

is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 7, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Interstate transport of pollution, Sulfur oxide.

Dated: September 30, 2026.
Walter Mason, Regional Administrator,
Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart LL—Oklahoma

■ 2. In § 52.1920(e), the table titled “EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Oklahoma SIP” is amended by adding the entry “Interstate transport for the 2010 SO₂ NAAQS (contribute to nonattainment or interfere with maintenance)” at the end of the table to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Interstate transport for the 2010 SO ₂ NAAQS (contribute to nonattainment or interfere with maintenance).	Statewide	05/28/2021	10/8/2026, 91 FR [IN-SERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approval for 110(a)(2)(D) (i)(I). Adequate provisions prohibiting emissions which will contribute significantly to nonattainment in or interfere with maintenance of the 2010 SO ₂ NAAQS in any other State.

* * * * *

[FR Doc. 2026–20640 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2026–0793, FRL–13420–02–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: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving 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). The EPA is also approving 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: This final rule is effective on November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2026–0793. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Fausto Taveras, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866, at (212) 637–3378, or by email at Taveras.Fausto@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this final rule, the use of “we,” “us,” or “our” is intended to refer to the EPA. We use multiple abbreviations and terms in this final 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:

ACT—Alternative Control Techniques
ASNCR—Advanced Selective Non-Catalytic Reduction
BACT—Best Available Control Technology
CAA—Clean Air Act
CBI—Confidential Business Information
CTG—Control Techniques Guidelines
EG—Emission Guideline
EPA—Environmental Protection Agency
FR—Federal Register
LAER—Lowest Achievable Emission Rate
LN—Low NO_x
MACT—Maximum Achievable Control Technology
MWC—Municipal Waste Combustors
NAA—Nonattainment Area
NAAQS—National Ambient Air Quality Standards
N.J.A.C.—New Jersey Administrative Code
NJDEP—New Jersey Department of Environmental Protection
NO_x—Nitrogen Oxides
NSPS—New Source Performance Standards
NYMA—New York Metropolitan Area
OTC—Ozone Transport Commission
OTR—Ozone Transport Region
PBI—Proprietary Business Information
PPMVD—Parts Per Million by Volume, Dry

RACT—Reasonably Available Control Technology
 SIP—State Implementation Plan
 TSD—Technical Support Document
 VOC—Volatile Organic Compounds

Table of Contents

- I. Executive Summary
 - A. *What action is the EPA taking?*
 - B. *What is the legal authority and what are the requirements?*
- II. Background
- III. Summary of New Jersey's Submittal
- IV. The EPA's Evaluation of New Jersey's Submittal
- V. Comments the EPA Received on its Proposed Action
- VI. Statutory and Executive Order Reviews

I. Executive Summary

A. *What action is the EPA taking?*

The EPA is approving 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, consistent with CAA section 182(c); (2) the 2015 8-hour ozone NAAQS (Moderate classification) in the NYMA, consistent with CAA section 182(b)(2); (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, consistent with CAA section 182(b)(2). The EPA has reviewed New Jersey's RACT certification demonstration and determined that the State's regulatory requirements for Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) emissions from major sources accomplish a RACT level of control for both pollutants.

B. *What is the legal authority and what are the requirements?*

The EPA finds that New Jersey's SIP contains adequate provisions addresses the requirements of CAA sections 172(c)(1), 182(b)(2), 182(c), 182(f), and 184(b)(1)(B).

II. Background

On July 23, 2026, the EPA proposed to approve a SIP revision submitted by the State of New Jersey on November 23, 2021, for purposes of meeting the requirement for RACT¹ for the 2008 8-

