

D. Weighting and Use of Different Testing Methods

17. If both audiometric and objective testing are performed and the results differ, what criteria should be used to determine which result is more reliable? Should one type of test be given greater weight, and if so, based on what evidence? When does objective testing rebut the presumption of hearing loss based on audiometric testing?

18. Are there specific circumstances where objective testing should be required in addition to audiometry (e.g., when results are inconsistent, when test validity is questioned)? What should trigger the need for additional testing?

19. Should objective tests be used as primary evidence of hearing loss, confirmatory evidence, or only in specific circumstances? What does the clinical literature support?

E. Measuring and Calculating Hearing Impairment

20. Does the current edition of the *AMA Guides to the Evaluation of Permanent Impairment* provide an appropriate methodology for calculating hearing impairment based on audiometric results? Are there specific aspects that are problematic for LHWCA hearing loss claims?

21. Can objective test results (ABR, ASSR, OAE, etc.) be meaningfully converted into the hearing impairment percentages calculated under the *AMA Guides* methodology? If so, how? Please provide specific methodologies with supporting evidence.

22. Are there validated alternative methods for calculating hearing impairment from objective test results? Please identify specific methodologies with peer-reviewed support.

23. The *AMA Guides* use specific frequencies (500, 1000, 2000, and 3000 Hz) to calculate hearing impairment. Is this appropriate for occupational noise-induced hearing loss, or should different frequencies be weighted? What does the research literature support?

24. When objective test results (ABR, ASSR) are converted to frequency-specific threshold estimates in dB HL, how closely do they correlate with audiometric thresholds in adults with occupational noise-induced hearing loss? What degree of variation is considered normal, and how should discrepancies be resolved for impairment rating purposes?

F. Economic Impact and Feasibility

25. What would be the economic impact on employers, insurance carriers, and medical providers of requiring or allowing objective testing

methods? Please provide specific cost estimates.

26. What would be the economic impact of potential changes to testing standards on small entities (small employers, small medical practices)? Are there access or cost barriers that would disproportionately affect small entities?

27. What is the technological and economic feasibility of implementing updated hearing loss testing standards, including the potential use of objective testing methods?

G. OTC Hearing Aids: Technology and Capabilities

28. Should OWCP consider the appropriateness of OTC hearing aids as appropriate compensation in hearing loss cases? What should OWCP consider when evaluating OTC versus prescription hearing aids in terms of affordability, ease of use, and capabilities?

Dated: June 8, 2026.

James R. Macy,

Director, Office of Workers' Compensation Programs.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2023-0054; FRL-12607-01-R9]

Approval and Promulgation of Implementation Plans; Arizona; Revisions to the Cleaner Burning Gasoline, Winter Oxygenated Fuel, and Gasoline Set-Aside Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Arizona State Implementation Plan (SIP) submitted by the Arizona Department of Environmental Quality (ADEQ). This revision includes statutes and regulations amending the Cleaner Burning Gasoline (CBG) program, which is a control measure in the greater Phoenix metropolitan area to reduce emissions of ozone-forming pollutants, carbon monoxide (CO), and particulate matter. Additionally, this revision addresses the Winter Oxygenated Fuel program to control CO emissions in the Tucson area. Finally, this revision repeals the Arizona Gasoline Set-aside

(GSA) Program, applicable to the 1971 carbon monoxide nonattainment area covering Maricopa County and a portion of Pima County. The EPA is proposing to approve this SIP revision under the Clean Air Act (CAA or "Act"). This SIP revision is administrative in nature. This action proposes to update the existing SIP-approved CBG program with revisions that have been adopted and implemented by the State to clarify requirements, update references, and enhance flexibility of the program, and it will not impose any additional costs or regulatory burdens. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before July 23, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2023-0054 at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Buss, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone (415) 947-4152 or by email at buss.jeffrey@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us," and "our" refer to the EPA.

