

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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Amy Van Blarcom-Lackey,
Regional Administrator, Region III.

[FR Doc. 2026–14891 Filed 7–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2026–0793; FRL–13420–01–R2]

Approval and Promulgation of State Implementation Plans; New Jersey; RACT Certifications for the 2008 and 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Jersey for purposes of certifying and meeting the requirements for Reasonably Available Control Technology (RACT) for the Serious classification of the 2008 and the

Moderate classification of the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). EPA is also proposing to approve that the SIP revisions fulfill SIP requirements pertaining to the Ozone Transport Region (OTR) for the 2015 Ozone NAAQS. These actions are being taken in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before August 24, 2026.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2026–0793 at <https://www.regulations.gov> (our preferred method), or the other submission methods identified in the link below. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), 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. 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). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

FOR FURTHER INFORMATION CONTACT:

Fausto Taveras, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866; telephone number: (212) 637–3378; email address: taveras.fausto@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents:

- What did New Jersey submit?
- Background
- Summary and Evaluation of New Jersey's RACT Certification
- EPA's proposed action
- Statutory and Executive Order Reviews

I. What did New Jersey submit?

On November 23, 2021, New Jersey submitted a State implementation plan (SIP) revision for purposes of meeting the requirement for Reasonably

Available Control Technology (RACT)¹ for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard) in New Jersey's portion of the New York-Northern New Jersey-Long Island (NY–NJ–CT) nonattainment area (also referred to as the New York Metro Area or NYMA) for the Serious classification. The submittal was also meant to satisfy New Jersey's requirement for Moderate area RACT for the 2015 NAAQS in the NYMA, and the requirements for RACT for the 2015 ozone NAAQS throughout the entire State for its separate RACT obligation within the OTR (CAA section 184(b)(1)(B)). Subsequently on March 3, 2025, New Jersey submitted a comprehensive SIP revision for the purposes of meeting the requirement of RACT for the 2015 Ozone NAAQS in the New Jersey portion of the Philadelphia-Wilmington-Atlantic City (PA–NJ–MD–DE) nonattainment area (also referred to as the Philly Area) for the Moderate classification. This proposed rulemaking addresses only New Jersey's RACT certifications identified in both of New Jersey's November 23, 2021, and March 3, 2025, comprehensive SIP submissions. EPA intends to act on the remaining elements in both SIP submissions in a future separate rulemaking.

II. Background

In 2008, EPA revised the health-based NAAQS for ozone, setting it at 0.075 parts per million (ppm), or 75 parts per billion (ppb), averaged over an 8-hour time frame (73 FR 16436, March 27, 2008). EPA determined that the revised 8-hour standard would be more protective of public health and welfare, especially with regard to children and adults who are active outdoors and individuals with a pre-existing lung disease such as asthma (73 FR 16436 at 73 FR 16450).

On May 21, 2012, EPA published in the *Federal Register* its final attainment/nonattainment designations for areas across the country with respect to the 2008 8-hour ozone standard (77 FR 30088, May 21, 2012). This action became effective on July 20, 2012. Within that action, the entire State of New Jersey was designated as Marginal nonattainment for the 2008 8-hour ozone standard since all portions of the State were included in either the NY–NJ–CT nonattainment area or the Philly

¹ EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979).

Area nonattainment area.² The New Jersey portion of the NYMA is composed of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren Counties. On May 4, 2016, EPA determined that the NYMA nonattainment area did not attain the 2008 ozone standard by the July 20, 2015, attainment date and reclassified it from a Marginal to a Moderate nonattainment area (81 FR 26697, May 4, 2016). State implementation plans for Moderate nonattainment areas were due by January 1, 2017 (81 FR 26697, May 4, 2016). Since the NYMA was reclassified to a Moderate nonattainment area, New Jersey, on January 2, 2018, submitted a comprehensive SIP revision that addressed attainment plan elements for the 2008 8-hour ozone standard for the Moderate classification. Subsequently, the NYMA also failed to meet a July 20, 2018, attainment date for certain Moderate areas. Therefore, on August 23, 2019, EPA published a final rule that reclassified the NYMA, and other States' nonattainment areas, from Moderate to Serious for the 2008 ozone standard (84 FR 44238, August 23, 2019). Since the NYMA was reclassified to a Serious nonattainment area, New Jersey, on November 23, 2021, submitted a comprehensive SIP revision that included attainment plan elements relating to the 2008 8-hour ozone standard for the Serious classification.³ Because the NYMA then failed to meet the July 20, 2021, attainment date for certain Serious areas, EPA published a final rule that reclassified the NYMA, along with other States' nonattainment areas, from Serious to Severe (87 FR 60926, October 7, 2022). This reclassification to Severe resulted in a revised attainment date for the NYMA of July 20, 2027 (87 FR 60926, October 7, 2022). A SIP submittal to address the RACT requirements associated with the Severe classification was due on May 7, 2024 (87 FR 60926 at 87 FR 60931).

