

proposed alternative limits are consistent with similar CTG-categorical rules adopted by other States. Moreover, the EPA finds that the proposed alternative limits are more stringent than the current RACT rules in the SIP, as the facility will emit less NO_x under the alternative limits.

The EPA finds that the alternative emission limits on the new Oak Creek turbines will not interfere with attainment or reasonable further progress of the NAAQS. Compliance with the alternative limits will not require Oak Creek to unnecessarily operate the new turbines for a longer period as the existing NO_x emission limits would. If the facility operates under the alternative limits, the facility will emit less than it would under the currently applicable requirements. In other words, the alternative limits for these new turbines better accommodate the operating scenarios that these peaking units were designed to operate under. Since the proposed limits will not increase allowable emissions when compared to existing SIP limits, the EPA finds that the State has demonstrated that the alternative limits will not interfere with the NAAQS pursuant to section 110(l) of the CAA.

B. Additional Considerations

In reaching the proposed approval of these alternate limits, the EPA also considered the facility's operating procedures and requirements. The construction permit requires the Oak Creek facility to operate a NO_x CEMS per turbine, which will analyze and track NO_x emissions on a continuous basis (including during periods of start-up and shut-down).¹⁴ The facility will use this real-time data to monitor the performance of the turbines and ensure compliance with applicable permit requirements. The construction permit also requires the facility to keep and maintain records of CEMS operation during periods of start-up and shut-down (as also required by State and Federal regulations, *see* NR 439.04(1)(d) and 40 CFR 52.21(r)(6)(iii)), and to count additional time spent in start-up or shut-down status as an additional event, which are limited to 2,500 per year. The EPA finds that these provisions in the permit are crucial emissions control mechanisms and require the State and We Energies to ensure that the Oak Creek facility will not contribute to violations of the site-specific NO_x emissions limits or exceedances of the NAAQS.

III. What action is the EPA taking?

The EPA is proposing to approve this site-specific SIP revision for the Oak Creek facility. Based upon the submitted material for this site-specific revision, the EPA finds that WDNR has demonstrated that Oak Creek will emit less NO_x under the alternative NO_x limits. The EPA also finds that WDNR's submittal, which includes potential emissions calculations and a modeling analysis, demonstrates that implementation of the alternative limits will not interfere with attainment or maintenance of the NAAQS.

IV. Incorporation by Reference

In this rulemaking, the EPA is proposing to amend regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference components of Oak Creek construction permit 24-JAM-065 Conditions I.EA.2.a.(1)–(5), I.EA.2.b.(1)–(10), and I.EA.2.c.(1)–(9) of construction permit 24-JAM-065, issued by the State of Wisconsin and effective June 17, 2025, as discussed in section II of this preamble. The 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, 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 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 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 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, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: July 8, 2026.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2026–14282 Filed 7–14–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2026–4819; FRL–13460–01–R7]

Air Plan Approval; Missouri; Control of NO_x Emissions From Large Stationary Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State

¹⁴ Oak Creek Construction Permit 24–JAM–065 Term I.EA.2.b.(1)(a).

Implementation Plan (SIP) related to Control of Nitrogen Oxide (NO_x) Emissions From Large Stationary Internal Combustion Engines. The revisions reformat and revise reporting, recordkeeping, and compliance requirements; incorporate other state rules by reference; add definitions specific to the rule; revise unnecessarily restrictive or duplicative language; and make administrative wording changes. The revisions also add an exemption for certain spark-ignited internal combustion engines. The EPA's proposed approval is pursuant to, and consistent with, the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before August 14, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-R07-OAR-2026-4819 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7714; email address: stone.william@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" refer to the EPA.

Table of Contents

- I. Written Comments
- II. What is being addressed in this document?
- III. Have the requirements for approval of a sip revision been met?
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. Written Comments

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2026-4819, at <https://www.regulations.gov>. 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, 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>.

II. What is being addressed in this document?

The EPA is proposing to approve Missouri's SIP revisions submitted on March 7, 2019, and June 10, 2021, which update Title 10 Code of State Regulations (CSR) 10-6.390 "Control of NO_x Emissions From Large Stationary Internal Combustion Engines." The purpose of these regulations is to control NO_x emissions from large stationary internal combustion (IC) engines and ensure compliance with the federal NO_x control plan to reduce the interstate transport of air pollutants.

