

Tribal officials in the development of regulatory policies that have “Tribal implications.” This action has Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. As noted previously, a Tribe that is part of an area that is reclassified from Moderate to Serious nonattainment is not required to submit a TIP revision to address new Serious area requirements. However, the EPA is proposing the determinations of failure to attain in this action. Ordinarily, the NNSR major source threshold and offset requirements will change for stationary sources seeking preconstruction permits in any nonattainment areas newly classified as Serious, including on tribal lands. Areas that are already classified as Serious for a previous ozone NAAQS, however, are already subject to these higher offset ratios and lower thresholds, so a reclassification to Serious for the 2015 ozone NAAQS would have no effect on the NNSR permitting requirements for the tribal lands in those areas.

The EPA has communicated with the affected Tribes located within the boundaries of the nonattainment area addressed in this proposed rule to inform them of this forthcoming action.

H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

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: September 29, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0268; FRL–12929–01–R5]

Air Plan Approval; Minnesota; Metropolitan Council Wastewater Treatment Plant Title I PM₁₀ SIP Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request from the Minnesota Pollution Control Agency (MPCA) to revise its State Implementation Plan (SIP) by updating information for the Metropolitan Council Environmental Service (MCES) Metropolitan Council Wastewater Treatment Plant (Metro Plant) in Ramsey County, Minnesota. This SIP revision is being proposed in conjunction with an amendment to a part 70 permit maintaining federally enforceable title I SIP conditions. This SIP revision would result in a reduction of allowable emissions of particulate matter less than 10 microns (PM₁₀) emitted by the facility.

DATES: Comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2024–0268 at <http://www.regulations.gov>, or via email to arra.sarah@epa.gov. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential

Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Nicole Naber, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6609, naber.nicole@epa.gov. The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

I. Background

This proposed SIP revision affects the Metro Plant at 2400 Childs Road, Saint Paul, Minnesota. This facility utilizes three fluidized bed incinerators each using activated carbon, a baghouse, a wet scrubber, and a wet electrostatic precipitator to process wastewater solids and reduce PM₁₀ emissions. The facility’s permit contains site-specific restrictions as part of Minnesota’s SIP for PM₁₀ in the Red Rock Road PM₁₀ Maintenance Area. This SIP currently contains non-expiring title I conditions from a part 70 permit issued for the facility (Permit No. 12300053–006), which establish emission limits and various conditions that were deemed essential to reach attainment for the 1987 National Ambient Air Quality Standards (NAAQS) for PM₁₀. This amendment to the MCES permit allows for the addition of a new emission unit, specifically an additional fluidized bed incinerator. To ensure the addition of this new unit will not cause a violation of the PM₁₀ standard, an emission limit decrease and discontinuation of some emission units are being included in the

permit revision. This permit revision results in a reduction of allowable PM₁₀ emissions at the facility; therefore, the MPCA is requesting that EPA approve changes to the site-specific SIP for MCES (included in the Minnesota SIP at 40 CFR 52.1220).

II. Analysis of Minnesota's Submittal

The purpose of Minnesota's permit action and related site-specific SIP revision is to address changes at the facility, specifically the addition of a fluidized bed incinerator, and decreases in other emission limits, many of which are affected by title I SIP conditions. This SIP revision is being proposed with an amendment to a part 70 permit maintaining federally enforceable title I SIP conditions (Air Emission Permit No. 12300053–102). The permit is final and was published on January 4, 2024, with an administrative amendment on March 6, 2024. MPCA provided EPA with detailed emissions information for each of the changes to the permit and SIP as well as the overall PM₁₀ emission changes from the prior SIP submittal that EPA approved on September 11, 2002 (67 FR 57517), (associated with permit 12300053–006), to this submittal (associated with permit 12300053–102). This SIP revision incorporates several changes made in Permit No. 12300053–102 including lower allowable PM₁₀ emissions at the facility through more stringent emissions limits on several pieces of equipment and processes. The limits for existing fluidized bed incinerators (FBIs) EQUI 3, EQUI 4, and EQUI 5 will be lowered from 2.01 pounds per hour (lbs/hr) PM₁₀ to 1.70 lbs/hr PM₁₀ on a 3-run average, as specified in permit conditions 5.7.13, 5.8.13, and 5.9.13. The limits for auxiliary boilers EQUI 10 and EQUI 11 will be lowered from 25.82 pounds per day (lbs/day) PM₁₀ to 18.54 lbs/day PM₁₀ on a 24-hour block average, as specified in permit condition 5.3.13. The limit for ash loadout housekeeping vacuum EQUI 50 will be lowered from 0.05 grains per dry standard cubic foot (gr/dscf) PM₁₀ to 0.005 gr/dscf PM₁₀, on a 3-run average, as specified in permit condition 5.24.2. Finally, MCES will also use natural gas instead of fuel oil in EQUI 10 and EQUI 11 significantly lowering the PTE from 1.23 lbs/hr PM₁₀ to 0.39 lbs/hr PM₁₀ and will modify their ash handling equipment to meet the new proposed PM₁₀ emission limit of 0.005 gr/dscf. The facility modeled these lower PM₁₀ emissions limits in conjunction with equipment and operational limitations and the analysis showed a combined decrease of 6.3 tons per year in allowable emissions from the actions proposed in the title I SIP

revision. The changes meet section 110(l) requirements since they are all decreases in emissions.