On June 4, 2018, EPA finalized certain designations and classifications for the

2015 8-hour ozone NAAQS nationwide, including New Jersey (83 FR 25776, June 4, 2018). The rule designated as a Moderate nonattainment area the New York Metropolitan Area covering, in New Jersey, Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, and designating as a Marginal nonattainment area the Philadelphia–Wilmington–Atlantic City (PA–NJ–MD–DE) area covering, in New Jersey, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties (83 FR 25776 at 83 FR 25819). Additionally, on December 6, 2018, EPA published a final rule outlining requirements for States to follow as they implement the 2015 ozone NAAQS (2015 Ozone Implementation Rule) (83 FR 62998, December 6, 2018). The rule contains RACT requirements similar to those outlined within the 2008 Ozone Implementation Rule. Since the NYMA was classified as a Moderate nonattainment area, New Jersey submitted on November 23, 2021, a comprehensive SIP revision addressing its Reasonably Available Control Technology (RACT) requirements for the 2015 8-hour ozone standard for the Moderate nonattainment requirements and OTR obligations under CAA section 184.⁴ Separately, on October 7, 2022, EPA determined that the Philadelphia–Wilmington–Atlantic City 2015 ozone nonattainment area failed to attain by the August 3, 2021, Marginal attainment date, and published a final rule that reclassified the Philadelphia–Wilmington–Atlantic City nonattainment area, along with other States' nonattainment areas, from Marginal to Moderate (87 FR 60897,

October 7, 2022). Since the Philadelphia–Wilmington–Atlantic City nonattainment area was reclassified to a Moderate nonattainment area, on March 3, 2025, New Jersey submitted a comprehensive SIP revision that included a Moderate RACT certification to address both the NJ–NJ–CT and PA–NJ–MD–DE area's 2015 8-hour ozone NAAQS Moderate attainment plan obligation. On July 25, 2024, EPA granted a voluntary reclassification request under CAA section 181(b)(3) for the NY–NJ–CT nonattainment area for the 2015 ozone NAAQS, which reclassified the area from Moderate to Serious (89 FR 60314, July 25, 2024). Subsequently, on July 30, 2024, EPA granted another voluntary reclassification request under CAA section 181(b)(3) for the PA–NJ–MD–DE nonattainment area for the 2015 ozone NAAQS, which reclassified the area from Moderate to Serious (89 FR 61025, July 30, 2024).⁵ SIP submissions that address the requirements associated with these Serious classifications were due on January 1, 2026 (90 FR 5651, January 17, 2025).

The RACT requirement is not new to New Jersey. The State already has RACT in place due to ozone nonattainment classifications under previous ozone NAAQS. Specifically, most of the counties located within the New Jersey portion of the NYMA for the 2008 ozone NAAQS were previously classified as Severe under the 1979 1-hour ozone NAAQS, and thus were required to implement RACT for all major sources with a potential to emit at least 25 tons per year (tpy) of either volatile organic compounds (VOC) or nitrogen oxides (NO_x) (CAA section 182(d)).⁶ For purposes of the RACT analysis for the 2008 ozone standard, New Jersey retained the 1-hour ozone plan emission

⁴ On September 4, 2025, EPA approved portions of a comprehensive SIP revision submitted by New Jersey on November 23, 2021, which included: (1) Reasonable Further Progress Plan and Motor Vehicle Emission Budgets for New Jersey's portion of the NY–NJ–CT area, addressing the 2008 Ozone NAAQS Moderate and Serious nonattainment classifications, respectively; (2) Certification of the State's New Source Review Program as it relates to New Jersey's portion of the NY–NJ–CT area for the 2008 Ozone NAAQS Serious classification; (3) Certification of the State's New Source Review Program as it relates to New Jersey's portion of the PA–NJ–MD–DE & NY–NJ–CT areas for the 2008 & 2015 Ozone NAAQS; (4) Certification of the State's Emission Statement Program as it relates to New Jersey's portion of the NY–NJ–CT area for the 2008 Ozone NAAQS Serious classification; (5) Certification that New Jersey satisfied the requirements for Clean Fuel for Fleets, pursuant to CAA section 182(c)(4), as it relates to New Jersey's portion of the NY–NJ–CT nonattainment area; (6) Certification of the State's nonattainment emission inventory, pursuant to CAA section 182(a)(1), as it relates to New Jersey's portion of the PA–NJ–MD–DE & NY–NJ–CT areas for the 2008 & 2015 Ozone NAAQS (89 FR 71826, September 4, 2024).

⁵ On June 24th 2026, EPA issued a final rule, under the authority of CAA section 107(d)(3)(D), to approve a request from the States of Maryland and Delaware to revise the Philadelphia nonattainment area. Specifically, the action revises the original 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. In that action, EPA also to issued Clean Data Determinations for the Cecil County, MD nonattainment area and New Castle County, DE nonattainment areas for the 2008 and 2015 ozone NAAQS (91 FR 33610, June 4, 2026).

