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.

This proposed approval of Oklahoma's 2026 Regional Haze SIP that contains revisions to Oklahoma's first planning period regional haze source-specific requirements will apply, if finalized as proposed, to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has Tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. This action will not impose substantial direct compliance costs on federally recognized Tribal governments because no actions will be required of Tribal governments. This action will also not preempt Tribal law as no Oklahoma Tribe implements a regulatory program under the CAA, and thus does not have applicable or related Tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (December 7, 2023), the EPA has offered consultation to Tribal governments that may be affected by this action and provided information about this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: August 19, 2026.

Walter Mason,

Regional Administrator, Region 6.

[FR Doc. 2026–17499 Filed 8–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0295; FRL–13322–01–R4]

Air Plan Approval; Kentucky; Louisville Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky through the Energy and Environment Cabinet (Cabinet) on behalf of the Louisville Metro Air Pollution Control District (District) via a letter dated June 3, 2024. The SIP revision consists of a Limited Maintenance Plan (LMP) for the Kentucky portion of the bi-state Louisville, Kentucky-Indiana 1997 8-hour ozone maintenance area (the ''bi-state Louisville Area''). The Kentucky portion of the bi-state Louisville Area includes the Bullitt, Jefferson, and Oldham Counties of Kentucky (the ''Louisville Area''). The EPA is proposing to approve the Louisville Area's LMP because it provides for the maintenance of the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) within the bi-state Louisville Area through the end of the second 10-year portion of the maintenance period. The effect of this proposed action would be to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Louisville Area federally enforceable as part of the Kentucky SIP.

DATES: Comments must be received on or before September 17, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2024–0295 at *https://www.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, 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.*

FOR FURTHER INFORMATION CONTACT: Nelsha Athauda, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404)-562–9360. Ms. Athauda can also be reached via electronic mail at *athauda.nelsha@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this proposed rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple abbreviations and terms in this proposed rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

AQS Air Quality System
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CO Carbon Monoxide
DV Design Value
EPA Environmental Protection Agency
FR Federal Register
KIPDA Kentuckiana Regional Planning and Development Agency
LMP Limited Maintenance Plan
MOVES EPA's MOtor Vehicle Emission Simulator
NAAQS National Ambient Air Quality Standard
NEI National Emissions Inventory
NO_X Nitrogen Oxides
PM_{10} Particulate Matter with an aerodynamic diameter less than 10 microns
ppm Parts per million
RACT Reasonably Available Control Technology
SIP State Implementation Plan
TDM Travel Demand Model
tpsd tons per summer day
VOC Volatile Organic Compounds

Table of Contents

I. Executive Summary

In accordance with the Clean Air Act (CAA or Act), the EPA is proposing to approve the Louisville Area's second 10-year LMP for the 1997 8-hour ozone NAAQS, adopted on June 3, 2024, and submitted to the Agency as a revision to the Kentucky SIP under a letter dated June 3, 2024.

On April 30, 2004, the bi-state Louisville Area, which is composed of Bullitt, Jefferson, and Oldham Counties in Kentucky and Clark and Floyd Counties in Indiana, was designated as nonattainment for the 1997 8-hour ozone NAAQS.[1] Subsequently, on September 29, 2006, the Cabinet submitted a redesignation request and the first 10-year maintenance plan for the Louisville Area. In 2007, the EPA approved the maintenance plan and redesignated the Louisville Area to attainment for the 1997 8-hour ozone NAAQS.[2]

The Louisville Area LMP for the 1997 8-hour ozone NAAQS, submitted by the Cabinet on June 3, 2024, is designed to maintain the 1997 8-hour ozone NAAQS within the Louisville Area through the end of the second 10-year portion of the maintenance period beyond redesignation (through 2027). The EPA is proposing to approve the plan because it meets all applicable requirements under CAA sections 110 and 175A.