hour Ozone NAAQS 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.² The EPA also proposed to approve that same submittal for meeting New Jersey's RACT requirements for the 2015 8-hour ozone NAAQS in the NYMA and for meeting the State's requirements for statewide RACT for the 2015 8-hour ozone NAAQS within the Ozone Transport Region (OTR). In the July 2026 proposed rulemaking, the EPA also proposed to approve New Jersey's March 3, 2025, RACT certification submitted for the New Jersey portion of the Philadelphia–Wilmington–Atlantic City (PA–NJ–MD–DE) 2015 ozone NAAQS Moderate nonattainment area.³ The State's January 2021 and March 2025 SIP submittals consisted of a RACT certification demonstration that New Jersey continues to meet the RACT requirements for the two precursors for ground-level ozone, *i.e.*, NO_x and VOCs, set forth by the CAA with respect to the 2008 and 2015 8-hour ozone standards. Therefore, the EPA proposed to approve New Jersey's January 2021 and March 2025 RACT SIP submittals as it applies to non-control technique guideline (non-CTG) major sources of VOCs, Control Technique Guidelines (CTG) sources of VOCs and to major sources of NO_x.

In New Jersey's November 23, 2021, RACT submittal for the Serious classification of the 2008 ozone standard, Moderate classification for the 2015 ozone Standard, and OTR requirements related to the 2015 ozone NAAQS, New Jersey recertified that its previously approved negative declaration for various CTGs remain valid. New Jersey certified that there are no sources located in the State for the following CTGs: (1) Manufacture of Vegetable Oils;⁴ (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;⁵ (5) Metal Furniture Coatings (EPA 453/R–07–005, Sep. 2007); (6) Large Appliance Coatings (EPA 453/R–07–004, Sept. 2007); and (7) Auto and Light Duty Truck Original Equipment Manufacturer Assembly Coatings (EPA 453/R–08–006, Sep. 2008). On May 13, 2019, New Jersey Department of Environmental Protection (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.⁶ In the July 23, 2026, notice of proposed rulemaking, the EPA proposed that the State's negative declaration for the CTGs listed above remain 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. 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–Atlantic City (PA–NJ) 2015 ozone NAAQS Moderate nonattainment area. In this action, the EPA is approving 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.⁷

III. Summary of New Jersey's Submittal

The specific details of New Jersey's SIP submittals are not restated in this final action. For this detailed information, the reader is referred to the EPA's July 23, 2026, proposed rulemaking.⁸

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.

⁵ See 61 FR 44050 (August 27, 1996).

⁶ See 85 FR 29627 (May 18, 2020).

⁷ See 83 FR 50506 (October 9, 2018), 85 FR 29627 (May 18, 2020), and 40 CFR 52.1582(q).

⁸ See 91 FR 46351 (July 23, 2026).

¹ The 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).

² See 91 FR 46351 (July 23, 2026).

³ On June 4th, 2026, the 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. This action resulted in New Jersey being included within the revised Philadelphia–Atlantic City, PA–NJ, 2008 and 2015 8-hour ozone nonattainment area (91 FR 33610, June 4, 2026). For the remainder of this notice, only the Philadelphia–Atlantic City, PA–NJ, 2008 and 2015 8-hour ozone nonattainment area consistent with 40 CFR part 81.331 is referenced in regard to New Jersey's RACT certification.

⁴ The CTG for the manufacturing of vegetable oils was published in June 1978 (see EPA–450/2–78–

IV. The EPA's Evaluation of New Jersey's Submittal

The rationale for the EPA's approval action is explained in the EPA's proposed rulemaking and is not restated in this final action. For this detailed information, the reader is referred to the EPA's July 23, 2026, proposed rulemaking.⁹

V. Comments the EPA Received on its Proposed Action

During the 30-day public period, the EPA received two comments in response to the EPA's July 23, 2026, proposed rulemaking on New Jersey's SIP revision submittal.¹⁰ The EPA received comments from a private citizen that were submitted to strengthen the record in support of approval, rather than to oppose it, and that requested clarification of certain aspects of New Jersey's 2008 and 2015 ozone RACT certifications in the State's November 23, 2021, and March 3, 2025, SIP revisions. Separately, the EPA received consolidated comments from Camden for Clean Air, Center for Environmental Transformation, Ironbound Community Corporation, New Jersey Environmental Justice Alliance, and Earthjustice, that were submitted to oppose the EPA's July 23, 2026, proposed action.¹¹ Following review of the comments received, the EPA has determined that these comments warrant a response. The relevant comments are summarized below and followed by an EPA response. The specific comments may be viewed under Docket ID Number EPA-R02-OAR-2026-0793 on the <https://regulations.gov> website.