⁶ The 2008 Ozone NAAQS designation for the New Jersey portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT nonattainment area included Warren County (77 FR 30088, May 21, 2012). Warren County was not included within the New Jersey portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT, nonattainment area for the 1979 Ozone NAAQS. See https://www3.epa.gov/airquality/greenbook/obca.html#Ozone_1-hr.1990.New_York.

² On November 2, 2017, EPA published a final determination that the Philadelphia–Wilmington–Atlantic City, PA–NJ–MD–DE marginal ozone nonattainment area had attained the 2008 ozone NAAQS by the July 20, 2016, attainment date. This determination of attainment was based upon EPA's review of certified air quality data for the 3-year period 2013 to 2015. As a result of this determination, EPA determined that the PA–NJ–MD–DE marginal ozone nonattainment area would not be reclassified for failure to attain by its applicable attainment date pursuant to CAA section 181(b)(2)(A) (82 FR 50814, November 2, 2017).

³ EPA addressed various ozone elements, outlined in New Jersey's comprehensive November 23, 2021, SIP revisions, in a separate rulemaking (89 FR 71826, September 4, 2024).

threshold of 25 tpy or more for either NO_x or VOC for major sources for the entire State, including the New Jersey portions of both the NY-NJ-CT and PA-NJ-MD-DE nonattainment areas (40 CFR 51.905). Further, the State was previously subject to RACT either as part of a Moderate nonattainment classification for previous ozone NAAQS or as part of the OTR (81 FR 26697, May 4, 2016).⁷ Under the 2008 8-hour ozone standard, in areas classified as Moderate or located in the OTR (which includes all of New Jersey), RACT is required for major stationary sources that emit or have the potential to emit 50 tpy for VOC or 100 tpy for NO_x (81 FR 26697 at 81 FR 26704). Meanwhile, under the 2008 8-hour ozone standard for areas classified as Serious, RACT is required for major sources that emit or have the potential to emit 50 tpy of VOC or NO_x (Appendix A to Subpart A of Part 51, Title 40).

Section 182(b)(2) of the CAA requires States to implement RACT in areas classified as Moderate (and higher) nonattainment for ozone, while sections 184(b)(1)(B) and 184(b)(2) of the CAA require VOC RACT in States located in the OTR, and, along with section 182(f), requires NO_x RACT in the OTR. RACT must be implemented for all major VOC and NO_x emission sources and for all sources covered by a control technique guideline (CTG). A CTG is a document issued by EPA which provides recommendations to inform State, local, and Tribal air agencies as to what constitutes RACT for specific VOC sources. States must submit either rules for sources covered by a CTG, or negative declarations if no such sources exist. A related set of guidance documents, Alternative Control Techniques (ACT), exists primarily for NO_x control requirement recommendations. RACT must be imposed on major sources of NO_x, and some of those major sources may be within a sector covered by an ACT document.

On March 6, 2015, EPA published a final rule that outlines the obligations that areas found to be in nonattainment of the 2008 ozone NAAQS need to address (2008 Ozone Implementation Rule) (80 FR 12264, March 6, 2015). This rule contains, among other things, a description of EPA's expectations for States with RACT obligations. The 2008 Ozone Implementation Rule provides that States can meet RACT through the establishment of new or more stringent

requirements that meet RACT control levels, or through a certification that previously adopted RACT controls in the SIP, that were approved by EPA, represent adequate RACT control levels for attainment of the 2008 ozone NAAQS, or a combination of these two approaches. In addition, a State must submit a negative declaration in instances where there are no sources covered by a given CTG.

Additionally, pursuant to the 2008 Ozone Implementation Rule, areas designated as nonattainment for that standard that also remain designated as nonattainment for the 1997 ozone standard must satisfy the anti-backsliding requirements of 40 CFR 51.1105.

III. Summary and Evaluation of New Jersey's RACT Certifications

On November 23, 2021, New Jersey submitted a SIP which included a certification that the State's existing and previously-approved regulations for major sources within the State satisfy the criteria for RACT for purposes of the Moderate classification for the NY-NJ-CT nonattainment area, and statewide RACT obligations tied to the OTR for the 2015 ozone NAAQS. The submittal also contained a certification that the State's regulations, which have been previously approved in the State's SIP, are sufficient to comprise RACT for the NY-NJ-CT nonattainment area's Serious classification for the 2008 ozone NAAQS. On March 3, 2025, New Jersey submitted a SIP revision certifying that its November 2021 RACT SIP for the 2015 8-hour ozone NAAQS (Moderate classification) applies to the New Jersey portions of both the NY-NJ-CT and Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) nonattainment areas. Both New Jersey's November 2021 and March 2025 SIP submissions were made pursuant to CAA sections 182(b)(2), 184(b)(1), and 182(f), and in accordance with EPA's 2018 Ozone Implementation Rule.

