

### III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

#### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

#### B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

#### C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

#### D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

#### E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

#### F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because 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, and will not impose substantial direct costs on tribal governments or preempt tribal law.

Thus, Executive Order 13175 does not apply to this action.

#### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

#### H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

#### I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

#### J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the

negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provision of the Act and applicable federal regulations. 42 U.S.C. 740(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to review state choices, and approve those choices if they meet the minimum criteria of the Act. Accordingly, this proposed action partially approves and partially disapproves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law.

The District did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goals of Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: April 5, 2023.

**Kerry Drake,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2023–07597 Filed 4–10–23; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R01–OAR–2023–0189; FRL–10876–01–R1]

### Air Plan Approval; Connecticut; New Source Review Permit Program State Plan Revision

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Connecticut State

Implementation Plan (SIP) concerning its New Source Review (NSR) permit program. The Connecticut Department of Energy and Environmental Protection (CT DEEP) submitted these revisions on December 15, 2020, as well as a supplemental letter on February 14, 2023. The revised state plan incorporates various updates to CT DEEP's NSR procedural requirements, substantive review criteria, provisions related to the control of volatile organic compounds (VOC), and clarifying revisions to existing SIP-approved regulations.

**DATES:** Written comments must be received on or before May 11, 2023.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R01-OAR-2023-0189 at <https://www.regulations.gov>, or via email to [kilpatrick.jessica@epa.gov](mailto:kilpatrick.jessica@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed 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 <https://www.epa.gov/dockets/commenting-epa-dockets>. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID-19.

**FOR FURTHER INFORMATION CONTACT:** Jessica Kilpatrick, Air Permits, Toxics, and Indoor Programs Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Mail Code: 5-MI, Boston, MA 02109-0287. Telephone: 617-918-1652. Fax: 617-918-0652 Email: [kilpatrick.jessica@epa.gov](mailto:kilpatrick.jessica@epa.gov).

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

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### I. Background

CT DEEP established its SIP, including its NSR permit program, in 1972 in accordance with Clean Air Act (CAA) section 110 and 40 CFR part 51. Since then, there have been numerous revisions to the SIP in compliance with state and federal air permitting regulations. On December 15, 2020, CT DEEP submitted a SIP amendment to its NSR permitting air quality regulations, Regulations of Connecticut State Agencies (RCSA) 22a-174-1, 22a-174-2a, 22a-174-3a, 22a-174-20, and 22a-174-26, which became effective on November 18, 2020. After initial review of these SIP revisions, EPA requested clarification of the exact regulatory text CT DEEP proposed to incorporate into its SIP. As a result, CT DEEP provided a supplemental clarification letter on February 14, 2023.

### II. Review of NSR Program Updates

CT DEEP's revisions includes various changes to the NSR permit program. There are multiple corrections and updates to citations within the RCSA and Connecticut General Statutes (CGS) as well as some grammatical edits and clarifying language that do not substantively change the meaning of the regulations. Significant changes are outlined in the paragraphs below.

The RCSA 22a-174-2a revisions pertain to procedural requirements for NSR permitting. One of these revisions at RCSA 22a-174-2a(d)(9) clarifies the requirements that apply when the commissioner modifies an NSR permit. The provision requires public notice as well as opportunity for public comment and public hearing before granting, granting with conditions, or denying the permit.

Another revision at RCSA 22a-174-2a(e)(3)(C) alters the timeline requirements of the minor permit

modification<sup>1</sup> process after an application is submitted, so that there is an exception for implementing the modifications not less than 21 days after filing an application. If the commissioner notifies the applicant during that period, the commissioner can define when the modification can be implemented. If 21 days have passed since filing a complete application and the commissioner has not notified the permittee, the permittee shall comply with the terms and conditions of the proposed modified permit and the terms and conditions of the existing permit that are not being modified, until the commissioner issues or denies the proposed modified permit.

RCSA 22a-174-2a(e)(3) was revised to require a minor permit notification for a permit issued pursuant to RCSA 22a-174-3a or former RCSA 22a-174-3 to include the demonstrations required by RCSA 22a-174-3a(d)(3)(B) and (C). RCSA 22a-174-2a(e) clarifies that the commissioner may modify a NSR permit in accordance with RCSA 22a-174-2a, RCSA 22a-174-3a, and CGS 22a-174c. The revision to RCSA 22a-174-2a(f)(2) requires a permittee of any stationary source for which the commissioner has issued a permit pursuant to RCSA 22a-174-3a or former RCSA 22a-174-3 to submit a written request for a permit revision, for the purpose of implementing a fuel conversion described in section RCSA 22a-174-3a(a)(2)(A)(iii), (iv), or (v). Other purposes established previously include correcting clerical errors, minor administrative changes, revising the name of the authorized representative of the permittee, and more frequent or additional monitoring, record keeping, or reporting.

