(v) Integrating SI-driven tools into classrooms to personalize learning, improve student outcomes, and support differentiated instruction. This integration may include, but is not limited to, adaptive learning technologies, virtual teaching assistants, tutoring, and data analytics tools to support student progress.

(vi) Providing resources and support to grantees for the use of SI in teaching and/or tutoring in an education program or teacher training program.

(vii) Providing resources and support for the use of SI in teacher preparation programs.

(viii) Using SI to improve teacher training and evaluation.

(ix) Promoting efficiency in classroom and school operations through the application of SI to reduce time-intensive administrative tasks.

(x) Using SI to provide high-quality instructional resources, high-impact tutoring, college and career pathway exploration, advising, and navigation to improve educational outcomes.

(xi) Incorporating the principles of universal design for learning [1] (as described in section 103(24) of the Higher Education Act of 1965, as amended).

(xii) Building strong, moderate, or promising evidence (as defined in 34 CFR 77.1) about when, where, for whom, and under what conditions SI improves learning.

(xiii) Developing and disseminating evidence-informed frameworks, tools, and models for integrating SI into education.

(xiv) Using of SI to improve program outcomes through a rigorous and specific deployment of the technology in teaching methods or student supports.

Proposed Definitions for Proposed Priority on Advancing Super Intelligence in Education

Computer science means the study of computers and algorithmic processes, including their principles, their hardware and software designs, theories, computational thinking, coding, analytics, applications, machine learning, and super intelligence (SI).

[1] Universal design for learning (20 U.S. Code § 1003—Additional definitions): The term ''universal design for learning'' means a scientifically valid framework for guiding educational practice that—(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information. In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation to the digital world.

Computer science does not involve using computers for everyday tasks, such as browsing the internet or using tools like word processors, spreadsheets, or presentation software. Instead, it focuses on creating and developing technology, not just utilizing it.

Super intelligence (SI) means the technologies and systems encompassed by the term ''artificial intelligence'' as defined in 15 U.S.C. 9401(3).

Super intelligence (SI) literacy means the technical knowledge, durable skills, civic awareness and future ready attitudes, including SI related ethical reasoning, critical social inquiry, interdisciplinary problem-solving, and creativity, required to thrive in a world influenced by SI. It enables learners to understand how SI works; use SI tools effectively and responsibly; engage, create with, manage, and design SI, while critically evaluating its benefits, risks, and implications.

[FR Doc. 2026–22615 Filed 11–4–26; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2026–1024; FRL–12072–01–R3]

Air Plan Approval; District of Columbia; Enhanced Vehicle Emission Inspection and Maintenance (I/M) Program Revision and Basic I/M Program Certification for Moderate Nonattainment Areas Under the 2015 Ozone NAAQS

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 District of Columbia (DC, or the District). This revision incorporates regulatory updates made to the District's Enhanced motor vehicle emissions inspection and maintenance (I/M) program since the EPA's last SIP approval. The SIP revision also serves to certify that the District's existing Enhanced I/M program meets Clean Air Act (CAA) requirements for a Basic I/M program for the District's portion of the Washington, DC-MD-VA nonattainment area (the Washington nonattainment area) for the 2015 Ozone National Ambient Air Quality Standard (NAAQS).

DATES: Written comments must be received on or before December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2025–0304 at *www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Brian Rehn, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2176. Mr. Rehn can also be reached via electronic mail at: *rehn.brian@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 abbreviations here:

AAMVA—American Association of Motor Vehicle Inspection
CAA—Clean Air Act
CBI—Confidential Business Information
CO—Carbon Monoxide
CFR—Code of Federal Regulations
DC—District of Columbia
DCMR—District of Columbia Municipal Regulations
DC DOEE—District of Columbia Department of Energy and Environment
DCDPW—District of Columbia Department of Public Works
EPA—Environmental Protection Agency
GVWR—Gross Vehicle Weight Rating
I/M—Inspection and Maintenance
LDV—Light-duty Vehicle
LDGV—Light-duty Gasoline Vehicle
LDGT—Light-duty Gasoline Truck
LDT—Light-duty Truck
MDV—Medium-duty Vehicle
HDV—Heavy-duty Vehicle
MOVES—Motor Vehicle Emissions Simulator Model
NAAQS—National Ambient Air Quality Standard
OMB—Office of Management and Budget
OTR—Ozone Transport Region
ppm—parts per million
PSM—Performance Standard Modeling
SIP—State Implementation Plan
TSD—Technical Support Document
VMT—Vehicle Miles of Travel

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I. Background

On June 7, 2024, the District of Columbia Department of Energy and Environment (DOEE) submitted a revision to its SIP to incorporate administrative and regulatory and statutory authority updates to the District's Enhanced I/M program made since the program's prior approval into the DC SIP in 1999. The June 2024 SIP revision also demonstrates through an emissions modeling analysis that the DC I/M program meets applicable CAA requirements for both Basic and Enhanced I/M programs for the District portion of the Washington, DC-MD-VA ozone nonattainment area (also referred to as the Washington area).