Comment 1

A comment from a private citizen was offered to strengthen the record for the EPA's approval of New Jersey's 2008 and 2015 ozone RACT certification. Separately, the commenter notes that New Jersey's RACT control program is among the more stringent program within the Ozone Transport Region. Specifically, the commenter requests that the EPA provided the following clarifications on New Jersey's 2008 & 2015 Ozone RACT certifications: (1) that the EPA place in the docket a category-by-category table listing each Control Techniques Guidelines/Alternative Control Techniques (CTG/ACT) category, the relevant New Jersey Administrative Code provisions, the date of its last substantive revisions, and a comparison to current recommended

control levels, and a verification of State's negative declarations for relevant CTG/ACT document; (2) provide clarity in regards to New Jersey's separate obligations to address RACT requirements for the Severe-classification of the 2008 ozone NAAQS that were due May 7, 2024, and to address RACT requirements for the Serious-classification of the 2015 ozone NAAQS that were due January 1, 2026; and (3) identify where the SIP's monitoring, recordkeeping, and reporting provisions are for New Jersey's RACT regulations for each covered category, and whether these provision address Ozone Transport Region requirements.

Response 1

The EPA acknowledges the commenter's support of the EPA July 23, 2026, proposed rule. To address the commenter's first request, the EPA notes that a Technical Support Document (TSD) was already prepared as part of the proposed rulemaking and is available in the docket for this action. The TSD addresses the commenter's request by providing EPA's technical evaluation of New Jersey's CTG-based VOC RACT regulations. This TSD is available in the docket for this rulemaking.¹² Specifically, the TSD outlines the EPA expanded evaluation of New Jersey's November 23, 2021, and March 3, 2025, RACT certification SIP submittals for the 2008 and 2015 ozone NAAQS, and was developed consistent with the EPA's December 19, 2024, "Ozone NAAQS Resource Document: Due Diligence Review Framework for Air Agencies Developing RACT SIP Revisions."¹³ Specifically, the TSD analysis presents tabular comparisons of New Jersey's CTG-based VOC regulations to the underlying CTGs and to analogous rules in New York and Pennsylvania, while also cross-references EPA's RACT/BACT/LAER Clearinghouse and EPA Menu of Control Measures, and identifies related New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants, where applicable. Within this TSD, the EPA identifies occasions where the existing New Jersey VOC regulations feature more stringent emission limits, controls, and/or lower thresholds of applicability than the recommendations contained in the CTG documents and from neighboring OTR States.¹⁴ Separately,

Table 2 of the EPA's July 23, 2026, proposed rulemaking identifies the relevant RACT controls regulations that have been promulgated by NJDEP and identifies the corresponding CTG or ACT that the control measure addresses, and the corresponding most recent EPA SIP approval consistent with the commenter's request.¹⁵ In addition to this, in Appendix 11–1 of New Jersey's November 23, 2021, SIP submission, 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. Within Appendix 11–1, New Jersey also 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. A copy of New Jersey's Appendix 11–1 is also provided in the docket of this rulemaking.¹⁶

Regarding the commenter's second clarification request, the EPA's proposed July 23, 2026, rulemaking proposed to determine that New Jersey has satisfied the following specific Clean Air Act obligations: (1) the 2008 8-hour ozone NAAQS requirements for the New Jersey portion of the New York-Northern New Jersey-Long Island Serious nonattainment area, consistent with CAA section 182(c); (2) the 2015 8-

Emission Inventory to verify New Jersey's CTG negative declarations submitted within the State's November 23, 2021, and March 3, 2025, SIP revisions. Following this assessment, the EPA has verified that New Jersey's negative declaration for the CTGs outlined in this action 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. See <https://www.regulations.gov/document/EPA-R02-OAR-2026-0793-0001>.

¹⁵ EPA approval dates for various New Jersey VOC and NO_x regulations revisions vary from 2010, 2018, 2020, and 2023.