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I. Background

Under the CAA, the EPA has promulgated national ambient air quality standards (NAAQS) for certain pervasive air pollutants. The EPA has determined that attainment and maintenance of the NAAQS concentration levels is required to protect public health (*i.e.*, the “primary” NAAQS) and welfare (*i.e.*, the “secondary” NAAQS). Under the CAA, states are required to develop and submit SIPs to implement, maintain, and enforce the NAAQS. The EPA is responsible for designating areas of the country as “attainment,” “nonattainment,” or “unclassifiable” for the various NAAQS. States with nonattainment areas are required to submit revisions to their SIPs that include a control strategy necessary to demonstrate how the area will attain the NAAQS. The EPA assigns each nonattainment area a classification (“Moderate” or “Serious” for CO and particulate matter of ten microns or less (PM₁₀) nonattainment areas and “Marginal,” “Moderate,” “Serious,” “Severe,” or “Extreme” for ozone nonattainment areas), which determines the requirements that will apply to the area.

In 1978 the EPA designated Maricopa County and the Phoenix area portion of Pima County as nonattainment for the 1971 CO NAAQS.¹ In 1986, the EPA disapproved the CO plan submitted by the ADEQ.² In 1988, in response to a lawsuit and court order, the EPA proposed a federal implementation plan (FIP) that required the use of oxygenated gasoline during the winter months in the Phoenix area, among other CO control measures.³ Following the EPA's proposed FIP, ADEQ submitted additional measures to control CO in the Phoenix area, including an oxygenated

gasoline requirement from September 30 through March 31 of each year, a trip reduction program applicable in portions of Pima County, and the GSA program. The EPA approved ADEQ's submittal into the SIP and withdrew its proposed FIP.⁴

Under the CAA Amendments of 1990, the Phoenix area was classified as a Moderate nonattainment area for both ozone and PM₁₀ and a Marginal nonattainment area for CO. In 1996, the Phoenix area was reclassified as a Moderate nonattainment area for CO⁵ and as a Serious nonattainment area for PM₁₀.⁶ Additionally, the Phoenix area was classified as a Moderate nonattainment area for ozone⁷ and later reclassified as a Serious nonattainment area for the 1-hour ozone standards.⁸

CAA section 211(k) requires the use of “reformulated gasoline” (RFG) in nine geographic areas of the United States with the worst ozone pollution at the time of the 1990 CAA Amendments.⁹ RFG is gasoline that meets the requirements of 40 CFR 1090 to reduce emissions of ozone-forming pollutants. States with Marginal, Moderate, Serious, or Severe ozone nonattainment areas are permitted to opt in to the RFG program requirements by application to the EPA.¹⁰

In 1997, the State of Arizona opted into the RFG program for the Phoenix area.¹¹ Later that year, the State submitted a petition to opt out of the program to adopt a more stringent state fuels program, the CBG program. The EPA approved the State's interim CBG program as a revision to the Arizona SIP for the purpose of reducing both ozone and PM₁₀ in February 1998,¹² and we approved the State's opt-out petition in August 1998.¹³

Arizona later extended the CBG program requirements to a larger geographic area referred to as “Area A”¹⁴ and made other revisions to enact the requirements as a permanent program. The EPA approved the State's

revised, permanent CBG program in 2004.¹⁵ In addition to its use as a control measure for ozone and PM₁₀, the permanent CBG program was also approved as a CO control measure.¹⁶

In addition to the CBG program, Arizona adopted a Winter Oxygenated Fuel program in Tucson and adjacent areas in Pima County known as “Area B.”¹⁷ The Winter Oxygenated Fuels program requires gasoline to contain a minimum oxygen content of 1.8 percent by weight from September 30 through March 31 of each year. This measure was enacted in connection with the approval of the 1996 CO limited maintenance plan for the Tucson Air Planning Area (as updated August 1997). The EPA approved this requirement into the SIP in 2000¹⁸ and as part of the area's CO maintenance plan in 2008.¹⁹

II. The State's Submittal

A. What did the State submit?

The statutes and rules included in this SIP submittal include revisions to the State's CBG program and GSA program. These revisions were adopted by the Arizona State Legislature and the Weights and Measures Services Division (WMSD) of the Arizona Department of Agriculture and submitted by ADEQ to the EPA on June 17, 2021.²⁰ Supplemental information was submitted in 2025.²¹ ADEQ is the governor's designee for submitting official revisions of the Arizona SIP to the EPA. Table 1 below identifies the

¹⁵ 69 FR 10161 (March 4, 2004).

¹⁶ *Id.* at 10163.

¹⁷ “Area B” is defined in ARS section 49–541 and includes the area delineated in Pima county as township 11 and 12 south, range 12 through 14 east; township 13 through 15 south, range 11 through 16 east; township 16 south, range 12 through 16 east, excluding any portion of the Coronado national forest and the Saguaro national park.

