

The actions discussed within the November 2025 SRE Decisions Action are based on the three determinations outlined above, as these determinations lie “at the core of the agency action[s]” so as to form the most important part of EPA’s reasoning.²⁵ The first and second determinations together form the core basis for EPA’s adjudications because the Agency has used both of them to create a rebuttable presumption that application of the DOE matrix produces the correct DEH finding, and EPA defers to that finding unless the Agency’s consideration of other economic factors, including refinery-specific information, compels the Agency to depart from that rebuttable presumption. EPA’s first determination is the first element of EPA’s rebuttable presumption: because the DOE matrix can result in a finding of full DEH, partial DEH, or no DEH, EPA must first determine that the CAA provides the Agency with authority for finding partial DEH before the Agency can consider deferring to those findings. EPA’s second determination is the second element of EPA’s rebuttable presumption: the DOE matrix is a reasonable proxy for determining whether a small refinery would experience DEH, and deferring to that finding is the best way of fulfilling the Agency’s statutory obligation to “consider the [2011 DOE Study]” and will result in the correct DEH finding for that small refinery. Taken together, these two determinations—that EPA has the authority to find that a small refinery is experiencing partial DEH and that the DOE matrix is a reasonable proxy for determining whether a small refinery would experience DEH—form the rebuttable presumption that is “the primary explanation for and driver of EPA’s action.”²⁶ Under this rebuttable presumption, EPA will defer to DOE’s findings unless the Agency’s consideration of other economic factors compels a different result.

To fulfill its statutory obligation to consider “other economic factors,” EPA did consider refinery-specific information in its adjudications. However, these confirmatory reviews were not the primary drivers of EPA’s actions on these petitions. EPA considered refinery-specific facts only to determine whether to depart from its rebuttable presumption that application of DOE’s matrix results in the correct DEH finding, and these considerations, for each small refinery, confirmed that none of the refinery-specific facts rebutted the presumptive disposition. For example, EPA considered

information presented by small refineries regarding their financial circumstances and found that the information was already considered in the DOE matrix or did not otherwise justify departing from the finding reached by application of the DOE matrix. Thus, EPA’s consideration of refinery-specific facts was peripheral in comparison to EPA’s rebuttable presumption that application of the DOE matrix is the best means of determining whether DEH exists.²⁷ Notably, EPA’s confirmatory review of refinery-specific facts did not change the final decision for any of the SRE petitions.

Additionally, EPA’s third determination—that the only permissible way to implement the extension of the exemption from RFS obligations when a small refinery has retired RINs for compliance is to return those retired RINs—is a core driver of EPA’s actions because EPA’s adjudication of SRE petitions necessarily includes extending the exemption to meritorious petitioners. But how EPA effectuates that extension of the exemption can look different depending on whether the relevant small refinery has already demonstrated compliance with its relevant RFS obligations by retiring RINs. Generally, the RFS statutory and regulatory provisions require all obligated parties to comply with their RFS obligations. However, CAA section 211(o)(9)(B) provides an exception when a small refinery demonstrates that it would experience DEH. In other words, when EPA grants an exemption to a small refinery, that small refinery is not required to retire any RINs to demonstrate compliance if it is a full exemption, and only the number of RINs necessary to meet half of its RFS obligation if it is a partial exemption. However, simply granting a petition does not necessarily effectuate the exemption in all cases. If the exemption is granted prior to a compliance demonstration by the small refinery, then the exemption is self-implementing. But if the small refinery has already demonstrated compliance by retiring RINs, EPA needs to take an additional step to effectuate the exemption. For the reasons outlined in Section IV.B and in this Section V, EPA has determined, consistent with its interpretation of the Agency’s authority under CAA section 211(o) and its policy interest in treating all refineries that receive an exemption equally, that returning the retired RINs is the only permissible way of implementing the

exemption where a small refinery has previously demonstrated compliance with its RFS obligations by retiring RINs. EPA’s adjudications are based on this determination because extending the exemption to meritorious petitioners is necessarily a part of EPA’s action on the SRE petitions and EPA’s statutory interpretation and policy considerations inform its implementation of the exemption for all petitioners.

For the reasons discussed above, EPA finds that the final actions discussed within the November 2025 SRE Decisions Action are based on determinations of nationwide scope or effect for purposes of CAA section 307(b)(1) and is publishing that finding in the **Federal Register**. Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the D.C. Circuit by January 20, 2026.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–11423–02–OAR]

Acid Rain Program: Excess Emissions Penalty Inflation Adjustments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of annual adjustment factors.

SUMMARY: The Acid Rain Program requires sources that do not meet their annual Acid Rain emissions limitations for sulfur dioxide (SO₂) or nitrogen oxides (NO_x) to pay inflation-adjusted excess emissions penalties. This document provides notice of the annual adjustment factors used to calculate excess emissions penalties for compliance years 2025 and 2026.

FOR FURTHER INFORMATION CONTACT: Bryan Ramirez at (202) 564–7591 or ramirez.bryan@epa.gov.

SUPPLEMENTARY INFORMATION: The Acid Rain Program limits SO₂ and NO_x emissions from fossil fuel-fired electricity generating units. All affected sources must hold allowances sufficient to cover their annual SO₂ mass emissions, and certain coal-fired units must meet annual average NO_x emission rate limits. Under 40 CFR 77.6, any source that does not meet these requirements must pay an excess emissions penalty without demand to the EPA Administrator. The automatic

²⁵ *Calumet*, 145 S. Ct. at 1751.