The primary revision to this regulation was to add an exemption to 10 CSR 10-6.390 for existing spark ignition (SI) stationary engines that emit twenty-five (25) tons or less of NO_x during the ozone season (May 1 through September 30). Stationary SI engines that meet the criteria for the exemption will no longer have to meet the general provisions of this rule, including emission limits, or the testing requirements of section (5)(A). The new exemption is similar to the exemption currently in the rule for compression ignition (CI) IC engines and was approved into the Missouri SIP in 2015 (80 FR 55545). The EPA has reviewed the State's analysis and finds that the 25-ton NO_x exemption in 10 CSR 10-6.390 will not adversely impact air quality, nor will it affect the State's ability to meet its NO_x SIP Call budget obligations.

The 25-ton NO_x exemption in 10 CSR 10-6.390 applies to both new and existing SI engines. New stationary SI engines that qualify for the exemption will be subject to the more stringent NO_x emission limits in the New Source Performance Standards in 40 CFR part 60, subpart JJJJ. The Kennett Generating Station (Kennett) in Kennett, MO is the only facility with existing SI engines that qualify for the 25-ton exemption. NO_x emissions at Kennett have consistently been less than six tons per

ozone season per year. The small amount of NO_x emissions from the Kennett SI engines has a minimal impact on the 2015 ozone NAAQS within Missouri and neighboring states. The St. Louis, MO-IL nonattainment is the nearest nonattainment area and is more than 100 miles from Kennett. Because ozone design values in the St. Louis area are driven by typical urban emissions, a small emissions increase at a source of that distance will not interfere with attainment or maintenance of the ozone NAAQS. In addition, total NO_x emissions from all sources subject to the NO_x SIP Call continue to remain below Missouri's NO_x SIP call budget and have been trending downward for the last 5 years. Any increase in emissions related to this exemption at Kennett is unlikely to negatively impact this trend.

In addition to the new exemption for stationary SI engines, definitions specific to the rule were added that match the definitions of the same terms in 10 CSR 10-6.020, which is approved into the Missouri SIP, or match the same terms found in 40 CFR 60.4219. The reporting, recordkeeping, and test method requirements have also been reformatted and can be found in sections (4)(A) and (5) of the rule. The revisions also correct incorrect references to other state and federal rule citations caused by prior revisions.

For the above reasons, and as discussed in more detail in the technical support document (TSD) included in the docket for this action, the EPA concludes that, in accordance with CAA section 110(l), the 25-ton NO_x exemption in 10 CSR 10-6.390 and the other revisions will not interfere with any applicable requirement concerning attainment, reasonable further progress (RFP), or any other applicable requirement of the CAA. The full text of the rule revisions can be found in the state submittals included in this docket.

III. Have the requirements for approval of a sip revision been met?

The State submissions have met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submissions also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on these SIP revisions from August 4, 2018, to October 4, 2018, and from November 1, 2019, to December 10, 2019, and held public hearings on September 27, 2018, and December 3, 2019. The State received five comments during the first public comment period and none in the second comment period. Missouri's official submission adequately addressed the

comments. In addition, as explained above and in more detail in the TSD which is part of this docket, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. The EPA concludes that in accordance with CAA section 110(l), the revisions to 10 CSR 10–6.390 will not interfere with any applicable requirement concerning attainment, RFP, or any other applicable requirement of the CAA.

IV. What action is the EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to revise 10 CSR 10–6.390 “Control of NO_x Emissions From Large Stationary Internal Combustion Engines.” We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to finalize the incorporation by reference of Missouri rule 10 CSR 10–6.390 discussed in section II. of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The rule provides for control of NO_x emissions from large stationary internal combustion engines and includes reporting, recordkeeping, and compliance requirements. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. 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 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 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, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen Oxides, Ozone, Reporting and recordkeeping requirements.