¹⁸ 65 FR 36353 (June 8, 2000) (corrected at 65 FR 50651 (August 21, 2000)) and 69 FR 12802 (March 18, 2004).

¹⁹ 74 FR 67819 (December 21, 2009).

²⁰ Letter dated June 17, 2021, from Daniel Czecholinski, Director, Air Quality Division, ADEQ, to Deborah Jordan, Acting Regional Administrator, U.S. Environmental Protection Agency Region 9 (submitted electronically June 17, 2021).

²¹ The EPA received multiple submissions from Arizona, which included the initial 2021 submittal and updates in April, June, and July 2025. As described further below, the State's submittal also includes materials related to interim changes to statutes and rules previously submitted in 2013 and 2014. The EPA has not acted on those previous submittals, which are superseded by the current submittal. Material related to the interim changes is not submitted for the EPA's approval. See ADEQ, SIP Revision: 2013–2020 Arizona Cleaner Burning Gasoline Program Update and the Removal of the Gasoline Set-aside Program from the Arizona SIP (Release date: June 17, 2021) (“Staff Report”), Appendix D: Previously Submitted Plans (Not For Approval).

¹ See 53 FR 17378.

² 51 FR 33746 (September 23, 1986).

³ 53 FR 17378 (May 16, 1998).

⁴ 53 FR 30224 (August 10, 1988).

⁵ 61 FR 39343 (July 29, 1996).

⁶ 61 FR 21372 (May 10, 1996).

⁷ 56 FR 56694 (November 6, 1991).

⁸ 62 FR 60001 (November 6, 1997).

⁹ 42 U.S.C. 7545(k)(1)(A), (10)(D).

¹⁰ 42 U.S.C. 7545(k)(6)(A).

¹¹ 62 FR 30260 (June 3, 1997).

¹² 63 FR 6653 (February 10, 1998).

¹³ 63 FR 43046 (August 11, 1998).

¹⁴ “Area A” is defined in Arizona Revised Statutes (ARS) section 49–541 and includes all of the Phoenix 1-hour ozone nonattainment area plus additional areas in Maricopa County to the north, east, and west, as well as small portions of Yavapai County and Pinal County. Area A includes most of the Phoenix-Mesa nonattainment area for the 1997 8-hour ozone standards and other surrounding areas.

statutes and rules reviewed in this proposed rule for approval into and/or removal from the Arizona SIP, with the dates that they became effective locally and the dates that they were submitted by ADEQ.

