

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2025-3161; FRL-13099-02-R7]

Air Plan Approval; Missouri; Construction Permits Required

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Missouri State Implementation Plan (SIP) received on March 19, 2025, that contain updates to the construction permit requirement regulations for stationary and portable air sources in Missouri that help ensure ambient air quality standards are met. The revisions to this rule include updating the fees for facilities applying for and receiving construction permits for air pollution sources; removing a subsection from the state rule that was never approved in the SIP; and making administrative wording changes. The EPA is correcting the state effective date in table C from the original proposal. These revisions do not interfere with the State's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS), reasonable further progress (RFP) or other Clean Air Act (CAA) requirements. The EPA's final approval of this rule revision is being done in accordance with the requirements of the CAA.

DATES: This final rule is effective on May 26, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2025-3161. 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) 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 through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Steven Brown, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219;

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SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” refer to EPA.

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I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP, 10-6.060 “Construction Permits Required,” submitted to the EPA on March 19, 2025. The purpose of the state regulation is to define sources required to obtain permits to construct, and to establish requirements to be met prior to construction or modification of any sources, including procedures for the permitting authority to issue general permits, fees, and public notice requirements. The March 19, 2025, revisions to this rule include updates to the fees for facilities applying for and receiving construction permits for air pollution sources; the removal of subsection (1)(B) from the state rule, which provided the ability for facilities to apply for and receive voluntary permits but was never approved in the SIP; and various wording changes that are administrative in nature. The EPA is correcting the state effective date in table C from the original proposal. The state effective date is February 28, 2025. The EPA finds that these revisions meet the requirements of the CAA and do not impact the State's ability to attain or maintain the National Ambient Air Quality Standards. The full text of the rule revisions can be found in the red-line strikeout section of the state submittal included in this docket.

II. Have the requirements for approval of a SIP revision been met?

The State's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from July 15, 2024, to September 5, 2024, and held a public hearing on August 29, 2024. The State of Missouri received one supportive comment during the public comment period on 10 CSR 10-6.060. The revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened January 8, 2026, the date of its publication in the **Federal Register** and closed on February 9, 2026 (91 FR 652). During this period, the EPA received no comments.

IV. What action is the EPA taking?

The EPA is taking final action to amend the Missouri SIP by approving the State's revisions to Title 10, Division 10 of the Code of State Regulations (CSR), 10 CSR 10-6.060 “Construction Permits Required.” This final action approves these amendments as part of the SIP. The EPA has determined that these changes meet the requirements of the CAA and will not adversely impact air quality or interfere with the State's ability to maintain the National Ambient Air Quality Standards, reasonable further progress, or other CAA requirements.

V. Incorporation by Reference

In this document, 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 Missouri rule 10 CSR 10-6.060 discussed in section I. of this preamble and as set forth below in the amendments to 40 CFR part 52. The purpose of the state regulation is to define sources required to obtain permits to construct and to establish requirements to be met prior to construction or modification of any sources, including procedures for the permitting authority to issue general permits, fees, and public notice requirements. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 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 EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

VI. Statutory and Executive Order Reviews

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

¹ 62 FR 27968, May 22, 1997.

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:

- 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);
- 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 (CRA), 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 22, 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 monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 10, 2026.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

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.*

Subpart AA—Missouri

- 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry "10-6.060" to read as follows:

§ 52.1320 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10-6.060	Construction Permits Required	2/28/2025	4/23/2026, 91 FR [insert Federal Register page where the document begins].	Section 9, pertaining to hazardous air pollutants, is not SIP approved.
*	*	*	*	*