The revisions to RCSA 22a-174-3a pertain to permitting for constructing and operating stationary sources. Permit exemption criteria are modified at 22a-174-3a(a)(2)(A)(ii)-(v), so that there is a new subclause (v) that exempts any activity that “constitutes a conversion from fuel oil to liquefied petroleum gas, or in addition to fuel oil, provided such conversion does not increase actual emissions of any individual air pollutant by fifteen (15) tons or more per year, unless such conversion results in reconstruction” from requiring a permit to construct or operate a

<sup>1</sup> Connecticut's minor NSR permit modification provisions apply to changes to a permit that are required for the permittee to lawfully engage in any of the activities or proposed activities at a stationary source as identified, which would not otherwise be permitted under state's substantive review program at 22a-174-3a, where a 15 tons per year increase threshold for Regulated NSR pollutants review exists.

stationary source or modification. RCSA 22a-174-3a(a)(5) is updated to confirm that any modification or revision to a permit issued in accordance with the section or former RCSA 22a-174-3 shall be made as required in, and in accordance with, the provisions in the section and section 22a-174-2a of the RCSA.

RCSA 22a-174-3a(d)(3)(B) and (C) modify demonstration requirements before issuance of a permit or permit modification. RCSA 22a-174-3a(d)(3)(B) is modified in regard to demonstration requirements for attainment or maintenance of applicable ambient air quality standards or Prevention of Significant Deterioration (PSD) increments. The revision specifies that such demonstration shall be made with respect to any applicable ambient air quality standard or increment in effect at the time the application is submitted: (i) when emissions of the pollutant or a precursor to the pollutant subject to the applicable ambient air quality standard or increment will increase as a result of the construction and operation, or (ii) when any parameter is changed in a manner that may increase the ambient impact. RCSA 22a-174-3a(d)(3)(C) is modified in regard to demonstration requirements for attainment or maintenance of any other states' National Ambient Air Quality Standards (NAAQS) and SIP application requirements. The revision specifies that such demonstration shall be made with respect to any applicable ambient air quality standard or increment in effect at the time the application is submitted: (i) when emissions of the pollutant or a precursor to the pollutant subject to the applicable ambient air quality standard or increment will increase as a result of the construction and operation, or (ii) when any parameter is changed in a manner that may increase the ambient impact.

A revision to RCSA 22a-174-3a(i)(2) specifies that the air quality models, databases, and other techniques used for estimating ambient air quality impacts must also be approved by the EPA Administrator, not just by CT DEEP commissioner.<sup>2</sup> With this revision, Connecticut's SIP will provide for the performance of such air quality modeling as the EPA Administrator has prescribed and will therefore comply with CAA § 110(a)(2)(K). As a result, EPA proposes to convert the conditional approvals, which EPA previously issued for CAA section 110(a)(2)(K) and for the

PSD-related requirements of sections 110(a)(2)(D)(i)(II), 110(a)(2)(C), and 110(a)(2)(J) for Connecticut's infrastructure SIP for the 2015 ozone NAAQS, 85 FR 50953 (Aug. 19, 2020), to full approvals.

RCSA 22a-174-3a(j)(8)(A) adds Best Available Control Technology (BACT) restrictions to emissions of any pollutant which would exceed: (ii) any applicable State Implementation Plan limitation or (iii) an emission limitation established in section 22a-174-22e of the RCSA for the applicable category of fuel burning equipment, regardless of whether the equipment is located at a source that is major for nitrogen oxides (NO<sub>x</sub>). CT DEEP reserves RCSA 22a-174-3a(k)(3), which exempts a major stationary source or major modification with potential emissions of NO<sub>x</sub> of more than twenty-five (25) tons but less than forty (40) tons per year from PSD attainment area permit requirements.

A variety of changes are made to RCSA 22a-174-3a(l)(1), which establishes permit requirements for nonattainment areas. These changes include applicability to any new major stationary source of the pollutants for which the area is designated as nonattainment, or of the precursors to such pollutants. There are also updates to applicability to any major modification that is or will be located at a major stationary source of the pollutant for which the area is designated as nonattainment and that results in a significant net emissions increase of the pollutant for which the area is designated as nonattainment, or results in a significant net emissions increase of a precursor to the pollutant for which the area is designated nonattainment. A new RCSA 22a-174-3a(l)(1)(D) defines applicable precursor pollutants to the subsection: VOC compounds are precursors to ozone, NO<sub>x</sub> are precursors to ozone and PM<sub>2.5</sub>, and sulfur dioxide is a precursor to PM<sub>2.5</sub>.

RCSA 22a-174-20(gg), which regulates control of VOC emissions from offset lithographic printing and letterpress printing, has a new subdivision for exemption criteria for fountain solutions at RCSA 22a-174-20(gg)(3)(A) and cleaning solvents at RCSA 22a-174-20(gg)(5)(A) and (B). Exemption criteria are specifically applicable to an owner or operator of a heatset web offset lithographic or heatset letterpress printing press that operates VOC pollution control equipment in accordance with RCSA 22a-174-20(gg)(4). These exemptions are subject to the contingency that the emissions from the use of cleaning solvents and fountain solution are

vented to an air pollution control system that is operated when VOC-containing materials are used.