TABLE 1—SUBMITTED STATUTES AND RULES PROPOSED FOR APPROVAL INTO SIP

Agency	Rule No.	Rule title	State effective date	Submitted
State of Arizona	ARS 3–3401 (1), (2), (4), (17), (19), (20), (22), (24), (27), (28), (29), (32).	Definitions	07/01/16	06/17/21
State of Arizona	ARS 3–3414	Powers and duties; definition	08/03/18	06/17/21
State of Arizona	ARS 3–3415	Enforcement powers of the associate director, agents and inspectors.	07/01/16	06/17/21
State of Arizona	ARS 3–3433	Standards for motor fuel; exceptions.	07/01/16	06/17/21
State of Arizona	ARS 3–3473	Violations; classification; jurisdiction.	07/01/16	06/17/21
State of Arizona	ARS 3–3475	Civil penalties; hearing	07/01/16	06/17/21
State of Arizona	ARS 3–3491	Standards for oxygenated fuel; volatility; exceptions.	08/09/17	06/17/21
State of Arizona	ARS 3–3492	Area A; sale of gasoline; oxygen content.	08/09/17	06/17/21
State of Arizona	ARS 3–3493	Area A; fuel reformulation; rules	08/09/17	06/17/21
State of Arizona	ARS 3–3495	Area B; sale of gasoline; oxygen content.	08/06/16	06/17/21
WMSD	AAC R3–7–101	Definitions	11/10/18	06/17/21
WMSD	AAC R3–7–101	Definitions	11/10/18	06/17/21
WMSD	AAC R3–7–702 (A)(1)–(13), (A)(15).	Material Incorporated by Reference.	11/10/18	07/08/25
WMSD	AAC R3–7–708	Gasoline Oxygenate Blends	10/02/17	07/08/25
WMSD	AAC R3–7–716	Sampling and Access to Records	11/10/18	06/17/21
WMSD	AAC R3–7–749	Definitions Applicable to Arizona CBG and Arizona Reformulated Blendstock for Oxygenate Blending (AZRBOB).	11/10/18	06/17/21
WMSD	AAC R3–7–750	Registration Relating to Arizona CBG or AZRBOB.	10/02/17	06/17/21
WMSD	AAC R3–7–751	Arizona CBG Requirements	11/10/18	06/17/21
WMSD	AAC R3–7–752	General Requirements for Registered Suppliers.	11/10/18	06/17/21
WMSD	AAC R3–7–753	General Requirements for Pipelines and Third-party Terminals.	10/02/17	06/17/21
WMSD	AAC R3–7–754	Downstream Blending Exceptions for Transmix.	10/02/17	06/17/21
WMSD	AAC R3–7–755	Additional Requirements for AZRBOB and Downstream Oxygenate Blending.	11/10/18	06/17/21
WMSD	AAC R3–7–756	Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks.	10/2/17	06/17/21
WMSD	AAC R3–7–757	Product Transfer Documentation; Records Retention.	11/10/18	06/17/21
WMSD	AAC R3–7–759	Testing Methodologies	10/2/17	06/17/21
WMSD	AAC R3–7–760	Compliance Surveys	11/10/18	06/17/21
WMSD	AAC R3–7–761	Liability for Noncompliant Arizona CBG or AZRBOB.	11/10/18	06/17/21
WMSD	AAC R20–2–762	Penalties	10/02/17	06/17/21
WMSD	AAC R3–7 Table A	Test Methods for Arizona CBG and AZRBOB.	10/02/17	06/17/21
WMSD	AAC Title 3, Chapter 7, Article 7, Table 1.	Type 1 Arizona CBG Standards	11/10/18	06/17/21
WMSD	AAC Title 3, Chapter 7, Article 7, Table 2.	Type 2 Arizona CBG Standards	11/10/18	06/17/21

CAA sections 110(a)(1), 110(a)(2), and 110(l) require a state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submittal of a SIP or SIP revision. To meet this requirement,

every SIP submittal should include evidence that adequate public notice was given and that a public hearing (if requested) was held consistent with the EPA's implementing regulations in 40 CFR 51.102.

Attachment A of the ADEQ submittal documents the public process followed by ADEQ in developing, adopting, and submitting this SIP revision. On May 8 and 9, 2021, ADEQ published a notice, in a newspaper of general circulation in

the Phoenix area, of a public hearing to be held on June 8, 2021, and the availability of the draft version for public review and comment. ADEQ conducted the public hearing on June 8, 2021, and received no comments on the draft SIP revision. ADEQ subsequently adopted and submitted the SIP revision to the EPA by a letter dated June 17, 2021. ADEQ has therefore satisfied the applicable statutory and regulatory procedural requirements for adoption and submittal of this SIP revision.

On December 17, 2021, the submittal for the statutes and rules submitted on June 17, 2021, was deemed by operation

of law to meet the completeness criteria in 40 CFR part 51, Appendix V, which must be met before formal EPA review.

B. Are there other versions of these statutes and rules?

Most of the submitted statutes and rules will supersede or replace previously approved versions in the Arizona SIP. See Table 2 below for the statutes and rules that are superseded by approval of the statutes and rules covered in this action and the dates on which the previous versions were approved by the EPA. Table 2 also lists the GSA statutes that are being removed

from the SIP without replacement, along with the dates that they were approved by the EPA. The CBG statutes and rules were renumbered in 2016 to reflect the transfer of the Arizona Department of Weights and Measures into the WMSD within the Arizona Department of Agriculture, and other rule provisions were revised for clarification or stylistic purposes. The Technical Support Document (TSD) for this action includes additional information regarding statutes and rules that are replaced by new provisions included in this submittal.

