

Monitoring Network Plan, which has been approved by the EPA. As stated in their December 19, 2025, submittal, Ohio will continue to meet the CAA 182(c)(1) EMP requirements by including the plan in subsequent Ambient Air Monitoring Network Plans and to update the plan as necessary. These network plans are subject to the EPA's review and approval on an annual basis. Therefore, the EPA is proposing to approve Ohio EPA's certification that the Cleveland area has satisfied the EMP requirements of the CAA section 182(c)(1) for the 2015 ozone NAAQS.

X. What action is the EPA taking?

The EPA will not take final action to redesignate the Cleveland area to attainment if the EPA fails to finalize the CDD or if the design value of a monitoring site in the area violates the NAAQS prior to final approval of the redesignation. The EPA is proposing to determine that, with the EPA's approval of the CDD and Ohio's moderate RACT submittals, the Cleveland area will have met the requirements for redesignation under section 107(d)(3)(E) of the CAA. The EPA is thus proposing to change the legal designation of the Cleveland area from nonattainment to attainment for the 2015 ozone NAAQS in accordance with Ohio EPA's December 8, 2025, request. The EPA is proposing to approve the State's plan for maintaining the 2015 ozone NAAQS in the Cleveland area through 2038 (such approval being one of the CAA criteria for redesignation to attainment status). As part of the maintenance plan, the EPA is initiating the adequacy process and proposing to approve the newly established 2032 and 2038 motor vehicle emissions budgets for the Cleveland area. The EPA is also proposing to adjust the deadline for Ohio to submit Serious SIP revisions for the Cleveland area to no later than December 5, 2026. Finally, pursuant to section 110 and part D of the CAA, the EPA is proposing to approve the Enhanced I/M certification, CFVP certification, and EMP certification SIP revisions submitted by Ohio EPA on December 19, 2025, and supplemented on January 12, 2026.

XI. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those

imposed by State law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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, the proposed actions to approve Ohio's SIP submissions merely approve State law as meeting Federal requirements and do not impose additional requirements beyond those imposed by State law. For these reasons, 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 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 30, 2026.

Anne Vogel,

Regional Administrator, Region 5.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA-R05-OAR-2024-0461; EPA-R05-OAR-2025-0222; FRL-13226-01-R5]

Air Plan Approval and Air Quality Designation; Ohio; Attainment Plan and Redesignation of the Canton Area to Attainment of the 2008 Lead Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State of Ohio's attainment plan for the Canton Nonattainment Area for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS). Additionally, the EPA is proposing to determine that the Canton Nonattainment Area has attained the 2008 Pb NAAQS and to approve Ohio's maintenance plan for continued attainment. With these approvals, the EPA is also proposing to approve Ohio's comprehensive Pb emissions inventory and to act in accordance with Ohio Environmental Protection Agency's (Ohio EPA) request to redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008 Pb NAAQS. The EPA is taking these actions in accordance with the Clean Air Act (CAA) and the EPA's implementation regulations regarding the 2008 Pb NAAQS.

DATES: Comments must be received on or before May 11, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-

OAR–2024–0461 (attainment demonstration) and EPA–R05–OAR–2025–0222 (redesignation and maintenance plan) at <https://www.regulations.gov>, or via email to langman.michael@epa.gov. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the 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. 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, 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: Alisa Liu, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 353–3193, email address: liu.alisa@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we,” “us,” “our,” or “Agency” is used, we mean the EPA.

I. Background

A. Summary of Events and Proposed Actions

The EPA redesignated the Canton-Stark County, Ohio area from an unclassifiable/attainment area to a nonattainment area for the 2008 Pb NAAQS pursuant to CAA section 107(d)(3), effective April 10, 2023. The redesignation was based on ambient air quality monitoring that resulted in a 2019–2021 design value of 0.40 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), exceeding the 2008 Pb NAAQS of 0.15 $\mu\text{g}/\text{m}^3$. The ambient air quality data was provided by a source-oriented monitor near a plant owned and operated by

Republic Steel in Canton, Ohio (Republic Steel—Canton Plant), which manufactured leaded steel and other steel products at the time.¹

The redesignation of the Canton, Ohio area from unclassifiable/attainment to nonattainment for the 2008 Pb NAAQS imposed certain planning requirements on the State of Ohio to reduce Pb concentrations within this area. 88 FR 14920, March 10, 2023. These included the requirement under CAA sections 191(a) and 192(a) to submit, within 18 months of the redesignation to nonattainment, a revision to the Ohio State Implementation Plan (SIP) which demonstrates attainment of the 2008 Pb NAAQS as expeditiously as practicable, but no later than 5 years after April 10, 2023, the effective date of redesignation to nonattainment.²

On August 10, 2023, the parent company of Republic Steel, Grupo Simec, publicly announced the Republic Steel—Canton Plant would be idled indefinitely.

On September 10, 2023, Grupo Simec announced the Republic Steel—Canton Plant would permanently close, and all associated air permits were terminated effective July 26, 2024.

On September 19, 2024, Ohio EPA submitted a revision to its SIP for the 2008 Pb NAAQS in the Canton Nonattainment Area, which was comprised of an attainment plan with ambient air monitoring data, emissions inventory, attainment demonstration, and contingency measures. (Ohio’s 2024 Canton Pb SIP Revision)

By the end of 2024, ambient air monitoring demonstrated that airborne Pb levels had declined to 0.00 $\mu\text{g}/\text{m}^3$ and that the three-year design value for 2022–2024 for the Canton Nonattainment Area had achieved 0.15 $\mu\text{g}/\text{m}^3$, thereby meeting the 2008 Pb NAAQS.

Then, on April 25, 2025, Ohio EPA provided the first 10-year maintenance plan for keeping the Canton Nonattainment Area in attainment of the 2008 Pb NAAQS as required under CAA section 175A and submitted a request to the EPA to redesignate the Canton Nonattainment Area from nonattainment to attainment. (Ohio’s 2025 Canton Pb Maintenance Plan and Redesignation Request)

In this rulemaking, the EPA is proposing to approve all of Ohio’s required SIP elements simultaneously in conjunction with proposing to act in accordance with Ohio’s request to redesignate the Canton Nonattainment

Area from nonattainment to attainment of the 2008 Pb NAAQS. Specifically, the EPA is proposing the following separate, but related, actions:

1. To approve Ohio’s September 19, 2024, Canton Pb SIP Revision as meeting the applicable requirements of CAA sections 110(a)(2)(D)(i)(I), 110(a)(2)(I), 110(a)(2)(K), 110(l), 172, 191, and 192(a) and 40 CFR 51 subparts F and G. (*See* section II.D. of this preamble.)

2. To determine that the Canton Nonattainment Area is attaining the 2008 Pb NAAQS. (*See* section III.A. of this preamble.)