Dated: July 6, 2026.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

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 AA—Missouri

- 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry “10–6.390” to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.390	Control of NO _x Emissions From Large Stationary Internal Combustion Engines.	5/30/2020	[Date of publication of the final rule in the Federal Register , 91 FR [Federal Register page where the document begins of the final rule].	
*	*	*	*	*

* * * * *

[FR Doc. 2026-14260 Filed 7-14-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA-R02-OAR-2025-0242; FRL-12787-01-R2]****Approval of Source-Specific Air Quality Implementation Plan; New York; Castleton Power, LLC****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: Pursuant to applicable requirements under the Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a source-specific SIP (SSSIP) revision for Castleton Energy Center, located at 1902 River Road, Castle-on-Hudson, New York 12033 (herein referred to CEC, or the Facility). The EPA is proposing to find that the control option in this SSSIP revision is Reasonably Available Control Technology (RACT) with respect to oxides of nitrogen (NO_x) emissions from the relevant Facility emission source, *i.e.*, a combined-cycle combustion turbine generator with an associated heat recovery steam generator equipped with a duct burner, and a steam generator, identified as emission unit 1-OGTDB in the Facility's CAA Title V operating permit. This SSSIP revision is intended to implement NO_x RACT for the relevant Facility source in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA proposes to determine that this action will not interfere with ozone NAAQS requirements and meets all applicable requirements of the Act.

DATES: Comments must be received on or before August 14, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R02-OAR-2025-0242, at <https://www.regulations.gov> (our preferred method), or the other methods identified in this section. 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). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

FOR FURTHER INFORMATION CONTACT:

Ysabel Banon, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007-1866, telephone number: (212) 637-3382, email address: banon.ysabel@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information on the regulatory background and EPA's technical findings relating to the Facility RACT, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this **Federal Register** document.

Table of Contents

- I. Background
- II. EPA's Evaluation of New York's Submission
- III. EPA's Proposed Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background*Ground Level Ozone Formation*

Ground level ozone is not released directly from an emission source, instead ozone forms in the atmosphere as a secondary air pollutant created by chemical reactions that occur when ozone precursors, including NO_x and volatile organic compounds (VOCs), chemically react in the presence of sunlight. Emissions from industrial facilities are anthropogenic (human-made) sources of ozone precursors. The potential for ground-level ozone formation tends to be highest during months with warmer temperatures and stagnant air masses. Ozone levels are thus generally higher during the summer months, which is often referred to as "the ozone season." In New York, the ozone season is generally considered to be between April 15 and October 15, while the non-ozone season is generally

considered to be between October 16 and April 14.

Ozone Nonattainment

A geographic area of the United States that is not meeting the primary or secondary National Ambient Air Quality Standard (NAAQS) for ozone is described as a nonattainment area. Nonattainment areas are classified as Marginal, Moderate, Serious, Severe, or Extreme.¹ With respect to this proposed action, there are two relevant ozone NAAQS: the 2008 and the 2015 ozone NAAQS. First, on March 12, 2008, EPA promulgated a revision to the ozone NAAQS, setting both the primary and secondary standards at 0.075 parts per million (ppm) averaged over an 8-hour time frame (2008 8-hour Ozone Standard) (73 FR 16436, March 27, 2008). Second, on October 1, 2015, EPA lowered these standards to 0.070 ppm averaged over an 8-hour time frame (2015 8-hour Ozone Standard) (80 FR 65292, October 26, 2015). Under CAA section 184, the State of New York is located within the Ozone Transport Region (OTR), which essentially means that it is subject to statewide RACT requirements. The Facility is located in the OTR (outside an area of nonattainment) and has the potential to emit at least 50 tons per year of NO_x, making it subject to RACT requirements.

Federal RACT Requirements

RACT is defined as the lowest emission limit that a source is capable of meeting through the application of control technology that is reasonably available considering technological and economic feasibility.² CAA sections 184(b)(1)(B) and 184(b)(2) set forth the requirement to establish control measures to implement RACT for sources of VOC located in the OTR. For major sources of NO_x, CAA section 182(f)(1) also applies.³

NYSDEC RACT Requirements

The New York State Department of Environmental Conservation (NYSDEC) RACT requirements applicable to a

¹ Primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

² See, EPA, "Guidance for determining acceptability of SIP regulations in non-attainment areas," memo 1976, Roger Strelow, document available in the docket.

³ See CAA 182 (f)(1), "The plan provisions required under this subpart for major stationary sources of volatile organic compounds shall also apply to major stationary sources (as defined in section 7602 of this title and subsections (c), (d), and (e) of this section) of oxides of nitrogen".