

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does

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

List of Subjects in 40 CFR Part 52

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

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

Dated: October 8, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

For the reasons stated in the preamble, the Environmental Protection

Agency amends part 52 of chapter I, title 40 of the Code of Federal Regulations to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart OO—Rhode Island

- 2. In § 52.2070(c), amend the table by revising the entry “Air Pollution Control Regulation 34” to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED RHODE ISLAND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
Air Pollution Control Regulation 34.	Rhode Island Motor Vehicle Inspection/Maintenance Program.	12/25/2018	11/18/2025 90 FR 11/18/25	Department of Environmental Management regulation containing I/M standards. Approving all sections.

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[FR Doc. 2025-20143 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2019-0418; FRL-12875-02-R8]

Air Plan Approval; Montana: Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of a state implementation plan (SIP) submission from Montana regarding the infrastructure requirements of the Clean Air Act (CAA) for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). The infrastructure

requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. Additionally, EPA is finalizing approval of Montana's request to update their SIP to incorporate the most recent version of EPA's “Guidelines on Air Quality Models.” EPA is taking this action pursuant to the CAA.

DATES: This rule is effective on December 18, 2025.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2019-0418. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Amrita Singh, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone number: (303) 312-6103, email address: singh.amrita@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means EPA.

I. Background

Under sections 110(a)(1) and (2) of the CAA, each state is required to submit a SIP that provides for the implementation, maintenance, and enforcement of a revised primary or secondary NAAQS or standard. CAA sections 110(a)(1) and (2) requires each state to make a new SIP submission within three years after EPA promulgates a new or revised NAAQS

for approval into the existing federally approved SIP to assure that the SIP meets the applicable requirements for new and revised NAAQS.

On July 16, 2025 EPA proposed to approve all elements of a SIP submission from the Montana Department of Environmental Quality (MDEQ) submitted on October 1, 2018 except for those previously approved in 87 FR 21578. We proposed approval for the following CAA section 110(a)(2) infrastructure elements for the 2015 ozone NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M). Concurrently, EPA also proposed to approve revisions to appendix W submitted on December 28, 2022. An explanation of the CAA requirements, detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the proposed rulemaking (90 FR 31911).

II. Response to Comments

During the public comment period of EPA's July 16, 2025, proposed rulemaking, EPA received one anonymous comment in support of our action and one anonymous adverse comment. A summary of the comments and EPA's response are provided below.

Comment: The commentor urged EPA to consider the role of CO₂ emissions and climate change in ozone formation

when reviewing the Montana infrastructure SIP for the 2015 ozone NAAQS. The commentor stated that climate-change driven factors such as increased temperatures, biogenic emissions, and wildfire activity is projected to influence both the frequency and severity of ozone exceedances and suggested that infrastructure SIPs should acknowledge the long-term planning risks associated with climate-driven ozone trends.

Response: EPA appreciates the commenter's concern regarding the influence of CO₂ emissions and climate change on ozone formation and air quality. However, the scope of this action is limited to determining whether Montana's SIP meets the infrastructure requirements of CAA section 110(a)(1) and (2) for the 2015 ozone NAAQS. These requirements address the basic structural elements of a state's air quality management program. EPA's review of Montana's SIP submission is limited to the applicable statutory and regulatory requirements for infrastructure SIPs related to the 2015 ozone NAAQS, which the submission satisfies. Therefore, the considerations raised by the commentor are outside the scope of this rulemaking.

Comment: The commentor supported EPA's proposal to approve Montana's

infrastructure SIP submission for the 2015 ozone NAAQS, noting that Montana has met the CAA's structural requirements. The commentor encouraged EPA and the Montana Department of Environmental Quality to ensure strong public education, transparency, and community outreach efforts.

Response: EPA appreciates the commenter's support for this action. The scope of this action is limited to evaluating whether Montana's SIP submission meets the infrastructure requirements of the CAA section 110(a)(1) and (2) for the 2015 Ozone NAAQS. EPA has determined that Montana's SIP submission satisfies the applicable statutory and regulatory requirements for this action.

III. Final Action

EPA is approving the infrastructure SIP elements listed in table 1 below. These elements were included in a SIP submission from Montana certifying that its current SIP is sufficient to meet the required elements under section 110(a)(1) and (2) for the 2015 ozone NAAQS. Additionally, EPA is approving the revisions to appendix W submitted by the State of Montana on December 28, 2022.