3. To approve Ohio EPA’s comprehensive Pb emissions inventory for the Canton Nonattainment Area as meeting the applicable requirements of CAA section 172(c)(3). (*See* section II.A.2.e. of this preamble.)

4. To approve Ohio’s 2025 Canton Pb Maintenance Plan as meeting the applicable requirements of CAA section 175A. (*See* section III.B. of this preamble.)

5. To determine that Ohio’s 2024 Canton Pb SIP Revision as well as Ohio’s 2025 Canton Pb Maintenance Plan and Redesignation Request have met the applicable requirements for the EPA to redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008 Pb NAAQS under CAA section 107(d)(3)(E). (*See* section IV.C. of this preamble.)

6. To act in accordance with Ohio’s April 25, 2025 Canton Pb Redesignation Request and to redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008 Pb NAAQS in accordance with CAA section 107(d)(3)(E)(i)–(v). (*See* section IV.C. of this preamble.)

In proposing these separate actions, we note that the EPA has previously determined that approval actions on SIP elements for a nonattainment area and the associated redesignation may occur simultaneously.^{3,4} Information supporting each of these actions is further summarized and discussed in the EPA’s December 11, 2025, Technical Support Document (TSD) for this

³ *See* section 2 of “Procedures for Processing Requests to Redesignate Areas to Attainment,” Memorandum from John Calcagni, Director, EPA Air Quality Management Division, September 4, 1992, (1992 Calcagni Redesignations Memo).

⁴ *See* 66 FR 53096, October 19, 2001 (Pittsburgh-Beaver Valley, Pennsylvania); 65 FR 37879, June 19, 2000 (Cincinnati-Hamilton, Ohio); 61 FR 20458, May 7, 1996 (Cleveland-Akron-Lorain, Ohio); 60 FR 37366, July 20, 1995 and 61 FR 31832–31833, June 21, 1996 (Grand Rapids, MI); 68 FR 25413, May 12, 2003 and 68 FR 25418, May 12, 2003 (St. Louis, MO).

¹ 88 FR 14920, March 10, 2023.

² *See also* CAA section 172(a)(2) and 73 FR 66964; 67038, November 12, 2008.

proposed rulemaking, which is included in the docket.

B. Concerns About Pb

Lead (Pb) is a metal found naturally in the environment, as well as in some manufactured products. Industrial sources of Pb emissions include industrial, commercial, and institutional boilers as well as utility boilers, iron and steel foundries, and primary Pb smelters.^{5 6 7} The major sources of Pb for air emissions have historically been from fuels used in industrial sources and on-road motor vehicles, such as cars and trucks. As a result of the EPA's regulatory efforts to remove Pb from on-road motor vehicle gasoline, emissions of Pb from the transportation sector declined by 95 percent between 1980 and 1999, and levels of Pb in the air generally decreased by 98 percent between 1980 and 2014.⁸ More recently, the predominant sources of Pb emissions in the ambient air are from ore and metals processing as well as piston-engine aircraft operating on leaded aviation fuel.⁹

Pb is generally emitted in the form of particles, which can end up being deposited in water, soil, and dust. This deposited Pb, when disturbed, may be re-entrained into the ambient air. People may be exposed to Pb by inhaling it or by ingesting Pb-contaminated food, water, soil, or dust. Pb may have serious public health effects and, depending on the level of exposure, can adversely affect the nervous system, kidney function, immune system, cardiovascular system, as well as reproductive and developmental systems. Infants and young children are especially sensitive to even low levels of Pb, which may contribute to behavioral problems, learning deficits, and lowered intelligence quotient.^{10 11}

C. 2008 Pb NAAQS

On November 12, 2008 (73 FR 66964), the EPA established the 2008 primary

and secondary Pb NAAQS at 0.15 $\mu\text{g}/\text{m}^3$ based on a maximum arithmetic three-month mean concentration for a three-year period. 40 CFR 50.16. The EPA refers to this maximum rolling three-month average over a three-year period as the "design value," and the design value is to be rounded to two significant figures using conventional rounding methodology. A violation of the 2008 Pb NAAQS occurs if any arithmetic three-month mean concentration is greater than 0.15 $\mu\text{g}/\text{m}^3$. See 72 FR 71488; 71541, December 17, 2007. See also 40 CFR 50.16.

D. Area Designations for the 2008 Pb NAAQS in the Canton, Ohio Area

After setting or revising any NAAQS, the EPA is required by CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. The EPA initially designated all areas of the country as "unclassifiable," "unclassifiable/attainment," or "nonattainment" for the 2008 Pb NAAQS in two rounds on November 16, 2010, based on air quality monitoring data for 2007–2009, and on November 8, 2011, based on monitoring data for 2008–2010.¹²

In the November 8, 2011 action, the EPA originally designated Stark County, Ohio, including the Canton area, along with the remaining areas of Ohio, as unclassifiable/attainment based on monitoring data for 2008–2010.¹³

Effective April 10, 2023, the EPA redesignated a defined area within Canton, Stark County, Ohio as nonattainment for the 2008 Pb NAAQS pursuant to CAA section 107(d)(3).¹⁴ The redesignation was based on ambient air quality monitoring from the Republic Steel monitoring site (Air Quality System (AQS) ID 39–151–0024) that resulted in a Pb 2019–2021 design value of 0.40 $\mu\text{g}/\text{m}^3$, exceeding the 2008 Pb NAAQS of 0.15 $\mu\text{g}/\text{m}^3$.

The Canton Nonattainment Area for the 2008 Pb NAAQS surrounds the Republic Steel—Canton Plant located at 2633 Eighth Street NE in Canton, Ohio. The boundaries of the Canton Nonattainment Area for the 2008 Pb NAAQS encompass the portions of Stark County that are bounded on the north by State Route OH–153 (12th Street NE; Mahoning Road), on the east by Broadway Avenue, on the south by State Route OH–172 (Tuscarawas Street E; Lincoln Street E), and the west by State Route OH–43—Northbound

(Cherry Avenue NE). The jurisdictional boundaries in Ohio comprise a portion of the city of Canton, a portion of the city of Louisville, a portion of Canton Township, a portion of Osnauburg Township, a portion of Nimishillen Township, and a portion of Plain Township.

E. Actions Taken That Addressed Pb Emissions and Pb Air Quality in the Canton Nonattainment Area

Both before and after the Canton area was designated as nonattainment for the 2008 Pb NAAQS, Ohio EPA, Canton APC,¹⁵ Republic Steel, Stark County Court of Common Pleas, United States District Court for the Northern District of Ohio, and the EPA took various actions that addressed Pb emissions from the Republic Steel—Canton Plant and the ambient air quality in the Canton area.

