

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2025-0143; FRL-13000-02-R5]

Air Plan Approval; Ohio; Ohio Permit Rules Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to Ohio air permitting rules into the State Implementation Plan (SIP) under the Clean Air Act (CAA). These revisions represent changes to the air permitting rules the Ohio Environmental Protection Agency (Ohio EPA) adopted on March 1, 2023, and July 25, 2025, which became effective at the State level on March 11, 2023, and August 14, 2025, respectively. These revisions will result in consistent requirements of rules at both the State and Federal level. The EPA proposed to approve this action on January 9, 2026, and received no adverse comments.

DATES: This final rule is effective on May 4, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2025-0143. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through <https://www.regulations.gov> or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Skyler Sanderson, at (312) 886-4454, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Skyler Sanderson, Air and Radiation Division (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 886-4454, email address: sanderson.skyler@epa.gov.

SUPPLEMENTARY INFORMATION:

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

I. Background Information

On January 9, 2026 (91 FR 937), the EPA proposed to approve revisions submitted on March 19, 2025, and August 5, 2025, to Ohio’s air permitting rules into the SIP under the CAA, including incorporating by reference Ohio rule(s) 3745-31-01 [with the exception of OAC 3745-31-01(A)(8), (E)(3)(b)(ii) and (iii), (M)(10)(a)(ii), (P)(12), (Q), and (S)(11)], 3745-31-02, 3745-31-03 [with the exception of OAC 3745-31-03(B)(1)(p)], 3745-31-05 [with the exception of OAC 3745-31-05(E)], 3745-31-06, 3745-31-07, 3745-31-09, 3745-31-10, 3745-31-11, 3745-31-12, 3745-31-13 [with the exception of OAC 3745-31-13(H)(1)(c)], 3745-31-14, 3745-31-15, 3745-31-16, 3745-31-17, 3745-31-18, 3745-31-19, 3745-31-20, 3745-31-21, 3745-31-22 [with the exception of OAC 3745-31-22(A)(3)(b)], 3745-31-23 [with the exception of the 1-hour NO₂ SIL in 3745-31-23(A)], 3745-31-24 [with the exception of OAC 3745-31-24(F)], 3745-31-25, 3745-31-26 [with the exception of OAC 3745-31-26(D)], 3745-31-27 [with the exception of OAC 3745-31-27(A)(1)(b)], 3745-31-28, 3745-31-29, 3745-31-30, and 3745-31-32. An explanation of the CAA requirements, a detailed analysis of the revisions, and the EPA’s reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on February 9, 2026. The EPA received no comments on the proposal.

II. Final Action

The EPA is approving Ohio EPA’s March 19, 2025, and August 5, 2025, submittals as revisions to its existing SIP. The EPA finds that the revisions are consistent with Federal requirements. As requested by Ohio EPA, the following provisions are not included in this proposed approval: OAC 3745-31-01(A)(8), (E)(3)(b)(ii) and (iii), (M)(10)(a)(ii), (P)(12), (Q), and (S)(11); 3745-31-03(B)(1)(p); 3745-31-05(E); 3745-31-13(H)(1)(c); 3745-31-22(A)(3)(b); 1-hour NO₂ SIL in 3745-31-23(A); 3745-31-24(F); 3745-31-26(D); 3745-31-27(A)(1)(b); and 3745-31-34(B), (C), and (D).

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the

incorporation by reference of the Ohio Regulations described in section I. of this preamble and set forth in the amendments to 40 CFR part 52 below. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov>, and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.¹

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 CAA 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 CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For these reasons, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review 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);

¹ 62 FR 27968 (May 22, 1997).

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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.

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).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action

is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 26, 2026.

Cheryl Newton,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. In § 52.1870, amend the table in paragraph (c) by revising the section “Chapter 3745–31 Permit-to-Install New Sources and Permit-to-Install and Operate Program”, consisting of entries 3745–31–01 through 3745–31–34, to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective date	EPA Approval date	Notes
*	*	*	*	*
Chapter 3745–31 Permit-to-Install New Sources and Permit-to-Install and Operate Program				
3745–31–01	Definitions	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (A)(8), (E)(3)(b)(ii) and (iii), (M)(10)(a)(ii), (P)(12), (Q), and (S)(11).
3745–31–02	Applicability, requirements, and obligations.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–03	Exemptions	8/14/2025	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (B)(1)(p).
3745–31–04	Applications	5/29/2014	6/25/2015, 80 FR 36477.	
3745–31–05	Criteria for decision by the Director.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (E).
3745–31–06	Completeness determinations, processing requirements, public participation, public notice, and issuance.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–07	Termination, revocation, expiration, renewal, revision and transfer.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–08	Registration status permit-to-operate.	5/29/2014	6/25/2015, 80 FR 36477.	
3745–31–09	Variances on operation	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–10	NSR projects at existing emissions units at a major stationary source.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–11	Attainment provisions—ambient air increments, ceilings, and classifications.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–12	Attainment provisions—data submission requirements.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	