A. Overview of EPA's Proposed Action

On June 7, 2024, the District of Columbia submitted a SIP revision to both update its I/M program SIP to incorporate the most current iteration of DC I/M program regulations and to demonstrate that the program continues to meet applicable CAA requirements for an Enhanced I/M program. Further, the District's June 2024 SIP revision intends to satisfy the Basic I/M program requirement for Moderate nonattainment areas under the 2015 ozone NAAQS. In October 2022, the Washington nonattainment area was reclassified to Moderate, upon failure to attain the 2015 ozone NAAQS by the area's August 2021 Marginal area attainment date. Because the District had an existing Enhanced I/M program, the Basic I/M SIP requirement can be met by demonstrating that the District's existing Enhanced I/M program meets all applicable CAA Basic I/M requirements, including the requirement for a modeling analysis to demonstrate that the Washington Moderate ozone nonattainment area's I/M program meets or exceeds the emission reduction levels of the corresponding Basic I/M performance standard.

The EPA is proposing to approve the District's revised I/M program as being consistent with the applicable CAA Basic and Enhanced I/M requirements under CAA sections 182 and 184, and with the EPA's I/M requirements.[1] The EPA is proposing to approve both updates made to the District's existing, SIP-approved I/M program as well as its certification that the existing program meets CAA Basic I/M requirements.

[1] *See* 40 CFR part 51, subpart S.

B. 2015 Ozone NAAQS Background and EPA Designation of the Washington Area

On October 1, 2015, the EPA revised the primary and secondary NAAQS for ozone to a level of 0.70 parts per million (ppm) (based on the annual fourth-highest daily maximum 8-hour average concentration, averaged over three years) to provide increased protection of human health and the environment.[2] The 2015 ozone NAAQS retains the same general form and averaging time as the 0.75 ppm NAAQS set in 2008, but is set at a more protective level. On June 4, 2018 (effective August 3, 2018), the EPA designated the Washington, DC-MD-VA area (including the District of Columbia) as Marginal nonattainment for the 2015 ozone NAAQS.[3] Areas designated as Marginal nonattainment were required to attain the 2015 ozone NAAQS by no later than August 3, 2021 (three years from the effective date of designation).

On October 7, 2022, the EPA determined that the Washington nonattainment area failed to attain the 2015 ozone NAAQS by its August 3, 2021 Marginal area attainment date and reclassified the area by operation of law from Marginal to Moderate nonattainment.[4] Moderate areas were required to attain the 2015 ozone NAAQS by no later than six years after the effective date of initial designation, or August 3, 2024. As a result of this reclassification, the Washington area became subject to Moderate area requirements under CAA section 182(b), under CAA statutory implementation timeframes, which were reiterated in the EPA's October 7, 2022 reclassification rule.

With the reclassification to Moderate, the Washington nonattainment area is required to submit a Basic I/M SIP. The State can meet these Basic I/M requirements through certification that their existing, SIP-approved I/M program meets Basic I/M requirements for the 2015 ozone NAAQS.

C. Clean Air Act Requirements for I/M Programs

The CAA mandates I/M for certain urbanized ozone and carbon monoxide (CO) nonattainment areas based upon certain criteria, such as air quality status, population, and/or geographic location. I/M is the periodic inspection of the emissions control systems of motor vehicles.

[2] *See* 80 FR 65292 (Oct. 26, 2015).

[3] *See* 83 FR 25795 (June 4, 2018), codified at 40 CFR 81.309.

[4] *See* 87 FR 60897 (Oct. 7, 2022).

CAA section 182 requires I/M programs in areas of States most impacted by ground-level ozone pollution (to varying levels of I/M program stringency, either Basic or Enhanced) dependent upon the severity of an area's air pollution and its population. States with nonattainment areas classified by the EPA as Moderate that exceed CAA-established population thresholds are required to implement a CAA-defined, Basic I/M program. Areas classified as Serious or worse ozone nonattainment that exceed CAA-established, population thresholds must enact an Enhanced I/M program. Areas that fail to attain the ozone NAAQS by the CAA deadline for doing so are reclassified to a higher nonattainment classification, and as such may be newly subject to I/M requirements, or to re-evaluate and (if necessary) to upgrade an existing I/M program to a more stringent I/M program type. Moderate and Enhanced nonattainment I/M requirements are set forth at CAA section 182(b)(4) and section 182(c)(3), respectively.

Pursuant to CAA section 182(b)(4), States with ozone nonattainment areas classified as Moderate are required to implement a Basic I/M program in certain applicable areas. The Federal rule addressing I/M program requirements are provided at 40 CFR part 51, subpart S.

CAA section 184 further requires implementation of Enhanced I/M programs in metropolitan areas of an ozone transport region (OTR) and established an OTR for an area that geographically extends from the Washington, DC area northward to Maine. OTR I/M requirements apply regardless of ozone nonattainment classification, based solely on metropolitan area size and population.[5] Within the OTR, geographic scope is established to be any metropolitan statistical area (MSA), or portion thereof, with a 1990 population of 100,000 or more, as defined by the Office of Management and Budget (OMB).[6]

[5] *See* CAA 184(b)(1)(a).

[6] *See* CAA section 184(b)(1)(A) and 40 CFR 51.350(a)(1).