In the first of these actions, Ohio EPA issued permit modifications on December 2, 2016, and October 18, 2017, to set federally enforceable restrictions on Pb emissions, and required Republic Steel to submit a written proposal of actions if Pb monitoring reached 0.11 $\mu\text{g}/\text{m}^3$ or greater as a three-month average. Ohio EPA also issued Director's Final Findings and Orders to Republic Steel on June 29, 2018, April 30, 2019, May 14, 2019, and February 26, 2021, as well as a letter on June 11, 2021, which included various requirements including suspending leaded steel production, submitting an investigative report on elevated Pb concentrations, providing an action plan to reduce Pb emissions, evaluating options to control fugitive Pb emissions, and taking specific actions based on certain daily monitored Pb levels.¹⁶ In April 2022, Ohio EPA and Canton APC installed a second monitoring site across the street from the Republic Steel—Canton Plant known as the Republic Community monitoring site (AQS ID 39–151–0025).

On November 3, 2021, the EPA issued a notice of violation to the Republic Steel—Canton Plant for violating the terms of the facility's air permit regarding the FlexCast Vacuum Tank Degasser by exceeding the permitted emissions limit for Pb during Pb degassing, failing to perform an emissions test for Pb, and failing to

⁵ 73 FR 29184; 29190, May 20, 2008.

⁶ 75 FR 71033; 71035, November 22, 2010.

⁷ EPA, Office of Air Quality Planning and Standards, "Locating and Estimating Air Emissions from Sources of Lead and Lead Compounds," May 1998, EPA454/R–98–006.

⁸ Copies of web pages with the cited information are included in the docket for this rulemaking.

⁹ 75 FR 71033; 71035, November 22, 2010.

¹⁰ 73 FR 29184; 29270, May 20, 2008, and 75 FR 71033; 17035, November 22, 2010. For more information regarding the health effects of Pb exposure, see 73 FR 66964, November 12, 2008, and <https://www.epa.gov/lead/learn-about-lead>.

¹¹ IQ is a score created by dividing a person's mental age score, obtained by administering an intelligence test, by the person's chronological age, both expressed in terms of years and months. "Glossary of Important Assessment and Measurement Terms," Philadelphia, PA: National Council on Measurement in Education. 2016.

¹² 75 FR 71033, November 22, 2010; 76 FR 72097, November 22, 2011.

¹³ 76 FR 72097, November 22, 2011.

¹⁴ 87 FR 26147, May 3, 2022, and 88 FR 14920, March 10, 2023.

¹⁵ Canton City Public Health Department, Air Pollution Control Division (Canton APC) is Ohio EPA's contracted local air agency in Stark County, Ohio. See Ohio's 2024 Canton Pb SIP Revision, Appendices D and N.

¹⁶ The Director's Final Findings and Orders for Republic Steel dated June 29, 2018, April 30, 2019, May 14, 2019, February 26, 2021, and June 11, 2021 are available in the docket for this rulemaking.

perform parametric monitoring and recordkeeping.¹⁷ On March 10, 2023, the EPA then redesignated the area in Canton surrounding the Republic Steel—Canton Plant property from unclassifiable/attainment to nonattainment for the 2008 Pb NAAQS.¹⁸

On August 10, 2023, the parent company of Republic Steel, Grupo Simec, publicly announced the Republic Steel—Canton Plant would be idled indefinitely. On September 10, 2023, Grupo Simec announced the Republic Steel—Canton Plant would permanently close. The permanent and enforceable closure of the Canton Plant was subsequently required by a Final Consent Order and Final Judgment Entry that was filed in the Stark County Court of Common Pleas on December 12, 2023.¹⁹ In this Final Consent Order, Republic Steel agreed to an enforceable, permanent cessation of operations and to submit to Ohio EPA a request for the permanent shutdown and termination of all air permits associated with the facility within 30 days.

In a letter dated January 11, 2024, Republic Steel requested the permanent shutdown of all emission units requiring air permits and the termination of the associated air permits at the Republic Steel—Canton Plant, except for those associated with the temporary use of certain emission units in connection with the facility shut down activities. Ohio EPA and Canton APC approved this request on January 22, 2024. On July 26, 2024, Republic Steel requested the permanent shutdown of all remaining emission units requiring air permits and the termination of the associated air permits at the Republic Steel—Canton Plant. Ohio EPA and Canton APC also approved this request and terminated the remaining associated air permits effective July 26, 2024.

On September 17, 2024, Ohio EPA issued Director's Final Findings and Orders²⁰ requiring Republic Steel or any subsequent owner or operator of the Canton Plant to take certain actions to control fugitive dust if the Republic Steel or Republic Community monitoring sites recorded Pb daily average concentrations of 0.75 µg/m³ or greater or 1-month average concentrations of 0.10 µg/m³ or greater.

¹⁷ EPA's November 4, 2021, Press Release is included in the docket for this rulemaking.

¹⁸ 88 FR 14920, March 10, 2023.

¹⁹ The December 12, 2023, Final Consent Order and Final Judgment Entry is included in appendix D of Ohio's 2024 Canton Pb SIP Revision.

²⁰ The September 17, 2024, Director's Final Findings and Orders are included as appendix N to Ohio's 2024 Canton Pb SIP Revision.

These Orders also required Republic Steel or any subsequent owner or operator to provide a plan to Ohio EPA for approval for sitewide control of fugitive dust prior to undertaking any activities related to demolition or deconstruction of any portion of the facility.

II. Requirements for Pb Nonattainment Areas and the EPA's Review of Ohio's 2024 Canton Pb SIP Revision

A. CAA Requirements

All States must submit SIPs or SIP revisions to show they have the basic air quality management program components in place to implement a new or revised NAAQS, as specified in CAA section 110(a)(1). These plans are called "infrastructure SIPs."

For areas designated nonattainment for a specific NAAQS, States must also submit "nonattainment plans" that outline the strategies and emissions control measures and demonstrate how the area will improve in air quality as well as attain and maintain the NAAQS.^{21 22} Nonattainment plans must meet the applicable requirements of the CAA, specifically CAA title I, section 110 and part D. The EPA's regulations governing SIP submissions are set forth at 40 CFR part 51 with general procedural requirements under subpart F and specific control strategy requirements under subpart G for attaining and maintaining the NAAQS.

1. CAA Section 110 Requirements

CAA section 110 contains the general requirements for SIPs for attaining and maintaining the national and primary and secondary NAAQS.

a. Infrastructure SIPs

Under CAA sections 110(a)(1) and (2), States are required to submit "infrastructure SIPs" to ensure that they have the basic air quality management program components in place to provide for implementation, maintenance, and enforcement of the NAAQS, including the 2008 Pb NAAQS. In this regard, the EPA approved Ohio's infrastructure SIP for the 2008 Pb NAAQS on September 22, 2014, and on February 17, 2015.^{23 24 25} For the 2008 Pb NAAQS,

²¹ See CAA section 172(c).