On October 9, 2018, EPA approved New Jersey's statewide 2008 NAAQS RACT SIP submission for requirements associated with the Moderate area classification and the OTR (83 FR 50506, October 9, 2018).⁸ Following EPA's approval of New Jersey's statewide 2008 NAAQS RACT SIP submission for requirements associated with the Moderate area classification and the OTR, the NYMA was reclassified to Serious nonattainment

since the area failed to attain the standard by the applicable July 20, 2018, attainment date (84 FR 44238, August 23, 2019). Therefore, under the 2008 8-hour ozone NAAQS Serious classification, RACT is required for major sources that emit or have the potential to emit 50 tpy of VOC or NO_x (Appendix A to Subpart A of Part 51, Title 40).

Within New Jersey's November 23, 2021, RACT submittal, the State notes that prior nonattainment designations for New Jersey's portion of the NYMA under the previous 1979 and 1997 ozone standards resulted in the adoption of stringent controls for major sources of VOC and NO_x, including RACT level controls. Although the entire State is not classified as Severe for the 2008 ozone NAAQS, New Jersey's major source applicability threshold for both VOC and NO_x has been currently maintained at 25 tpy statewide, due to anti-backsliding and the NYMA previously being designated as Severe for the 1979 (1-hour) ozone standard, where the major source threshold is 25 tpy (56 FR 56694, November 6, 1991). In accordance with the 2008 and 2015 Ozone Implementation Rules, much of New Jersey's submittal consists of a review of RACT controls adopted under previous ozone standards and a certification that those previously adopted controls still represent RACT for the Serious and Moderate classifications of the 2008 and 2015 ozone NAAQS, respectively. Specifically, New Jersey conducted its RACT certification by researching New Jersey's Environmental Management System (NJEMS) permitting and emission inventory databases, comparing the existing New Jersey RACT rules with EPA's CTG and ACTs, and comparing the stringency of New Jersey's RACT regulations to those in other OTR States.

Additionally, New Jersey notes that as a member State of the OTR, it continuously coordinates with the Ozone Transport Commission to identify and adopt, as deemed appropriate, regulations on additional VOC and NO_x categories beyond those for which EPA has issued CTGs or ACT documents.

As a part of New Jersey's November 23, 2021, submission, the State provides a certification of VOC and NO_x RACT for non-CTG major sources. In 2009, New Jersey adopted VOC and NO_x RACT for major non-CTG sources located in the State under New Jersey Administrative Code, Title 7, Chapter 27 (N.J.A.C. 7:27) Subchapter 16 and Subchapter 19. Those sources for which EPA guidance was not published, but

⁷ CAA section 184(a) established a single OTR comprising all or part of 12 eastern States and the District of Columbia.

⁸ The Agency noted that New Jersey supplemented its initial June 11, 2015, submission with a December 14, 2017, submittal to address certain CTGs not addressed in the State's initial submittal.

for which the State established RACT, include:

1. High Electric Demand Day boilers serving EGUs [N.J.A.C. 7:27–19.4];
2. High Electric Demand Day turbines serving EGUs [N.J.A.C. 7:27–19.5];
3. Asphalt paving production plants [N.J.A.C. 7:27–19.9];
4. Alternative and facility-specific VOC control requirements [N.J.A.C. 7:27–16.17];
5. Alternative and facility-specific NO_x emission limits [N.J.A.C. 7:27–19.13];
6. Municipal solid waste (MSW) incinerators [N.J.A.C. 7:27–19.12]; and
7. Sewage sludge incinerators [N.J.A.C. 7:27–19.28].

On November 6, 2017, New Jersey amended N.J.A.C. 7:27–16 and N.J.A.C. 7:27–19 to update RACT for the following CTG/ACT categories:

1. Paper, Film, and Foil Coatings [N.J.A.C. 7:27–16.7];
2. Fiberglass Boat Manufacturing Materials [N.J.A.C. 7:27–16.14];
3. Misc. Metal and Plastic Parts Coatings [N.J.A.C. 7:27–16.15];
4. Industrial Cleaning Solvents [N.J.A.C. 7:27–16.24];
5. Stationary Combustion Turbines compressing gaseous fuel [N.J.A.C. 7:27–19.5], and;
6. Stationary Reciprocating Engines compressing gaseous fuel [N.J.A.C. 7:27–19.8];

On October 9, 2018, EPA approved New Jersey's revisions to N.J.A.C. Subchapter 16 and Subchapter 19 as satisfying RACT for the Moderate classification of the 2008 ozone NAAQS, and associated RACT requirements for States located within the OTR (83 FR 50506, October 9, 2018).