II. Background

In 1979, under CAA section 109, the EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period.[3] On July 18, 1997, the EPA revised the primary and secondary NAAQS for ozone[4] to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period.[5]

Following promulgation of a new or revised NAAQS, the EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004, the EPA designated the bi-state Louisville Area, which consists of the Kentucky counties of Bullitt, Jefferson, and Oldham and the Indiana counties of Clark and Floyd, as nonattainment for the 1997 8-hour ozone NAAQS. Those designations became effective on June 15, 2004.[6]

The EPA has revised the ozone NAAQS twice since the 1997 standards were finalized. On July 20, 2012, the EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS. The Louisville Area was designated as attainment for that standard with an effective date of July 20, 2012.[7] On November 16, 2017, the EPA designated areas for the 2015 8-hour ozone NAAQS. The bi-state Louisville Area was designated as nonattainment for the 2015 8-hour ozone NAAQS with an effective date of August 3, 2018.[8] The EPA redesignated the Indiana portion of the bi-state Louisville Area to attainment for the 2015 8-hour ozone NAAQS with an effective date of July 5, 2022.[9]

A State may submit a request that the EPA redesignate a nonattainment area that is attaining a NAAQS to attainment, and, if the area has met the criteria described in CAA section 107(d)(3)(E), the Agency may approve the redesignation request.[10] One of the criteria for redesignation is for the area to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the NAAQS for the period extending ten years after redesignation, and it must contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the NAAQS will be promptly corrected. Eight years after the effective date of redesignation, the State must also submit a second maintenance plan to ensure ongoing maintenance of the NAAQS for an additional ten years pursuant to CAA section 175A(b) (*i.e.,* ensuring maintenance for 20 years after redesignation).

The EPA has published long-standing guidance for States on developing maintenance plans. The Calcagni memo[11] provides that States may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that projected future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory).[12] The EPA clarified in three subsequent guidance memos that certain areas can meet the CAA section 175A requirement to provide for maintenance by showing that they are unlikely to violate the NAAQS in the future, using information such as the area design values[13] when the design values are well below the standard and have been historically stable.[14] The EPA refers to a maintenance plan containing this streamlined demonstration as an LMP.

The EPA has interpreted CAA section 175A as permitting the LMP option because CAA section 175A does not define how areas may demonstrate maintenance, and in the Agency's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, States seeking an LMP must still submit the maintenance plan elements outlined in the Calcagni memo, including an attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, a State seeking an LMP must still submit its section 175A maintenance plan as a revision to its SIP, with all attendant notice and comment procedures. While the LMP guidance memoranda were originally written with respect to certain

[1] *See* 69 FR 23857 (Apr. 30, 2004).

[2] *See* 72 FR 36601 (July 5, 2007).

[3] *See* 44 FR 8202 (Feb. 8, 1979).

[4] *See* 62 FR 38856 (July 18, 1997).

[5] In March 2008, the EPA completed another review of the primary and secondary ozone NAAQS and lowered the level for both to 0.075 ppm. *See* 73 FR 16436 (Mar. 27, 2008). Additionally, in October 2015, the EPA completed another review of the primary and secondary ozone NAAQS and further lowered the level for both to 0.070 ppm. *See* 80 FR 65292 (Oct. 26, 2015).

[6] *See* 69 FR 23858 (Apr. 30, 2004).

[7] *See* 77 FR 30088 (May 21, 2012).

[8] *See* 83 FR 25776 (June 4, 2018).

[9] *See* 87 FR 39750 (July 5, 2022).

[10] CAA section 107(d)(3)(E) sets out the requirements for redesignating a nonattainment area to attainment. They include attainment of the NAAQS, full approval of the applicable SIP pursuant to CAA section 110(k), determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the State has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

[11] John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards (OAQPS), ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' September 4, 1992 (Calcagni memo).

[12] *See* Calcagni memo at page 9.

[13] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone area is the highest design value of any monitoring site in the area.

[14] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001. Copies of these guidance memoranda can be found in the docket for this proposed rulemaking.

NAAQS,[15] the EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.[16]

In this case, the EPA is proposing to approve the Louisville Area's LMP because the Commonwealth has shown that ozone concentrations in the bi-state Louisville Area are well below the 1997 8-hour ozone NAAQS, have been historically stable, and that the Commonwealth has met the other maintenance plan requirements. The Cabinet submitted the LMP for the Louisville Area to fulfill the CAA's second maintenance plan requirement. The EPA's evaluation of the Louisville Area's LMP is presented in section IV of this notice of proposed rulemaking, below.