TABLE 2—EXISTING SIP STATUTES AND RULES PROPOSED FOR REMOVAL

Statute or rule No.	Title	State effective date	SIP approval ^a
ARS 28–2701	Definitions	06/28/88	53 FR 30224 (August 10, 1988), later vacated and restored at 56 FR 3219 (January 29, 1991).
ARS 28–2702	Department Survey	06/28/88	53 FR 30224 (August 10, 1988), later vacated and restored at 56 FR 3219 (January 29, 1991).
ARS 28–2703	Determination of Shortage; Declaration ..	06/28/88	53 FR 30224 (August 10, 1988), later vacated and restored at 56 FR 3219 (January 29, 1991).
ARS 28–2704	State Set-aside Volume	06/28/88	53 FR 30224 (August 10, 1988), later vacated and restored at 56 FR 3219 (January 29, 1991).
ARS 28–2705	Assignment of Set-aside	06/28/88	53 FR 30224 (August 10, 1988), later vacated and restored at 56 FR 3219 (January 29, 1991).
ARS 28–2706	Price	06/28/88	56 FR 3219 (January 29, 1991).
ARS 28–2707	Application	06/28/88	56 FR 3219 (January 29, 1991).
ARS 28–2708	Appeal	06/28/88	56 FR 3219 (January 29, 1991).
ARS 41–2051 (6), (10), (11), (12), (13) ..	Definitions [“Certification,” “Department,” “Diesel fuel,” “Director,” and “E85”].	09/26/08	77 FR 35279 (June 13, 2012).
ARS 41–2065	Powers and Duties	06/11/91	57 FR 8268 (March 9, 1992).
ARS 41–2066	Enforcement powers of the director and inspectors.	10/25/82	53 FR 30224 (August 10, 1988); vacated and restored at 56 FR 3219 (January 29, 1991).
ARS 41–2066 (A)(2)	Enforcement powers of the director and inspectors.	04/20/01	69 FR 10161 (March 4, 2004).
ARS 41–2083	Standards for Motor Fuel; Exceptions	7/18/96	65 FR 36353 (June 8, 2000); corrected 69 FR 12802 (March 18, 2004).
ARS 41–2113 (B)(4)	Violation; Classification; Jurisdiction	08/21/98	69 FR 10161 (March 4, 2004).
ARS 41–2115	Civil Penalties	07/18/00	69 FR 10161 (March 4, 2004).
ARS 41–2121	Definitions	05/18/99	65 FR 36353 (June 8, 2000).
ARS 41–2121 (5)	Definitions [“Gasoline”]	09/19/07	77 FR 35279 (June 13, 2012).
ARS 41–2122	Standards for Oxygenated Fuel; Volatility Exemptions.	07/18/96	65 FR 36353 (June 8, 2000); corrected 69 FR 12802 (March 18, 2004).
ARS 41–2123	Area A; sale of gasoline; oxygen content	08/06/99	69 FR 10161 (March 4, 2004).
ARS 41–2124	Area A; Fuel Reformulation; Rules	07/18/00	69 FR 10161 (March 4, 2004).
ARS 41–2125	Area B; Sale of Gasoline; Oxygen Content.	07/18/96	65 FR 36353 (June 8, 2000); corrected 69 FR 12802 (March 18, 2004).
AAC R20–2–101	Definitions (Administration and Procedures).	06/05/04	77 FR 35279 (June 13, 2012).
AAC R20–2–701	Definitions (Motor Fuels and Petroleum Products).	02/09/01	69 FR 10161 (March 4, 2004).
AAC R20–2–716	Sampling and Access to Records	10/18/99	69 FR 10161 (March 4, 2004).
AAC R20–2–750	Registration Relating to Arizona CBG or	09/22/99	69 FR 10161 (March 4, 2004).
AAC R20–2–751	Arizona CBG Requirements	02/09/01	69 FR 10161 (March 4, 2004).
AAC R20–2–752	General Requirements for Registered Suppliers.	09/22/99	69 FR 10161 (March 4, 2004).
AAC R20–2–753	General Requirements for Pipelines and Third-party Terminals.	09/22/99	69 FR 10161 (March 4, 2004).
AAC R20–2–754	Downstream Blending Exceptions for Transmix.	09/22/99	69 FR 10161 (March 4, 2004).

