

at Marine Safety Unit Thousand Islands' Waterways Management Division; telephone 315-774-8546, email *SMB-MSUThousandIslands-WaterwaysManagement@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a safety zone in 33 CFR 165.939 for Seneca River Days event in Baldwinsville, NY, from 9:00 p.m. to 10:00 p.m. on June 12, 2026. The regulated area for this event is specified in table 1 to 33 CFR 165.939 at Event (F)(4). This action is being taken to provide for the safety of life on navigable waterways during the events. Vessels must be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the COTP Eastern Great Lakes or his designated representative. Those seeking permission to enter the safety zone may request permission from the COTP Eastern Great Lakes via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the COTP Eastern Great Lakes or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the COTP Eastern Great Lakes determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: May 27, 2026.

**Mathew J. Walter,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Eastern Great Lakes.*

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**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R03-OAR-2025-1872; FRL-12994-02-R3]

### Revisions of the Nonattainment Designation for the 2008 and 2015 Ozone Standards and Clean Data Determinations for the 2008 and 2015 Ozone Standards: Cecil County, MD and New Castle County, DE

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving two separate requests from Maryland and Delaware to revise the designation for the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2008 primary and secondary ozone national ambient air quality standards (NAAQS) and the 2015 primary and secondary ozone NAAQS. Due to the concurrent requests from Maryland and Delaware, the EPA is revising the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area boundary into three distinct nonattainment areas that together cover the identical geographic area of the existing area. The EPA is also issuing clean data determinations (CDDs) for the revised Maryland and Delaware nonattainment areas for both the 2008 and 2015 ozone NAAQS. The EPA is taking this action pursuant to Clean Air Act (CAA) sections 107, 110, 172, and 182.

**DATES:** This final rule is effective on July 6, 2026.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2025-1872. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, e.g., 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 [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

#### FOR FURTHER INFORMATION CONTACT:

Sarah McCabe, Planning & Implementation Branch (3AD30), Air &

Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-5786. Ms. McCabe can also be reached via electronic mail at [mccabe.sarah@epa.gov](mailto:mccabe.sarah@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On January 2, 2026, the EPA published a notice of proposed rulemaking (NPRM) proposing to take several actions regarding the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2008 ozone NAAQS and 2015 ozone NAAQS.<sup>1</sup>

First, under the authority of CAA section 107(d)(3)(D), the EPA proposed to split the identical geographic area of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for both the 2008 and 2015 ozone NAAQS into three separate nonattainment areas: the Cecil County, MD nonattainment area, the New Castle County, DE nonattainment area, and the revised Philadelphia-Atlantic City, PA-NJ nonattainment area. The EPA proposed that the air quality data, emissions and emissions-related data, meteorology, geography/topography, jurisdictional boundaries, and other air quality related considerations, as well as planning and control considerations, support both of the States' requests to reconsider the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area boundary.

Second, pursuant to regulations at 40 Code of Federal Regulations (CFR) 51.1118 and 51.1318, the EPA proposed to issue four CDDs for the proposed Cecil County, MD nonattainment area and proposed New Castle County, DE nonattainment area for the 2008 and 2015 ozone NAAQS.

For additional background information on this action, please refer to the NPRM.

##### II. Summary of Maryland's Redesignation Request and EPA Analysis

On February 13, 2025, Governor Wes Moore and the Maryland Department of the Environment (MDE) submitted a request and accompanying five-factor analysis for the EPA to revise the boundary of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2008 and 2015 ozone NAAQS.<sup>2</sup> Maryland

<sup>1</sup> 91 FR 98 (January 2, 2026).

<sup>2</sup> Maryland's submittal can be found in the docket of this rule using Docket ID No. EPA-R03-OAR-2025-1872.

requested, under CAA section 107(d)(3)(D), to revise the boundary for the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE nonattainment area by splitting it into two distinct nonattainment areas for the 2008 ozone NAAQS and 2015 ozone NAAQS: a Southern Philadelphia nonattainment area encompassing all of Cecil County, MD, and a Central Philadelphia nonattainment area encompassing the existing nonattainment area counties in Delaware, New Jersey, and Pennsylvania. As discussed in section V of this preamble, due to Delaware's similar concurrent request, the EPA is revising the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE nonattainment area into three distinct nonattainment areas.

The rationale for the EPA's actions is explained in the NPRM and its associated technical support document (TSD) and will not be restated here.