¹⁶ See <https://www.regulations.gov/document/EPA-R02-OAR-2026-0793-0005>.

¹² See EPA-R02-OAR-2026-0793.

¹³ <https://www.epa.gov/ground-level-ozone-pollution/resource-document-air-agencies-developing-ract-sip-revisions-ozone>.

¹⁴ While developing this TSD, the EPA conducted a thorough assessment of the 2020 National

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

hour ozone NAAQS requirements for the New York Metropolitan Area (Moderate classification), consistent with CAA section 182(b)(2); (3) the statewide 2015 ozone RACT obligation within the Ozone Transport Region, consistent with CAA section 184(b)(1); and (4) the 2015 8-hour ozone NAAQS requirements for the New Jersey portion of the Philadelphia-Atlantic City Moderate nonattainment area, consistent with CAA section 182(b)(2).¹⁷

As explained in the July 2026 proposal, New Jersey also has outstanding obligations to submit additional RACT certifications for the New Jersey portions of the NY-NJ-CT nonattainment area for the 2008 ozone NAAQS, consistent with CAA section 182(d), and for the NY-NJ-CT and PA-NJ nonattainment areas for the 2015 ozone NAAQS, consistent with CAA section 182(c).¹⁸ The EPA continues to coordinate with NJDEP regarding the status of these outstanding RACT certifications, which will be addressed in future actions once submitted.

Regarding the commenter's third clarification request, the reporting, monitoring, and recordkeeping provisions associated with New Jersey's VOC CTG-based regulations are contained under Title 7, Chapter 27, of New Jersey's Administrative Code (N.J.A.C. 7:27) Subchapter 16.22. The EPA most recently approved revisions of N.J.A.C. 7:27 Subchapter 16 on November 28, 2023.¹⁹ While the reporting, monitoring, and recordkeeping provisions of New Jersey's NO_x non-CTG based regulation are contained under N.J.A.C. 7:27 Subchapters 19.17, 19.18, and 19.19. Similarly, the EPA most recently approved revisions of N.J.A.C. 7:27 Subchapter 19, which include revisions to N.J.A.C. 7:27–19.19, on November 28, 2023.²⁰ During the EPA's thorough review of New Jersey's RACT certification demonstration, which include review of the control strategies, reporting, monitoring, and recordkeeping requirements associated with the State's NO_x/VOC RACT regulations, the EPA determined that these requirements accomplish a RACT level of control for both pollutants and address CAA obligations associated with CAA sections 172(c)(1), 182(b)(2), 182(c), 182(f), and 184(b)(1)(B).

Comment 2

Consolidated comments from Camden for Clean Air, Center for Environmental

Transformation, Ironbound Community Corporation, New Jersey Environmental Justice Alliance, and Earthjustice (Commenters) requested that the EPA issue a limited approval of New Jersey's RACT certification, and limited disapproval of New Jersey's existing NO_x emission limit for Municipal Waste Combustors (MWCs). The Commenters argue that New Jersey's existing 150 parts per million volume, dry (ppmvd) calendar-day NO_x limit is no longer RACT and should be updated to reflect lower limits that they contend are achievable with currently available control technologies, including both the proprietary Low NO_x (LN) technology of the Reworld company (formally Covanta) and Advanced Selective Non-Catalytic Reduction (ASNCR).

The Commenters cite the EPA's prior final Good Neighbor Plan for the 2015 ozone NAAQS, in which EPA recognized that both Reworld's LN technology and ASNCR could enable applicable municipal waste combustor units to the Federal Implementation Plan to achieve a 24-hour NO_x limit of 110 ppmvd and a 30-day limit of 105 ppmvd.²¹ They note that EPA proposed similar NO_x limits, supported by comparable control technologies, in the EPA's recent CAA section 111(d) Emission Guidelines for existing large MWC codified at 40 CFR part 60, subpart WWW.²²

The Commenters also note that the Ozone Transport Commission (OTC) have issued a June 2021 OTC Municipal Waste Combustor Workgroup Report (OTC MWC Report) which determined that the emissions limits of 105 ppmvd on a 30-day rolling average and a 110 ppmvd on a 24-hour block average could be achieved for most large MWCs located within the OTR using several different technologies, or combination of technologies at a reasonable cost.²³ The Commenters note that the OTR, including New Jersey, also submitted supporting comments on the EPA's prior proposed amendments to the NSPS and Emission Guidelines (EG) for large MWC, which at the time included a 24-hour NO_x limit of 110 ppmvd and a 30-day NO_x limit of 105 ppmvd.²⁴

²¹ See 88 FR 36654 (June 5, 2023).