On September 29, 2006, the Cabinet submitted a request to the EPA to redesignate the Louisville Area, to attainment for the 1997 8-hour ozone NAAQS. This submittal included a plan, for inclusion in the Kentucky SIP, to provide for maintenance of the 1997 8-hour ozone NAAQS in the bi-state Louisville Area through 2017. The EPA approved the Louisville Area maintenance plan and the Commonwealth's request to redesignate the Kentucky portion of the bi-state Louisville Area to attainment for the 1997 8-hour ozone NAAQS, effective August 6, 2007.[17] Kentucky's June 3, 2024, submittal contains the second 10-year maintenance plan for the 20-year maintenance period of the 1997 8-hour ozone NAAQS to ensure continued maintenance for the bi-state Louisville Area.

CAA section 175A(b) requires States to submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for ten additional years following the end of the first 10-year period. However, the EPA's final implementation rule for the 2008 8-hour ozone NAAQS revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[18]

In *South Coast Air Quality Management District* v. *EPA,* the United States Court of Appeals for the District of Columbia Circuit vacated the EPA's interpretation that, because of the revocation of the 1997 8-hour ozone NAAQS, second maintenance plans were not required for ''orphan maintenance areas,'' *i.e.,* areas that had been redesignated to attainment for the 1997 8-hour ozone NAAQS maintenance areas and were designated attainment for the 2008 ozone NAAQS.[19] Thus, States with these ''orphan maintenance areas'' under the 1997 8-hour ozone NAAQS must submit maintenance plans for the second maintenance period. Accordingly, on June 3, 2024, Kentucky submitted a second 10-year maintenance plan for the Louisville Area that shows that the Area is expected to remain in attainment of the 1997 8-hour ozone NAAQS through 2027.

In recognition of the continuing record of relatively stable air quality monitoring data showing ambient 8-hour ozone concentrations in the Louisville Area well below the 1997 8-hour ozone NAAQS, the Cabinet chose the LMP option for the development of the second 1997 8-hour ozone NAAQS maintenance plan.

III. Kentucky's SIP Submittal

As mentioned above, on June 3, 2024, KDAQ submitted the Louisville Area LMP for the 1997 8-hour ozone NAAQS to the EPA as a revision to the Kentucky SIP. The submittal includes the LMP, air quality data, emissions inventory information, and appendices. Appendices to the plan include monitoring data; documentation of public notice and statement of consideration; and public hearing minutes.

IV. The EPA's Evaluation of Kentucky's SIP Submittal

The EPA has reviewed the Louisville Area's LMP, which is designed to maintain the 1997 8-hour ozone NAAQS within the Louisville Area through the end of the 20-year period beyond redesignation, as required under CAA section 175A(b). The following is a summary of the EPA's interpretation of the section 175A requirements [20] and the Agency's evaluation of how each requirement is met for the Louisville Area.

A. Attainment Emissions Inventory

The June 3, 2024, submittal includes an ozone attainment inventory for the Louisville Area that reflects typical summer day emissions in 2019. The submittal also includes a comparison of the 2019 attainment emissions inventory to the 2003 attainment inventory developed for the first 10-year maintenance plan.[21] Comparing these inventories shows an overall decrease in emissions. Table 1 presents a summary of these inventories.

TABLE 1—ATTAINMENT EMISSIONS INVENTORY FOR 2003 AND 2019 IN TONS PER SUMMER DAY (tpsd) FOR THE LOUISVILLE AREA

	NO_X		VOC	
	2003	2019	2003	2019
Bullitt Total:	10.04	5.77	16.95	19.74
Nonpoint	0.11	0.33	3.34	5.03
Nonroad	1.81	0.26	1.77	0.55
Onroad	7.52	3.67	3.74	1.26
Point	0.60	1.51	8.10	12.90
Jefferson Total:	170.76	62.59	80.61	63.05
Nonpoint	0.75	6.88	17.33	30.53
Nonroad	31.94	3.39	14.31	3.66
Onroad	63.29	19.97	25.34	8.41
Point	74.78	32.35	23.63	20.45
Oldham Total:	6.22	2.61	7.01	2.80

[15] The prior memos addressed: unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM_{10} (particulate matter with an aerodynamic diameter less than 10 microns) NAAQS, and nonattainment areas for the carbon monoxide (CO) NAAQS.