### III. Summary of Delaware's Redesignation Request and EPA Analysis

On August 15, 2025, Governor Matt Meyer and the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted a request and accompanying five-factor analysis for the EPA to revise the boundary of the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE nonattainment area for the 2008 and 2015 ozone NAAQS.<sup>3</sup>

Delaware requested, under CAA section 107(d)(3)(D), to revise the boundary for the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE nonattainment area for the 2008 and 2015 ozone NAAQS to create a stand-alone nonattainment area for New Castle County, Delaware. As discussed in section V of this preamble, due to Maryland's similar concurrent request, the EPA is revising the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE nonattainment area into three distinct nonattainment areas.

The rationale for the EPA's actions is explained in the NPRM and its associated technical support document (TSD) and will not be restated here.

### IV. EPA's Response to Comments Received

The EPA's January 2, 2026 NPRM (91 FR 98) opened a public comment period, originally scheduled to close February 2, 2026 and extended by one week (91 FR 2894, January 23, 2026), which closed on February 9, 2026. The

EPA received two identical sets of comments from one commenter. All comments received have been placed in the docket for this action.

A summary of the relevant comments and the EPA's response thereto are provided below.

*Comment 1:* The commenter requests that the EPA better articulate the process and legal standards by which historic nonattainment areas are proposed to be divided into smaller areas, given the regional nature of the ozone problem.

*Response 1:* In the NPRM and the accompanying TSD, the EPA clearly articulated the process and legal standards by which it proposed to divide the former Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE nonattainment area into three distinct smaller areas. The EPA is taking this action under Clean Air Act section 107(d)(3)(D), which states, "The Governor of any State may, on the Governor's own motion, submit to the Administrator a revised designation of any area or portion thereof within the State." In this case, Maryland Governor Wes Moore and Delaware Governor Matt Meyer submitted requests under CAA section 107(d)(3)(D) on February 13, 2025 and August 15, 2025, respectively.

As stated in the NPRM in section IV,<sup>4</sup> restated in section V.A in this preamble, and explained in section II in the TSD,<sup>5</sup> in determining whether to approve or deny a state's request for a revision to the designation of an area under CAA section 107(d)(3)(D), the EPA considers the same factors as when the EPA initiates a revision to a designation of an area on its own motion under CAA section 107(d)(3)(A). These CAA section 107(d)(3)(A) factors include "air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate." Using CAA section 107(d)(3)(A) as a framework and referencing relevant ozone designations guidance, the EPA considers five factors when issuing initial area designations and when evaluating requests under CAA section 107(d)(3)(D): air quality data, emissions and emissions-related data, meteorology, geography/topography, and jurisdictional boundaries.<sup>6</sup> The EPA considered these same factors in its July 15, 2019 approval of Wisconsin's 107(d)(3)(D) request to revise the boundary of an

ozone nonattainment area into two distinct nonattainment areas that together covered the identical geographic area of the existing nonattainment area.<sup>7</sup>

CAA section 107(d)(1)(A)(i) defines "nonattainment" as "any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet)" the NAAQS. The EPA is concluding in this action that the available information, applying the aforementioned factors as discussed in the NPRM and TSD, demonstrates that the Cecil County, MD nonattainment area does not contribute to a violation of the 2008 or 2015 ozone NAAQS in the Philadelphia-Atlantic City, PA–NJ nonattainment area or the New Castle County, DE nonattainment area (there is no violation in this area). Likewise, the EPA finds that the available information, applying the aforementioned factors as discussed in the NPRM and TSD, demonstrates that the New Castle County, DE nonattainment area does not contribute to a violation of the 2008 or 2015 ozone NAAQS in the Philadelphia-Atlantic City, PA–NJ nonattainment area or the Cecil County, MD nonattainment area (there is no violation in this area). For both Cecil County, MD and New Castle County, DE, an analysis of the five recommended factors and a weight-of-evidence approach described in detail in the TSD supports this conclusion. Thus, for reasons outlined in the proposed rule and associated TSD, the EPA has determined that it is appropriate that the three areas be considered separate for implementation and planning purposes.