²² See 91 FR 11802 (March 10, 2026).

²³ Ozone Transport Commission, *Municipal Waste Combustors Workgroup Report*, 23 (May 2023), https://otcair.org/upload/Documents/Reports/OTC%20MWC%20report%20revised%205_2023.pdf.

²⁴ Letter from Francis C. Steitz, Chair, OTC Stationary & Area Source Committee to Lee Zeldin, Administrator, EPA, *Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors Voluntary Remand Response and 5-Year Review*, 2 (May 30, 2025), <https://otcair.org/>

Additionally, the Commenters as well note occasions in which of States and Districts like Pennsylvania and California South Coast recently adopting the 110 ppmvd (24-hour) NO_x emission limit within the State's respective MWC NO_x emission control regulations.²⁵ The commenter also notes an occasion in which the EPA approved a source-specific SIP for a Covanta-owned MWC facilities located in Virginia which utilized its proprietary low NO_x control technology to achieve a NO_x emission limit of 110 ppmvd on a 24-hour average, and an annual average of 90 ppmvd.²⁶

The Commenters rely on these actions to support their position that lower NO_x limits are achievable for these sources.

Response 2

On November 6, 2024, the EPA issued a final rule to administratively stay the effectiveness of the 2015 Good Neighbor Plan requirements for all sources covered by that rule as promulgated where an administrative stay was not already in place.²⁷ This action was taken to comply with a stay order issued by the United States Supreme Court.²⁸ Essentially, the EPA's administrative stay of the 2015 Good Neighbor Plan indefinitely paused implementation of the Plan's requirements for applicable power plants and other industrial facilities, including the NO_x emission standards for MWCs, in the States covered by the Federal Implementation Plan. Those requirements remain stayed pending the disposition of the applicants' petition for review in the D.C. Circuit while the EPA takes further rulemaking action consistent with the court's merits decisions.

Subsequently, on March 12, 2025, the EPA announced that the Agency would reconsider the 2015 Good Neighbor Plan.²⁹ Following this, on January 30, 2026, the EPA proposed phase 1 of its reconsideration of the 2015 Good Neighbor Plan, which proposed to approve SIP submissions from eight states regarding interstate transport for the 2015 8-hour ozone NAAQS.³⁰ In this

[upload/Documents/Correspondence/20250530-otcas-lmwc-comments-to-epa-final.pdf](https://www.epa.gov/otcair/upload/Documents/Correspondence/20250530-otcas-lmwc-comments-to-epa-final.pdf).

²⁵ See 25 Pa. Code § 129.112(f) and South Coast Air Quality Management District Rule 1165, Control of Emissions from Municipal Solid Waste Incinerators 12 1165–5 (Sept. 6, 2024).

²⁶ See 84 FR 67196 (December 9, 2019).

²⁷ See 89 FR 87960 (November 6, 2024).

²⁸ *Ohio v. EPA*, 603 U.S. 279 (2024).

²⁹ See <https://www.epa.gov/newsreleases/trump-epa-announces-plan-work-states-sips-improve-air-quality-and-reconsider-good>.

³⁰ See 91 FR 4026 (January 30, 2026). States included in the EPA's Phase 1 Good Neighbor Plan Reconsideration are Alabama, Arizona, Kentucky, Minnesota, Mississippi, Nevada, New Mexico, and Tennessee.

¹⁷ See 91 FR 46351 (July 23, 2026).

¹⁸ *Id.*

¹⁹ See 88 FR 83036 (November 28, 2023).

