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September 8, 2026

Michael Dorantes
Geographic Strategies and Modeling Section (AIR-2-2)
EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Arizona; Prevention of Significant Deterioration Infrastructure Requirements for the 2012 Fine Particulate Matter National Ambient Air Quality Standard, Docket EPA-R09-OAR-2026-3797

Dear Mr. Dorantes:

On August 6, 2026, EPA published (91 Fed Reg 50742) a proposal “to partially approve and partially disapprove a revision to the Arizona State implementation plan (SIP) as meeting the requirements of the Clean Air Act (CAA) for the implementation, maintenance, and enforcement of the 2012 fine particulate matter (PM_{2.5}) national ambient air quality standard (NAAQS or “standards”),” and is soliciting public comments on the proposed rulemaking.

The Midwest Ozone Group¹ (MOG) is pleased to offer these comments² in support of the EPA proposal.

¹ The members of the Midwest Ozone Group include: Ameren, American Electric Power, American Forest & Paper Association, American Iron and Steel Institute, American Wood Council, Appalachian Region Independent Power Producers Association, Associated Electric Cooperative, Berkshire Hathaway Energy, Big Rivers Electric Corp., Citizens Energy Group, City Water, Light & Power (Springfield IL), Cleveland Cliffs Inc., Council of Industrial Boiler Owners, Duke Energy Corp., East Kentucky Power Cooperative, ExxonMobil, Hoosier Energy REC, Inc., Indiana Energy Association, Indiana-Kentucky Electric Corporation, Indiana Municipal Power Agency, LGE/ KU, Marathon Petroleum Company, Monongahela Power Company, National Lime Association, North American Stainless, Nucor Corporation, Ohio Utility Group, Ohio Valley Electric Corporation, Olympus Power, Steel Manufacturers Association, and Wabash Valley Power Alliance.

² These comments were prepared with the technical assistance of Alpine Geophysics, LLC.

MOG is an affiliation of companies and associations that draws upon its collective resources to seek solutions to the development of legally and technically sound air quality programs that may impact on their facilities, their employees, their communities, their contractors, and the consumers of their products. MOG's primary efforts are to work with policy makers in evaluating air quality policies by encouraging the use of sound science.

MOG has been actively engaged in a variety of issues and initiatives related to the development and implementation of air quality policy, including the development of transport rules, NAAQS standards, attainment/nonattainment designations, petitions under Sections 126, 176A and 184(c) of the Clean Air Act, National Ambient Air Quality Standards (“NAAQS”) implementation guidance, the development of Good Neighbor State Implementation Plans, exceptional events and 179B demonstration, and related regional haze and climate change issues.

I. The Proposed Rule

The proposal notes that “EPA is proposing to partially approve and partially disapprove a revision to the Arizona State implementation plan (SIP) as meeting the requirements of the Clean Air Act (CAA) for the implementation, maintenance, and enforcement of the 2012 fine particulate matter (PM_{2.5}) national ambient air quality standard (NAAQS or “standards”). The EPA is proposing to approve the portions of Arizona’s submission addressing prevention of significant deterioration (PSD) requirements in the permitting jurisdictions of the Arizona Department of Environmental Quality (ADEQ), Maricopa County Air Quality Department (MCAQD), and Pinal County Air Quality Control District (PCAQCD). The EPA is proposing to disapprove the portions of the Arizona submission addressing PSD requirements in the Pima County Department of Environmental Quality (PDEQ) permitting jurisdiction.” (*Id.*)

The proposal includes discussions regarding the specific issues on which EPA is proposing action and describes the requirements that a state SIP must meet in order to be approvable by EPA, noting that EPA’s historical interpretation of SIP submittals made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) were called “infrastructure SIP” (I-SIP) submittals. EPA explains that, historically I-SIPs were distinguished from “other SIP requirements under the CAA, such as ‘nonattainment SIP’ or ‘attainment SIP’ submittals intended to address the nonattainment planning requirements of CAA title I part D, ‘regional haze SIP’ submittals required by the EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source

review (NSR) permit program submittals to address the permit requirements of CAA title I part D.” (*Id.*)

Significantly, the proposal also includes an EPA announcement of “a new interpretation of CAA sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), 110(a)(2)(D)(ii), and 110(a)(2)(J), such that, for the PSD related requirements, infrastructure SIPs need only demonstrate that State and county PSD permitting programs adequately regulate the pollutant(s) for which the I–SIP is being submitted. This new position reflects a change in policy as to the basic structural elements of a PSD permitting program required to adequately satisfy the relevant requirements of CAA sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), 110(a)(2)(D)(ii), and 110(a)(2)(J).” (91 Fed Reg 50744).

EPA notes that this new interpretation “better aligns with the overall purpose of the statute. In particular, this interpretation better aligns with the language in CAA section 110(a)(1), which states that within three years of promulgation of a new NAAQS, States are required to submit a plan that provides for ‘implementation, maintenance, and enforcement of such. . . *standard*’” (emphasis added in original). (91 Fed Reg 50745) EPA then concludes that “...for the PSD-related requirements of CAA sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), 110(a)(2)(D)(ii), and 110(a)(2)(J), infrastructure SIP submittals need only demonstrate that State and county PSD permitting programs adequately regulate the pollutant(s) for which the I–SIP is being submitted.”

II. MOG Comments

Because the newly announced EPA interpretation is applicable nationwide, MOG’s comments refer to the new EPA policy rather than the proposed actions related to the Arizona I-SIP. MOG agrees with EPA’s new interpretation regarding the applicability of CAA sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), 110(a)(2)(D)(ii), and 110(a)(2)(J.) Explaining its interpretation of CAA section 110, EPA notes that CAA section 110(a)(1) specifically refers to implementation, maintenance, and enforcement of a new NAAQS standard. It follows, then, that, if there is no NAAQS established, there can be no I-SIP submittal requirement.

MOG notes that even the title of CAA section 110 is “State implementation plans for national primary and secondary ambient air quality standards,” (42 U.S.C. 7410) which is consistent with and supports an interpretation of the section that it is specific to ambient standards.

III. Conclusion

For the foregoing reasons, MOG urges EPA to finalize the proposed rule as proposed and to confirm that the newly announced interpretation of CAA sections 110(a)(1) and 110(a)(2) is applicable nationwide. MOG appreciates the opportunity to provide comments on the proposed rule.

Very truly yours,

A handwritten signature in blue ink that reads "Edward L. Kropp". The signature is written in a cursive, slightly stylized font.

Edward "Skipp" Kropp
Counsel for Midwest Ozone Group