With respect to the comment's statement that ozone problems are of a regional nature, the EPA notes, in the context of the agency deciding on a CAA section 107(d)(3)(D) request to revise the boundaries of a nonattainment area, that the aforementioned factors are meant to assist the EPA in analyzing whether the portion of the nonattainment area in the requesting state contributes to a violation of the ozone NAAQS elsewhere in the larger nonattainment area. Thus, the five-factor analysis accounts for the regional nature of ozone issues at a local level. More broadly speaking, separate from this action, the New Castle County, DE and Cecil County, MD nonattainment areas will continue to be part of the ozone transport region (OTR) and this final action does not alleviate these areas from OTR requirements outlined in 40

<sup>4</sup> 91 FR 98, 100 (January 2, 2026).

<sup>5</sup> Docket No. EPA–R03–OAR–2025–1872–0022, p. 5.

<sup>6</sup> EPA memorandum titled "Area Designations for the 2015 Ozone National Ambient Air Quality Standards," February 25, 2016, Docket No. EPA–R03–OAR–2025–1872–0020.

<sup>7</sup> See 84 FR 4422, 4423–24 (February 15, 2019) (proposed) and 84 FR 33699 (July 15, 2019) (final).

<sup>3</sup> Delaware's submittal can be found in the docket of this rulemaking using Docket ID No. EPA–R03–OAR–2025–1872.

CFR 51.1116 and 40 CFR 51.1316 in accordance with CAA sections 176A and 184.

*Comment 2:* The commenter states that the proposal makes no mention of CAA section 107(e) or how the EPA may have determined what states are, or are not, significantly affected. The commenter asks the EPA to explicitly state how the proposal satisfies CAA section 107(e). The commenter further requests that interested stakeholders have adequate time to review this process to ensure the proposed redesignations adhere to CAA requirements, specifically those established in CAA section 107(e)(2).

*Response 2:* The EPA disagrees. The EPA is not taking this action under CAA section 107(e), which relates to *Redesignation of air quality control regions* (AQCRs). AQCRs are codified in 40 CFR part 81 subpart B, *Designation of Air Quality Control Regions*.

The EPA is taking this action under CAA section 107(d), *Designations*, and more specifically 107(d)(3)(D), *Redesignation*, which is codified in 40 CFR part 81 subpart C, *Section 107 Attainment Status Designations*. In 40 CFR part 81 subpart C, the EPA is amending 40 CFR 81.308 (Delaware), 81.321 (Maryland), 81.331 (New Jersey), and 81.339 (Pennsylvania). In this final action, the EPA is not proposing to redesignate an AQCR or amend any provision in 40 CFR part 81, subpart B<sup>8</sup> where AQCRs are codified. As such, CAA section 107(e) is not applicable to this rule.

The comment period for the proposal ran from January 2, 2026 to February 9, 2026, which included a 7-day comment period extension. The duration of the comment period provided stakeholders with adequate time to review the proposal and supporting documentation. Furthermore, as the request in the comment for adequate time to review is based on CAA section 107(e)(2) which is inapplicable to this action, the basis for the request is inapplicable.

## V. Final Action

In this rule, the EPA is finalizing six actions. In two separate actions, under the authority of CAA section 107(d)(3)(D), the EPA is approving Maryland's and Delaware's separate requested revisions to the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-

<sup>8</sup> See 40 CFR 81.15 for the counties in the Metropolitan Philadelphia Interstate AQCR (PA-NJ-DE). This AQCR does not encompass the same area nor is it equivalent to the former Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2008 and 2015 ozone NAAQS.

DE nonattainment area. To account for both requests, the EPA is revising the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2008 ozone NAAQS and 2015 ozone NAAQS into three separate nonattainment areas that together cover the identical geographic area of the original nonattainment area. Second, pursuant to regulations at 40 CFR 51.1118 and 51.1318, the EPA is issuing two CDDs for the Cecil County, MD nonattainment area for the 2008 and 2015 ozone NAAQS and two CDDs for the New Castle County, DE nonattainment area for the 2008 and 2015 ozone NAAQS.

### A. Revisions to the Philadelphia Nonattainment Area Boundary

In determining whether to approve or deny a state's request for a revision to the designation of an area under CAA section 107(d)(3)(D), the EPA considers the same factors when the EPA initiates a revision to a designation of an area on its own motion under CAA section 107(d)(3)(A). These CAA section 107(d)(3)(A) factors include "air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate." Using CAA section 107(d)(3)(A) as a framework, the EPA considers five factors when issuing initial area designations and when evaluating requests under CAA section 107(d)(3)(D): air quality data, emissions and emissions-related data, meteorology, geography/topography, and jurisdictional boundaries.<sup>9</sup> Section 107(d)(1)(A)(i) of the CAA defines "nonattainment" as "any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet)" the NAAQS. Therefore, consistent with the statute the EPA will not redraw the boundaries of nonattainment areas where one portion of the area contributes to the nonattainment of another portion of the area.