As a part of New Jersey's November 23, 2021, submission, the State determined that currently effective emission limits for these source categories still represent RACT for the Moderate classification in the NYMA for the 2015 ozone NAAQS. New Jersey also certifies that the currently effective emission limits also represent RACT for the Serious classification in the NYMA for the 2008 ozone NAAQS. Appendix 11–1 of New Jersey's November 2021 SIP revision presents a detailed technical analysis of the State's NO_x RACT requirements and the justification for recertifying RACT for existing source categories. Specifically, within New Jersey's Appendix 11–1, the State performed a state-to-state RACT analysis and compared presumptive NO_x RACT rule limits for major non-CTG sources located throughout the OTR. Results of the State's analysis showed that New Jersey's presumptive NO_x RACT emission limits for sources including boilers, stationary combustion/reciprocating engines, asphalt pavement production plants, glass manufacturing furnaces, municipal solid waste incinerators, and sewage sludge incinerators were either more stringent or consistent with other States within the OTR. Also, results of the State's comparison RACT analysis displayed that New Jersey's RACT emission standards feature more stringent averaging times compared to other States within the OTR. For example, New Jersey's analysis details that its NO_x RACT regulation for Stationary Combustion Turbine (N.J.A.C. 7:27–19.5) firing natural gas is more stringent

than six other OTR States (CT, DE, MA, MD, PA, VA) and is consistent with three other OTR States (DC, NH, NY). New Jersey notes that its NO_x RACT regulation for Stationary Combustion Turbines was adopted almost a decade prior compared to other States that contain similar NO_x presumptive limits.⁹ Also, in Appendix 11–1, New Jersey presents a technological and economic assessment evaluating whether additional NO_x reductions at various major sources, including Municipal Solid Waste Incinerators and Boilers serving Electric Generating Units, are feasible beyond current implemented and enforced control requirements.

After evaluating its existing RACT regulations and requirements, New Jersey determined that these measures continue to constitute RACT for purposes of the 2008 ozone NAAQS Serious classification, the 2015 ozone NAAQS Moderate classification, and OTR requirements for the 2015 ozone NAAQS. New Jersey certified that its current regulations still comprise RACT for all major sources of NO_x/VOCs and all sources covered by CTGs where there is no negative declaration. New Jersey has implemented RACT controls statewide for all CTGs that EPA has issued, as of time of the State's 2021 submittal, to meet the requirements of the CAA. Table 2 below lists the RACT controls that have been promulgated in N.J.A.C. 7:27, the corresponding CTG or ACT that the control measure addresses, and the corresponding most recent EPA SIP approval dates:

TABLE 2—NEW JERSEY'S RACT REGULATIONS THAT ADDRESS MAJOR SOURCES OF NO_x/VOCs AND SOURCES COVERED BY CTGs/ACTs.

N.J.A.C. 7:27 Subchapter	Title of New Jersey's RACT Regulation	Corresponding CTGs or ACTs	EPA latest approval date
16.2	VOC stationary storage tanks ..	—CTG for Fixed Roof Petroleum Tanks (EPA–450/2–77–036) —CTG for External Floating Roof Tanks (EPA–450/2–78–047) —CTG for Volatile Organic Liquids Storage (EPA–453/R–94–001).	08/03/2010, 75 FR 45483.
16.3	Gasoline transfer operations	—ACT for Batch Processes (EPA–453/R–93–020) —CTG for Stage I Vapor Control System (EPA–450/R–75–102). —CTG for Gasoline Loading Terminal (EPA–450/2–77–026) ... —CTG for Leaks from Gasoline Tank Trucks and Vapor Collection System (EPA–450/2–78–051).	06/18/2020, 85 FR 36748.
16.6	Open top tanks and solvent cleaning operations.	—CTG for Misc. Refinery Sources (EPA–450/2–78–036) —CTG for Solvent Metal Cleaning (EPA–450/2–77–022) —ACT for Halogenated Solvent Cleaners (EPA–450/3–89–030).	11/28/2023, 88 FR 83036.

⁹ Appendix 11–1 of New Jersey's November 23, 2021, SIP submission details how the State reviewed air pollution control permits for 46 existing simple cycle turbines. In its analysis, the State determined that all 46 units have NO_x

controls. Specifically, 26 units representing 57% of the fleet are equipped with selective catalytic reduction (SCR), 6 units are equipped with Dry Low NO_x (DLN) technology, 6 units are equipped with water injection (WI) and 8 units are equipped with

both WI and DLN to control NO_x emissions. All units comply with the New Jersey's federally-approved RACT limits.

TABLE 2—NEW JERSEY'S RACT REGULATIONS THAT ADDRESS MAJOR SOURCES OF NO_x/VOCs AND SOURCES COVERED BY CTGs/ACTs.—Continued