²² Although CAA section 172(c) refers to "nonattainment plans," we refer to Ohio's 2024 Canton Pb SIP submission as including an "attainment plan."

²³ Ohio's October 12, 2011, Infrastructure SIP submission is publicly available under docket EPA-R05-OAR-2011-0888.

²⁴ See Proposed Rule at 79 FR 43338 (July 25, 2014), and Final Rules at 79 FR 60075 (October 6, 2014) and 80 FR 10591 (February 27, 2015).

²⁵ EPA may rely on prior SIP approvals in approving a redesignation request. See 1992

Ohio's infrastructure SIP addressed CAA sections 110(a)(2)(A) through (H), and (J) through (M) except the Prevention of Significant Deterioration (PSD) and New Source Review (NSR) requirements in CAA sections 110(a)(2)(C), (D)(i)(II), and (J), as well as the visibility protection portion of (J). CAA sections 110(a)(2)(I) and (K), which specifically address the nonattainment plan provisions, are addressed in sections II.B and II.D of this preamble and in sections 4.1, 4.2, and 4.4 of the TSD.

b. Transport SIPs

As part of the broader set of the infrastructure requirements, CAA section 110(a)(2)(D) requires SIPs to contain measures to prevent sources of emissions within the State from significantly contributing to air quality problems in another State or internationally as well as from interfering with programs to prevent significant deterioration of air quality or to protect visibility at mandatory Class I Federal areas in any other State. The EPA has historically referred to these as "transport SIPs." Within CAA section 110(a)(2)(D)(i), there are four so-called "prongs." CAA section 110(a)(2)(D)(i)(I) contains prongs 1 and 2, while CAA section 110(a)(2)(D)(i)(II) includes prongs 3 and 4.

With respect to prongs 1 and 2, analyses in Ohio's 2011 Infrastructure SIP and 2024 Canton Pb SIP Revision found no Pb sources in Ohio that would interfere with attainment or maintenance of the 2008 Pb NAAQS in a neighboring State. As such, consistent with the EPA's guidance²⁶ and prior actions,²⁷ the EPA proposes to find that Ohio's September 19, 2024 and April 25, 2025, SIP Revisions meet the

Calcagni SIP Actions Memo: "Regions should not reconsider those things that have already been approved and for which the Clean Air Act Amendments did not alter what is required." See also *Southwestern Pennsylvania Growth Alliance v. Browner*, 144 F.3d 984, 989–990 (6th Cir. 1998): "In addition, Congress explicitly codified the same principle in 42 U.S.C. 7410(n)(1)." See also *Wall v. EPA*, 265 F.3d 426 (6th Cir. 2001)).

²⁶ See 2011 Guidance on Infrastructure SIPs for 2008 Pb NAAQS, p. 7–8.

²⁷ EPA's rationale and explanation for approving the applicable interstate transport requirements under section 110(a)(2)(D)(i)(I) for the 2008 Pb NAAQS, consistent with EPA's interpretation of the 2011 Guidance on Infrastructure SIPs for 2008 Pb NAAQS, can be found in, among other instances, the proposed approval and a subsequent final approval of interstate transport SIPs submitted by Illinois, Michigan, Minnesota, and Wisconsin. See 79 FR 27241 at 27249 (May 13, 2014) and 79 FR 41439 (July 16, 2014). See also 83 FR 15336, April 10, 2018, Vermont Infrastructure SIP for 2010 SO₂ Proposed Rule.

requirements of CAA section 110(a)(2)(D)(i)(I).

With respect to prong 3 in addressing measures to prevent significant deterioration of air quality, the EPA previously approved Ohio's PSD permitting program²⁸ and NSR program in nonattainment areas²⁹ for all new major sources and major modifications in Ohio to help achieve the 2008 Pb NAAQS.³⁰

With respect to prong 4 and CAA section 110(a)(2)(J), the EPA guidance^{31 32} explains that the visibility impairment from Pb emissions in mandatory Class I Federal areas would be negligible and these requirements may be satisfied by a State's approved regional haze SIP revision.³³ In this regard, the EPA previously approved Ohio's regional haze SIP revisions for the first and second implementation periods.^{34 35}

c. Public Notice and Anti-Backsliding

CAA section 110(l) contains two main provisions applicable to SIPs, including nonattainment plans.

First, CAA section 110(l) requires that each SIP revision submitted by a State must be adopted by a State after reasonable notice and public hearing. To meet this requirement, on July 8, 2024, Ohio EPA notified the public and provided an opportunity for public comment and hearing on its proposed Pb SIP revision for an attainment plan³⁶ and attainment demonstration for the Canton Pb Nonattainment Area. The public comment period closed on August 7, 2024, and no comments were received during this time. However, on August 8, 2024, Republic Steel requested an additional comment period until August 21, 2024, which was granted by Ohio EPA. With no hearing

²⁸ 66 FR 51570, October 10, 2001, and 68 FR 2909, January 22, 2003.

²⁹ 68 FR 1366, January 10, 2003.

³⁰ See Ohio's 2024 Canton Pb SIP submission, p. 3–4.

³¹ EPA's October 14, 2011, guidance document entitled "Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)" (2011 Guidance on Infrastructure SIPs for 2008 Pb NAAQS).

³² EPA's September 13, 2013, memorandum entitled "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)." (2013 Guidance on Infrastructure SIPs).

³³ See 2011 Guidance on Infrastructure SIPs for 2008 Pb NAAQS, p. 15. See also 2013 Guidance on Infrastructure SIPs, p. 32–34, 54–55.

³⁴ 83 FR 21719, May 10, 2018.

³⁵ 90 FR 29993, July 8, 2025.

³⁶ Although CAA section 172(c) refers to "nonattainment plans," we refer to Ohio's 2024 Canton Pb SIP submission as including an "attainment plan."

requested, Ohio submitted its Pb SIP revision for an attainment plan and attainment demonstration for the Canton Pb Nonattainment Area to the EPA on September 19, 2024, which included the comments received and Ohio EPA's responses in appendix P. Then, on March 17, 2025, Ohio EPA notified the public and provided an opportunity for public comment and hearing on its proposed redesignation request and proposed Pb SIP revision for a maintenance plan for the Canton Nonattainment Area. The public comment period closed on April 18, 2025, and, with no hearing requested or comments received, Ohio submitted its redesignation request and Pb SIP revision to the EPA on April 25, 2025. As such, the EPA proposes to find that Ohio has met this requirement of CAA section 110(l) with its September 19, 2024, and April 18, 2025, SIP revisions.

