• 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
II. Summary of SIP Revision and EPA Analysis
III. Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

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

initial submission in 1972. On July 24, 1996 the EPA took final action to approve in part and disapprove in part a revision to the Virginia SIP relating to minor NSR permitting requirements.[1] The EPA disapproved revisions to the public participation requirements which were, at the time, codified at 9VAC5–80–120. Specifically, the EPA disapproved sections 120–08–01G.1 and .01G.4.b because they purported to exempt major modifications of less than 100 tons per year (tpy) from the prescribed public participation procedures, contrary to the requirements of 40 Code of Federal Regulations (CFR) 51.161. This left the previously approved SIP requirements of Virginia Regulations (VR) section 120–08–01C.4 in place to govern public participation. The EPA approved the remainder of the submittal into Virginia's SIP.

Subsequently, on April 21, 2000, the EPA took final action to approve a revision to the Virginia SIP which did not revise any of the substantive requirements, but included in the SIP Virginia's reorganized and recodified regulations from the VR–120–08–01 format to match the VAC format (*e.g.,* 9VAC5–80–10).[2]

On August 22, 2016, the EPA took direct final action to approve revisions to the Commonwealth of Virginia SIP.[3] These revisions pertained to preconstruction permitting requirements under Virginia's minor NSR program, as well as a complete recodification of those regulations.

II. Summary of SIP Revision and EPA Analysis

On September 8, 2025, VADEQ submitted Revision A25, a SIP revision amending minor NSR permit exemptions for poultry and swine incinerators in 9VAC 5–80–1105 (''Permit Exemptions'') to include bovine incinerators. The Virginia State Air Pollution Control Board adopted the revision on April 17, 2025, the revision was published in the Virginia Register of Regulations on June 30, 2025, and the revision became effective on July 30, 2025.[4]

Virginia's September 8, 2025 submittal contains revisions to section 9VAC5–80–1105 subsections B.15 and E.2. Subsection B.15 lists poultry, swine, or bovine incinerators located on a farm as facilities that shall be exempt from the provisions of Article 6, provided conditions in section 9VAC5–80–1105.B.15.a–g are met. Subsection B.15.g requires that records shall be maintained on site to demonstrate compliance with the conditions for this exemption, including the total amount of pathological waste incinerated and the fuel usage on a calendar year quarterly basis. Subsection E.2 further lists poultry, swine, and bovine incinerators as stationary sources of toxic pollutants exempt from the Federal hazardous air pollutant NSR program.

The revised provisions of 9VAC5–80–1105 meet the Federal requirements of 40 CFR 51.160 and 51.161 pertaining to legally enforceable procedures and public availability of information, and CAA section 110(a)(2)(C). The CAA and its implementing Federal regulations are less prescriptive regarding minimum requirements for minor NSR, so State and local air agencies generally have more flexibility in designing minor NSR programs in their EPA-approved SIPs. Minor NSR permits are almost exclusively issued by State and local air agencies.[5] Additionally, the revisions are in accordance with CAA section 110(l) because they will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement.

III. Proposed Action

The EPA is proposing to approve Revision A25, submitted on September 8, 2025 by VADEQ, as a revision to the Virginia SIP, because the submission meets the requirements of CAA section 110. Revision A25 adds bovine incinerators as facilities exempt from minor NSR permitting in 9 VAC 5–80–1105. The EPA is soliciting public comments on the matters discussed in this proposed rulemaking. These comments will be considered before taking final action.