TABLE 2—EXISTING SIP STATUTES AND RULES PROPOSED FOR REMOVAL—Continued

Statute or rule No.	Title	State effective date	SIP approval ^a
AAC R20–2–755	Additional Requirements for AZRBOB and Downstream Oxygenate.	09/22/99	69 FR 10161 (March 4, 2004).
AAC R20–2–756	Downstream Blending of Arizona CBG with Non-oxygenate Blend-stocks.	09/22/99	69 FR 10161 (March 4, 2004).
AAC R20–2–757	Product Transfer Documentation;	09/22/99	69 FR 10161 (March 4, 2004).
AAC R20–2–758	Adoption of Fuel Certification Models	09/22/99	69 FR 10161 (March 4, 2004).
AAC R20–2–759	Testing Methodologies	02/09/01	69 FR 10161 (March 4, 2004).

C. What is the purpose of the submitted statutes and rules?

The statutes and rules listed above establish Arizona's CBG program at the time ADEQ submitted this SIP revision. The submitted revisions reflect multiple updates to the program, including the following: updates to incorporate the most current standards adopted by ASTM International for gasoline; revisions to allow the use of isobutanol as a fuel additive; allowance of the use of the California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB) Model ²² as an alternative testing method; changes to Reid Vapor Pressure (RVP) standards outside of the summer ozone season; clarifications related to access to sampling records, quality assurance and quality controls for CBG suppliers, pipelines and third party terminals; limitations on the use of methyl tert-butyl ether (MTBE) as an oxygenate; new provisions allowing third party terminals to blend transmix; allowing recertification of CBG blendstock if an oxygenate blender uses an approved oxygenate that differs from the supplier's blending instructions; and updates to the materials incorporated by reference related to the California Predictive Model and the Federal Complex Model. The TSD contains additional information about these changes.

III. The EPA's Evaluation and Action

A. How is the EPA evaluating the submittals?

SIP rules must be enforceable (CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and Reasonable Further Progress (RFP) or other CAA requirements (CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (CAA section 193). Additional CAA requirements apply to

SIP revisions addressing state fuel programs. CAA section 211(c)(4)(A) preempts states from regulating motor fuel characteristics or components where the EPA has adopted a control or prohibition under section 211(c)(1),²³ unless the state control is identical to the federal control. The EPA may waive preemption by approving the state requirements into a SIP. Approval of state fuel controls or prohibitions into a SIP requires the EPA to determine that the program is necessary to achieve NAAQS implemented by the SIP.²⁴

The Energy Policy Act of 2005 (EPAct) amended the CAA by requiring the EPA, in consultation with the Department of Energy (DOE), to determine the total number of fuels approved into all SIPs under section 211(c)(4)(C) as of September 1, 2004, and to publish a list identifying these fuels and the States and Petroleum Administration for Defense Districts (PADD) in which they are used.²⁵ The EPAct also established three additional restrictions on the EPA's authority to waive preemption by approving a state fuel program into a SIP:

- First, the EPA may not approve a state fuel program into the SIP if it would cause an increase in the total number of fuel types approved into SIPs as of September 1, 2004.²⁶
- Second, the EPA is required to make a finding, after consultation with the DOE, that the new fuel will not cause supply or distribution interruptions or have a significant

adverse impact on fuel producibility in the affected or contiguous areas.²⁷

- Third, with the exception of 7.0 psi RVP, the EPA may not approve a state fuel into a SIP unless that fuel type is already approved in at least one SIP in the applicable PADD. CAA Section 211(c)(4)(C)(v)(I), (IV), and (V).²⁸

On December 28, 2006, the EPA published our final interpretation of the EPAct provisions.²⁹ We also determined and published a list of fuels approved into all SIPs under section 211(c)(4)(C) as of September 1, 2004. These state fuels are also known as "boutique fuels." Arizona's CBG appears on the final list as two boutique fuels: a summer blend in effect from May 1 to September 30, and a non-summer blend in effect from October 1 to April 30.³⁰

Generally, SIP revisions to an approved state fuel program that are within the scope of a previous necessity finding do not require another "necessity" demonstration under CAA section 211(c)(4)(C)(i). In addition, revisions that do not result in a "new fuel type" within the meaning of CAA section 211(c)(4)(C) would not implicate the EPAct restrictions. Revisions that do not raise preemption issues under CAA 211(c)(4)(C) or are administrative in nature because they improve and strengthen an existing SIP-approved program by clarifying provisions and updating references do not result in changes to "required specific fuel components, specifications or limits," and thus do not result in a "new fuel type."