D. DC's Prior, Approved Enhanced I/M Program SIP

With enactment of the 1990 CAA, the EPA classified the Washington, DC-MD-VA area by operation of law in 1991 as Serious nonattainment for the 1979 1-hour ozone NAAQS,[7] triggering the Serious CAA ozone nonattainment area requirement to establish an Enhanced I/M program in urbanized portion of the Washington ozone nonattainment area having a 1980 population over 200,000 persons.[8] Since the Washington area also lies in the CAA-established OTR, Enhanced I/M is also required under the CAA section 184 OTR Enhanced I/M requirement, applicable to the MSA having a 1990 population of 100,000 or more.[9]

The EPA approved the District of Columbia's Enhanced I/M SIP in a final rule,[10] which converted to full approval the EPA's conditional approval of the DC I/M program.[11] The District began officially testing vehicles under its SIP-approved Enhanced I/M program in April 1999.

II. Summary of the District of Columbia's June 7, 2024 SIP Submittal

On June 7, 2024, the District of Columbia submitted a SIP revision amending its I/M program approved by the EPA to the DC SIP in 1999. The June 2024 SIP revision serves to incorporate by reference I/M program regulations codified under DC. Municipal Regulations (DCMR) Title 18, Chapters 6 and 7, as amended by a change in legal authority for the program (the District's ''Vehicle Inspection Improvement Amendment Act of 2009'') that enacted many of the DCMR regulatory revisions that comprise this SIP revision.

Also part of the District's June 2024 SIP revision is a Basic I/M Certification SIP demonstrating that the revised DC I/M program meets applicable CAA requirements for a Basic I/M program required for a Moderate ozone nonattainment area. This I/M certification SIP is comprised of a performance standard modeling (PSM) demonstration showing that the enacted DC I/M program meets the CAA Basic I/M performance standard, as well as showing that the SIP meets all other requirements for a Basic I/M program. A Basic I/M SIP is required for the District's portion of the Washington, DC-MD-VA 2015 ozone nonattainment area, as a result of the area having been reclassified by EPA in 2022 from Marginal to Moderate.[12]

The EPA's review of the elements of the District's June 7, 2024 I/M SIP revision (as well as our analysis of these SIP revisions for compliance with the CAA and EPA's I/M Rule [13]) is described in detail below.

A. Summary of DC's I/M Program Regulatory Updates to the Enhanced I/M Program Since EPA's 1999 SIP Approval of the Program

A detailed list of the regulatory amendments made by the District as part of their program update, as authorized by updated legal authority [14] are listed in Table 1 in this document. This legal authority change resulted in DC amending subsections of 18 DCMR Chapters 6 and 7, publishing rule amendments in the *DC Register*. Table 1 in this document, both lists the affected regulatory sections of the amended DCMR Title 18, Chapters 6 and 7 that included as part of the June 2024 SIP revision addressed by this proposal, as well as the District effective date of each section.[15]

[7] The EPA designated the Washington, DC-MD-VA area as nonattainment for ozone for the 1979 1-hour ozone NAAQS, with the area classified as Serious ozone nonattainment (56 FR 56694, Nov. 6, 1991).

[8] CAA section 182(c)(3)(A) and 40 CFR 51.350(a)(1).

[9] CAA section 184(b)(1)(A) and 40 CFR 51.350(a)(2).

[10] *See* 64 FR 31498, June 11, 1999.

[11] *See* 63 FR 29955, June 2, 1998.

[12] *See* ''Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards'' (87 FR 60897, Oct. 7, 2022).

[13] *See* CAA sections 182 and 184 for applicable I/M requirements, as well as EPA's I/M requirements rule, at 40 CFR 51.350 through 51.373.

[14] *See* the DC Vehicle Improvement Act of 2009, Title 18, Chapters 6 and 7.

[15] DC Vehicle Inspection Improvement Amendment Act of 2009 (DC. Law 18–111; 57 DCR 181, 289; adopted January 8, 2010).