N.J.A.C. 7:27 Subchapter	Title of New Jersey's RACT Regulation	Corresponding CTGs or ACTs	EPA latest approval date
16.7	Surface coating and graphic arts operation.	—ACT for Industrial Cleaning Solvents (EPA-453/R-94-015) —ACT for Industrial Wastewater (No Report ID) —CTG for Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks (EPA-450/2-77-008). —CTG for Surface Coating Metal Furniture (EPA-450/2-77-032). —CTG for Surface Coating Magnet Wire (EPA-450/2-77-033) —CTG for Surface Coating Large Appliances (EPA-450/2-77-034). —CTG for Surface Coating Misc. Metal Parts (EPA-450/2-78-015). —CTG for Surface Coating Flat Wood Panel (EPA-450/2-78-032). —CTG for Graphic Arts—Roto & Flex (EPA-450/2-78-033) —CTG for Wood Furniture Manufacturing (EPA-453/R-96-007). —CTG for Flat Wood Paneling Coatings (EPA-453/R-06-004) —CTG for Lithographic Printing Materials (EPA-453/R-06-002). —CTG for Flexible Packaging Printing (EPA-453/R-06-003) .. —CTG for Paper, Film, and Foil Coatings (EPA 453/R-07-003). —ACT for Surface Coating Plastic Parts (EPA-453/R-94-017) —ACT for Automobile Refinishing (EPA-453/R-94-031)	10/09/2018, 83 FR 50506.
16.12	Surface coating operations at mobile equipment repair and refinishing facilities.	—ACT for Surface Coating Plastic Parts (EPA-453/R-94-017) —ACT for Automobile Refinishing (EPA-453/R-94-031)	08/03/2010, 75 FR 45483.
16.14	Fiberglass boat manufacturing materials.	—CTG for Fiberglass Boat Manufacturing Materials (EPA 453/R-08-004).	10/09/2018, 83 FR 50506.
16.15	Miscellaneous metal and plastic parts coatings.	—CTG for Misc. Metal and Plastic Parts Coatings (EPA 453/R-08-003).	10/09/2018, 83 FR 50506.
16.16	Other Source operations	—CTG for Synthetic Pharmaceutical Product (EPA-450/2-78-029). —CTG for High-Density Polyethylene (EPA-450/3-83-008) —CTG for Air Oxidation Processes in Synthetic Organic Chemical Mfg. Industry (EPA-450/3-84-015). —CTG for Reactors and Distillation in Synthetic Organic Chemical Mfg. Industry (EPA-450/4-91-031). —ACT for Halogenated Solvent Cleaners (EPA-450/3-89-030).	11/28/2023, 88 FR 83036.
16.18	Leak detection and repair	—CTG for Leaks from Refinery Equipment (EPA-450/2-78-036). —CTG for Nat. Gas/Gasoline Process Leaks (EPA-450/3-83-007). —CTG for Synthetic Chemical Mfg. Equip Fugitives (EPA-450/3-83-006).	08/03/2010, 75 FR 45483.
16.19	Application of cutback and emulsified asphalts.	—CTG for Use of Cutback Asphalt (EPA-450/2-77-037)	08/03/2010, 75 FR 45483.
16.20	Petroleum solvent dry cleaning operations.	—CTG for Large Petroleum Dry Cleaners (EPA-450/3-82-009).	08/03/2010, 75 FR 45483.
16.24	Industrial cleaning	—CTG for Industrial Cleaning Solvents (EPA-453/R-06-001)	10/09/2018, 83 FR 50506.
19.4	Boilers serving electric generating units.	—ACT for Utility Boilers (EPA-453/R-94-023)	08/03/2010, 75 FR 45483.
19.5	Stationary combustion turbines	—ACT for Stationary Gas Turbines (EPA-453/R-93-007)	10/09/2018, 83 FR 50506.
19.7	Industrial/commercial/institutional boilers and other indirect heat exchangers.	—ACT for Industrial Commercial & Institutional Boilers (EPA-453/R-94-022).	11/28/2023, 88 FR 83036.
19.8	Stationary reciprocating engines.	—ACT for Stationary RICE (EPA-453/R-93-032)	11/28/2023, 88 FR 83036.
19.10	Glass manufacturing furnaces	—ACT for Glass Manufacturing (EPA-453/R-94-037)	08/03/2010, 75 FR 45483.
23	Prevention of Air Pollution from Architectural Coating Standards.	—ACT for Application of Traffic Markings (EPA-450/3-88-007).	12/22/2010, 75 FR 80340.
24	Consumer products	—N/A	12/22/2010, 75 FR 80340.
26	Prevention of Air Pollution from Adhesives, Sealants, Adhesive Primers and Sealant Primers.	—CTG for Misc. Industrial Adhesives (EPA 453/R-08-005)	12/22/2010, 75 FR 80340.

New Jersey's November 23, 2021, RACT submittal contains a table (see Table 11–2: RACT Certifications Based on Existing USEPA Guidance) listing all the CTG and ACT categories (67 categories in total) and the corresponding State regulations or negative declaration that address the requirements. EPA previously approved and incorporated into the SIP all of the State's regulations identified in Table 11–2 that address CTGs and ACTs.¹⁰

EPA's evaluation of New Jersey's CTG-based VOC RACT regulations is summarized below and described in greater detail in the Technical Support Document (TSD) available in the docket for this action. Within the TSD, an analysis in table format is provided which summarizes each of New Jersey's CTG-based VOC control regulations and compares the State's requirements with the corresponding CTG, similar requirements from neighboring States, and other resources such as EPA's RACT/BACT/LAER clearing house, Menu of Control Measures, New Source Performance Standards, and National Emission Standards of Hazardous Air Pollutants. EPA notes that for many sources, the existing New Jersey rules feature more stringent emission limits and/or lower thresholds of applicability than the recommendations contained in the CTG and ACT documents. New Jersey certifies that its SIP approved regulations represent RACT for the Serious classification of the 2008 ozone Standard, the Moderate classification of the 2015 ozone Standard, and requirements associated with the OTR for the 2015 ozone NAAQS.