[16] *See, e.g.,* 79 FR 41900 (July 18, 2014) (approval of the second ten-year LMP for the Grant County 1971 sulfur dioxide maintenance area).

[17] *See* 72 FR 36601 (July 5, 2007).

[18] *See* 80 FR 12264, 12315 (Mar. 6, 2015).

[19] *South Coast II,* 882 F.3d 1138 (D.C. Cir. 2018).

[20] *See* Calcagni memo.

[21] For more information on the development of the 2003 emissions inventory, *see* 72 FR 20966 (Apr. 27, 2007).

TABLE 1—ATTAINMENT EMISSIONS INVENTORY FOR 2003 AND 2019 IN TONS PER SUMMER DAY (tpsd) FOR THE LOUISVILLE AREA—Continued

	NO_X		VOC	
	2003	2019	2003	2019
Nonpoint	0.07	0.41	2.46	1.56
Nonroad	1.63	0.35	1.54	0.51
Onroad	4.43	1.67	2.29	0.61
Point	0.09	0.18	0.72	0.12
Kentucky Total	187.02	70.97	104.57	85.59

The Attainment Inventory portion of the June 3, 2024, submittal describes the methods, models, and assumptions used to develop the 2019 attainment inventory and indicates that this inventory was developed using the following combination of sources: (1) Data from the 2017 National Emissions Inventory (NEI);[22] (2) Data required to be submitted by sources to the District[23] and the Division;[24] (3) Mobile source modeling, using the Kentuckiana Regional Planning and Development Agency's (KIPDA's) most recent travel demand model (TDM) along with EPA's MOtor Vehicle Emission Simulator (MOVES) version 3.0.3, which was conducted by KIPDA and the District for the Area; and (4) EPA's 2016v2 modeling platform.[25]

Based on the review of the methods, models, and assumptions used by Kentucky to develop the volatile organic compounds (VOC) and oxides of nitrogen (NO_X) estimates, the EPA proposes to find that the June 3, 2024, submittal includes a comprehensive, reasonably accurate inventory of actual ozone precursor emissions in attainment year 2019 and proposes to conclude that the plan's inventories are acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

B. Maintenance Demonstration

The maintenance demonstration requirement is considered to be satisfied in an LMP if the air monitoring data for the area that is well below the level of the NAAQS, that past air quality trends have been shown to be stable, and that the probability of the area experiencing a violation over the second 10-year maintenance period is low.[26] These criteria are evaluated below.

1. Evaluation of Ozone Concentrations

To attain the 1997 8-hour ozone NAAQS, the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations (design value) at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, Appendix I, the 1997 8-hour ozone NAAQS is attained if the design value is 0.084 ppm or below.

There are currently seven ozone monitors in the bi-state Louisville Area, one in Bullitt County, Kentucky; one in Oldham County, Kentucky; three in Jefferson County, Kentucky; one in Clark County, Indiana; and one in Floyd County, Indiana. Data for four air monitoring sites in Jefferson County are reported in the table below due to the relocation of a monitor from Bates Elementary (Air Quality System (AQS) ID: 21–111–0027) to Carrithers Middle School (AQS ID: 21–111–0080) in 2018.[27] Table 2 presents the design values (in ppm) for each monitor in the bi-state Louisville Area over the 2012–2025 period.