²⁰ *Id.*

proposed action, the EPA announced that it would take a separate future rulemaking to address interstate transport obligations for the 2015 8-hour ozone NAAQS for the remaining States covered in the final Good Neighbor Plan, which includes New Jersey.

On March 10, 2026, the EPA issued its rulemaking to finalize the NSPS and EG for the Large Municipal Waste Combustion source category, codified under 40 CFR part 60 Subpart VVVV and WWWW, respectively.³¹ Within this action, the EPA ultimately did not finalize the proposed 110 ppmvd (24-hour average) NO_x limit for existing large MWCs based on the more stringent five-year review NO_x limit. Instead, for existing MWC sources, the EPA finalized NO_x emission standards based on reevaluated Maximum Achievable Control Technology (MACT) floor NO_x limits.³² Additionally, the EPA explained that at proposal the Agency excluded units expected to be covered by the former Good Neighbor Plan from the \$257 million capital cost.³³ Inclusion of the compliance cost for those units significantly increased the total estimated capital cost to \$412 million, which the agency noted could hinder government funded municipalities' ability to continue to utilize large MWCs for the public disposal needs.³⁴ For these reasons, the EPA did not finalize the proposed 110 ppmvd (24-hour average) NO_x limit for existing MWC sources and instead finalized NO_x emission limits based on the MACT floor reevaluation rather than the five-year review results proposed in the rule.

The EPA's review of the recently finalized Large MWC Clean Air Act section 111(d) emission guidelines, codified at 40 CFR part 60, subpart WWWW, indicates that New Jersey's currently SIP-approved RACT requirements for MWCs remain more stringent than the NO_x limits finalized in the March 2026 Large MWC emission guidelines. Appendix B of the Ozone Transport Region's June 2021 MWC report identifies the combustor type of each MWC in the OTR, including New Jersey, and shows that all New Jersey MWCs are mass-burn waterwall units. Under 40 CFR part 60, subpart WWWW,

existing mass-burn waterwall MWCs must comply with a NO_x limit of 205 ppmvd at 7 percent O₂ on a 24-hour average. By contrast, New Jersey's MWC RACT rule, N.J.A.C. 7:27, subchapter 19.12, requires mass-burn waterwall MWCs in the State to meet a more stringent 150 ppmvd at 7 percent O₂, 24-hour average limit. Also, the EPA's recent Large MWC EG requires existing affected units to comply as expeditiously as practicable after State Plan approval, which are due March 10, 2027, but no later than three years after approval of the state plan or five years after promulgation of the revised standard, whichever is earlier. Because New Jersey already has federally-approved MWC RACT requirements in place, the affected units are already subject to more stringent NO_x emission limits.

Finally, the commenter notes that States and districts such as Pennsylvania and the South Coast Air Basin in California have recently adopted a 110 ppmvd 24-hour NO_x emission limit in their respective regulations. However, those regulations have not yet been approved into the SIP and were adopted by the States on November 11, 2022, and September 6, 2024, respectively, subsequent to New Jersey's RACT certification for the 2008 Serious and 2015 Moderate classifications.³⁵ As noted earlier in this action, New Jersey submitted its RACT certification on November 23, 2021, to address Clean Air Act obligations associated with the New York Metropolitan Area for the 2008 ozone Serious classification, the 2015 ozone Moderate classification, and the statewide Ozone Transport Region requirements applicable to the 2015 ozone NAAQS. On March 3, 2025, New Jersey submitted a SIP revision extending its November 23, 2021, RACT certification for the 2015 ozone NAAQS to the New Jersey portion of the PA-NJ nonattainment area, following that area's reclassification to Moderate for the 2015 ozone NAAQS, effective November 7, 2022.³⁶ The EPA is acting on New Jersey's 2008 and 2015 ozone RACT certifications as they apply to the lower and less stringent classifications addressed in this action. As stated earlier, New Jersey also remains obligated to submit RACT certifications for the Severe and Serious classifications, for the 2008 and 2015 ozone NAAQS respectively, which the EPA will address in a forthcoming action. The EPA will continue to

coordinate with NJDEP to ensure that these remaining RACT obligations are addressed and to consider any relevant developments since the State's prior certification submittals.