Second, under CAA section 110(l), the EPA may not approve a SIP if it would interfere with any applicable requirement concerning NAAQS attainment, reasonable further progress toward attainment, or any other applicable requirement of the CAA. This requirement is often referred to the "anti-backsliding" provision of the CAA. As demonstrated in sections II.A.2.c, II.B, III.A of this preamble and in sections 4.1.2.3, 4.2.2, and 5.1 of the TSD, Ohio's September 19, 2024, and April 18, 2025, SIP Revisions are not a relaxation of any existing requirements and are expected to preserve or improve the ambient air quality in the Canton Nonattainment Area as it existed when the area was designated as nonattainment on April 10, 2023. Thus, the EPA proposes to find that Ohio's September 19, 2024, and April 18, 2025, SIP revisions meet the anti-backsliding provisions of CAA sections 110(l).

d. Nonattainment Plans

The EPA does not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining a particular NAAQS. To address plan requirements for nonattainment areas, there are two elements of CAA section 110(a)(2) pertaining to part D in title 1 of the CAA that are outside the scope of infrastructure SIPs. The first is CAA section 110(a)(2)(C) to the extent it refers to a permit program known as "nonattainment new source review" (nonattainment NSR) under part D of title I of the CAA, and the second is CAA section 110(a)(2)(I) in its entirety.³⁷

³⁷ See 2011 Guidance on Infrastructure SIPs for 2008 Pb NAAQS, p. 2. See also 2013 Guidance on Infrastructure SIPs, p. 4.

For the first of these two elements, the EPA previously approved Ohio's SIP revisions comprising the State's rules for nonattainment NSR procedures on December 6, 2001.³⁸ For the second of these two elements, the EPA's "SIP Lean Toolkit for Collaboration Between EPA and Air Agencies," December 6, 2019 (2019 SIP Lean Toolkit)³⁹ identifies CAA sections 172, 191, and 192 as the applicable planning requirements specific to Pb nonattainment areas. Each of these are discussed below.

2. CAA Section 172 Requirements

In areas designated as not attaining a particular NAAQS, CAA section 172 includes nonattainment plan provisions that require States to submit SIPs which demonstrate the affected area will attain the relevant NAAQS as expeditiously as practicable, but no later than the applicable statutory attainment date. To support such an attainment demonstration for Pb nonattainment plans, the EPA's 2019 SIP Lean Toolkit specifies the applicable provisions of the CAA as sections 172(a)(2), (b), (c)(1) through (c)(6), and (c)(9). As discussed in sections II.A.2.a.–h. of this preamble and in sections 4.1.2.1–4.1.2.8 of the TSD, the EPA is proposing to find that Ohio's 2024 Canton Pb SIP Revision meets each of these applicable provisions of CAA section 172.

a. CAA Section 172(a)(2)—Attainment Dates for Nonattainment Areas

For a nonattainment area, CAA section 172(a)(2) establishes that the attainment date shall be the date by which attainment can be achieved as expeditiously as practicable, but no later than 5 years from the date the area was designated nonattainment, unless the Administrator determines an extension of up to 10 years is appropriate. The effective date of the redesignation of the Canton area to nonattainment was April 10, 2023,⁴⁰ and 5 years from that date would be April 10, 2028. The EPA proposes to find that Ohio EPA appropriately oriented the attainment demonstration in its 2024 Canton Pb SIP Revision, as discussed in section II.B. of this preamble and in sections 4.1.2.1 and 4.2.2 of the TSD, to ensure attainment of the 2008 Pb NAAQS as expeditiously as practicable and earlier than the April 10, 2028, date by projecting an attainment date of July 1, 2025. In section III.A. of this preamble and in section 5.1 of the TSD, the EPA

³⁸ 67 FR 7954, February 21, 2002.

³⁹ EPA's "State Implementation Plan (SIP) Lean Toolkit for Collaboration Between EPA and Air Agencies," dated December 6, 2019 (2019 SIP Lean Toolkit).

⁴⁰ 88 FR 14920, March 10, 2023.

also examines the actual monitored Pb concentrations and proposes to determine that, as of the end of 2024, the Canton Nonattainment Area achieved attainment of the 2008 Pb NAAQS as expeditiously as practicable, approximately 1.5 years after the April 10, 2023, effective date of the redesignation, and earlier than the April 10, 2028, date based on the full 5 years allowed under CAA section 172(a)(2).

b. CAA Section 172(b)—Schedule for Plan Submissions

Under CAA section 172(b) and consistent with CAA section 191(a), the Administrator required Ohio to submit a SIP revision for the Canton Nonattainment Area within 18 months of the April 10, 2023, effective date of the nonattainment redesignation.⁴¹ The EPA proposes to find that Ohio EPA met this requirement by submitting its SIP revision for an attainment plan in the Canton Nonattainment Area on September 19, 2024, which was sooner than 18 months from the April 10, 2023, effective date of the nonattainment designation.

c. CAA Section 172(c)(1)—Reasonably Available Control Measures/Reasonably Available Control Technology

CAA section 172(c)(1) requires plans for all nonattainment areas to provide for the implementation of all reasonably available control measures (RACM), including reasonably available control technology (RACT) for existing sources, as expeditiously as practicable and to provide for attainment of the NAAQS.

Ohio's 2024 Canton Pb SIP Revision identified two stationary sources of Pb emissions located within the boundaries of the Canton Nonattainment Area that report to Ohio EPA's Emissions Inventory System and the National Emissions Inventory: (1) Republic Steel—Canton Plant and (2) United Rolls, Inc. Ohio's 2024 Canton Pb SIP Revision describes United Rolls, Inc. as an iron and steel roll manufacturing facility located at 1400 Grace Avenue Northeast, Canton, Ohio. Based on emissions data from 2017 to 2023, only the Republic Steel—Canton Plant met the EPA's recommended threshold of 0.5 tons per year (tpy) for a RACT analysis.^{42,43} As such, Ohio EPA considered potential RACM

applications for this facility as identified in the 2012 Pb RACM Guidance¹ for fugitive dust control.

Ohio EPA documented the decline in Pb emissions from the Republic Steel—Canton Plant from 4.3561 tons in 2020, to 0.8249 tons in 2021, to 0.1398 tons in 2022, to 0.0672 in 2023.⁴⁴ Ohio EPA also documented the corresponding sharp decrease in monitored Pb concentrations and improvement in air quality. The three-month rolling average Pb concentrations measured at the Republic Steel monitoring site have decreased significantly from 0.40 $\mu\text{g}/\text{m}^3$ in 2021 to 0.00 $\mu\text{g}/\text{m}^3$ in 2024. Over the course of one month, between the time that Republic Steel was idled in August 2023 to the time the shutdown was announced in September 2023, the three-month rolling average Pb concentrations declined from 0.11 $\mu\text{g}/\text{m}^3$ to 0.03 $\mu\text{g}/\text{m}^3$. Further decreases occurred over the next two months with Pb concentrations decreasing from 0.01 $\mu\text{g}/\text{m}^3$ in October 2023 to 0.00 $\mu\text{g}/\text{m}^3$ in November 2023, where the ambient air concentrations have remained since.⁴⁵ The EPA notes that Ohio fully demonstrated that these improvements in ambient air quality are due to permanent and enforceable reductions in emissions resulting from the permanent shutdown of all emission units requiring air permits and the termination of the associated air permits at the Republic Steel—Canton Plant, which became effective July 26, 2024. Additionally, Ohio EPA documented that no source of Pb emissions would be allowed to construct, reopen, modify, or reconstruct without meeting all applicable NSR requirements in Ohio's SIP at 40 CFR 51.1870(c) as a new source.

Given the permanent shutdown of all emission units requiring air permits at the Republic Steel—Canton Plant, Ohio EPA reasoned that any fugitive Pb-bearing dust control measures implemented outside of activities associated with potential cleanup, shutdown, deconstruction, and/or remediation at the facility would likely have no significant impact on monitored ambient Pb concentrations at the Republic Steel or Republic Community monitoring sites. Consistent with the 2008 Pb NAAQS Final Rule,⁴⁶ Ohio determined, and the EPA agrees, that no

RACM exists that would appreciably reduce fugitive dust emissions from the Republic Steel—Canton Plant or expedite attainment of the 2008 Pb NAAQS as this time.

However, to meet the requirements of CAA section 172(c)(9) and 175A, Ohio EPA is requiring that the Republic Steel—Canton Plant implement certain contingency measures, similar to the measures identified in the 2012 Pb RACM Guidance, during cleanup and/or remediation activities if either the Republic Steel or Republic Community monitoring sites measure ambient Pb concentrations above specific trigger levels. These contingency measures are set forth in the Ohio EPA Director's Final Findings and Orders, effective September 17, 2024,⁴⁷ and are addressed in sections II.A.2.h. and III.B. of this preamble and in sections 4.1.2.8 and 5.2.5 of the TSD.

As discussed above and consistent with the 2008 Pb NAAQS final rule, the EPA is proposing to find that Ohio's 2024 Canton Pb SIP Revision has met the RACM provisions of CAA section 172(c)(1).

d. CAA Section 172(c)(2)—Reasonable Further Progress

CAA section 172(c)(2) sets forth that nonattainment plans must require reasonable further progress (RFP)⁴⁸ in annual incremental reductions of emissions to ensure attainment by the attainment date. While the EPA believes that RFP for Pb nonattainment areas should yield significant emission reductions under an ambitious compliance schedule, the Canton Nonattainment Area has already achieved significant permanent and enforceable reductions in Pb emissions, declining from 4.4224 tpy in 2020 to 0.1508 tpy in 2023 as shown in Table 1 and discussed in section III.B. of this preamble and in sections 4.1.2.3 and 5.2.2 of the TSD. These reductions have led to sustained monitored ambient Pb concentrations below the 2008 Pb NAAQS substantially earlier than the applicable attainment date, as demonstrated in Tables 4 and 5 of the TSD. With the permanent and enforceable emission reductions already achieved resulting in sustained ambient Pb concentrations below the 2008 Pb NAAQS, the EPA is proposing to find

⁴¹ 88 FR 14920; 14921, March 10, 2023.

⁴² See EPA, Office of Air Quality Planning and Standards, "Implementation of the 2008 Lead National Ambient Air Quality Standards: Guide to Developing Reasonably Available Control Measures (RACT) for Controlling Lead Emissions", March 2012, EPA-457/R-12-001 (2012 Pb RACM Guidance).

⁴³ See the 2008 Pb NAAQS Proposed Rule, 73 FR 29184, May 20, 2008.

⁴⁴ Data is provided in Ohio's 2024 Canton Pb SIP Revision, appendix C.

⁴⁵ See Table 1 and Figure 2 of Ohio's 2024 Canton Pb SIP Revision and Table 1 of Ohio's 2025 Canton Pb Redesignation Request depicting three-month rolling average Pb data from 2017–2024 at the Republic Steel and Republic Community ambient air quality monitors.

⁴⁶ 73 FR 66964; 67038, November 12, 2008.

⁴⁷ See appendix N of Ohio's 2024 Canton Pb SIP Revision and appendix E of Ohio's 2025 Canton Pb Redesignation Request.

⁴⁸ RFP is defined in CAA section 171(1) as "such annual incremental reductions in emissions of the relevant air pollutant as are required by part D or may reasonably be required by EPA for the purpose of ensuring attainment of the applicable NAAQS by the applicable attainment date."

that RFP has already been made and that Ohio 2024 Canton Pb SIP Revision has met the RFP provisions of CAA section 172(c)(2).

e. CAA Section 172(c)(3)—Emissions Inventory

CAA section 172(c)(3) requires SIPs for nonattainment areas to include a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutants in the nonattainment areas. In terms of Pb emissions inventories, the threshold level of the emissions inventory reporting requirement for point sources in Pb SIP inventories is 0.5 tpy

consistent with the 2008 Pb NAAQS Final Rule,⁴⁹ 40 CFR 51.117(e)(1), the Air Emissions Reporting Requirements (AERR),⁵⁰ and 40 CFR part 58 appendix D. As shown in Table 1, Ohio’s 2024 Canton Pb SIP Revision included a comprehensive Pb emissions inventory for the Canton Nonattainment Area for the years 2017 through 2023, which accounted for emissions from the Republic Steel—Canton Plant, which was the only source in the Canton Nonattainment Area with Pb emissions of 0.5 tpy or greater, as well as United Rolls, Inc. even though its emissions were below the inventory threshold.⁵¹ Ohio clarified that no area, mobile, non-

road, or marine/air/rail sources of Pb emissions contribute to nonattainment in the Canton Nonattainment Area. The EPA is proposing to approve the Pb emissions inventory for the Canton Nonattainment Area that was submitted by Ohio EPA in Table 2 and appendix C of the 2024 Canton Pb SIP Revision and in Table 3 of the 2025 Canton Pb Redesignation Request, including the 2020 base year Pb emission inventory, as fully meeting the comprehensive emissions inventory requirement of CAA section 172(c)(3) for sources that emit more than 0.5 tpy Pb as required by 40 CFR 51.117(e)(1).