As detailed previously, on October 9, 2018, EPA approved New Jersey's statewide 2008 NAAQS RACT SIP submission for requirements associated with the Moderate area classification and the OTR (83 FR 50506, October 9, 2018). Although the entire State is not classified as Severe for the 2008 ozone NAAQS, New Jersey's major source applicability threshold for both VOC and NO_x has been maintained at 25 tpy statewide since 1992. This is due to anti-backsliding provisions required under the Act and the NYMA previously being designated as Severe for the one-hour ozone standard. Therefore, New Jersey certifies that the

RACT analysis and implementation of RACT controls for the 2008 Ozone NAAQS Moderate classification satisfies the requirement of the Serious classification.

In regard to negative declarations, New Jersey reviewed the CTG categories and determined that their previously approved negative declarations remain valid (83 FR 50506, October 9, 2018). In New Jersey's November 2021 submittal, by comparing the list of existing CTGs with New Jersey's effective rules, and researching the NJEMS emission statements and permitting database for source categories by the North American Industry Classification System, the State certifies that there are no sources located within the State that are covered by the following CTGs: (1) Manufacture of Vegetable Oils¹¹ (2) Manufacture of Pneumatic Rubber Tires (EPA–450/2–78–030, Dec. 1978); (3) Aerospace Coatings (EPA–453/R–97–004, Dec. 1997); (4) Shipbuilding and Ship Repair Operations (61 FR 44050, Aug. 27, 1996); (5) Metal Furniture Coatings; (6) Large Appliance Coatings; and (7) Auto and Light Duty Truck Original Equipment Manufacturer Assembly Coatings (EPA 453/R–08–006, Sept. 2008). On May 13, 2019, NJDEP submitted a SIP revision to EPA consisting of a negative declaration of the October 2016 Oil and Natural Gas Control Techniques Guidelines (EPA–453/B–16–001) (2016 Oil and Gas CTG). On May 18, 2020, EPA issued a final approval of New Jersey's negative declaration for the 2016 Oil and Gas CTG (85 FR 29627, May 18, 2020). In this action, EPA is proposing to find that the State's negative declaration for the CTGs listed above remains valid and satisfies the requirements for the 2008 ozone NAAQS Serious classification, the 2015 ozone standard Moderate classification and requirements associated with the OTR for the 2015 ozone NAAQS (83 FR 50506, October 9, 2018 and 85 FR 29627, May 18, 2020). In its March 3, 2025, SIP submission, New Jersey affirms that the negative declarations for the CTGs identified in this section remain valid and applicable to the New Jersey portion of the Philadelphia-Wilmington-Atlantic City

(PA–NJ–MD–DE) 2015 ozone NAAQS Moderate nonattainment area.

Regarding source-specific RACT determinations, New Jersey submits certain source-specific RACT determinations to EPA as SIP revisions. A source-specific RACT determination applies to sources that have obtained a facility-specific emission limit or an alternative emission limit, *i.e.*, variance. A case-by-case RACT analysis is required for sources that are not defined by a specific source category covered by an existing State regulation or are requesting a variance. New Jersey's RACT regulations at N.J.A.C. 7:27 Subchapter 19.13 for NO_x and at Subchapter 16.17 for VOCs outline the process and conditions for granting a source-specific RACT determination. Under the CAA, these individual source-specific RACT determinations are required to be submitted by the State as a SIP revision for EPA's approval. In its November 2021 RACT SIP submittal, New Jersey included Tables 11–3 and 11–4 to list VOC and NO_x major source facilities that are subject to a RACT source-specific SIP revision under the 8-hour Ozone SIP and corresponding type of emission limit, NJDEP approval status of the facility's emission limit, and whether NJDEP submitted the RACT determination as a SIP revision to EPA.

In New Jersey's November 23, 2021 SIP submittal, the State also mentions that many of the facilities that were previously required to submit source-specific RACT determinations currently operate in compliance with updated RACT limits under N.J.A.C. 7:27 Subchapter 16 and Subchapter 19. On October 9, 2018, EPA approved these New Jersey's revisions to N.J.A.C. Subchapter 16 and Subchapter 19 as satisfying RACT for the Moderate classification of the 2008 ozone NAAQS and associated RACT requirements for States located within the OTR (83 FR 50506, October 9, 2018). Therefore, New Jersey included Table 11–5 in its November 2021 RACT SIP submittal, which outlines a list of terminated source-specific limits and control plans for facilities that no longer require a variance due to plant closings, equipment shutdown or replacement, or affected equipment now operating in compliance with revised adopted RACT limits. As a result, New Jersey notes that the number of case-by-case RACT limits has been reduced significantly.¹²

As part of its March 3, 2025, SIP submission, New Jersey updated its

¹⁰ Table 11–2 of New Jersey's November 2021 SIP Submission does not include some EPA approvals for certain rules adopted by the State to address certain CTGs such as the 2006 Industrial Cleaning Solvent CTG, 2007 Paper, Film, and Foil Coatings CTG, 2008 Fiberglass Boat Manufacturing Materials CTG, and the 2008 Miscellaneous Metal and Plastic Parts Coating CTG. EPA approved State rules as satisfying RACT for these CTGs for the Moderate classification, and OTR requirements, of the 2008 ozone NAAQS (83 FR 50506, October 9, 2018).