Additionally, the commenter points to EPA's approval of source-specific SIPs for Covanta-owned MWC facilities in Fairfax and the City of Alexandria, Virginia, where the facilities relied on Covanta's proprietary low-NO_x control technology to achieve a NO_x limit of 110 ppmvd on a 24-hour average and 90 ppmvd on an annual average.³⁷ As noted in the rulemaking, Virginia's RACT regulations for major sources of NO_x and VOC, under 9VAC5–40–7400 and 7420, do not outline presumptive NO_x emission limits for MWCs and that applicable facilities must conduct a source-specific (or case-by-case) determination of what constitutes RACT.³⁸ With this approach, what constitutes RACT for one facility may not constitute RACT for another, because the analysis can vary depending on the source's equipment, operations, costs, and surrounding conditions.

Regarding Covanta's implementation of its proprietary Low-NO_x control technology, the EPA acknowledges that other MWCs not operated by Covanta may not be able to use the technology because of its proprietary nature. Based on the EPA's review of recent stack testing data for existing MWCs located in New Jersey, the Agency determined that only the Covanta-operated facilities appear capable of achieving a NO_x emission limit of approximately 110 ppmvd.³⁹ Furthermore, as the EPA explained in the final large MWC rule, the 110 ppmvd NO_x limit (24-hour average) was associated with the

³⁷ See 84 FR 67196 (December 9, 2019).

³⁸ In determining case-by-case RACT determinations, many State Air Agencies utilize the top-down control technology approach: (1) identify all available control alternatives; (2) assess technical feasibility; and (3) evaluate remaining technologies in order of control effectiveness considering: expected emission reduction measured in tons per year (tons/yr), economic impacts measured in dollar per ton of pollutant removed (\$/ton), environmental impacts, and energy impacts. If the top control alternative is not selected as RACT, the rationale for rejection must be documented. The next most stringent control alternative is then assessed, and the process continues until RACT is determined.

³⁹ Appendix 11–1 of New Jersey's November 2021 SIP submission identifies, for various MWC units located statewide, the facility name, location, applicable NO_x controls, current permit limits, and stack test average NO_x emissions. Based on EPA's review, it appears that only the Covanta facilities utilizing proprietary low-NO_x technology are capable of meeting the 110 ppmvd emission limit. Stack testing data for the remaining Wheelabrator facility, which does not employ the proprietary technology, indicate that it is capable of achieving the 150 ppmvd presumptive RACT limit established by NJDEP.

³¹ See 91 FR 11802 (March 10, 2026).

³² A MACT floor is the EPA's minimum technology-based emission standard for a source category. Essentially, it's the emission limit based on the performance achieved in practice by the best performing units in the category. For existing units, the floor is based on the average emission performance achieved by the top 12 percent of the best-performing sources currently operating in the industry.

³³ See 89 FR 4243 (January 23, 2024).

³⁴ See 91 FR 11802 (March 10, 2026).

³⁵ See 40 CFR part 52, subpart NN, section 52.2020 and 40 CFR part 52, subpart F.

³⁶ See 87 FR 60897 (October 7, 2022).

application of ASNCR or Covanta Low-NO_x technology, and the EPA recognized that those controls had been used to achieve that performance level.⁴⁰ By contrast, New Jersey's MWC RACT rule, N.J.A.C. 7:27, subchapter 19.12, establishes presumptive emission limits that all applicable units must meet statewide. In the EPA's review of New Jersey's MWC RACT regulation, the agency has determined the State's 150 ppmvd (24-hour average) emission limit is currently either more stringent, or comparable to, the limits adopted by most Ozone Transport Region States.

This concludes our response to the comments received. No changes have been made to the proposed rule as a result of the comments received.