TABLE 1—2015 OZONE NAAQS INFRASTRUCTURE SIP ELEMENTS

Elements	Approval status
(A): Emission Limitations and Other Control Measures	Approve.
(B): Ambient Air Quality Monitoring/Data System	Approve.
(C): Program for Enforcement of Control Measures; minor NSR; PSD	Approve.
(D)(i)(I): Prong 1 Interstate Transport—significant contribution	Previously approved in 87 FR 21578.
(D)(i)(I): Prong 2 Interstate Transport—interference with maintenance	Previously approved in 87 FR 21578.
(D)(i)(II): Prong 3 Interstate Transport—PSD	Approve.
(D)(i)(II): Prong 4 Interstate Transport—visibility	Previously approved in 87 FR 21578.
(D)(ii): Interstate and International Pollution Abatement	Approve.
(E): Adequate Personnel, Funding, and Authority; State Boards; Local Implementation	Approve.
(F): Stationary Source Monitoring	Approve.
(G): Emergency Authority; Emergency Episode Plans	Approve.
(H): Future SIP Revisions	Approve.
(J): Consultation with Government Officials, Public Notification, PSD and Visibility Protection	Approve.
(K): Air Quality Modeling/Data	Approve.
(L): Permitting Fees	Approve.
(M): Consultation/Participation by Affected Local Entities	Approve.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of appendix W revisions submitted by the State of Montana as discussed in the previously mentioned proposed rulemaking that can be found in the **Federal Register** at 90 FR 31911. 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).

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, 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 CAA.

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).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 29, 2025.

Cyrus M. Western,
Regional Administrator, Region 8.

For the reasons set forth in the preamble, the Environmental Protection Agency is amending 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart BB—Montana

- 2. In § 52.1370:

- a. The table in paragraph (c) is amended by revising the entry “17.8.802”.
- b. The table in paragraph (e) is amended by adding the entry “Infrastructure Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standards” under the heading entitled “(1) Statewide” at the end of the section.

The revision and addition read as follows:

§ 52.1370 Identification of plan.

* * * * *
(c) * * *

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
(VI) Administrative Rules of Montana, Subchapter 08, Prevention of Significant Deterioration of Air Quality					
17.8.802	Incorporation By Reference	5/13/2022	11/18/2025	90 FR [insert Federal Register page where the document begins]	Excluding (1)(c)–(d).
*	*	*	*	*	*
(e) * * *					
Title/subject	State effective date	Notice of final rule date	NFR citation		
(1) Statewide					
Infrastructure Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standards.	N/A	11/18/2025	90 FR [insert Federal Register page where the document begins].		
*	*	*	*	*	*

- 3. In § 52.1394, add paragraph (c) to read as follows:

§ 52.1394 Section 110(a)(2) infrastructure requirements.

* * * * *

(c) On September 26, 2018, Steve Bullock, Governor, State of Montana, submitted a certification letter which provides the State of Montana's SIP provisions which meet the requirements of CAA section 110(a)(1) and (2) relevant to the 2015 8-hour Ozone NAAQS.

[FR Doc. 2025-20203 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2024-0468; FRL-12884-02-R8]

Air Plan Approval; Colorado; Inspection and Maintenance Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Colorado State Implementation Plan (SIP). The revision includes changes to the motor vehicle inspection and maintenance (I/M) program of the State of Colorado. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: This rule is effective on December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2024-0468. All documents in the docket are listed on the <http://www.regulations.gov> website. 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, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

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

SUPPLEMENTARY INFORMATION:

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

I. Background

The background for this action is discussed in detail in our August 7, 2025, proposal (90 FR 38088). In that document we proposed to approve state-initiated revisions to the Colorado Air Quality Control Commission's Regulation Number 11, “Motor Vehicle Emissions Inspection Program” (hereafter, “Regulation No. 11”) as a revision to the Colorado SIP. Colorado submitted these changes to state regulation to the EPA as a SIP revision on May 16, 2022. The Colorado I/M program is maintained by the State and periodically revised for compliance with the applicable program requirements for SIPs under CAA sections 182(a)(2)(B), 182(b)(4), and 182(c)(3) and the EPA's regulations under 40 CFR part 51, subpart S for certain nonattainment areas for the 2008 and 2015 ozone national ambient air quality standards (NAAQS).

In the EPA's August 7, 2025, proposed rule to approve Colorado's SIP revision, we detailed the various changes to Regulation No. 11 and the resultant effects on the state's I/M program. Proposed approval of Colorado SIP revisions was limited to changes to Regulation No. 11, Part A, Part B, Part C, and Part D, and did not consider any revisions to state regulation which were submitted as “state-only” strengthening provisions that did not inhibit effectiveness of the I/M program. The EPA's proposed approval documented our evaluation of the substantive changes to the Colorado I/M program and found all revisions submitted for federal approval to have no negative impact on emission reduction benefits provided by the I/M program and to be consistent with applicable CAA requirements.¹ No comments were received on the proposed approval of the Colorado SIP revision, adverse or otherwise.

II. Final Action

The EPA is approving the changes to Colorado's Regulation 11. Specifically, we are finalizing approval of Colorado SIP revisions submitted to the EPA on May 16, 2022, amending Regulation No. 11, Part A, sections I, II, IV, and V, Part B, section XI, Part C, sections II, III, VIII, XI, and XII, and Part D, sections I, II, and III.

¹ See CAA section 110(l).

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Colorado Air Quality Control Commission regulations found in the Code of Colorado Regulations (CCR) at 5 CCR 1001-13 as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through 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). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.²

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 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 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 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

² 62 FR 27968 (May 22, 1997).