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, the EPA is proposing to incorporate by reference the revisions to Virginia Administrative Code 9 VAC 5–80–1105 as described in section II of this document. The 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 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;[6]
- Is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866;[7]
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act;[8]
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act;[9]
- 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;[10]
- Is not subject to Executive Order 13045because it approves a State program;[11]
- Is not a significant regulatory action subject to Executive Order 13211;[12] and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 because application of those requirements would be inconsistent with the Clean Air Act.[13]

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

[1] 61 FR 38388 (July 24, 1996).
[2] 65 FR 21315 (April 21, 2000).
[3] 81 FR 56508 (August 22, 2016).
[4] VA.R. Doc. No. R25–8264.
[5] 89 FR 1150 (July 7, 2026).
[6] 58 FR 51735 (October 4, 1993).
[7] 90 FR 9065 (February 6, 2025).
[8] 44 U.S.C. 3501 *et seq.*
[9] 5 U.S.C. 601 *et seq.*
[10] 64 FR 43255 (August 10, 1999).
[11] 62 FR 19885 (April 23, 1997).
[12] 66 FR 28355 (May 22, 2001).
[13] 15 U.S.C. 272 note.

substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175.[14]

List of Subjects in 40 CFR Part 52

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–24043 Filed 11–25–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2024–0069; FRL–13714–01–R6]

Air Plan Approval; Texas; Attainment Plan for the Navarro County 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State Implementation Plan (SIP) revision that Texas submitted to the EPA on October 24, 2022, for the 2010 1-hour sulfur dioxide (SO_2) primary national ambient air quality standard (NAAQS) in the Navarro County SO_2 nonattainment area. This SIP (or ''attainment plan'') includes Texas' attainment demonstration provisions and emissions inventory for the nonattainment area, demonstration of reasonable further progress (RFP), implementation of reasonably available control measures (RACM) (including reasonably available control technology (RACT)), an approved nonattainment new source review (NNSR) program, enforceable emissions limitations and control measures, and adequate contingency measures for the affected area. The EPA is proposing to approve Texas' attainment plan for Navarro County and accompanying provisions for the enforceable control strategy for the Navarro area.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2024–0069 at *http://www.regulations.gov,* or via email to *lee.andrew.c@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Andrew Lee via telephone at 214–665–6750, or via email at *lee.andrew.c@epa.gov.* 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.*

Docket: The index to the docket for this proposed action is available electronically at *https://www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Andrew Lee, EPA Region 6 Office, Ozone and Infrastructure Section, telephone number: 214–665–6750, email address: *lee.andrew.c@epa.gov.* We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. List of Terms and Acronyms frequently used in this document:

AQS Air Quality System
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
DRR Data Requirements Rule
EPA Environmental Protection Agency
lbs/hr Pounds per hour
NAA Nonattainment Area
NAAQS National Ambient Air Quality Standards
NEI National Emission Inventory
NNSR Nonattainment New Source Review
NSR New Source Review
ppb Parts per billion
PSD Prevention of Significant Deterioration
RACM Reasonably Available Control Measures
RACT Reasonably Available Control Technology
RFP Reasonable Further Progress
SIP State Implementation Plan
SO2 Sulfur Dioxide
STARS State of Texas Air Reporting System
TAC Texas Administrative Code
TCEQ Texas Commission on Environmental Quality
THSC Texas Health and Safety Code
tpy Tons per year
TWC Texas Water Code

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I. Executive Summary

A. What action is the EPA taking?

The Environmental Protection Agency (EPA) is proposing to approve Texas' October 24, 2022, State Implementation Plan (SIP) submittal demonstrating the plan for attainment of the 2010 1-hour sulfur dioxide (SO_2) primary national ambient air quality standard (NAAQS) for the Navarro County nonattainment area (Navarro NAA). As part of this proposed action, the EPA is also proposing to approve and incorporate by reference into the State's SIP, a portion of the October 24, 2022, Texas rulemaking SIP revision containing Texas' recently adopted provisions at Texas Administrative Code Title 30, Chapter 112: Control of Air Pollution from Sulfur Compounds, Subchapter G: Requirements in the Navarro County Nonattainment Area (30 TAC 112, subchapter G), that provide the enforceable control strategy for the Navarro NAA.

[14] 65 FR 67249 (November 9, 2000).