VI. Statutory and Executive Order Reviews

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

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 7, 2026. Filing a

petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Michael Martucci,

Regional Administrator, Region 2.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

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

Subpart FF—New Jersey

- 2. In § 52.1570(e), in the table, add entries for “2008 8-hour Ozone Serious RACT Analysis and Certification” and “2015 8-hour Ozone RACT Analysis and Certification” to the end of the table to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
* * *	* * *	* * *	* * *	* * *
2008 8-hour Ozone Serious RACT Analysis and Certification.	New Jersey portion of the New York-Northern New Jersey-Long Island NY-NJ-CT 8-hour ozone nonattainment area.	11/23/2021	10/8/2026, [insert Federal Register citation].	• Full approval. • Certifies New Jersey has met the RACT requirements as it applies to non-CTG major sources of VOCs, all CTG sources of VOCs, and to major sources of NO_x for the New Jersey portion of the New York-Northern New Jersey-Long Island NY-NJ-CT 2008 8-hour Ozone Serious non-attainment area.

⁴⁰ See 91 FR 11802 (March 10, 2026).

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
2015 8-hour Ozone RACT Analysis and Certification.	Statewide, New Jersey portion of the New York-Northern New Jersey-Long Island NY-NJ-CT 8-hour ozone nonattainment area, New Jersey portion of the Philadelphia-Atlantic City PA-NJ 8-hour ozone nonattainment area.	11/23/2021	10/8/2026, [insert Federal Register citation].	• Full approval. • Certifies New Jersey has met the RACT requirements as it applies to non-CTG major sources of VOCs, all CTG sources of VOCs, and to major sources of NO_x for the New Jersey portions of the New York-Northern New Jersey-Long Island NY-NJ-CT and Philadelphia-Atlantic City PA-NJ 8-hour ozone nonattainment areas. • Certifies New Jersey's commitment to meet RACT statewide within the Ozone Transport Region (OTR) for the 2015 Ozone NAAQS.

■ 3. Amend § 52.1582 by revising paragraph (q)(1) and adding paragraphs (q)(2) through (8) to read as follows:

§ 52.1582 Control strategy and regulations: Ozone.

(q) * * *

- (1) Oil and Natural Gas Industry (October 2016).
- (2) Manufacture of Pneumatic Rubber Tires (December 1978).
- (3) Aerospace Coatings (December 1997).
- (4) Shipbuilding and Ship Repair Operations (August 1996).
- (5) Metal Furniture Coatings (September 2007).
- (6) Large Appliance Coatings (September 2007).
- (7) Auto and Light Duty Truck Original Equipment Manufacturer Assembly Coatings (September 2008).
- (8) [Reserved]

* * * * *

[FR Doc. 2026–20638 Filed 10–7–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2026–5182; FRL–13486–02–R7]

Air Plan Approval; Missouri; Construction Permit Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving revisions to the Missouri State Implementation Plan (SIP) received on February 10, 2026. The submission revises Missouri's regulation on construction permit exemptions in its

Minor New Source Review (NSR) program. These revisions refine exemptions for emergency generators, update references to other rules, and update recordkeeping requirements. The EPA's final approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective November 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2026–5182. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT:

William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7714; email address: stone.william@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” refer to the EPA. We use multiple abbreviations and terms in this 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:

CAA Clean Air Act

CBI Confidential Business Information
CFR Code of Federal Regulations
CSR Missouri Code of State Regulations
EPA U.S. Environmental Protection Agency
FR Federal Register
NSR New Source Review
SIP State Implementation Plan
TSD Technical Support Document
U.S.C. United States Code

Table of Contents

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. The EPA's Response to Comments
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP, Title 10, Division 10 of the Missouri Code of State Regulations (CSR), 10 CSR 10–6.061 “Construction Permit Exemptions.” The purpose of the state regulation is to list specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10–6.060. Missouri's rule revisions are detailed in the EPA's notice of proposed rulemaking, published on July 30, 2026.¹ The EPA finds that these revisions meet the requirements of the CAA and do not impact the State's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS). The full text of the rule revisions as well as the EPA's analysis of the revisions can be found in the technical support document (TSD) included in this docket.

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

The State's submission has met the public notice requirements for SIP

¹ 91 FR 48032 (July 30, 2026).