TABLE 1—Pb EMISSIONS INVENTORY IN THE CANTON NONATTAINMENT AREA FROM 2017–2023

Year	Facility Pb emissions (tons)								
	Republic Steel—Canton Plant			United Rolls, Inc.			Canton nonattainment area (combined facility Pb emissions)		
	Stack	Fugitive	Total	Stack	Fugitive	Total	Stack	Fugitive	Total
2017	0.6502	0.1600	0.8103	0.0290	0.0320	0.0610	0.6792	0.1921	0.8713
2018	0.6402	0.0220	0.6623	0.0585	0.0031	0.0616	0.6987	0.0251	0.7239
2019	0.6918	0.0200	0.7119	0.0588	0.0031	0.0619	0.7506	0.0231	0.7738
2020	1.7357	2.6204	4.3561	0.0630	0.0033	0.0663	1.7987	2.6237	4.4224
2021	0.4478	0.3771	0.8249	0.0715	0.0038	0.0753	0.5193	0.3809	0.9002
2022	0.0578	0.0820	0.1398	0.0822	0.0043	0.0865	0.1400	0.0863	0.2263
2023	0.0297	0.0375	0.0672	0.0793	0.0042	0.0835	0.1091	0.0417	0.1508

f. CAA Section 172(c)(4) and (c)(5)—Identification and Quantification of Emissions and Nonattainment New Source Review Permits

CAA section 172(c)(4) requires the identification and quantification of emissions from any new or modified stationary source in the nonattainment area and a demonstration that such emissions will not interfere with attainment by the applicable attainment date. CAA section 172(c)(5) requires permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. In this regard, as addressed in section II.A.1.a. of this preamble and in section 4.1.1.1 of the TSD, the EPA previously approved Ohio’s PSD permitting program⁵² and NSR permitting program for nonattainment areas⁵³ for all new major sources and major modifications in Ohio to help achieve the 2008 Pb NAAQS.⁵⁴ Therefore, Ohio has already met the applicable requirements of CAA sections 172(c)(4) and (c)(5).

g. CAA Section 172(c)(6)—Other Measures

CAA section 172(c)(6) requires the nonattainment plan to include enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance as necessary to provide for attainment by the attainment date.

To account for control measures that were put into place as expeditiously as possible, Ohio’s 2024 Canton Pb SIP Revision fully documented the permanent shutdown of all emission units requiring air permits at the Republic Steel—Canton Plant and the termination of all associated air permits effective July 26, 2024. Additionally, as discussed in section II.A.2.h. of this preamble and in section 4.1.2.8 of the TSD, Ohio’s 2024 Canton Pb SIP Revision contains contingency measures that would be enacted within specified timeframes in the event ambient air monitoring exceeds certain Pb levels to ensure attainment of the 2008 Pb

NAAQS by the attainment date. As such, Ohio ensured appropriate enforceable control measures and timetables were put into place as expeditiously as practicable to result in three years of monitored clean data by the attainment date. Therefore, the EPA is proposing that Ohio’s 2024 Canton Pb SIP Revision has met the applicable requirements of CAA section 172(c)(6) for the Canton Nonattainment Area.

h. CAA Section 172(c)(9)—Contingency Measures

CAA section 172(c)(9) requires that nonattainment plans contain contingency measures that take effect without further action by the State or the Administrator if the nonattainment area fails to make RFP or attain the NAAQS by the attainment date.

Ohio’s 2024 Canton Pb SIP Revision contains contingency measures consistent with the EPA’s examples⁵⁵ and 2012 Pb RACM Guidance for fugitive Pb-bearing dust that are geared toward ensuring attainment by the

⁴⁹ See 73 FR 66964; 67042, November 12, 2008.

⁵⁰ See 80 FR 8787, February 19, 2015.

⁵¹ See Ohio’s 2024 Canton Pb SIP Revision, Table 2 and appendix C.

⁵² 66 FR 51570, October 10, 2001, and 68 FR 2909, January 22, 2003.

⁵³ 68 FR 1366, January 10, 2003.

⁵⁴ See Ohio’s 2024 Canton Pb SIP submission, p. 3–4.

⁵⁵ See 58 FR 67748; 67752, appendix 1, December 22, 1993. Some examples of contingency measures for controlling area sources of fugitive Pb-bearing dust include paving more roads, stabilizing more storage piles, and increasing the frequency of street cleaning.

attainment date, including additional watering, additional cleaning, building/equipment repairs, additional closing of building openings, updated work practices, and/or application of chemical suppressant to control fugitive dust from the facility. These contingency measures would be triggered if monitored Pb concentrations at either the Republic Steel or Republic Community monitoring sites exceed certain levels and would require certain actions by Republic Steel or any subsequent owner or operator of the Canton Plant. Ohio EPA placed these contingency measures in the December 12, 2023, Final Consent Order and Final Judgment Entry as well as the September 17, 2024, Ohio EPA Director's Final Findings and Orders.

Under the contingency measures of the December 12, 2023, Final Consent Order, the action level responses are triggered in the event the individual daily value exceeds $0.75 \mu\text{g}/\text{m}^3$ and/or the three-month average Pb concentration exceeds the 2008 Pb NAAQS of $0.15 \mu\text{g}/\text{m}^3$. The required responses include both immediate actions to cease activities possibly contributing to the NAAQS exceedance as well as certain other actions within 14 days.

The September 17, 2024, Director's Final Findings and Orders set forth an additional action level for measured ambient Pb concentrations at $0.10 \mu\text{g}/\text{m}^3$, which would trigger these contingency measures. These Orders also require a sitewide plan to be approved by Ohio EPA prior to undertaking activities related to demolition or deconstruction to further ensure control of fugitive Pb-bearing dust. Importantly, since ownership of the Canton Plant may one day be transferred, the EPA reiterates that the contingency measures contain legally binding assurances that the obligations contained therein apply to Republic Steel or any subsequent owner or operator of the Canton Plant. For all these reasons and as further addressed in section 4.1.2.8 of the TSD, the EPA is proposing to find that Ohio's contingency measures in the 2024 Canton Pb SIP Revision satisfy the applicable requirements of CAA section 172(c)(9).

3. CAA Section 176(c) Requirements

CAA section 176(c) requires States to establish criteria and procedures in the applicable SIPs to ensure that federally supported or funded activities are consistent with ("conform to") the NAAQS air quality planning goals. The requirements of CAA 176(c) apply to transportation plans, programs and

projects developed, funded or approved under title 23 of the U.S. Code and the Federal Transit Act⁵⁶ (transportation conformity) as well as to all other federally supported or funded projects (general conformity). In this regard, the EPA approved Ohio's general conformity SIP on February 12, 1996. 61 FR 9644; 9646, March 11, 1996. In the 2008 Pb NAAQS Final Rule, the EPA determined that "In light of the elimination of Pb additives from gasoline, transportation conformity does not apply to the Pb NAAQS." 73 FR 66964; 67043, November 12, 2008.

4. CAA Sections 191 and 192 Requirements

CAA section 191(a) directs States to submit SIPs to the EPA for areas designated as nonattainment with respect to the primary NAAQS for sulfur oxides, nitrogen dioxide, or Pb within 18 months of the effective date of the designation. The EPA proposes to find that Ohio EPA met this requirement by submitting its attainment plan and attainment demonstration for the Canton area on September 19, 2024, which was sooner than 18 months from the April 10, 2023, effective date of the nonattainment designation.