²⁶ *Id.*

²⁷ *Id.* at 1752.

penalty is computed as the number of excess tons of SO₂ or NO_x emitted times a per-ton penalty amount of \$2,000 times an annual adjustment factor, which must be published in the **Federal Register**.

The annual adjustment factor used to compute excess emissions penalties for compliance year 2025 is 2.5265, resulting in an automatic penalty amount of \$5,053 per excess ton of SO₂ or NO_x emitted in 2025. In accordance with 40 CFR 77.6(b) and 72.2, this annual adjustment factor is determined from values of the Consumer Price Index for All Urban Consumers (CPI-U) for August 1989 and August 2024.

The annual adjustment factor used to compute excess emissions penalties for compliance year 2026 is 2.6001 resulting in an automatic penalty amount of \$5,200 per excess ton of SO₂ or NO_x emitted in 2025. This annual adjustment factor is determined from values of the CPI-U for August 1989 and August 2025.

Suzanne Kocchi,

Acting Director, Office of Atmospheric Protection, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-OAR-2024-0455; FRL-12963-01-R9]

Clean Air Act Tribal Minor New Source Review Permit Issued to Agua Caliente Tribal Corporation, for the Agua Caliente Fuel Rancho Mirage

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the U.S. Environmental Protection Agency, Region 9 (EPA) made a final decision to issue, in accordance with the Clean Air Act (CAA), a Tribal Minor New Source Review (NSR) permit to Agua Caliente Tribal Corporation for the Agua Caliente Fuel Rancho Mirage under the CAA's Tribal Minor NSR Program. This permit authorizes the modification and operation of a gasoline dispensing facility.

DATES: The EPA's final decision for the Agua Caliente Fuel Rancho Mirage was issued and became effective on July 31, 2025. Pursuant to section 307(b)(1) of the Clean Air Act, judicial review of this final agency decision, to the extent it is available, may be sought by filing a petition for review in the United States

Court of Appeals for the Ninth Circuit by January 20, 2026.

ADDRESSES: The EPA established a docket for this action under Docket ID No. EPA-R09-OAR-2024-0455. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the docket index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which 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>. Please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information about accessing docket materials for this action.

FOR FURTHER INFORMATION CONTACT: Po-Chieh Ting, EPA Region 9, (415) 972-3191, ting.pochieh@epa.gov. The EPA's final permit decision, the Technical Support Document for this action, and all other supporting information are available through <https://www.regulations.gov> under Docket ID No. EPA-R09-OAR-2024-0455.

SUPPLEMENTARY INFORMATION:

Notice of Final Action

On July 31, 2025, the EPA issued a final decision to issue a permit, Permit No. C-2025-5, to Agua Caliente Tribal Corporation, an instrumentality of the Agua Caliente Band of Cahuilla Indians. This permit pertains to the modification and operation of the Agua Caliente Fuel Rancho Mirage ("Source"), a gasoline dispensing facility with a convenience store, located on Agua Caliente Indian Reservation, in Rancho Mirage, California. The EPA issued the permit pursuant to the provisions of Clean Air Act sections 110(a) and 301(d) and the EPA's Tribal Minor NSR Program at 40 CFR 49.151-49.164. The EPA based its decision on its determination that the Source met the applicability criteria and submitted all required content in the permit application under the EPA's Tribal Minor NSR Program. Notice of the final decision was served on August 4, 2025, pursuant to 40 CFR 49.159(a). In accordance with 40 CFR 49.159(d)(1), permit decisions may be appealed under the permit appeal procedures of 40 CFR 124.19. In accordance with 40 CFR 124.19, within 30 days after service of notice of the final permit decision, any person who filed comments on the draft permit or participated in a public hearing on the draft permit may file a petition to the EPA's Environmental

Appeal Board (EAB) for review. Additionally, any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition the EAB for administrative review of any permit conditions set forth in the final permit decision, but only to the extent that those final permit conditions reflect changes from the proposed draft permit. The EPA did not receive any comment filed on the draft permit or hold, or receive a request for, a public hearing on the draft permit. In the EPA's permit issued in its final permit decision, the EPA did not change the final permit conditions from those of the proposed draft permit. The EAB did not receive a petition to review any condition in the permit decision under 40 CFR 124.19. Therefore, pursuant to 40 CFR 49.159(a), this permit became effective on July 31, 2025.

Dated: October 24, 2025.

Michelle Angelich,

Acting Director, Air and Radiation Division, Region IX.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2025-0029; FRL-13003-01-OCSPP]

Pesticides; Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations and/or Amend Registrations To Terminate Certain Uses With a 30-Day Comment Period (September 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Agency's receipt of and solicits comment on requests by registrants to voluntarily cancel their pesticide registration of certain products and/or to amend their product registrations to terminate one or more uses. In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA provides a periodic notice of receipt addressing requests received by EPA since the last notice of receipt was issued and uses the month and year in the title to help distinguish one document from the other. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments during the comment period that would merit further review of the requests, or the request is withdrawn by the registrant. If these requests are