TABLE 1—DISTRICT OF COLUMBIA RULE AMENDMENTS IN THE JUNE 2024 SIP REVISION

DCMR Title 18 Chapter 6 and 7	DCMR section	Summary of revisions to Chapter	State effective date/ DC Register (DCR) Citation
600 General Provisions.	600.1 ..... 600.4	Revises program applicability to remove standards prescribing to ''safety equipment, materials, and condition of motor vehicles'' on an annual basis. Removes requirements for processing ''condemned'' vehicles. Removes reference to ''public street or space'' in reference to removal of unsafe or improperly equipped vehicles, instead referring to new requirements in sections 601.4 through 601.6.	March 3, 2010,[15] as amended by DC Vehicle Improvement Act of 2009.
601 Inspection Requirements.	601.1–601.3 601.4 601.6 601.7–601.12	Adds requirements applicable to sticker issuance and inspection process. Incorporates by reference the DC Inspection Lane Operator's Manual and the AAMVA Manual to govern inspection procedures. Delineate periodic emissions testing applicability, with passenger cars tested every other year; buses tested semiannually (except MTA buses tested annually); taxis, commercial vehicles, and tow trucks tested annually; historic vehicles tested at registration—with annual or biennial odometer confirmation required thereafter, depending on historic classification. All other subject vehicles are required to be tested biennially. Vehicles over 26,000 lbs GVWR, diesel-powered vehicles, and pre-1968 model year vehicles are exempt from emissions testing. Delineates periodic safety inspection applicability, with buses to be tested semiannually; while taxis, commercial vehicles, and tow trucks tested annually. [Redacted from inclusion to the SIP, at DC's request]. I/M test fee language excluded from inclusion in the SIP.	February 1, 2021, Final Rulemaking published January 29, 2021 (68 DCR 1404).
602 Inspection Stickers.	602.5 ..... 602.6	Revised to update outdated language regarding temporary 15-day retention of an out-of-state I/M stickers after newly registering a DC vehicle from out of area, or DC had the option to instead issue a temporary sticker. The word safety has been removed from this section, to clarify that these requirements apply to safety and emissions testing. Clarifies that vehicles obtained from outside the program area must present the vehicle for DC inspection and display a DC sticker no later than 15 days after the vehicle is registered in DC.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
603 Vehicle Inspection: Approved Vehicles.	603.1	Amends requirements for approved vehicles applicable when a vehicle is found ''not to conform'' following pre-inspection (as set forth in the Lane Operator's Manual, the AAMVA Manual, and DCMR Title 18). If the vehicle is determined ''not to conform,'' the program director will issue the registrant a rejection sticker instead of an approved inspection sticker.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
604 Vehicle Inspection: Rejected Vehicles.	604.1 ..... 604.2 604.6–604.10 604.11–604.13.	Amends rejected vehicle requirements to use the term ''do not conform,'' as established at § 603.1. Repeals Director discretions to reject a presented vehicle determined (after mechanical inspection) to not conform to equipment standards in the DC Inspection Manual, related to trailer safety inspections. Repeals language related to rejected sticker color applicable to for-hire vehicles Amends and renumbers sticker issuance requirements (moved from § 604.11 to new §§ 604.12 and .13), applicable when vehicle fails or is rejected for safety purposes. An approval sticker shall only be issued upon the vehicle's passing an emissions test.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
606 Vehicle Inspection: Condemned Vehicles.	606.2	Updates outdated reference to District Inspection Manual to the Lane Operators Manual, or when applicable the AAMVA Manual, for purposes of ''condemned'' sticker issuance.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
607 Placement of Inspection Stickers on Vehicles.	607.1 and 607.3.	Replaces the term ''motorized bicycles'' to ''motor-driven cycles'' to both sections, adding a new term for ''autocycles'' to § 601.1.	August 11, 2017, as amended by Final Rulemaking published August 11, 2017 (64 DCR 7930).
609 Inspection of Non-Registered Motor Vehicles.	609.1 ..... 609.2–609.3	Addition of ''and'' between requirements for verification of ID numbers and cases in which safe mechanical condition of a vehicle is in question, as related to inspection of non-registered motor vehicles at no cost. [Redacted from inclusion to the SIP at DC's request] I/M program test fee language excluded from inclusion in the SIP.	July 13, 2001, as amended by Final Rulemaking published July 13, 2001 (48 DCR 6261).
617 Inspector Certification.	617.3	''Motor Vehicles'' training course for new inspector certification is amended to ''Public Works'' training course.	February 10, 2006, as amended by Final Rulemaking published February 10, 2006 (53 DCR 845).

TABLE 1—DISTRICT OF COLUMBIA RULE AMENDMENTS IN THE JUNE 2024 SIP REVISION—Continued

DCMR Title 18 Chapter 6 and 7	DCMR section	Summary of revisions to Chapter	State effective date/ DC Register (DCR) Citation
618 Automotive Emissions Repair Technician.	618.3 ..... 618.5	Responsibility for establishing criteria for repair technician training testing is changed from the Director of ''Motor Vehicles'' to that of ''Public Works.''. New addition to allow the Director to issue repair certification to technicians certified in another Enhanced I/M state. Former section 618.5 is renumbered to 618.6.	February 10, 2006, as amended by Final Rulemaking published February 10, 2006 (53 DCR 845).
701 Historic Motor Vehicles.	701.2	Grammatical change, with capitalization of ''Chapter'' changed to lower case	January 9, 2009, as amended by D.C. Act 17–619, (56 DCR 203).
701 Historic Motor Vehicles.	701.7	New language suspending F(I) historic class registration for vehicles exceeding mileage limits for that class for a period of two years..	
752 Maximum Allowable Levels of Exhaust Components.	752.3	Removes language requiring establishment of exhaust emission standards to fail more than 20% of vehicles. Adds new language requiring vehicles to comply with Federal OBD standards, as of January 2004.	October 3, 2003, as amended by Final Rulemaking published October 3, 2009 (50 DCR 8196).
756	756.3	Incorporates by reference the DC Inspection Lane Operator's Manual and the AAMVA Manual with respect to performing quality assurance and equipment calibration procedures necessary for transient testing.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.

These regulatory updates to the Enhanced I/M program rules and requirements update the SIP to reflect minor administrative changes, primarily made by a 2010 DC law change and several regulatory updates. References to updated I/M program materials have been amended, which specify requirements for I/M test procedures, program quality control, and emissions inspector and repair technician certification. The referenced DC Inspection Lane Operator's Manual and the American Assn. of Motor Vehicle Inspection (AAMVA) Manual are being proposed for incorporation by reference to the DC SIP. The revisions to Title 18, sections 6 and 7 are administrative and clerical in nature and will not reduce the emission reduction benefits produced by the District's I/M program.

B. Demonstration That Enhanced I/M Program Requirements Continue To Be Met for the DC Portion of the Washington, DC-MD-VA Nonattainment Area After Program Revisions Made by DC Since EPA Last Approved the DC I/M Program to the SIP

In addition to demonstrating that its existing program meets applicable CAA Basic I/M requirements, including the PSM demonstration discussed below, DC's June 2024 SIP revision also requests that the EPA incorporate updated regulatory amendments and other administrative changes to DC's prior, approved Enhanced I/M SIP adopted to satisfy Enhanced I/M requirements applicable as a result of the Washington, DC-MD-VA having been designated nonattainment under the prior (now revoked) 1979 1-hour ozone NAAQS, and as a result of the District's location in a CAA-established OTR.[16]

Amendment of the existing, approved SIP to revise a CAA-required control measure requires that the state demonstrate that the revised measure continues to meet applicable CAA requirements. In the case of the Enhanced I/M program, this requires that the revised program meets all Enhanced requirements set forth at CAA 182(c)(3) and at the EPA's I/M rule, including an I/M PSM analysis showing that that the program meets the Enhanced I/M performance standard. However, DC's revision to the SIP-approved I/M program consist entirely of regulatory updates and other non-regulatory updates to the program that are administrative in nature that do not change program applicability, the inspection process, or any other aspect of the program that can be shown to change the emissions benefits of the prior, SIP-approved program. Given the administrative and clerical nature of the DC regulatory updates, the EPA has determined that an Enhanced I/M PSM analysis is not necessary for this action. The EPA's review of the regulatory updates to the program was summarized in this action, with further detail on our review provided in the accompanying technical support document (TSD) for this action.

C. I/M Performance Standard Modeling (PSM) Demonstration To Demonstrate Compliance With CAA Requirements for a Basic I/M Program Applicable to Moderate Ozone Nonattainment Areas

The CAA and I/M regulations allow States a great deal of flexibility in designing their I/M programs as long as the applicable I/M performance standard is met. An I/M performance standard is a collection of program design elements, to which a state's I/M program is compared in terms of its potential to reduce emissions of the ozone precursors. A PSM analysis is performed using the most recent version of the EPA's Motor Vehicle Emissions Simulator Model (MOVES) available at the time of analysis. The PSM demonstration compares the resultant MOVES-derived emissions levels, expressed as a comparison of tons per day of the ozone precursors NO_X and VOCs from onroad mobile sources in the I/M area. The EPA's I/M rule sets forth applicable Basic I/M PSM demonstration criteria.[17] The EPA issued PSM modeling guidance establishing a means by which states conduct the required PSM demonstration, which must then be submitted to EPA as part of an I/M program certification SIP revision to the

[16] *See* CAA I/M requirements set forth at sections 182(c)(3) and 184(b)(1)(a).

[17] *See* 40 CFR 51.352.

state's SIP.[18] [19] As the District has an existing Enhanced I/M program, the area may demonstrate (through a PSM analysis) that the existing program meets the Basic I/M performance standard applicable to a Moderate ozone nonattainment area without modification. The state could submit this I/M certification SIP revision with the associated performance modeling and a written statement certifying their determination in lieu of submitting new revised regulations.[20] Consistent with the I/M Rule, areas with existing I/M programs need to conduct and submit a performance standard modeling analysis as well as make any necessary program revisions as part of their Moderate area SIP submissions to ensure that I/M programs are operating at or above the Basic I/M performance standard level for the 2015 ozone NAAQS.

To address this Basic I/M requirement for the District of Columbia portion of Washington, DC-MD-VA 2015 ozone nonattainment area required under the Moderate classification, the District submitted the June 7, 2024, SIP revision. Due to the area being designated nonattainment at a higher classification under the previous 1979 ozone NAAQS, as well as DC's inclusion as part of the CAA Northeast Ozone Transport Region (OTR),[21] the District has implemented an Enhanced I/M program since 1999. The June 2024 SIP submittal includes a PSM demonstration showing that the District's existing I/M program meets applicable, CAA-established performance requirements to achieve equivalent or greater emissions reductions than the EPA's model Basic I/M program.

The District operates a centralized, test-only government-run inspection program (adopted by the DC Department of Energy and Environment (DC DOEE) and administered by the DC Department of Public Works (DCDPW), with emissions testing performed on a biennial basis for most vehicles (with commercial vehicles subject to more frequent annual testing of commercial passenger vehicles (*e.g.,* taxis and limousines) and biannual testing of school buses. Testing is required for model year 1968 and newer vehicles (up to 26,000 pounds gross vehicle weight rating (GVWR). New vehicles are exempted for the first four model years. A vehicle must pass inspection or be granted a waiver before it can be registered in the District.

D. DC's Basic I/M Performance Standard Modeling Analysis and Results

The District's June 7, 2024 SIP revision certifies that the existing DC I/M program (inclusive of the regulatory and other administrative program updates submitted with the June 2024 submittal, on which EPA is simultaneously proposing action upon) meets all applicable requirements for a Basic I/M program required for Moderate ozone nonattainment areas. Table 2 in this document compares the EPA's Basic I/M performance standard for areas designated nonattainment for the 2015 ozone standard [22] with the existing DC I/M Program.

TABLE 2—COMPARISON BETWEEN THE MODEL BASIC I/M PERFORMANCE STANDARD PROGRAM AND DC'S EXISTING I/M PROGRAM

I/M program element	Model basic I/M performance standard program [23]	District of Columbia's existing I/M program
Network Type	Centralized	Centralized.
Program Start Date	4 years after designation and classification under the ozone standard.	1997.
Test Frequency	Annual	Biennial (Passenger vehicles); Annual (Commercial passenger vehicles, *e.g.,* taxis/limousines); Biannually (School buses).
Model Year Coverage	1968 and newer	1968 and newer (4 newest model years exempt).
Vehicle Type Coverage	Light-duty, gasoline-powered vehicles.	Light-duty vehicles (LDGVs) and light-duty gasoline trucks (LDGTs), up to 8,500 lbs GVWR; Medium-Duty Vehicles (MDVs), up to 14,000 lbs GVWR; Heavy-Duty Vehicles (HDVs) up to 26,000 lbs GVWR.
Test Types	Idle Test for 1968–2000 vehicles; OBD checks on 2001 and newer vehicles.	2-speed Idle Test for 1968–1983 LDVs and LDTs; and 1968 and newer MDVs. OBD checks on 1996 and newer LDGVs and LDGTs (up to 8,500 lbs GVWR); and 1996 and newer MDVs (up to 14,000 lbs GVWR); IM240 on 1984–1985 LDVs, LDTs and MDVs.
Emission Control Device Visual Inspection.	None	None.
Evaporative system function check	None, with the exception of those performed by the OBD system on vehicles so-equipped and only for model year 2001 and newer vehicles.	Gas Cap Pressure Test, for 1968–1995 LDVs and LDTs; 1968 and newer School Buses and Single Unit Short Haul Trucks, and single unit long-haul trucks; OBD Evap for 2003 and newer LDVs and LDTs and MDTs.
Waiver Rate (for cost-limited I/M repair expenditures).	A 0% waiver rate as a percentage of failed vehicles.	A 3% waiver rate.
Compliance Rate	A 100% compliance rate	A 96% compliance rate.

Per the CAA and the EPA guidance, DC DOEE evaluated its existing program in comparison to the Basic I/M performance standard for the 2023 PSM evaluation year. In accordance with the EPA's PSM guidance, a PSM analysis

[18] *See* EPA's ''Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model'' (EPA–420–B–22–034, 2022).

[19] *See* 40 CFR 51.372(a)(2).

[20] *See* Section II.E of the Oct. 7, 2022 final rule (87 FR 60897, 60906) and the Apr. 13, 2022 proposal (87 FR 21842).

[21] The Washington, DC-MD-VA NAA was previously classified as Severe nonattainment under the now revoked 1979 1-hour ozone NAAQS. CAA section 184(b)(1)(A) provides that an area within a State in an ozone transport region and with a metropolitan statistical area population of 100,000 or more must implement an Enhanced I/M program.

[22] *See* 40 CFR 51.352(e).

[23] *See* the ''Basic performance standard for areas designated non-attainment for the 8-hour ozone standard'' at 40 CFR 51.352(e).

resulting from a reclassification is to be based on the attainment date and 2023, as the attaining ozone season, is the last full ozone season prior to the attainment date.[24]

The DC DOEE utilized the EPA's MOVES3.1 model to demonstrate PSM equivalence of their I/M program, as this was the most recently available model at the time they commenced their analysis. Though the EPA had released newer versions of the MOVES model (*i.e.,* MOVES4) at the time the SIP revision was submitted, DC DOEE commenced development of their PSM analyses [25] prior to the release of MOVES4 in September 2023, making MOVES3.1 the most recent version of the model available when DC commenced its analysis.[26] [27]

The District's PSM demonstration methodology was conducted in accordance with guidance established by the EPA's MOVES3 Technical Guidance.[28] Model inputs for the PSM demonstration are based on a mix of local data and national default data. Local data were used for the primary data items that have a significant impact on emissions, including: vehicle miles traveled (VMT) by vehicle type; average speed distribution; vehicle type distributions; source type population (for light-duty vehicles); vehicle age distribution; hourly distributions; meteorology data; and the specific design elements of the DC I/M program. DC derived many of its MOVES planning assumptions from its latest plan approved for transportation conformity planning.

Most local data inputs for the analysis process reflect the latest planning assumptions based on data obtained from the DC Department of Motor Vehicles (DC DMV), as well as other local/national sources. The most recent available data was used for model assumptions and inputs related to emissions control strategies, meteorology, and fuel parameters. Vehicle age distributions were based on the DC vehicle registration dataset for 2022. I/M program data was based on the latest available 2021–22 biennial program test cycle. Modeling assumptions are detailed in the PSM Chapter of DC's SIP, with MOVES modeling input and output results provided in SIP Attachments A through D.

Further description of the District's PSM analysis MOVES inputs and assumptions is provided in the TSD prepared in support of this action. I/M-related MOVES input data and their sources are provided in section III.D.1 of the TSD prepared for this action and the I/M input parameters necessary to evaluate MOVES I/M analysis are detailed in the TSD prepared by the EPA in support of this proposed action, which is available in the docket.

The District's MOVES3 PSM analysis was performed using the methodology set forth in the EPA MOVES SIP and Technical Guidance documents, as well as EPA's PSM Modeling Guidance. Emissions for both the EPA model program (*i.e.,* the Basic performance standard) and DC's existing I/M program were provided in total tons per summertime day of the ozone precursors—VOCs, and NO_X. The results of the District's Basic I/M PSM certification analysis are provided in Table 3. The modeling results shown in Table 3 in this document, demonstrate that DC's existing I/M program is operating at or above the Basic I/M performance standard level.

TABLE 3—DC I/M BASIC PERFORMANCE STANDARD MODELING ANALYSIS RESULTS

Pollutant	Emissions (total onroad)			Emission rate (onroad grams/mile)		
	HC (tons)	VOC (tons)	NO_X (tons)	HC (g/mile)	VOC (g/mile)	NO_X (g/mile)
Model Basic I/M Performance Standard Program	3.48	2.58	3.10	0.2953	0.2194	0.2635
DC I/M Existing Program	3.36	2.48	2.98	0.2852	0.2107	0.2532
Difference Between DC's Existing I/M Program and the Model Basic I/M Performance Standard Program	−0.12	−0.10	−0.12	−0.0101	−0.0087	−0.0103
Does DC's I/M Program Meet the CAA PSM Requirement for a Basic I/M Program?	Yes	Yes	Yes	Yes	Yes	Yes

E. Demonstration of Noninterference by the Updated I/M Program SIP Revision With Attainment and Maintenance of NAAQS Under CAA 110(l)

CAA section 110(l) requires that the EPA approve a revision to a SIP only ''if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of [the CAA].'' In evaluating the District's submitted SIP revision, EPA considered whether approval of the revision would result in interference under CAA section 110(l). Consequently, an analysis of whether EPA's approval of the District's SIP revision would be consistent with CAA section 110(l) is presented here.

A SIP revision would be consistent with section 110(l) so long as ''emissions in the air are not increased,'' and ''status quo air quality'' is preserved.[29] The appropriate analysis under section 110(l) is not standardized and is determined on a case-by-case basis, given the nature of the SIP revision.[30] Historically, the EPA has held that to demonstrate noninterference where the EPA anticipates that a SIP revision may result in increased emissions, a state may either substitute equivalent or greater emission reductions in order to preserve status quo air quality or submit an air quality analysis showing that the SIP revision will not interfere with any applicable requirements.[31] However,

[24] *See* the EPA's I/M PSM Guidance [EPA–420–B–22–034, October 2022], p.10.

[25] 88 FR 62567.

[27] *See* 88 FR 62567.

[27] *See* EPA, 420–B–20–044, ''Policy Guidance on the Use of MOVES3 for State Implementation Plan Development, Transportation Conformity, General Conformity, and Other Purposes'' (2020), p. 7. DC's PSM analysis supporting this SIP revision commenced earlier in 2023, prior to the subsequent release by EPA of MOVES4 and its policy memorandum requiring use of that more recent model.

[28] *See* EPA, 420–B–20–052, ''MOVES 3 Technical Guidance—Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity'' (Nov. 2020), pp. 44–49.

[29] *See Ky. Res. Council, Inc.* v. *EPA,* 467 F.3d 986, 991 (6th Cir. 2006); see also *Indiana* v. *EPA,* 796 F.3d 803, 806 (7th Cir. 2015); *Ala. Env't Council* v. *EPA,* 711 F.3d 1277, 1292–93 (11th Cir. 2013); *Galveston-Houston Assn for Smog Prevention* v. *EPA,* 289 F. Appendix 745, 754 (5th Cir. 2008).

[30] *See Center for Biological Diversity* v. *EPA,* 75 F.4th 174, 181 (3rd Cir. 2023).

[31] *See Ky. Res. Council, Inc.* v. *EPA,* 467 F.3d at 995.

some SIP elements, such as public hearing requirements, are clearly administrative or procedural in nature, and changes to them will not impact emissions for the affected measure.

The EPA's review of these revised program elements shows them to be administrative and clerical in nature, as discussed previously and detailed further in the TSD accompanying this action. Thus, the administrative amendments to the prior, SIP-approved Enhanced I/M program in the DC SIP do not require a formal noninterference showing under CAA section 110(l).

III. The EPA's Evaluation and Proposed Action

The EPA's review of this material indicates that all applicable requirements for a Basic I/M program have been met by the District of Columbia's SIP June 7, 2024 SIP submission. Further, revisions made by DC to make regulatory updates to its prior, SIP-approved Enhanced I/M program of an administrative and clerical nature do not interfere with the SIP's ability to meet all applicable CAA requirements for an Enhanced I/M program as required by CAA sections 182(c) and 184(b). The EPA is proposing to approve into the SIP the District of Columbia's submitted I/M program updates of Chapters 6 and 7 of Title 18 of the District of Columbia Municipal Regulations, which reflect administrative changes made to the program regulations since EPA last approved the SIP in 1999. The specific regulatory sections amended are detailed in the incorporation by reference section of this proposed action. These regulatory updates primarily result from revised legal authority governing the District's I/M program, under The Vehicle Inspection Improvement Amendment Act of 2009.[32]

The CAA gives states discretion on program planning to tailor I/M programs to their unique situation, as long as Federal statutory and regulatory requirements for an applicable I/M program are satisfied and the CAA-required performance standard has been met.

The EPA's review finds that the District of Columbia's revisions to the prior, SIP-approved I/M program are administrative and clerical in nature and that they are in accordance with the requirements of the CAA, 40 CFR part 51 and applicable EPA's guidance for an I/M program. As a result, this submission does not warrant a noninterference demonstration under CAA section 110(l). The EPA has determined that approval of the District's will not interfere with any applicable CAA requirement concerning attainment and reasonable further program, or any other applicable CAA requirement. Further, the EPA has determined that the District's Basic I/M Certification SIP demonstrates that the existing DC I/M program for DC's portion of the Washington, DC-MD-VA nonattainment area complies with all applicable requirements for a Basic I/M program under CAA section 182(b)(4) and that the submitted PSM analysis demonstrates that DC's existing I/M program is operating at or above the Basic I/M performance standard level.

Therefore, the EPA proposes to approve the District's June 7, 2024 Enhanced I/M SIP submission as a revision to the District of Columbia SIP. Additionally, EPA proposes to approve the District's Basic I/M certification SIP submission for the DC portion of the Washington, DC-MD-VA as satisfying the Moderate area Basic I/M requirement under the 2015 ozone NAAQS.

IV. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revised District of Columbia rule revisions Chapters 6 and 7 of Title 18 of the District of Columbia Municipal Regulations, which reflect administrative changes made to the program regulations since the EPA last approved the SIP in 1999, as submitted as part of DC's June 7, 2024 SIP revision. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the DCMR rule revisions regarding administrative updates and clerical amendments to the DC I/M program, as discussed in section II.A of this preamble and with DCMR effective dates listed in Table 1 of Section II.A of this preamble. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act;

In addition, this District of Columbia I/M program revision 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,

[32] *See DC Fiscal Year 2010 Budget Support Act of 2009,* Title VI. Public Works, Subtitle B. Vehicle Inspection Improvement.

Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–22592 Filed 11–4–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R09–OAR–2026–5710; FRL–13516–01–R9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State plan submitted by the Maricopa County Air Quality Department (MCAQD). This plan pertains to the regulation of landfill gas and its components from existing municipal solid waste (MSW) landfills. Maricopa's county plan was submitted in response to the EPA's promulgation of Emissions Guidelines and Compliance Times for MSW landfills. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2026–5710 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, U.S. EPA Region IX, telephone number: (415) 947–4152, email address: *buss.jeffrey@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:

ADEQ Arizona Department of Environmental Quality
CAA Clean Air Act
CBI confidential business information
EG emission guideline
MCAQD Maricopa County Air Quality Department
MSW municipal solid waste
NSPS New Source Performance Standards
TSD Technical Support Document

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I. Executive Summary

A. What action is the EPA taking?

The Environmental Protection Agency (EPA) is proposing to approve a State plan submitted by the Maricopa County Air Quality Department (MCAQD) pursuant to Clean Air Act (CAA) section 111(d). This plan pertains to the regulation of landfill gas and its components from existing municipal solid waste (MSW) landfills. Maricopa's county plan was submitted in response to the EPA's promulgation of Emissions Guidelines and Compliance Times for MSW landfills.[1]

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

The EPA is proposing to approve the MCAQD's October 4, 2022 section 111(d) plan submittal for existing MSW landfills submitted pursuant to 40 CFR part 60, subparts B and Cf. Therefore, the EPA is proposing to amend 40 CFR part 62, subpart D, to reflect this action. This approval is based on the rationale discussed below and in further detail in the Technical Support Document (TSD) associated with this action. The scope of the proposed approval of the section 111(d) plan is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the Emission Guidelines (EGs), subpart Cf.

II. Background

CAA section 111(b)(1)(A) requires the EPA Administrator to promulgate a list of categories of stationary sources that the Administrator, ''in his judgment,'' finds ''causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' The EPA has the authority under this section to define the scope of the source categories; to determine, consistent with the statutory requirements, the pollutants for which standards should be developed; and to distinguish among classes, types, and sizes within categories in establishing the standards.[2] Once the EPA lists a source category that contributes significantly to dangerous air pollution, the EPA must, under CAA section 111(b)(1)(B), establish ''standards of performance'' for ''new sources'' in the source category. These standards are referred to as new source performance standards, or NSPS. The NSPS are national requirements that apply directly to the sources subject to them.

The basis for standards of performance is the ''degree of emission limitation'' that is ''achievable'' by sources in the source category by application of the ''best system of emission reduction'' that the EPA determines is ''adequately demonstrated'' (BSER). As explained further below in this section, the D.C. Circuit has explained that systems are not ''adequately demonstrated'' if they are ''purely theoretical or experimental.'' [3] The D.C. Circuit has stated that in determining the ''best'' adequately demonstrated system for the pollutants at issue, the EPA must also take into account ''the amount of air pollution'' reduced.[4] The D.C. Circuit has also stated that the EPA may weigh the various factors identified in the statute and caselaw to determine the ''best'' system and has emphasized that

[1] See 81 FR 5927 (Aug. 29, 2016).

[2] 42 U.S.C. 7411(b)(2) provides the EPA the authority to establish subcategories.

[3] *Essex Chem. Corp.* v. *Ruckelshaus,* 486 F.2d 427, 433–34 (D.C. Cir. 1973).

[4] *See Sierra Club* v. *Costle,* 657 F.2d 298, 326 (D.C. Cir. 1981). The D.C. Circuit has stated that EPA must also take into account ''technological innovation.'' See id. at 347.