The permit also includes changes that will not be incorporated into the SIP but are included in the docket as part of the submittal. These changes are still federally enforceable through non-expiring title I NAAQS synthetic minor conditions included in the facility's permit, under Minnesota's EPA-approved permit program. Specifically, these permit revisions include plans to build a fourth FBI (EQUI 133) and additional revisions such as rerouting of the pressure relief cycles. The potential to emit (PTE) from adding EQUI 133 and discontinuing EQUI 9 will be lowered from 14.08 lbs/hr to 9.22 lbs/hr. If MCES builds EQUI 133, it must also forfeit the construction and operation of three alkaline stabilization cells (EQUI 6, EQUI 7, EQUI 8). If MCES is unable to build the fourth FBI, MCES may continue with the previously permitted and SIP-approved construction and operation of three alkaline stabilization cells (EQUI 6, EQUI 7, EQUI 8). The facility provided modeling to demonstrate that these changes do not contribute to exceedances or violations of the PM₁₀ standard which were assessed through the New Source Review program to ensure they meet Clean Air Act (CAA) requirements.

Under section 110(l) of the CAA, EPA cannot approve a SIP revision if it would interfere with attainment of the NAAQS, reasonable further progress toward attainment, or any other applicable requirement of the CAA. Through this submittal, MPCA has demonstrated to EPA that 110(l) requirements have been met through the permit amendment and the successive SIP revision. The SIP revision shows a decrease in emissions and the permit changes have also been demonstrated to not interfere with attainment of the NAAQS. Therefore, EPA finds that Minnesota's permit action and successive SIP revision meet CAA requirements.

III. What action is EPA taking?

EPA is proposing to incorporate into Minnesota's SIP all the conditions cited as "Title I Condition: 40 CFR 52.1220 (PM₁₀ SIP)" in Permit No. 12300053–102. These revisions include both the changes in ash handling within the facility and the lower allowable PM₁₀ emissions for each Fluidized Bed Incinerator (EQUI 3, EQUI 4, EQUI 5), auxiliary boilers (EQUI 10, EQUI 11), and ash loadout vacuum (EQUI 50).

This SIP submittal includes Permit No. 12300053–102 and the supporting technical documentation.

IV. Incorporation by Reference

In this rulemaking, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference all the conditions cited as "Title I Condition: 40 CFR 52.1220(PM₁₀ SIP)" in Minnesota Permit No. 12300053–102, published on January 4, 2024, with an administrative amendment on March 6, 2024, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through www.regulations.gov and at the EPA Region 5 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 rulemaking does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: November 5, 2025.

Anne Vogel,
Regional Administrator, Region 5.

[FR Doc. 2025-20441 Filed 11-19-25; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2025-0734; FRL-13009-01-R3]

Air Plan Approval; District of Columbia; Creation of Synthetic Minor Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Department of Energy and Environment (DOEE, the “Department”) on behalf of the District of Columbia (DC, the “District”). The revisions pertain to creating a synthetic minor permit program and resolving the regulatory differences between the District’s current regulations and those regulations approved previously in Chapters 1 and 2 of the Air Quality Regulations. The intended effect of this action is to enable DC to create federally enforceable synthetic minor permit conditions for sources of criteria pollutants pursuant to section 110 of the

Clean Air Act (CAA, the “Act”). This action is being taken under the CAA.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2025-0734 at www.regulations.gov, or via email to Talley.David@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: Yongtian He, 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) 814-2339. Mr. He can also be reached via electronic mail at he.yongtian@epa.gov.

SUPPLEMENTARY INFORMATION: On August 11, 2023, the Department of Energy and Environment (DOEE) submitted a revision to the DC SIP to create a synthetic minor permit program and address regulatory differences between the District’s current regulations and those approved previously in Chapters 1 and 2 of the Air Quality Regulations. DOEE submitted the SIP revision request along with a SIP revision related to Startup, Shutdown, and Malfunction (SSM). Those proposed SIP Revisions related to Chapter 1 and SSM will be processed in a separate SIP action.

I. Background

A SIP-approved minor source permitting program can include provisions for issuing permits that establish federally enforceable emissions limits to restrict the Potential to Emit (PTE) of certain pollutants below major stationary source and major modification applicability thresholds. “Synthetic minor” permits establish these federally enforceable emission limits for sources obtaining construction permits, and also establish these emission limits in the corresponding operating permits.

This DC SIP revision is intended to create a synthetic minor permit program through provisions in title 20 of the District of Columbia Municipal Regulations (20 DCMR), specifically 20 DCMR Chapter 2 Section 200.6 and 200.7 as amended, in conjunction with other provisions that already existed in 20 DCMR Chapter 2 and were previously approved into the DC SIP. These provisions enable a new source or modification of an existing source to limit its PTE below major source thresholds in order to qualify as minor and avoid major new source review (NSR) applicability, including the prevention of significant deterioration (PSD) in attainment areas and nonattainment NSR (NNSR) in nonattainment areas. These provisions also allow new sources or modifications of existing sources to avoid major source status under title V of the CAA through limiting PTE. A stationary source may request federally enforceable permit limits to limit its PTE to below major source threshold, thus becoming a minor source “synthetically.” The intended effect is similar to federally enforceable state operating permit (FESOP) programs established in many states. State operating permit programs which have been incorporated into the SIP render operating permits issued pursuant to such a program federally enforceable. This FESOP mechanism allows sources to reduce their PTE to below the title V applicability thresholds and thereby legally avoid being subject to title V.

On June 28, 1989 (54 FR 27274), the EPA published criteria for approving and incorporating into the SIP regulatory programs for the issuance of federally enforceable state operating permits (“June 28, 1989 Final Rule”).¹ Permits issued pursuant to an operating permit program meeting these criteria and approved into the SIP are

¹ See “Requirements for the Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans,” June 28, 1989 (54 FR 27274).