

1304(C)(2)(d) is SIP strengthening, but the 24-month period between the EPA's approval of the revised Rule 1304 into the SIP and simultaneous termination of the FIP means that Rule 1304(C)(2)(d), which is deficient for the reasons provided in the 2023 NSR Action and 2024 NSR Action, would be in effect for that 24-month period before the District implements the revised Rule 1304. For the reasons described in section II.D.2. of this document, the EPA is proposing to find this short delay in the District's compliance with federal NNSR offset requirements justified as a matter of administrative necessity in light of the MDAQMD's need to reassess and revise the ERC banking reserves implemented as part of its NNSR program.

For the deficiencies described in this document, which relate to NNSR requirements under part D of title I of the Act, the offset sanction in CAA section 179(b)(2) became effective in the nonattainment areas at issue on January 31, 2024,<sup>16</sup> and the highway funding sanctions in CAA section 179(b)(1) will become effective on July 31, 2025.<sup>17</sup> As a separate action in this **Federal Register**, we are making an interim final determination that will stay or defer the imposition of CAA sanctions associated with our previous limited disapproval action.

If we finalize this action as proposed, our action conditionally approving Rules 1301, 1302, 1303, 1304, and 1305 will be codified through revisions to 40 CFR 52.220 (Identification of plan—in part) and 40 CFR 52.248 (Identification of plan—conditional approval). If CARB or the MDAQMD fail to comply with this commitment, the conditional approval would convert to a disapproval. We will accept comments from the public on this proposal until August 25, 2025. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

### III. 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 MDAQMD rules described in table 2 of this preamble. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and in hard copy at the EPA Region IX Office (please

contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 Act. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal

governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

### List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: July 15, 2025.

**Joshua F.W. Cook,**

*Regional Administrator, Region IX.*

[FR Doc. 2025–13906 Filed 7–23–25; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R06–OAR–2020–0165; FRL–12829–01–R6]

### Air Plan Approval; Texas; Reasonably Available Control Technology in the Houston-Galveston-Brazoria Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) is supplementing a proposed rule published on March 10, 2021, to approve revisions to the Texas State Implementation Plan (SIP) concerning Nitrogen Oxide (NO<sub>x</sub>) and Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) requirements for the Serious Houston-Galveston-Brazoria (HGB), 2008 8-hour ozone National Air Quality Ambient Air Quality Standard (NAAQS) nonattainment area. Because of comments received on the March 10, 2021, proposal, we are providing additional analysis, in this proposal, regarding the RACT requirements which apply to sources of VOC in this area. Consistent with this analysis, EPA is proposing to determine that the Texas Rules meet the RACT requirements for sources of VOCs in the HGB Serious ozone nonattainment area for the purposes of the 2008 standard. The NO<sub>x</sub> portion of the RACT analysis in the March 10, 2021, proposal will be addressed in a separate action. The EPA is providing an opportunity for public comment on this supplemental proposal. Comments received on the

<sup>16</sup> 18 months after the effective date of July 31, 2023 of the 2023 NSR Action.

<sup>17</sup> 6 months after the offset sanction is imposed.

March 10, 2021, proposal and this supplemental proposal will be addressed in a final rule.

**DATES:** Written comments must be received on or before August 25, 2025.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA–R06–OAR–2020–0165, at <https://www.regulations.gov> or via email to [Shahin.emad@epa.gov](mailto:Shahin.emad@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 Emad Shahin, (214) 665–6717, [Shahin.emad@epa.gov](mailto:Shahin.emad@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 action is available electronically at [www.regulations.gov](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:** Emad Shahin, 214–665–6717, [Shahin.emad@epa.gov](mailto:Shahin.emad@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 wherever “we,” “us,” or “our” is used, we mean the EPA.

## I. Background

On May 13, 2020, the Texas Commission on Environmental Quality (TCEQ or State) submitted to EPA a SIP revision addressing RACT requirements for the 2008 8-hour ozone NAAQS for the two Serious ozone nonattainment areas in Texas—the Dallas-Fort Worth

(DFW) and HGB areas.<sup>1</sup> EPA proposed approval of the portions of the submittal that addressed VOC and NO<sub>x</sub> RACT requirements for the HGB area on March 10, 2021. For background information regarding the HGB area, Texas’ May 13, 2020, SIP submittal, the ozone NAAQS, and RACT, please see the EPA’s original proposal for this action at 86 FR 13679 (March 10, 2021). In this supplemental proposal, we refer to the May 13, 2020, Texas SIP revision as “the RACT submittal” and we refer to our March 10, 2021, proposed action and Technical Support Document (TSD) as “the March 2021 proposal.” We are supplementing the March 2021 proposal with respect to VOC RACT. We will address NO<sub>x</sub> RACT in a separate action.

In our March 2021 proposal, we proposed to approve the RACT submittal for the HGB nonattainment area as meeting the VOC RACT requirements for an area designated as Serious with the exception of the requirement to implement RACT for sources covered by the 2016 CTG for the Oil and Natural Gas Industry.<sup>2</sup> We proposed to determine that the Texas rules implemented RACT (*i.e.*, the lowest achievable emission rate considering technical and economic feasibility) for all sources subject to all remaining CTG categories. In addition, we proposed that the Texas rules also implement RACT for major sources in categories not covered by a CTG (non-CTG RACT).<sup>3</sup> We also proposed to approve negative declarations made for fiberglass boat manufacturing materials, manufacturing of pneumatic rubber tires, flat wood paneling coatings, letterpress printing, and automobile and light-duty truck assembly coatings sectors in the HGB area.