EPA reviewed these SIP revisions for consistency with the CAA. We determined that CT DEEP's implementation and enforcement provisions are at least as stringent as the Federal regulations applicable to NSR permitting at 40 CFR part 51 and 52. The specific changes proposed to be made to the SIP and EPA's rationale for approval are included in a technical support document included in this docket of this action.

### III. Proposed Action

EPA is proposing to approve CT DEEP's revised state plan for its NSR permit program. EPA is also proposing to convert several conditional approvals, which EPA previously issued for Connecticut's Infrastructure State Implementation Plan for the 2015 ozone standard, to full approvals. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

### IV. 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 provisions regulating NSR permitting discussed in Section II. of this preamble and as specified in CT DEEP's letter dated February 14, 2023. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### V. 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. *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 Clean Air Act. Accordingly, this proposed

<sup>2</sup> The EPA Administrator's approved air quality models, databases, and other requirements are found at EPA's 40 CFR part 51, Appendix W, Guideline on Air Quality Models.

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 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).

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

Environmental protection, Air pollution control, Carbon oxides, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Reporting and

recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 3, 2023.

**David Cash,**

*Regional Administrator, EPA Region 1.*

[FR Doc. 2023–07331 Filed 4–10–23; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 84

**[EPA–HQ–OAR–2021–0289; FRL–10805–01–OAR]**

#### Notification of Determination: Petitions Denied Under Subsection (i) of the American Innovation and Manufacturing Act of 2020

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

**ACTION:** Petition denials.

**SUMMARY:** The purpose of this notification is to alert the public to and provide explanation of the Environmental Protection Agency’s (EPA) decisions to deny two petitions submitted under the American Innovation and Manufacturing Act of 2020. The first petition requests that the Environmental Protection Agency provide an exemption for the use of certain regulated substances in pain relief sprays and the second petition requests that the Agency subject gas canisters of certain regulated substances to import restrictions established under the HFC Allocation Framework Rule. These petitions were submitted to the Agency pursuant to its authority under the Act to promulgate rules that restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used.

**DATES:** EPA denied the two petitions referenced in this notification via letters signed on March 21, 2023. Any petitions for review of the final letters denying the petitions for rulemaking must be filed in the Court of Appeals for the appropriate circuit on or before June 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** Allison Cain, Stratospheric Protection Division, Office of Atmospheric Programs (6205A), Environmental Protection Agency, telephone number: 202–564–1566; email address: [cain.allison@epa.gov](mailto:cain.allison@epa.gov). You may also visit EPA’s website at <https://www.epa.gov/climate-hfcs-reduction> for further information.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Subsection (i) of the American Innovation and Manufacturing Act of 2020 (AIM Act or the Act),<sup>1</sup> entitled “Technology Transitions,” provides that the Administrator may by rule restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used. Under subsection (i)(3) a person may petition the Environmental Protection Agency (EPA) to promulgate a rule for the restriction on the use of a regulated substance<sup>2</sup> in a sector or subsector, and the Act states that the petition shall include a request that the Administrator negotiate with stakeholders in accordance with subsection (i)(2)(A). Once EPA receives a petition, the AIM Act directs the Agency to make petitions publicly available within 30 days of receipt and to grant or deny the petition within 180 days of receipt. If the EPA denies a petition, the Agency shall publish in the **Federal Register** an explanation of the denial.

## II. Which petitions is EPA denying?

The Agency received two petitions that were submitted under subsection (i) of the AIM Act. The first petition requests that the Environmental Protection Agency provide an exemption for the use of certain regulated substances in pain relief sprays and the second petition requests that the Agency subject gas canisters of certain regulated substances to import restrictions established under the HFC Allocation Framework Rule.<sup>3</sup> These petitions were submitted by the Gebauer Company (hereby, “Gebauer”) on September 23, 2022, and A.V.W. Inc (hereby, “AVW”) on December 15, 2022, respectively. After reviewing these petitions and considering, to the extent practicable in light of the information provided in the submissions, the

<sup>1</sup> The AIM Act was enacted as section 103 in Division S, Innovation for the Environment, of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260), and is codified at 42 U.S.C. 7675.

<sup>2</sup> The Act provides that “regulated substance” refers to those substances included in the list of regulated substances in subsection (c)(1) of the Act and those substances that the Administrator has designated as a regulated substance under subsection (c)(3). Subsection (c)(1) lists 18 saturated hydrofluorocarbons (HFCs), and by reference their isomers not so listed, as regulated substances. This is the current list of regulated substances, as no additional substances have been designated as regulated substances under subsection (c)(3).

<sup>3</sup> Links to copies of these petitions and other petitions received to date can be found in the table at <https://www.epa.gov/climate-hfcs-reduction/petitions-under-aim-act>. EPA has a docket (Docket ID EPA–HQ–OAR–2021–0289), where all subsection (i) petitions are posted, and where the public may submit information related to those petitions.