B. Do the submittals meet the evaluation criteria?

We have determined that the statutes and rules in the 2021 submittal and 2025 supplements are consistent with CAA requirements and relevant guidance regarding enforceability and SIP revisions. Additionally, the updates to the State's CBG program do not result

²³ The EPA promulgated the regulations for the control and/or prohibition of fuels and additives for use in motor vehicles and motor vehicle engines in then 40 CFR part 80. In 2020, as part of the Fuels Regulatory Streamlining Rule, the EPA redrafted these controls and prohibitions into 40 CFR part 1090. (85 FR 78412). The EPA largely retained the controls and prohibitions set forth in 40 CFR part 80.

²⁴ CAA section 211(c)(4)(C)(i). "Necessary" means that no other measures exist that would bring about timely attainment, or that other measures exist and are technically possible to implement but are unreasonable or impracticable. CAA section 211(c)(4)(C)(i).

²⁵ CAA section 211(c)(4)(C)(v)(II).

²⁶ CAA section 211(c)(4)(C)(v)(I).

²⁷ CAA section 211(c)(4)(C)(v)(IV).

²⁸ CAA section 211(c)(4)(C)(v)(V).

²⁹ 71 FR 78192.

³⁰ See 71 FR 78199.

²² In 2010, the EPA approved an amended version of the CARBOB model into the California SIP. See 75 FR 26653 at 26661.

in a “new fuel” as prohibited under the EPA Act.

CAA section 110(l) states that the EPA cannot approve a SIP revision if it would interfere with any applicable requirement concerning attainment, or RFP, or any other applicable CAA requirement. The revisions submitted by ADEQ are administrative in nature and will not result in increased emissions.

The TSD contains additional discussion of our evaluation, including our specific analyses of how the submitted statutes and rules meet the applicable requirements. Based on our review and evaluation of the 2021 submittal and 2025 supplements, as discussed in our TSD, we are proposing to determine that the statutes and rules submitted for inclusion in the Arizona SIP are consistent with CAA requirements and relevant guidance regarding enforceability and SIP revisions and would not interfere with RFP or attainment of any NAAQS or otherwise modify existing SIP requirements in a way that would reduce overall emissions reductions. Additionally, the State’s elimination of the GSA program and updates to its CBG and winter oxygenated fuel programs regarding fuel characteristics and components are either not preempted or fall within the scope of our previous “necessity” finding as required by CAA section 211(c)(4)(C),³¹ and do not result in any “new fuel” as described in EPA Act 2005. Consequently, we are proposing to approve the submitted revisions amending the CBG program and eliminating the GSA program into the Arizona SIP.

The CBG revisions we propose to approve are administrative in nature. They update the existing SIP-approved program by clarifying provisions, updating references, and enhancing program flexibility and our proposed action will not impose any additional costs or regulatory burdens. We therefore anticipate that our proposed action will have no impact upon the supply or price of gasoline in the Phoenix metropolitan area. Additionally, the requirements of the Arizona CBG program are currently subject to the EPA’s waiver of federal enforcement of state boutique fuel requirements for gasoline.³²

C. EPA Recommendations to Further Improve the Rules

The TSD includes additional recommendations for the next time Arizona modifies the rules. This section of the TSD also describes changes made to the CBG program in 2023 that have revised the regulations relative to the submitted versions. As described in the TSD, our final approval of the current submittal into the SIP will make the submitted regulations federally enforceable regardless of any subsequent changes adopted by Arizona, and the State will be responsible for implementing the rules as approved by the EPA. Our recommendations include a general recommendation for the State to work with the EPA prior to making any further changes to the CBG program, to ensure that subsequent SIP submittals will meet applicable CAA requirements and will be approvable as revisions to the approved program.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until July 23, 2026. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the statutes and rules as identified and described in Section II of this preamble. The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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:

- 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 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 Clean Air Act.

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).

List of Subjects in 40 CFR Part 52

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

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

³¹ 63 FR 6653.

³² Letter dated March 25, 2026, from Lee M. Zeldin, EPA Administrator, to Governors, “Re: National Fuel Waiver to Create Single National Gasoline Pool.” This waiver has subsequently been extended for additional 20-day periods. See EPA, Fuel Waivers, <https://www.epa.gov/gasoline-standards/fuel-waivers>.

Dated: June 9, 2026.

Michael Martucci,

Acting Regional Administrator, EPA Region IX.