The EPA is finalizing this rule as proposed. The EPA concludes that the available information demonstrates that the requested Cecil County, MD nonattainment area does not contribute to a violation of the 2015 ozone NAAQS in the remaining Philadelphia-Atlantic

<sup>9</sup> The March 28, 2000, memorandum entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards," the December 4, 2008, memorandum entitled "Area Designations for the 2008 Revised Ozone National Ambient Air Quality Standards," and the February 25, 2016, memorandum entitled "Area Designations for the 2015 Ozone National Ambient Air Quality Standards" can be found in the docket of this rule using Docket ID No. EPA-R03-OAR-2025-1872.

City, PA-NJ nonattainment area or the requested New Castle County, DE nonattainment area. The EPA also concludes that the available information demonstrates that the requested New Castle County, DE nonattainment area does not contribute to a violation of the 2015 ozone NAAQS in the remaining Philadelphia-Atlantic City, PA-NJ nonattainment area or the requested Cecil County, MD nonattainment area.

Thus, the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2008 and 2015 ozone NAAQS, is now split into three distinct nonattainment areas that together cover the identical geographic area of the original area. One of the separate areas, called the "Cecil County, MD Nonattainment Area," consists of Cecil County, MD. The other separate area, called the "New Castle County, DE Nonattainment Area," consists of New Castle County, DE. The revised Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area consists of the remaining existing nonattainment area counties in New Jersey and Pennsylvania, and is called the "Philadelphia-Atlantic City, PA-NJ" nonattainment area.<sup>10</sup>

All areas continue to be designated nonattainment and classified as Marginal for the 2008 ozone NAAQS and classified as Serious for the 2015 ozone NAAQS.

The rationale for the EPA's revisions to the boundary of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area is further explained in the NPRM and its associated TSD.<sup>11</sup>

### B. Clean Data Determinations

In accordance with 40 CFR 51.1118 and 51.1318, the EPA is determining that the Cecil County, MD nonattainment area and New Castle County, DE nonattainment area are attaining the 2008 and 2015 ozone NAAQS. Because the 2015 ozone NAAQS retains the same general form and averaging time as the 2008 ozone NAAQS, but is set at a more protective level, the EPA's analysis for the 2015 ozone NAAQS CDD suffices as a CDD analysis for the less stringent 2008 ozone NAAQS.

The Cecil County, MD nonattainment area CDD is based upon two three-year

<sup>10</sup> The remaining counties making up the Philadelphia-Atlantic City, PA-NJ nonattainment area are: Atlantic County, Burlington County, Camden County, Cape May County, Cumberland County, Gloucester County, Mercer County, Ocean County, and Salem County in New Jersey; and Bucks County, Chester County, Delaware County, Montgomery County, and Philadelphia County in Pennsylvania.

<sup>11</sup> Docket No. EPA-R03-OAR-2025-1872-0022.

periods of complete, quality-assured and certified data for the 2021–2023 and 2022–2024 monitoring periods from the Fair Hill monitor with site ID 24–015–0003. The most recent three-year ozone design value for the Cecil County, MD nonattainment area is 67 parts per billion (ppb), which meets the 2015 ozone NAAQS. Therefore, in this final rule, the EPA is determining that the Cecil County, MD nonattainment area is attaining the 2008 and 2015 ozone NAAQS.

The New Castle County, DE nonattainment area CDD is based upon two three-year periods of complete, quality-assured and certified data for the 2021–2023 and 2022–2024 monitoring periods. There are four Federal Reference Method/Federal Equivalent Method monitors within the New Castle County, DE nonattainment area. Where several monitors are located in a county (or a designated nonattainment area or maintenance area), the design value for the county or area is determined by the monitor with the highest level. The highest most recent three-year ozone design value for the New Castle County, DE nonattainment area is 68 ppb, which meets the 2015 ozone NAAQS. Therefore, in this rule, the EPA is determining that the New Castle County, DE nonattainment area is attaining the 2008 and 2015 ozone NAAQS.