TABLE 2—1997 8-HOUR OZONE NAAQS DESIGN VALUES (DV) (ppm) FOR MONITORS IN THE BI-STATE LOUISVILLE AREA FOR THE 2012–2025 TIME PERIOD

County	AQS Site ID	2010–2012 DV	2011–2013 DV	2012–2014 DV	2013–2015 DV	2014–2016 DV	2015–2017 DV	2016–2018 DV	2017–2019 DV	2018–2020 DV	2019–2021 DV	2020–2022 DV	2021–2023 DV	2022–2024 DV	2023–2025 DV
Clark, IN	18–019–0008	0.081	0.078	0.072	0.069	0.070	0.071	0.070	0.067	0.065	0.063	0.063	0.066	0.069	0.071
Bullitt, KY	21–029–0006	0.075	0.072	0.069	0.065	0.066	0.065	0.066	0.064	0.065	0.064	0.064	0.067	0.067	0.068
Jefferson, KY	21–111–0027	0.080	0.077	0.071	0.066	0.069	0.069	(*)	(*)	.....	.....	.....	.....	.....	.....
Jefferson, KY	21–111–0051	0.079	(**)	(**)	(**)	0.069	0.068	0.068	0.066	0.065	0.065	0.065	0.068	0.067	0.067
Jefferson, KY	21–111–0067	0.085	(**)	(**)	(**)	0.074	0.074	0.073	0.071	0.070	0.069	0.070	0.072	0.075	0.075
Oldham, KY	21–185–0004	0.086	0.082	0.074	0.068	0.07	0.068	0.067	0.066	0.065	0.063	0.063	0.065	0.067	0.069
Jefferson, KY	21–111–0080	.....	.....	.....	.....	.....	.....	(*)	(*)	0.067	0.068	0.069	0.070	0.070	0.070
Floyd, IN	18–043–0008	0.079	0.078	0.073	0.066	0.068	0.070	0.073	0.070	0.067	0.064	0.064	***0.066	***0.066	0.070

* The Jefferson County, Kentucky, monitor (AQS Site ID: 21–111–0027) was relocated to a new site (AQS ID: 21–111–0080) before the ozone monitoring season in 2018. As a result, neither site had a valid three-year design value during 2016–2018 and 2017–2019.

** Two Jefferson County, Kentucky, monitors (AQS Site ID: 21–111–0051 and AQS Site ID: 21–111–0067) did not meet completeness criteria in 2013. As a result, neither site had a valid three-year design value during 2011–2013, 2012–2014, and 2013–2015.

*** The Floyd County, Indiana, monitor (formerly AQS Site ID: 18–043–1004) was relocated to a new site (AQS Site ID: 18–043–0008) before the ozone monitoring season in 2023. The EPA approved the combination of data from both sites into a single site data record for the purpose of calculating design values. The design values shown include data from both monitoring sites before and after the relocation.

[22] Documentation and data for the 2017 NEI is available at: *https://www.epa.gov/air-emissions-inventories/2017-national-emissions-inventory-nei-data.*

[23] District Regulation 1.06, available at *https://louisvilleky.gov/air-pollution-control-district/document/regulation106-version-11.*

[24] 401 KAR 52:020, available at *https://apps.legislature.ky.gov/law/kar/401/052/020.pdf and 401 KAR 52:030, available at https://apps.legislature.ky.gov/law/kar/401/052/030.pdf.*

[25] Documentation and data for EPA's 2016v2 modeling platform available at: *https://www.epa.gov/air-emissions-modeling/2016v2-platform.*

[26] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[27] Page 66 of the 2024 Kentucky Annual Ambient Air Monitoring Network Plan describes the purpose and details behind the relocation of the monitor.

In the bi-state Louisville Area, all current design values are below 85 percent of the ozone NAAQS,[28] with the exception of one Jefferson County monitor (AQS ID: 21–111–0067). The Jefferson County monitor's 2025 design value is 0.075 ppm, which is 89 percent of the exceedance levels of the ozone NAAQS. All other monitors in the bi-state Louisville Area are below this 85 percent threshold. Based on the weight of evidence in support of Kentucky's submittal, the EPA is proposing to approve this LMP. No design values in the bi-state Louisville Area have exceeded the 1997 ozone NAAQS during the 2013–2025 time period depicted in Table 2. The design value data shown in Table 2 illustrates an overall downward trend in ozone levels at each monitor over this timeframe, and the 20-year maintenance period beyond redesignation ends in 2027, which leaves only a relatively short amount of remaining time during which significant increases in ozone levels are unlikely based on the data in Table 2. Thus, the probability of the area experiencing a violation during this second maintenance period is low. These aspects of the EPA's proposed approval are discussed in more detail below.