¹¹ The CTG for the manufacturing of vegetable oils was published in June 1978 (see EPA–450/2–78–035) but in a March 1980 guidance document, entitled "Guidance for the Control of Volatile Organic Compounds Emitted by Ten Selected Source Categories," EPA advised that the "States are not required, at this time, to develop regulations for the vegetable oil manufacturing industry." EPA guidance has not been revised since the March 1980 guidance. At this time, EPA considers the vegetable oil CTG as only guidance for States when they need to develop attainment plans in nonattainment areas.

¹² In New Jersey's November 2021 RACT SIP submission, the State notes that the number of case-by-case RACT variance determinations from facilities has been reduced from 40 to 13.

analysis of source-specific RACT controls statewide; Table 3–1 lists facilities with source-specific RACT conditions and indicates whether controls are pending State/EPA approval or already approved and in effect. EPA's review of Table 3–1 shows several facilities are expected to request termination of Alternative Control Plans, emission limitations, or Facility Specific Emission Limits because the relevant units have been retired or are anticipated to undergo permit renewal. EPA continues its coordination with NJDEP to address the status of remaining source-specific SIPs referenced in Tables 11–3 and 11–4 of the November 23, 2021, SIP submission and Table 3–1 of the March 3, 2025 SIP submission. Once submitted, these source specific SIPs will be addressed in future separate actions.¹³

EPA has reviewed New Jersey's RACT certification demonstration and proposes to determine that the State's regulatory requirements for VOC and NO_x emissions from major sources accomplish a RACT level of control for both pollutants. Regarding the CTG and ACT categories, New Jersey has reviewed previously approved RACT controls and EPA agrees with the State's evaluation that those previously adopted controls still represent RACT for the Serious classification of the 2008 ozone Standard, the Moderate classification of the 2015 ozone Standard, and requirements associated with the OTR for the 2015 ozone NAAQS. Also, the SIP-approved New Jersey RACT rules have more stringent emission limits and/or lower thresholds of applicability than the recommendations contained in the CTG and ACT documents. Since EPA agrees that the regulations which New Jersey has cited as meeting RACT do conform with RACT for the 2015 and 2008 ozone standards, EPA proposes approval of New Jersey's RACT certifications SIP revisions requests dated November 23, 2021, and March 3, 2025.

IV. EPA's Proposed Action

EPA proposes to approve New Jersey's SIP revisions dated November 23, 2021, and March 3, 2025, addressing RACT for: (1) the 2008 8-hour ozone NAAQS in the New Jersey portion of the New York-Northern New Jersey-Long Island Serious nonattainment area; (2) the 2015 8-hour ozone NAAQS (Moderate classification) in the NYMA; (3) the statewide 2015 ozone RACT obligation within the OTR, consistent with CAA

Section 184(b)(1); (4) and the 2015 8-hour ozone NAAQS (Moderate classification) for the New Jersey portion of the Philadelphia-Wilmington-Atlantic City (PA–NJ–MD–DE) Moderate nonattainment area.

EPA is soliciting public comments on the issues discussed in this notice. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the ADDRESSES section of this **Federal Register**.

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, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, Oct. 4, 1993);
- Is not subject to Executive order 14192 (90 FR 9065, Feb. 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, Aug. 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, Apr. 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, this proposed rulemaking pertaining to New Jersey's submissions, is not approved to apply on any Indian reservation land or in any other area where 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, Nov. 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental Protection, Air Pollution Control, Incorporation by Reference, Intergovernmental Relations, Nitrogen Dioxide, Ozone, Reporting and Recordkeeping Requirements, Volatile Organic Compounds.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2026–14923 Filed 7–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2026–1817; FRL–13342–01–R3]

Air Plan Approval; Pennsylvania; Harrisburg-Lebanon-Carlisle-York Maintenance Area, Second 10-Year Maintenance Plan for the 2006 Fine Particulate Matter National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve under the Clean Air Act (CAA), the Second Maintenance Plan for the Harrisburg-Lebanon-Carlisle and York Maintenance Area (Harrisburg-York Area) for the 2006 Fine Particulate Matter national ambient air quality standard (NAAQS) (Second 10-Year Maintenance Plan) as a revision to the state implementation plan (SIP). The SIP revision, submitted on February 7, 2025 by the Pennsylvania Department of Environmental Protection (PADEP), addresses the second 10-year maintenance period for particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (µm), commonly known as

¹³ EPA has approved previous versions of these source-specific determinations. See 40 CFR 52.1570(d).