The requirements for MDE and DNREC to submit attainment demonstrations, and associated reasonably available control measures (RACM), reasonable further progress (RFP) plans, contingency measures, and any other planning requirements related to attainment of the 2015 ozone NAAQS for the Cecil County, MD nonattainment area and New Castle County, DE nonattainment area, are suspended unless the EPA rescinds the CDDs due to an area no longer attaining the 2015 ozone NAAQS. Similarly, these same requirements related to attainment of the 2008 ozone NAAQS for the Cecil County, MD nonattainment area and New Castle County, DE nonattainment area, are suspended unless the EPA rescinds the CDDs due to an area no longer attaining the 2008 ozone NAAQS. This rule does not constitute redesignation of the areas to attainment of the 2008 or 2015 ozone NAAQS under section 107(d)(3)(E) of the CAA, nor does it constitute approval of maintenance plans for the areas as required under section 175A of the CAA, nor does it find that the areas have met all other requirements for redesignation. The Cecil County, MD nonattainment area and New Castle County, DE nonattainment area will

remain designated nonattainment for the 2008 and 2015 ozone NAAQS until such time as the States request and the EPA determines that an area meets CAA requirements for redesignation to attainment and takes separate action to redesignate an area.

The rationale for the EPA's clean data determinations is further explained in the NPRM and its associated TSD.

## VI. Statutory and Executive Order Reviews

This final rule finalizes revisions to the boundary of an existing ozone nonattainment area by splitting it into three separate nonattainment areas that together cover the identical geographic area of the original nonattainment area. It also finalizes CDDs for the two new areas in Cecil County, MD and New Castle County, DE resulting from the revisions, which suspend the requirement to submit certain attainment plan requirements for the 2008 and 2015 ozone NAAQS. This rule action does not impose additional requirements. 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 an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant 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 is not a significant regulatory action under Executive Order 12866;
- 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 Clean Air Act.

In addition, this rule 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 3, 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

### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

### 40 CFR Part 81

Environmental protection, Air pollution control, Designations, Intergovernmental relations, Redesignation, Reporting and recordkeeping requirements, Nitrogen dioxide, Ozone, Volatile organic compounds.

**Amy Van Blarcom-Lackey,**  
*Regional Administrator, Region III.*  
**Michael Martucci,**  
*Regional Administrator, Region II.*

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 81 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.*

Subpart I—Delaware

■ 2. Section 52.426 is amended by adding paragraphs (j) and (k) to read as follows:

§ 52.426 Control strategy plans for attainment and rate-of-progress: ozone.

\* \* \* \* \*

(j) Determination of attainment. EPA has determined, as of June 4, 2026, that based on 2022 to 2024 ambient air quality data, the New Castle County, DE 8-hour ozone marginal nonattainment area has attained the 2008 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.1118, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 2008 annual 8-hour ozone NAAQS.

(k) Determination of attainment. EPA has determined, as of June 4, 2026, that based on 2022 to 2024 ambient air quality data, the New Castle County, DE 8-hour ozone serious nonattainment area has attained the 2015 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.1318, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of

the standard for as long as this area continues to meet the 2015 annual 8-hour ozone NAAQS.

Subpart V—Maryland

■ 3. Section 52.1076 is amended by adding paragraphs (kk) and (ll) to read as follows:

§ 52.1076 Control strategy plans for attainment and rate-of-progress: Ozone.

\* \* \* \* \*

(kk) EPA has determined, as of June 4, 2026, that based on 2022 to 2024 ambient air quality data, the Cecil County, MD marginal nonattainment area for the 2008 8-hour ozone national ambient air quality standards (2008 ozone NAAQS) has attained the 2008 ozone NAAQS. This determination, in accordance with 40 CFR 51.1118, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 2008 ozone NAAQS.

(ll) EPA has determined, as of June 4, 2026, that based on 2022 to 2024 ambient air quality data, the Cecil County, MD serious nonattainment area for the 2015 8-hour ozone national ambient air quality standards (2015 ozone NAAQS) has attained the 2015 ozone NAAQS. This determination, in accordance with 40 CFR 51.1318,

suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 2015 ozone NAAQS.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 5. Section 81.308 is amended:

■ a. In the table entitled “Delaware—2008 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry for “Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE: New Castle County” and adding the entry “New Castle County” in its place; and

■ b. In the table entitled “Delaware—2015 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry for “Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE New Castle County” and adding the entry “New Castle County” in its place.

The revisions read as follows:

§ 81.308 Delaware.

