



## Proposed Amendments

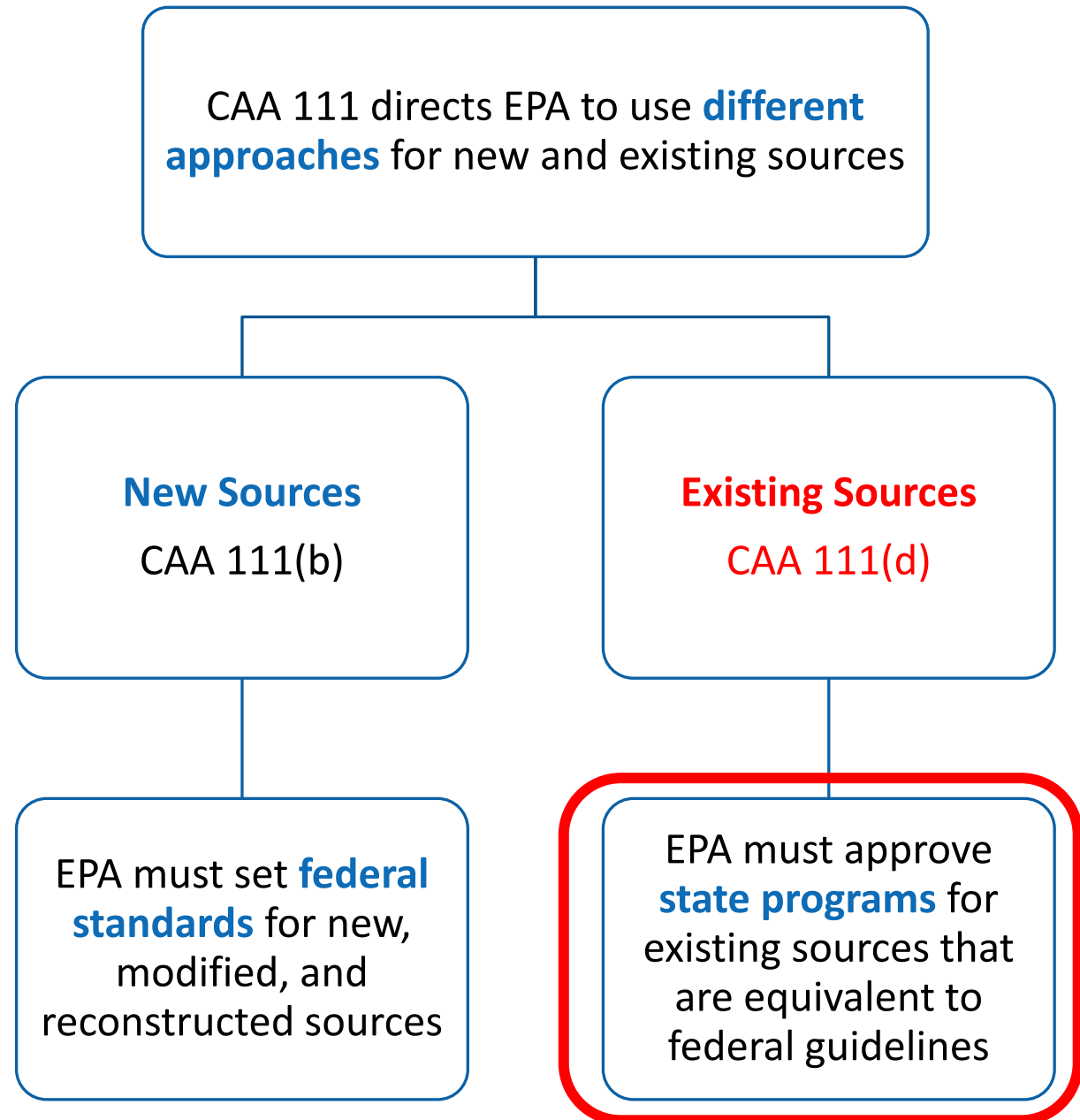
# Adoption and Submittal of State Plans for Designated Facilities: Implementing Regulations under Clean Air Act Section 111(d)

---

Overview of 111(d) and proposed  
Meaningful Engagement for the  
AAPCA 2023 Spring Meeting

# Clean Air Act Section 111

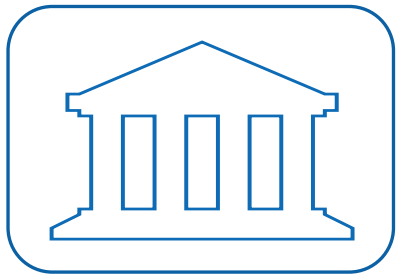
Clean Air Act (CAA) section 111 directs the Administrator to establish a mechanism for controlling certain air emissions from stationary source categories which “causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare”



# Clean Air Act Section 111(d): Reducing Emissions at Existing Facilities

## 111(d) Implementing Regulations

40 CFR part 60 subpart Ba:  
Adoption and Submittal of State Plans for  
Designated Facilities



**Congress**  
Clean Air Act  
Section 111(d)



**EPA**  
Sets **emission guidelines (EGs)**, including presumptive **standards of performance** based on the **best system of emission reduction (BSER)**



**States**  
Develop State  
Plans to submit to  
the EPA



**EPA**  
Reviews and  
approves **State  
Plans** or issues  
**Federal Plans**



**Emissions  
Reductions**

# History of the 111(d) Implementing Regulations

1975	Original general provisions for state plan processes at 40 CFR 60 <b>subpart B</b>
2019	Updated general provisions at <b>subpart Ba</b> , applicable to EGs published after July 8, 2019
2021	D.C. Circuit Court vacated extended <b>timeline provisions</b> in Subpart Ba
2022	This action <b>proposes amendments</b> to replace the vacated provisions and to provide clarifications and other improvements to subpart Ba

# Meaningful Engagement

The EPA Proposes to:



Require states to identify all pertinent stakeholders and to conduct meaningful engagement during plan development



Extend minimum requirements for public notice and improve opportunities for participation by addressing potential barriers



Require states to include demonstration of meaningful engagement as part of the required completeness criteria

# Meaningful Engagement

## Proposed Definition



... timely engagement with **pertinent stakeholder** representation in the **plan development** or plan revision process. Such engagement must not be disproportionate in favor of certain stakeholders ... It must include **early outreach, sharing information, and soliciting input** on the State plan.



# Meaningful Engagement

## Proposed Definitions continued

The EPA is proposing to define that ***pertinent stakeholders*** include, but are not limited to, *industry, small businesses, and communities that are most affected by and vulnerable to the impacts of the plan or plan revision.*

In particular, pertinent stakeholders include those who are most affected by and vulnerable to the health or environmental impacts of pollution from the designated facilities addressed by the plan or plan revision

# Timing and Next Steps



## Proposal

Published in the Federal Register on Dec. 23, 2022



## Outreach, Hearing, and Comment

Comment period closed Feb. 27, 2023



## Final Rule

Planned for Fall 2023



Additional information and links to the proposal and related materials is available at:

<https://www.epa.gov/stationary-sources-air-pollution/adoption-and-submittal-state-plans-designated-facilities-40-cfr>

For questions or more information please contact Phyllis Jones ([jones.phyllis@epa.gov](mailto:jones.phyllis@epa.gov)) or Michelle Bergin ([bergin.michelle@epa.gov](mailto:bergin.michelle@epa.gov))

Thank you!