two subject criteria pollutants at the Hayden and Miami smelters.[2]

Guidance and policy documents that we use to evaluate enforceability, rule stringency, and SIP revision requirements for the applicable criteria pollutants include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9 (the Little Bluebook, August 21, 2001).

3. ''Implementation of the 2008 Lead National Ambient Air Quality Standards: Guide to Developing Reasonably Available Control Measures (RACM) for Controlling Lead Emissions,'' EPA Office of Air Quality Planning and Standards (March 2012).

4. ''Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions,'' EPA Office of Air Quality Planning and Standards (April 23, 2014).

5. National Emission Standard for Hazardous Air Pollutants for Primary Copper Smelting (40 CFR part 63, subpart QQQ).

6. National Emission Standard for Hazardous Air Pollutants for Secondary Lead Smelting (40 CFR part 63, subpart X).

[2] Appendix 14 does not establish control requirements, so it is not subject to a stringency evaluation. Appendix 14 is still subject to enforceability and SIP consistency evaluations, which we describe in our TSD. The revisions to sunset the existing requirements of Rule R18–2–715.02, are evaluated in context with Appendix 14. See the TSD evaluating Appendix 14 for more information on Rule R18–2–715.02. Rule R18–2–B1302 regulates $SO_2$ emissions at the Hayden Smelter, and will be evaluated in a separate rulemaking. The revisions to sunset the existing requirements of Rules R18–2–715 and R18–2–715.01 in relation to the Hayden Smelter will be evaluated in context with R18–2–B1302.

*B. Do the rules meet the evaluation criteria?*

These rules are consistent with CAA requirements and relevant guidance regarding enforceability, rule stringency, and SIP revisions. The TSDs have more information on our evaluation.

*C. EPA Recommendations To Further Improve the Rules*

The TSDs describe additional rule revisions that we recommend for the next time the State modifies the rules.

*D. Public Comment and Proposed Action*

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until April 30, 2018. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

## III. Incorporation by Reference

In this rule the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the ADEQ rules described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## 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 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 Act. Accordingly, this proposed 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 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 (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 the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, 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 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 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).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements, Sulfur dioxide.

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

Dated: March 19, 2018.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2018–06548 Filed 3–29–18; 8:45 am]

**BILLING CODE 6560–50–P**