\* \* \* \* \*

DELAWARE—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Table with 5 columns: Designated area, Date 1, Type, Date 1, Type. Row 1: New Castle County 2, 7/6/2026, Nonattainment, 6/3/2016, Marginal.4

1 This date is July 20, 2012, unless otherwise noted.

2 Excludes Indian country located in each area, unless otherwise noted.

4 Attainment date is extended to July 20, 2016.

DELAWARE—2015 8-HOUR OZONE NAAQS

[Primary and secondary]

Table with 5 columns: Designated Area 1, Date 2, Type, Date 2, Type. Row 1: New Castle County, 7/6/2026, Nonattainment, 7/30/2024, Serious.

1 Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

2 This date is August 3, 2018, unless otherwise noted.

\* \* \* \* \*

■ 6. Section 81.321 is amended:  
 ■ a. In the table entitled “Maryland—2008 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry for “Philadelphia-Wilmington-Atlantic

City, PA–NJ–MD–DE: Cecil County” and adding the entry “Cecil County” in its place; and  
 ■ b. In the table entitled “Maryland—2015 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry for “Philadelphia-Wilmington-Atlantic

City, PA–NJ–MD–DE Cecil County” and adding the entry “Cecil County” in its place.

The revisions read as follows:

**§ 81.321 Maryland.**

\* \* \* \* \*

**MARYLAND—2008 8-HOUR OZONE NAAQS**  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Cecil County <sup>2</sup>	7/6/2026	Nonattainment	6/3/2016	Marginal. <sup>4</sup>

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>4</sup> Attainment date is extended to July 20, 2016.

**MARYLAND—2015 8-HOUR OZONE NAAQS**  
 [Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Cecil County.	7/6/2026	Nonattainment	7/30/2024	Serious.

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

<sup>2</sup> This date is August 3, 2018, unless otherwise noted.

\* \* \* \* \*

■ 7. Section 81.331 is amended:  
 ■ a. In the table entitled “New Jersey—2008 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry “Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE” and its accompanying subordinate entries and

adding the entry “Philadelphia-Atlantic City, PA–NJ” and accompanying subordinate entries in its place; and  
 ■ b. In the table entitled “New Jersey—2015 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry for “Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE” and its

accompanying subordinate entries and adding the entry “Philadelphia-Atlantic City, PA–NJ” and its accompanying subordinate entries in its place.

The additions read as follows:

**§ 81.331 New Jersey.**

\* \* \* \* \*

**NEW JERSEY—2008 8-HOUR OZONE NAAQS**  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Philadelphia-Atlantic City, PA–NJ <sup>2</sup>		Nonattainment	6/3/2016	Marginal. <sup>3</sup>
Atlantic County				
Burlington County				
Camden County				
Cape May County				
Cumberland County				
Gloucester County				
Mercer County				
Ocean County				
Salem County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Attainment date is extended to July 20, 2016.

NEW JERSEY—2015 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
* Philadelphia-Atlantic City, PA-NJ	.....	Nonattainment	7/30/2024	Serious.
* Atlantic County	.....	.....	.....	.....
* Burlington County	.....	.....	.....	.....
* Camden County	.....	.....	.....	.....
* Cape May County	.....	.....	.....	.....
* Cumberland County	.....	.....	.....	.....
* Gloucester County	.....	.....	.....	.....
* Mercer County	.....	.....	.....	.....
* Ocean County	.....	.....	.....	.....
* Salem County	.....	.....	.....	.....

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.  
<sup>2</sup> This date is August 3, 2018, unless otherwise noted.

\* \* \* \* \*

■ 8. Section 81.339 is amended:  
 ■ a. In the table entitled “Pennsylvania—2008 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry for “Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE” and its accompanying subordinate

entries and adding the entry “Philadelphia-Atlantic City, PA-NJ” and its accompanying subordinate entries in its place; and  
 ■ b. in the table entitled “Pennsylvania—2015 8-Hour Ozone NAAQS [Primary and secondary]” by removing the entry for “Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-

DE” and its accompanying subordinate entries and adding the entry “Philadelphia-Atlantic City, PA-NJ” and its accompanying subordinate entries in its place.  
 The additions read as follows:

**§ 81.339 Pennsylvania.**  
 \* \* \* \* \*

PENNSYLVANIA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* Philadelphia-Atlantic City, PA-NJ <sup>2</sup>	.....	Nonattainment	6/3/2016	Marginal. <sup>4</sup>
* Bucks County	.....	.....	.....	.....
* Chester County	.....	.....	.....	.....
* Delaware County	.....	.....	.....	.....
* Montgomery County	.....	.....	.....	.....
* Philadelphia County	.....	.....	.....	.....