During EPA’s public comment period, we received a comment claiming that our proposed action would approve a state submission that relied on outdated RACT determinations. EPA has since

<sup>1</sup> Clean Air Act (CAA) sections 182(b)(2) and (f) require that SIPs for ozone nonattainment areas classified as Moderate or higher include implementation of RACT for any source covered by a CTG document and also for any major source of VOC or NO<sub>x</sub>. The EPA has defined RACT as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. See 44 FR 53761 (September 17, 1979).

<sup>2</sup> In a separate action, EPA finalized approval of the Texas SIP revision regarding RACT requirements for sources covered by the 2016 Oil and Natural Gas Control Techniques Guidelines for the DFW and HGB nonattainment areas for the 2008 8-hour ozone NAAQS. See 88 FR 55379 (August 15, 2023).

<sup>3</sup> Sources emitting VOCs in a quantity greater than the Serious area major source definition (50 tpy) and not covered by a CTG category or previously approved RACT rule.

reviewed additional information and conducted additional analysis. We are providing this supplemental proposal, and an associated Supplemental TSD, containing a compendium of EPA’s review of relevant rules (from a variety of other states) currently in place to implement VOC RACT for CTG covered sources across the country. Based on our review of these state rules, and in comparison to Texas’ May 13, 2020 SIP submission, we confirm our previous proposal that Texas’ rules meet RACT requirements for the 2008 ozone NAAQS.

## II. Evaluation

EPA performed an analysis which can be found in the Supplemental TSD<sup>4</sup> evaluating the relevant RACT rules in various states including Arizona, California, Colorado, Illinois, Indiana, Maine, New Hampshire, Ohio, Vermont, and Wisconsin. EPA found Texas’ rules to be generally consistent with or more stringent than control measures in other states’ regulations and CTGs. In addition, we reviewed the EPA’s RACT/BACT/LAER clearinghouse database, which contains case-specific information on the best available air pollution control technologies that have been required to reduce the emission of air pollutants from stationary sources.<sup>5</sup> EPA has not identified any new control technologies that are reasonably available considering technological and economic feasibility for these sources. Based upon our findings, EPA confirms our previous proposal that Texas VOC RACT regulations are still representative of RACT for the HGB nonattainment area for the purpose of the 2008 ozone NAAQS standard.

## III. Supplemental Proposed Action

The EPA is supplementing our March 2021 proposal addressing revisions to the Texas SIP with respect to the VOC RACT requirements for the HGB Serious nonattainment area for the 2008 ozone NAAQS. In this supplemental proposal, we are providing an opportunity for public comment on EPA’s VOC RACT analysis that further supports the March 2021 proposed approval record in showing that Texas VOC RACT regulations do implement RACT level controls, consistent with sections 182(b)(2) and (c) of the CAA. The EPA will address all comments received on our March 2021 proposal and on this supplemental proposal in our final action.

<sup>4</sup> Available in the docket for this action.

<sup>5</sup> See: <https://www.epa.gov/catc/ractbactlaer-clearinghouse-rblc-basic-information>.

#### IV. 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, 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 Orders 12866 (58 FR 51735, October 4, 1993);
  - Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
  - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
  - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, 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 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 16, 2025.

**Walter Mason,**

*Regional Administrator, Region 6.*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

**[EPA–R10–OAR–2024–0541; FRL–12449–01–R10]**

#### Air Plan Approval; Washington; Regional Haze State Implementation Plan for the Second Implementation Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the regional haze State Implementation Plan (SIP) revision submitted by Washington on January 28, 2022, to address applicable requirements under the Clean Air Act (CAA) and the EPA's Regional Haze Rule (RHR) for the regional haze program's second implementation period. The EPA is proposing this action pursuant to the CAA.

**DATES:** Written comments must be received on or before August 25, 2025.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R10–OAR–2024–0541 at [www.regulations.gov](http://www.regulations.gov). For comments submitted at [Regulations.gov](http://Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments may not be edited or removed from [regulations.gov](http://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 or other information the disclosure of which 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 confidential business information or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hunt, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, at (206) 553–0256 or [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, the use of “we” and “our” means the EPA.

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#### I. What action is the EPA proposing?

The EPA is proposing to approve the regional haze SIP revision submitted by the Washington Department of Ecology (Ecology) on January 28, 2022, under the CAA and the EPA's Regional Haze Rule for the program's second implementation period. Washington's SIP submission addresses the requirement that States must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. The EPA is taking this action pursuant to CAA sections 110 and 169A.

#### II. Background and Requirements for Regional Haze Plans

A detailed history and background of the regional haze program is provided in multiple prior EPA proposal actions.<sup>1</sup> For additional background on the 2017 Regional Haze Rule (RHR) revisions, please refer to Section III of this

<sup>1</sup> See 90 FR 13516 (March 24, 2025).