EPA-APPROVED OHIO REGULATIONS—Continued

Ohio citation	Title/subject	Ohio effective date	EPA Approval date	Notes
3745–31–13	Attainment provisions—review of major stationary sources and major modifications, stationary source applicability, and exemptions.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (H)(1)(c).
3745–31–14	Attainment provisions—pre-application analysis.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–15	Attainment provisions—control technology review.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–16	Attainment provisions—major stationary source impact analysis.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–17	Attainment provisions—additional impact analysis.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–18	Attainment provisions—air quality models.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–19	Attainment provisions—notice to the United States environmental protection agency.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–20	Attainment provisions—innovative control technology.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–21	Nonattainment provisions—review of major stationary sources and major modifications—stationary source applicability and exemptions.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–22	Nonattainment provisions—conditions for approval.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (A)(3)(b).
3745–31–23	Nonattainment provisions—stationary sources locating in designated clean or unclassifiable areas which would cause or contribute to a violation of a national ambient air quality standard.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for 1-hour NO ₂ SIL in (A).
3745–31–24	Nonattainment provisions—baseline for determining credit for emission and air quality offsets.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (F).
3745–31–25	Nonattainment provisions—location of offsetting emissions.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–26	Nonattainment provisions—offset ratio requirements.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (D).
3745–31–27	Nonattainment provisions—administrative procedures for emission offsets.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	Except for (A)(1)(b).
3745–31–28	Review of major stationary sources of hazardous air pollutants requiring MACT determinations.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–29	General permit-to-install and general PTIO.	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–30	Permits-by-rule	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–32	Plantwide applicability limit	3/11/2023	4/2/2026, 91 FR [Insert Federal Register page where the document begins].	
3745–31–34	Permits to install for major stationary sources and major modifications of sources emitting greenhouse gases.	3/31/2011	2/14/2020, 85 FR 8406	Except for (B), (C), and (D).

EPA-APPROVED OHIO REGULATIONS—Continued

Ohio citation	Title/subject	Ohio effective date	EPA Approval date	Notes
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[FR Doc. 2026-06398 Filed 4-1-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2025-0181; FRL-12873-02-R10]

Air Plan Approval; Oregon; 2024 Vehicle Inspection Program Updates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving and incorporating by reference into the Oregon State Implementation Plan (SIP) the revisions submitted by the Oregon Department of Environmental Quality (ODEQ) on April 3, 2025. The SIP revision updates rules for the Vehicle Inspection Program (VIP) which is applicable in the Portland and Medford areas, and includes a demonstration that the requested revisions will not interfere with attainment or maintenance of any national ambient air quality standard (NAAQS) or with any other applicable requirement of the Clean Air Act (CAA or Act). The EPA is approving these revisions because they meet the applicable requirements of the CAA.

DATES: This final rule is effective May 4, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2025-0181 at <https://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov>, or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Tess Bloom, EPA Region 10, 1200 6th Ave., Seattle, WA 98101, at telephone

number: (206) 553-6362, or email address: bloom.tess@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, wherever “we,” “us,” or “our” is used, it is intended to refer to the EPA.

Table of Contents

- I. Background
- II. Public Comments and EPA Responses
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I. Background

On April 3, 2025, the ODEQ submitted revisions to the Oregon SIP containing updates to Chapter 340, Division 256—Motor Vehicles section of the SIP, which includes the provisions for Oregon’s VIP. ODEQ added a new provision under OAR 340-256-0200(4) to make explicit that new vehicles are exempt from on-board diagnostic (OBD) test requirements of the VIP program contained in OAR 340-256-0355 until January 1st of the calendar year that is four years after a vehicle’s designated model year. Additionally, sections 340-256-0010, 340-256-0300, 340-256-0370, and 340-256-0465 were revised to include non-substantiative changes. On September 25, 2025, the EPA proposed to approve these changes (90 FR 46117). The reasons for our proposed approval were stated in the proposed rulemaking and will not be re-stated here. The public comment period for our proposed action ended on October 27, 2025.

II. Public Comments and EPA Responses

The EPA provided a 30-day period for the public to comment on the proposed action that ended on October 27, 2025. The EPA received three comments on the proposed rule. The comments received and EPA’s responses can be found in the “Response to Comments” document included in the docket for this action. The full text of all public comments may also be found in the docket for this action. After considering the comments, the EPA’s position remains that approval of the revisions is consistent with the CAA.

III. Final Action

We are approving, and incorporating by reference into the Oregon SIP, the

submitted revisions to the Division 256 “Motor Vehicles” regulations, sections 0010, 0300, 0370, and 0465. These rules became State effective January 10, 2025, and were submitted to the EPA by the ODEQ on April 3, 2025. Based on the demonstration provided by ODEQ, we find that these revisions will not interfere with attainment of the NAAQS or any other applicable requirement of the CAA.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that will be incorporated by reference into 40 CFR part 52. In accordance with requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of Oregon Chapter 340, Division 256—Motor Vehicles revisions, State effective January 10, 2025, as described in section I. of this preamble and set forth in the amendments to 40 CFR part 52 in this document. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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: