V. Statutory and Executive Order Reviews

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

List of Subjects in 40 CFR Part 52

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–24042 Filed 11–25–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2026–4555; FRL–13661–01–R8]

Air Plan Approval; Utah; Cache County Inspection and Maintenance Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Utah on February 28, 2025. The Utah submittal includes revisions to the State's Administrative Rule R307–110–36, concerning SIP Section X Vehicle Inspection and Maintenance (I/M) Program, Part F, Cache County. These revisions updated the rule effectiveness date, updated the definition of vehicle I/M program stations, added emergency vehicle exemptions, and added a part unavailability waiver to the Cache County, Utah I/M program.

DATES: Written comments must be received on or before December 28, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2026–4555, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *https://www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

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

FOR FURTHER INFORMATION CONTACT: Gregory Lohrke, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129; telephone number: (303) 312–6396; email address: *lohrke.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

APA Administrative Procedure Act
BRHD Bear River Health Department
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
EVFM Emergency Vehicle Field Modification
EPA U.S. Environmental Protection Agency
FR Federal Register
I/M Inspection and Maintenance
IBR Incorporation by Reference
NAA Nonattainment Area
NAAQS National Ambient Air Quality Standards
NOX Nitrogen Oxides
PM Particulate Matter
PM2.5 Fine Particulate Matter
SIP State Implementation Plan
UAQB Utah Air Quality Board
VOC Volatile Organic Compounds

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I. Executive Summary

A. What action is the EPA taking?

The EPA is proposing to approve Utah's February 28, 2025, SIP revision incorporating recent changes to the Cache County, Utah I/M program. This proposed approval is based on a finding that the revisions to the Cache County I/M program, and subsequent incorporation of those changes into the Utah SIP, would not interfere with any applicable requirement concerning maintenance of the 2006 24-hour particulate matter (PM) with an aerodynamic diameter less than or equal to 2.5 microns ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) or any other applicable requirement of the Clean Air Act (CAA).

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

Under section 109 of the CAA, the EPA has promulgated NAAQS for certain pollutants, including $PM_{2.5}$. When the EPA promulgates a new NAAQS, CAA section 107 specifies a process for the designation of each area within a State, generally as either an area attaining the standard or as a nonattainment area (NAA) not attaining the standard or contributing to the nonattainment of the standard in a nearby area. CAA section 110 requires that each State adopt and submit to the EPA for approval a plan to provide for implementation, enforcement, and maintenance of the NAAQS. This plan is referred to as an infrastructure SIP. CAA section 110 also contains SIP requirements that must be met by each plan for the EPA's approval. SIPs usually include control measures to address emissions of air pollutants subject to the NAAQS from various sources including stationary, area, and mobile sources. CAA section 110(l) requires that any further revision of a State's adopted and effective SIP shall not be approved by the EPA if the revision would interfere with any applicable requirement of the CAA.

II. Background

On October 17, 2006, the EPA revised the 24-hour $PM_{2.5}$ NAAQS, lowering the primary and secondary standards to 35 micrograms per cubic meter ($\mu g/m^3$).[1] On November 13, 2009, the EPA designated three areas in Utah as Moderate nonattainment for the 2006 24-hour $PM_{2.5}$ standard, including the Logan nonattainment area.[2] The Logan nonattainment area is composed of portions of Franklin County, in the State of Idaho, and Cache County, in the State of Utah.

Through Utah's development of an attainment demonstration for the 24-hour $PM_{2.5}$ NAAQS, the State identified an I/M program implemented by Cache County as a reasonable control measure to achieve ambient $PM_{2.5}$ reductions via the reduction of small-diameter particulate matter precursor emissions of oxides of nitrogen (NO_X) and volatile organic compounds (VOC). Idaho did not identify a vehicle I/M program as a reasonable control measure for the Idaho portion of the Logan nonattainment area, given that the Idaho portion of the area contains roughly only 10 percent of the designated area's population base and overall mobile source emissions.[3] The Cache County I/M program was developed and fully implemented on January 1, 2014, under the direction of Cache County's local public health agency, the Bear River Health Department (BRHD). The Governor of Utah submitted a SIP revision to the EPA on January 28, 2014, to add the Cache County I/M program to the SIP under section X, part F. This SIP revision was approved by the EPA on September 9, 2015.[4] The Cache County I/M program is not required by the CAA subparts outlining general provisions for SIPs or additional provisions for particulate matter SIPs. Therefore, the Cache County program was developed using Federal I/M program requirements as a general model for program design, but the program is not held strictly to the EPA's I/M program requirements found in the Code of Federal Regulations (CFR) in 40 CFR part 51, subpart S (hereafter, 40 CFR 51, subpart S) by the 2015 Cache County I/M program approval. For example, the Cache County program was not required to submit performance standard modeling to demonstrate equivalency to the I/M program performance standards for mandatory programs found in 40 CFR 51, subpart S.[5] After initial approval of the I/M program into the Utah SIP, the EPA evaluates proposed revisions to the Cache County I/M program pursuant to CAA section 110(l) requirements, evaluating whether the proposed program changes are part of a SIP revision that would result in the same emissions reduction benefits as compared to the status quo program.[6]

On November 23, 2018, the EPA approved the Cache County I/M program as an ''additional reasonable measure'' under CAA section 172(c)(6) and the EPA's $PM_{2.5}$ Implementation Rule for timely attainment of the 24-hour $PM_{2.5}$ standard.[7] [8] On May 19, 2021, the EPA approved redesignation of the Logan area to attainment status for the 2006 24-hour $PM_{2.5}$ NAAQS, the associated maintenance plan for the Utah portion of the Logan NAA, and related revisions to the SIP, including modifications of the Cache County I/M program.[9]

In a letter dated February 28, 2025, the Governor of Utah submitted a revision to section X, part F of the SIP. The revision reflects recent changes to the Cache County ordinances which define and implement the I/M program. Materials submitted with the Governor's letter constitute the State's showing that the SIP, as revised, accurately reflects the County's I/M program and does not reduce the stringency of the I/M program and that the program remains an additional reasonable measure of emissions reductions similar to the program as previously approved under CAA section 172(c)(6) and the $PM_{2.5}$ Implementation Rule for maintenance of the $PM_{2.5}$ NAAQS.[10] The EPA's review and evaluation of the submitted SIP revision and demonstration of compliance with CAA requirements is discussed in section III of this preamble.

III. The EPA's Evaluation of the State's Submittal

A. Utah's SIP Revision

When a Utah SIP is amended by the Utah Air Quality Board (UAQB), the amended sections must be incorporated into the Utah Air Quality Rules within the Utah Administrative Code. Utah incorporates SIP sections into the State's Rule R307–110. These rules are amended as needed to change the effective dates to match the UAQB approval date of various amendments to the Utah SIP. In this proposed action, the EPA is proposing to approve submitted revisions to Rule R307–110–36, which incorporates by reference (IBR) section X, Vehicle Inspection and Maintenance Program, part F, Cache County. Such IBR actions update incorporation of the State's general

[1] 71 FR 61144 (Oct. 17, 2006).

[2] 74 FR 58688 (Nov. 13, 2009).

[3] 78 FR 78315 (Dec. 26, 2013) and 82 FR 729 (Jan. 4, 2017).

[4] 80 FR 54237 (Sept. 9, 2015).

[5] *See* 40 CFR 51.352(e)(13).

[6] *Id.*

[7] 83 FR 59315 (Nov. 23, 2018).

[8] 81 FR 58010 (Aug. 24, 2016).

[9] 86 FR 27035 (May 19, 2021).

[10] 81 FR 58010 (Aug. 24, 2016).

summary and basis of Cache County's I/M program, the County's authorizing ordinance for an I/M program, and the most recently adopted version of the BRHD's regulations defining the Cache County I/M program into State regulations which are all contained within the Utah SIP at section X.F. The EPA's evaluation of this revision follows.

1. R307–110–36

Section R307–110–36 incorporates the amendments to Utah SIP section X, Vehicle Inspection and Maintenance Program, part F, Cache County, into State rules, thereby making them effective as a matter of State law. The revision to R307–110–36 discussed in this preamble is a ministerial provision, which only revises the effective date within the rule to February 5, 2025, and does not itself include any control measures. The EPA evaluated the Governor's February 28, 2025, submitted revision to R307–110–36 based on the substantive revisions to the materials incorporated under that rule, as described below.

2. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County

Section X, part F of the Utah SIP addresses the requirements for the implementation of the Cache County I/M program under the direction of the BRHD. Section X, part F contains three main components for the Cache County I/M program: (1) An outline setting forth program applicability, the general description of the program, and the required timeframe for its full implementation; (2) Cache County Ordinance 2013–04 which provides County-level authority to implement an I/M program and delegates implementation and administration of the program to the BRHD under general provisions and guidelines defined by the County; and (3) the BRHD's Regulation No. 2013–1 which fully defines the I/M program requirements, standards, and procedures.

All substantive changes to the Cache County I/M program submitted to the EPA for review and approval with the Utah Governor's February 28, 2025, letter are found in the BRHD's Regulation No. 2013–1 as updated and adopted on July 1, 2024. The EPA's evaluation focuses on all substantive changes to Regulation No. 2013–1 as outlined and discussed below.

i. Change of Definition

In Regulation No. 2013–1, in the ''Definitions'' section, the BRHD amended the section by revising the definition of ''I/M Program Station'' by removing the word ''stationary'' as a necessary qualifier for I/M stations. All other requirements for inspection station qualification and licensure were left in the definition intact.

The removal of ''stationary'' from the definition for an I/M program station in Cache County was made to allow for ''mobile'' emissions testing (*i.e.,* emissions testing performed by a qualified and permitted tester away from fixed, physical testing locations or facilities). This change allows for more flexible program operations following a successful mobile testing pilot program in 2023.

The EPA's evaluation of this change to the regulatory definitions concludes that this revision is administrative in nature because it will not impact the emission reduction benefits of the Cache County I/M program. The ''mobile'' testing allowed by this change promotes motorist convenience and does not affect the subject vehicle population size, or the inspection station and inspector requirements the EPA has previously approved for the Cache County I/M program.

The EPA's evaluation is that this revision to Regulation No. 2013–1 is administrative in nature and does not change the stringency of the Cache County I/M program or the emission reduction benefits produced by the program.

ii. Emergency Vehicle Exemptions

In Regulation No. 2013–1, in the ''General Provisions'' section, the BRHD amended sub-section 6.4, which covers vehicles exempt from the I/M program, by adding an exemption for any in-use ''authorized emergency vehicle'' as defined by the Utah Code.[11] Under the Utah Code, ''authorized emergency vehicles'' are defined as fire department vehicles, police vehicles, ambulances, and any other publicly or privately owned vehicles specially designated by the Department of Public Safety as an emergency vehicle. Thus, these four categories of emergency vehicles are exempted from the I/M program requirements under this revision.

The EPA's evaluation of this revision focused on whether any emission reductions disbenefits were likely to result from the exemption or would interfere with maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS or any other applicable requirement of the CAA.

The model I/M program requirements under 40 CFR 51, subpart S state that SIP revisions granting exemptions to vehicles describe such special exemptions and give an estimate of the percentage and type of vehicles which will be granted special exemptions and account for the exemption within the program's quantitative emission reduction analysis.[12] Within the submittal, Utah includes an account of the number of vehicles affected by this exemption and the most recent estimate of total subject vehicles. In the SIP submittal, the State and Cache County indicated that this revision will exempt 102 emergency vehicles out of the 124,718 total vehicles registered in the county, or 0.08 percent of all registered vehicles. However, as noted previously in this document, the Cache County I/M program is not a mandatory program under the requirements of the CAA and was, therefore, not held strictly to the EPA's 40 CFR 51, subpart S requirements to quantify the change in emissions reduction benefits produced by the proposed exemption of emergency vehicles. The EPA, however, can qualitatively assess that an exemption of such a small proportion of the total vehicle fleet subject to I/M program testing would result in a nearly negligible change in emissions reductions, and an even more attenuated change in air quality benefits. Further, since it is best practice for maximum operational readiness that public safety agencies keep emergency vehicles properly maintained at all times (and not wait for periodic inspections to identify needed repairs), the EPA believes that there is little to no additional emission reduction benefit to be gained from conducting an inspection on a small number of emergency vehicles once every two years through the Cache County I/M program. The EPA discusses the qualitative impact of this exemption with respect to noninterference and approvability with more detail in section IV of this preamble, below.

The EPA's evaluation is that this revision to Regulation No. 2013–1 is consistent with Federal I/M program requirements and the exemption does not appreciably change the stringency of the Cache County I/M program or reduce the emissions reduction benefits produced by the program.

iii. Parts Unavailability Waiver

In Regulation No. 2013–1, the BRHD has amended the regulation by adding an Appendix G—''Waivers for Part Unavailability'' which establishes conditions for issuance of a testing certification waiver based on unavailability of an essential component due to discontinuation of the

[11] Utah Code Annotated 41–6a–102.

[12] 40 CFR 51.356(b).

manufacture of the component or for some other documented supply-chain issue. In order to qualify for the waiver, the unavailability of parts must be documented by the program and include certifications from two licensed and certified inspection stations. Part unavailability waivers under this added appendix are subject to other previously approved waiver conditions found elsewhere in the Cache County I/M program regulations. By the account of the State and Cache County's submittal, this revision may result in no more than 10 additional waivers per year. For reference, the BRHD reported to the EPA the issuance of zero waivers, for any reason, during the 2025 recordkeeping and reporting period.[13] Accordingly, the new waiver provision is not likely to result in an appreciable impact on the emissions reduction benefits of the I/M program.

The EPA's evaluation of this revision focused on whether this revision satisfies the applicable requirements of CAA section 175A for maintenance plans and the applicable requirements for $PM_{2.5}$ control measures in CAA section 172(c)(6) and the EPA's $PM_{2.5}$ Implementation Rule. The parts unavailability waiver provision is a minor revision to a SIP-approved control measure which is not expected to appreciably change the stringency of the I/M program or change emission reduction benefits. Accordingly, the EPA proposes that the revised program will still meet all applicable requirements of CAA section 172(c)(6) and the EPA's Implementation Rule. As noted previously, the Cache County I/M program is not a CAA-mandated program and is, therefore, not required to meet the Federal I/M rule in 40 CFR 51, subpart S. Still, the EPA notes that parts unavailability waivers are even permissible pursuant to 40 CFR 51.360 of the Federal I/M rule.

The EPA's evaluation is that this revision to Regulation No. 2013–1 is consistent with Federal I/M program requirements and the parts unavailability waiver does not appreciably change the stringency of the Cache County I/M program or reduce the emission reduction benefits produced by the program.

IV. Consideration of Section 110(l) of the Clean Air Act

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision interferes with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. The revisions to Utah SIP section X.F described in the previous section of this document provoke varied levels of consideration as relates to CAA section 110(l).

The revision to ''I/M Program Station'' to allow for ''mobile'' emissions testing does not change the stringency of program requirements for test standards, program audits or inspector, testing equipment certification, or any other program element relevant to the program's emissions reduction efficacy. Accordingly, the EPA is proposing that this revision is administrative in nature and will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA.

The revision to the I/M program to exempt emergency vehicles impacts a small portion of the vehicles on the road in Cache County subject to emissions testing. Specifically, Cache County vehicle registrations sum to 124,718 vehicles, of which only 102 are emergency vehicles subject to this exemption.[14] This amounts to 0.08 percent of the County's registered vehicles. Exempting these 102 vehicles from emissions testing is expected to result in a negligible increase in emissions of pollutants subject to the NAAQS. Additionally, it is reasonable to assume that such emergency vehicles are well-maintained and repaired immediately when necessary. Thus, requiring the small population of emergency vehicles to participate in the bi-annual onboard diagnostic system check that is required as part of Cache County's I/M program would provide little to no additional emissions reductions benefit and exemption of those vehicles from the checks is acceptable.

The State also provided in its CAA section 110(l) analysis a summary of the area's 3-year air quality design values for the 10 years prior to this SIP submittal.[15] [16] The most recent design value reported in the State's CAA section 110(l) demonstration is 30.6 μg/m^3 for the three years centered on 2024, well below the standard of 35 μg/m^3. The design values for the area do not suggest that the small-to-negligible disbenefit that would result from exempting emergency vehicles from the I/M program would interfere with maintenance of the NAAQS. The EPA concludes that any potential increases in emissions from this small number of emergency vehicles will not interfere with the attainment, reasonable further progress, or any other applicable requirements of the CAA.

The addition of a parts unavailability waiver to the Cache County I/M program provides operational flexibility and an adaptation to supply chain difficulties without conflicting with the EPA's I/M program requirements. The EPA expects the parts unavailability waiver would be applicable to only a relatively small portion of the vehicle fleet subject to the program and will not likely change the acceptable program waiver rate associated with maintenance of the 2006 24-hr $PM_{2.5}$ NAAQS. If the waiver rate for the Cache County program increases notably after implementation of the new waiver category, the County is obligated to document the trend in annual reporting to the EPA and will need to adjust I/M program requirements accordingly.[17] The EPA proposes that the parts unavailability waiver will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in a final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to R307–110–36 and Utah SIP section X.F, as discussed in Sections III. and IV. of this preamble. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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

[13] *See* docket item: Cache CY2025 40 CFR 51.366(a)(2)(v).

[14] *See* docket item: ''CAA section 110(l) Demonstration''.

[15] *Id.*

[16] *See* 40 CFR Appendix N to Part 50 1.0(c) ''Design values (DVs)''.

[17] *See* Utah SIP, section X.A: General Requirements Vehicle Inspection and Maintenance Program, section 3. General Summary, Data analysis and reporting requirements.

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);

• Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

List of Subjects in 40 CFR Part 52

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

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

Dated: November 12, 2026.

Cyrus Western,

Regional Administrator, Region 8.

[FR Doc. 2026–24036 Filed 11–25–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2026–4951; FRL–13509–01–R3]

Air Plan Approval; Virginia; Revision to Minor New Source Review Permit Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision (Revision A25) submitted by the Commonwealth of Virginia. This revision pertains to an amendment made in the Virginia Administrative Code (VAC) to include minor New Source Review (NSR) permit exemptions for bovine incinerators for agricultural use. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before December 28, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2026–4951 at *www.regulations.gov,* or via email to *He.Yongtian@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, 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 *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Casey Diaz, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2167. Ms. Diaz can also be reached via electronic mail at *diaz.casey@epa.gov.*

SUPPLEMENTARY INFORMATION: On September 8, 2025, the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (VADEQ), submitted a revision to its SIP (Revision A25). Revision A25 seeks to amend minor NSR permit exemptions in the Virginia SIP section 9VAC5–80–1105 (''Permit exemptions''). Specifically, this amendment updates minor NSR permit exemptions for poultry or swine incinerators to also include bovine incinerators for agricultural use.

Acronym Table

CAA—Clean Air Act
CBI—Confidential Business Information
CFR—Code of Federal Regulations
EPA—Environmental Protection Agency
NAAQS—National Ambient Air Quality Standards
NSR—New Source Review
SIP—State Implementation Plan
VAC—Virginia Administrative Code
VADEQ—Virginia Department of Environmental Quality
VR—Virginia Regulations

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I. Background

Because CAA section 110(a)(2)(C) requires that State and local minor NSR programs regulate minor sources and minor modifications ''as necessary to assure that [the NAAQS] are achieved,'' the statute provides State and local air agencies with discretion to establish their own applicability criteria for their minor NSR programs as needed to assure achievement of the NAAQS in their jurisdictions. CAA section 110(a)(2)(C) does not prescribe the use of permits or any other specific mechanism for authorizing the construction of minor sources and minor modifications. State and local air agencies are free to use permits in their minor NSR programs and frequently do so, but air agencies can also include other preconstruction authorization mechanisms in their minor NSR programs.

Virginia's minor NSR program has undergone several revisions since its