2. Stability of Ozone Levels

As discussed above, the bi-state Louisville Area has maintained ozone concentrations below the 1997 8-hour ozone NAAQS over the past twelve 3-year design value periods. Additionally, the design value data shown in Table 2 illustrates an overall downward trend in ozone levels at each monitor over this timeframe. Over the past eight years, the maximum design value increase was 0.008 ppm, which occurred at the Clark, Indiana, ozone monitor (AQS ID: 18–019–0008) from 0.063 ppm in the 2019–2021 DV and 2020–2022 DV, to 0.071 in the 2023–2025 DV. After adding the maximum design value increase of 0.008 ppm to the maximum most recent design value (0.075 ppm), the resulting 0.083 ppm remains below the 0.084 ppm threshold to attain the 1997 8-hour ozone NAAQS. Additionally, the 20-year maintenance period beyond redesignation ends in 2027, which leaves only a short amount of remaining time during which significant increases in ozone levels are unlikely based on the data in Table 2. As a result, the EPA finds that there is a low probability of the Area violating the 1997 8-hour ozone NAAQS during this second maintenance period.

C. Monitoring Network and Verification of Continued Attainment

The EPA annually reviews the ozone monitoring network that the Cabinet operates and maintains in accordance with 40 CFR part 58. This network is described in the ambient air monitoring network plan that is developed by the Cabinet and submitted to the EPA annually, following a public notification and comment process. For further details on monitoring, the reader is referred to Kentucky's 2025 Ambient Air Monitoring Network Plan. The Cabinet submitted the 2025 Network Plan on July 1, 2025, and it received approval from the EPA on October 28, 2025.[29]

As noted above, the Cabinet's monitoring network in the Louisville Area has been approved by the EPA in accordance with 40 CFR part 58, and the Cabinet has committed to continue to maintain a network in accordance with the EPA requirements. The EPA proposes to find that the Cabinet's monitoring network is adequate to verify continued attainment of the 1997 ozone NAAQS in the bi-state Louisville Area.

D. Contingency Plan

CAA section 175A(d) requires that a maintenance plan include contingency provisions. The purpose of such contingency provisions is to prevent future violations of the NAAQS or to promptly remedy any NAAQS violations that might occur during the maintenance period.

The Louisville Area LMP contingency plan includes tracking and triggering mechanisms to determine when control measures are needed, and a process for developing and adopting appropriate control measures. Specifically, any 8-hour ozone monitoring reading of 0.085 ppm or greater in the bi-state Louisville Area or periodic emissions inventory updates [30] that reveal excessive or unanticipated growth greater than 10 percent in either NO_X or VOC emissions over the attainment inventory for the bi-state Louisville Area will cause the Division to evaluate existing control measures to see if any further emission reduction measures should be implemented at that time. Implementation of necessary controls in response to an initial ''indicator'' will take place as expeditiously as possible, but no later than twelve months from the conclusion of the most recent ozone season (October 31) in which the annual fourth-highest monitored value of 0.085 ppm or greater occurred.

If a three-year average of annual fourth-highest monitored values of 0.085 ppm or greater (*i.e.,* a violation of the standard) occurs within the bi-state Louisville Area, an action level response will take effect. The Division and the District, in conjunction with the metropolitan planning organization or regional council of governments, will determine additional control measures needed to ensure future attainment of the NAAQS for ozone. Appropriate contingency measures will be selected to be in place within twenty-four months of a monitored violation.

The contingency measures chosen will be selected based on their ability to bring the bi-state Louisville Area back into attainment. The LMP contains the following list of potential contingency measures.

- Implementation of a program to require additional emission reductions on stationary sources, including Reasonably Available Control Technology (RACT) for point sources of VOC and NO_X, and, specifically, the adoption of new and revised RACT rules based on Groups II, III, and IV Control Techniques Guidelines;
- Implementation of a program to enhance inspection of stationary sources;
- Implementation of fuel programs, including incentives for alternative fuels;
- Restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles;
- Trip-reduction ordinances;
- Employer-based transportation management plans, including incentives;
- Programs for new construction and major reconstructions of paths or tracks for use by pedestrians or by non-motorized vehicles when economically feasible and in the public interest;
- Implementation of a modern vehicle inspection/maintenance program;
- Implementation of diesel retrofit programs, including incentives for performing retrofits for fleet vehicle operations;
- Additional engine idling reduction programs.

The Louisville Area's LMP includes updates to the list of potential contingency measures in the first 10-year maintenance plan. New potential

[28] *See* ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, OAQPS, dated November 16, 1994.

[29] Kentucky's 2025 Annual Ambient Air Monitoring Network Plan (submitted to the EPA on July 1, 2025) and the EPA's Approval Letter (transmitted by October 28, 2025) are both available in the docket for this proposed action.

[30] The Air Emissions Reporting Rule requires State and local agencies to collect and submit criteria pollutant emissions data to EPA's Emissions Inventory System according to the schedule in 40 CFR 51.30.

contingency measures include additional engine idling reduction programs and the implementation of diesel retrofit programs with incentives for retrofitting fleet vehicles. The second 10-year LMP no longer identifies programs to limit or restrict vehicle use in downtown areas or other high-emission zones during peak periods as potential contingency measures.

The EPA proposes to find that the contingency provisions in Kentucky's second maintenance plan for the Louisville Area for the 1997 8-hour ozone NAAQS meet the requirements of the CAA section 175A(d).

V. Transportation Conformity

Transportation conformity is required by CAA section 176(c). Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.[31] The EPA's transportation conformity rule at 40 CFR part 93, subpart A, requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether they conform.

Due to the decision in *South Coast Air Quality Management* v. *EPA,* transportation conformity is not required for the Louisville Area for the 1997 NAAQS as the entire 1997 Area is encompassed by the nonattainment area for the 2015 8-hour ozone NAAQS. Therefore, a demonstration for the less stringent 1997 ozone NAAQS is unnecessary.

The Louisville 2015 NAAQS Area needs to continue to meet all applicable requirements of the transportation conformity regulations, including the need for a regional emissions analysis and comparison of the results of the regional emissions analysis to the applicable motor vehicle emissions budgets for the 2015 ozone NAAQS. The approved 1997 ozone NAAQS budgets will be used to demonstrate conformity for the 2015 ozone NAAQS until budgets for the 2015 ozone NAAQS are deemed adequate or approved for the Kentucky portion of the Louisville Area.[32] [33]

VI. Proposed Action

Under CAA sections 110(k) and 175A and for the reasons set forth above, the EPA is proposing to approve the Louisville Area LMP for the 1997 8-hour ozone NAAQS, submitted by the Cabinet on June 3, 2024, as a revision to the Kentucky SIP. The EPA is proposing to approve the Louisville Area LMP because it includes an acceptable update of the various elements of the 1997 8-hour ozone NAAQS maintenance plan approved by the Agency for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions).

The EPA also finds that the Louisville Area qualifies for the LMP option and that, therefore, the Louisville Area LMP adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing design values well below the NAAQS and continuation of existing control measures. The EPA believes that the Louisville Area LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the bi-state Louisville Area over the remainder of the second 10-year maintenance period, through 2027, and thereby satisfies the requirements for such a plan under CAA section 175A(b).

VII. 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.[34] 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 proposed 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, 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 CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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.*

Dated: August 20, 2026.

Kristy Eubanks,

Deputy Regional Administrator performing the functions and duties of the Regional Administrator, Region 4.

[FR Doc. 2026–17501 Filed 8–26–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0440; FRL–13324–01–R4]

Air Plan Approval; Kentucky; Cincinnati-Hamilton Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to approve a State

[31] *See* CAA 176(c)(1)(A) and (B).

[32] Budgets for the 2015 8-hour ozone NAAQS were deemed adequate and approved for the Indiana portion of the Louisville Area. *See* 87 FR 39750.

[33] *See* 40 CFR 93.109(c)(2).

[34] *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a).