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>4</sup> Attainment date is extended to July 20, 2016.

PENNSYLVANIA—2015 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Philadelphia-Atlantic City, PA-NJ	.....	Nonattainment	7/30/2024	Serious.
Bucks County	.....	.....	.....	.....
Chester County	.....	.....	.....	.....
Delaware County	.....	.....	.....	.....
Montgomery County	.....	.....	.....	.....
Philadelphia County	.....	.....	.....	.....

PENNSYLVANIA—2015 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
*	*	*	*	*

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

<sup>2</sup> This date is August 3, 2018, unless otherwise noted.

\* \* \* \* \*  
[FR Doc. 2026–11169 Filed 6–3–26; 8:45 am]  
BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 70

[EPA–R03–OAR–2025–1614; FRL–13044–02–R3]

### Clean Air Act Title V Operating Permit Program Revision; District of Columbia

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the District of Columbia (DC, the District's) title V operating permits program, submitted on behalf of the District by the Department of Energy and Environment (DOEE). The revision will update the title V operating permit fees collected by DOEE in order to ensure that the title V operating program will continue to be adequately funded. The revision also reorganized some sections in Chapter 3 of 20 District of Columbia Municipal Regulations (20 DCMR) with no substantive change in content. The EPA is approving these revisions to the DC title V program in accordance with the requirements under section 502 of the Clean Air Act (CAA).  
**DATES:** This final rule is effective on July 6, 2026.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2025–1614. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, e.g., 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 [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339. Mr. He can also be reached via electronic mail at [he.yongtian@epa.gov](mailto:he.yongtian@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On January 8, 2026 (91 FR 654), the EPA published a notice of proposed rulemaking (NPRM) for the District of Columbia. In the NPRM, the EPA proposed the approval of a revision to the DC title V program codified in 20 DCMR Chapter 3 to update title V operating permit fees collected by DOEE in order to ensure that the title V operating program will continue to be adequately funded. The formal title V program revision request was submitted by DOEE on May 30, 2024.

DOEE's updated fee collection schedule is designed to ensure sufficient funding for its title V program, in order to cover all reasonable costs required to implement and administer the DOEE Title V Operating Permit Program as required by 40 CFR 70.9(a) and (b). Under 40 CFR 70.9(a), an approved state or local title V operating permits program must require that the owners or operators of 40 CFR part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and ensure that any fee required under 40 CFR 70.9 is used solely for permit program costs. The fee schedule must result in the collection and retention of revenues sufficient to cover the permit program implementation and oversight costs. See 40 CFR 70.9(b).

##### II. Summary of SIP Revision and EPA Analysis

In its May 30, 2024 submittal, DC sought the EPA's approval of its revisions to 20 DCMR Chapter 3 into its title V program. DC's revisions to 20 DCMR Chapter 3 revised fees (section 305) for its title V operating permit program. The revision reorganized three sections in Chapter 3 with no substantive change in content, including section 300 on applicability, section 301 on permit applications, and section 303 on permit issuance, renewal, reopening, and revision. The revision also clarified and resolved errors in the existing regulations, including adding a definition for the term "relevant emission units."

The EPA reviewed DOEE's submittal for consistency with the presumptive minimum fee rate outlined in the September 17, 2024, EPA Office of Air Quality Planning and Standards memorandum, as well as the requirements of 40 CFR 70.9(b)(2), and determined that DOEE met the requirements of CAA section 502. The EPA also determined the submittal is consistent with applicable EPA requirements in the title V operating permit program of the CAA and 40 CFR 70.9 for the collection of sufficient title V fees to cover permit program implementation and oversight costs. This action approves DC's revision of its title V fees in order to ensure the fees collected are sufficient to fund DC's title V program.

Other specific requirements of this revision to the DC title V program and the rationale for the EPA's proposed rulemaking are explained in the NPRM and will not be restated here.

##### III. The EPA's Response to Comments Received

The EPA received two sets of comments on its January 8, 2026 proposed rulemaking to approve revisions to the DC title V program. Both of these comments supported the proposed rulemaking, thus no further response is needed from the EPA. A full