[FR Doc. 2026–12551 Filed 6–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2024–0225; FRL–13376–01–R8]

Air Plan Approval; Colorado; RACT Requirements for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to approve portions of Colorado State Implementation Plan (SIP) submittals under the Clean Air Act (CAA) that address SIP obligations related to Reasonably Available Control Technology (RACT) requirements for the 2008 ozone National Ambient Air Quality Standards (NAAQS) for the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado ozone nonattainment area. The EPA is proposing approval of portions of the RACT SIP submittals that address reporting requirements for certain source categories and reorganize certain state air pollution regulations. The EPA is also proposing to find that the State has addressed the EPA's prior limited disapproval.

DATES: Written comments must be received on or before July 23, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2024–0225, to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from <https://www.regulations.gov>. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will

generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

Docket: All documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in <https://www.regulations.gov>. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT:

Adam Clark, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–7104, email address: clark.adam@epa.gov.

SUPPLEMENTARY INFORMATION:

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

I. What action is the EPA proposing to take?

As explained in section V., below, the EPA is proposing to approve various Colorado SIP provisions that the State submitted on April 2, 2025, that address reporting requirements for certain source categories. The EPA is also proposing to approve organizational SIP revisions, specifically the relocation of existing portions of Colorado's Reg. 7 into new standalone regulations, which were submitted by the State on May 23, 2024.

On May 9, 2023, the EPA finalized approval, conditional approval, limited approval, and limited disapproval of different aspects of multiple SIP submittals revising Reg. 7 that were submitted between 2018 through 2022.¹ Of relevance to this proposed action, the EPA finalized a limited disapproval with respect to the adequacy of the

reporting requirements associated with certain provisions identified in the May 9, 2023 final action.²

On May 3, 2024, the State of Colorado resubmitted portions of the prior SIP submissions that were the subject of the limited disapproval and also submitted a letter committing to undertake additional steps to improve reporting requirements and access to compliance information, and to clarify existing SIP reporting requirements (Commitment Letter).³ Specifically, in the Commitment Letter, the State committed to submit SIP revisions to the EPA by May 31, 2025 that would add additional reporting provisions for the following source categories: (1) metal parts and metal products coatings; (2) wood products coatings; (3) combustion equipment at major sources, and; (4) foam manufacturing.⁴

On August 6, 2024, the EPA proposed to conditionally approve the resubmitted SIP based on the State's commitment to add reporting requirements for these four source categories as described in the Commitment Letter.⁵ The EPA proposed to find that the State's commitment, if fulfilled, would address the deficiencies identified in the May 9, 2023 rulemaking that were the basis for the limited disapproval.⁶ The EPA simultaneously issued an interim final determination on August 6, 2024, which deferred the imposition of sanctions that were triggered by the EPA's May 9, 2023 limited disapproval.⁷

On April 2, 2025, Colorado submitted to the EPA a SIP revision intended to

² *Id.* at table 2, 88 FR 29830.

³ “Resubmittal of SIP revisions following Reconsideration. EPA Docket Nos.: EPA–R08–OAR–2022–0632; EPA–R08–OAR–2022–0857; and FRL–10362–02–R8” commitment letter. Available in the docket for this action.

⁴ *Id.* In the Commitment Letter, Colorado also provided additional clarification to demonstrate the adequacy of existing reporting requirements related to the inspection and performance testing of storage tanks and centrifugal compressors as well as for the State's consumer product and Architectural and Industrial Maintenance (AIM) coating rules. This proposed approval does not cover those existing reporting requirements. Rather, the EPA proposed to approve those reporting requirements in our August 6, 2024 proposed approval. See 89 FR 63852.

⁵ 89 FR 63852.

⁶ *Id.* Our August 6, 2024 proposed action also proposed approval of existing reporting requirements related to the inspection and performance testing of storage tanks and centrifugal compressors as well as for the consumer product and AIM coating rules based on the additional information provided by the State in its Commitment Letter. See 89 FR 63852. The EPA intends to take final action on these elements of the August 6, 2024 proposed action in the same final rulemaking document as the provisions covered by this proposed action.

⁷ 89 FR 63818.

¹ Final rule, Air Plan Approval, Conditional Approval, Limited Approval and Limited Disapproval; Colorado; Serious Attainment Plan Elements and Related Revisions for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, 88 FR 29827.