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SUPPLEMENTARY INFORMATION: Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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I. Background and Purpose


The NPRM proposed approval of Maine and New Hampshire SIP revisions that address the CAA requirement prohibiting emissions from each of these states, considered separately, from adversely affecting air quality in other states for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The SIP revisions were submitted to EPA by Maine on February 6, 2020, and by New Hampshire on September 5, 2018. The rationale for EPA’s proposed action is given in the NPRM. EPA received no public comments on the NPRM.

As part of our rationale for approving the Maine and New Hampshire SIPs, the proposed action is based on historical trends in National Emissions Inventory (NEI) data. The data demonstrate a downward trend in emissions in Maine and New Hampshire, adds support to the air quality analyses presented in the proposal for each state, and indicates that the contributions from emissions from sources in Maine and New Hampshire to ozone receptors (i.e., air quality monitors) in downwind states will continue to decline. For each state, the data indicate that contributions will remain below one percent of the NAAQS. Since the publication of the proposed approval, EPA has made minor updates to the NEI data for the years 2017 through 2019. As a result of these updates, reported emissions during these years for both New Hampshire and Maine have been slightly reduced. These minor updates do not impact our decision to approve SIPs for each of these states, nor do they change our rationale for doing so, as the reduced emissions continue to support our approval decision.

II. Final Action

EPA is approving, as revisions to the Maine and New Hampshire SIPs, each state’s SIP revisions, submitted on February 6, 2020, and September 5, 2018, respectively. These revisions are approved as meeting CAA section 110(a)(2)(D)(i)(I) requirements that emissions from each state, considered separately, do not contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

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 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) 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);

1 See “2005 thru 2019 + 2021_2023_2028 Annual State Tier 1 Emissions v3” available in the docket for this action.
• 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; 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, 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 Clean Air Act, as amended, section 167(b), requires EPA to publish in the Federal Register a notice stating the dates on which the public may be afforded an opportunity to present written data and comments. The public was invited to comment on the proposed rule in the Federal Register, 85 FR 67249, November 9, 2020. Public comments were accepted through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

This rule is effective on September 16, 2021.

Deborah Szaro,
Acting Regional Administrator, EPA Region 4.

SUPPLEMENTARY INFORMATION:

I. This Action

EPA is approving changes to the Tennessee SIP that were provided to EPA under cover letters dated February 26, 2020. Specifically, the State requested that Tennessee Air Pollution Control Regulations (TAPCR) 1200–03–29 and Davidson County Regulation 8 29 and Davidson County Regulation 8 be removed from the Tennessee SIP. In addition, Tennessee requested that EPA remove the requirements for the Middle Tennessee Area and Hamilton County to implement an I/M program as part of the Early Action Compact (EAC) that was approved by EPA into the non-regulatory portion of the Tennessee SIP on August 26, 2005. See 70 FR 50199. EPA is approving these requests because the SIP revisions are consistent with the CAA, including section 110(l).

II. Background

On May 15, 2018, a Tennessee law was signed that states that “no

- 1 EPA officially received Tennessee’s I/M SIP revisions on February 27, 2020.
- 2 The state’s I/M program of TAPCR 1200–03–29 covers Hamilton County in addition to Sumner, Rutherford, Williamson and Wilson Counties.
- 3 In December 2002, the Middle Tennessee Area entered into EPA’s EAC program. As part of the EAC for the Middle Tennessee Area, the I/M program was identified as an existing control strategy in the SIP.
- 4 Throughout this final rulemaking, unless otherwise noted, where the Middle Tennessee Area is referenced EPA is intending for this to mean the area covering Davidson, Sumner, Rutherford, Williamson and Wilson Counties.