CAA section 192(a) requires that SIPs for nonattainment areas must provide for attainment of the relevant NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of the nonattainment designation. Ohio's 2024 Canton Pb SIP Revision includes an attainment demonstration for the Canton Nonattainment Area that demonstrated attainment of the 2008 Pb NAAQS as expeditiously as practicable, by July 1, 2025, and in less than 5 years from the April 10, 2028, effective date. As such, the EPA is proposing to find that Ohio's 2024 Canton Pb SIP Revision meets the applicable requirements of CAA section 192(a).

B. Attainment Demonstration

To demonstrate future attainment of the NAAQS by predicting the effect of air emissions on ambient air quality, States may be required, under CAA section 110(a)(2)(K), to include air quality modeling and the associated data in a SIP submittal.

To demonstrate that Ohio's control strategy will provide for timely attainment of the 2008 Pb NAAQS as expeditiously as practicable, but no later than the April 10, 2028, attainment date, Ohio EPA's attainment demonstration included a modeling analysis, which followed the procedures in the EPA's

Guideline on Air Quality Models.⁵⁷ Although all emission units requiring permits at the Republic Steel—Canton Plant have been permanently shut down, Ohio EPA performed an atmospheric dispersion modeling analysis using AERMOD which accounted for potential cleanup and/or remediation efforts at the site in the future. As discussed in more detail in section 4.2.2 of the TSD and in appendix M of Ohio's 2024 Canton Pb SIP Revision, the model predicted a maximum three-month rolling average Pb concentration for the Canton Nonattainment Area of $0.099440 \mu\text{g}/\text{m}^3$, a value below $0.15 \mu\text{g}/\text{m}^3$ that demonstrates attainment of the 2008 Pb NAAQS will be attained by April 10, 2028. Based on results of the modeling and Ohio EPA's approach, the EPA proposes to find that Ohio's attainment demonstration satisfies the requirements under CAA section 110(a)(2)(K) by performing appropriate air quality modeling and providing the associated data.

C. 40 CFR 51 Requirements

The EPA's regulations governing the preparation, adoption, and submittal of SIPs are set forth at 40 CFR part 51.

Subpart F⁵⁸ contains the general procedural requirements for all SIPs that cover definitions, stipulations, public hearings, submission of plans, revisions, and approval of plans. How Ohio's 2024 Canton Pb SIP Revision met the State's obligations under these general procedural requirements is addressed under the discussion of CAA section 110(l) in section II.A. of this preamble and in section 4.1.1 of the TSD.

Subpart G⁵⁹ addresses the control strategy generally applicable to SIPs as well as specific additional requirements for Pb nonattainment areas. How Ohio's 2024 Canton Pb SIP Revision addressed each of the applicable requirements of subpart G in 40 CFR 51.110 through 51.117, including specific requirements for Pb nonattainment areas, is described in section II.C. of this preamble and in section 4.3 of the TSD. Based on this information, the EPA is proposing to find that Ohio's 2024 Canton Pb SIP Revision adequately addressed each of the requirements of 40 CFR 51.110 through 51.117.

D. The EPA's Proposed Approval of Ohio's 2024 Canton Pb SIP Revision

Based on the EPA's review and evaluation of the information in sections

⁵⁷ Guideline on Air Quality Models, appendix W to 40 CFR 51.

⁵⁸ See 40 CFR 51.100–51.105.

⁵⁹ See 40 CFR 51.110–51.126.

⁵⁶ 79 U.S. Code 1601.

II.A.–II.C. of this preamble of this preamble and in sections 4.1–4.3 of the TSD, the EPA is proposing to find that Ohio’s 2024 Canton Pb SIP Revision satisfies the applicable requirements of CAA sections 110(a)(2)(D)(i)(I), 110(a)(2)(I), 110(a)(2)(K), 110(l), 172, 191, and 192(a) to fully address the nonattainment plan provisions for the Canton Nonattainment Area.

III. Attainment and Maintenance of the 2008 Pb NAAQS and the EPA’s Review of Ohio’s 2025 Canton Pb Maintenance Plan and Redesignation Request

A. Determination That the Area Is Attaining

As shown in Table 2, Ohio’s 2025 Canton Pb Maintenance Plan and Redesignation Request documented the Canton Nonattainment Area had monitored attainment and achieved a design value of 0.15 µg/m³ for the most recent three-year period 2022–2024,

thereby attaining the 2008 Pb NAAQS of 0.15 µg/m³. Furthermore, data in AQS for 2025 (January through September) indicate that the area continues to show concentrations consistent with attainment of the 2008 Pb NAAQS. The complete, quality-assured, and certified ambient air monitoring data from the Republic Steel monitoring site along with the three-month rolling averages and the associated design values are included in Ohio’s 2025 Canton Pb Redesignation Request as appendix D as well as Tables 4, 5, and 6 of the TSD.

TABLE 2—THREE-MONTH ROLLING AVERAGE Pb CONCENTRATIONS FROM 2022–2024 IN THE CANTON NONATTAINMENT AREA

Monitoring site	Three-month period	Three-month rolling average (µg/m ³)		
		2022	2023	2024
AQS ID 39–151–0024, Republic Steel Monitoring Site, 3150 Georgetown Rd. NE, Canton, Ohio.	November–January	0.07	0.06	0.00
	December–February	0.06	0.06	0.00
	January–March	0.07	0.06	0.00
	February–April	0.03	0.10	0.00
	March–May	0.04	0.09	0.00
	April–June	0.07	0.15	0.00
	May–July	0.09	0.12	0.00
	June–August	0.12	0.11	0.00
	July–September	0.10	0.03	0.00
	August–October	0.11	0.01	0.00
	September–November	0.10	0.00	0.00
October–December	0.11	0.00	0.00	

Based on a review of the data in accordance with the 40 CFR part 50, appendix R, and 40 CFR part 58, and the design value for 2022–2024, the EPA is proposing to determine that the Canton Nonattainment Area is attaining the 2008 Pb NAAQS.

B. Maintenance Plan for Continued Attainment

Since the Canton Nonattainment Area has monitored attainment of the 2008 Pb NAAQS as discussed in section III.A. of this preamble and in section 5.1 of the TSD, Ohio’s April 25, 2025 SIP Revision included a maintenance plan for continued attainment (2025 Canton Pb Maintenance Plan) as required by CAA section 175A. CAA section 175A(a) requires such maintenance plans to provide for maintenance of the NAAQS for at least 10 years after the redesignation and to contain measures that may be necessary to ensure such maintenance. To address the possibility of future NAAQS violations, the maintenance plans must contain contingency provisions, as required by CAA section 175A(d), to assure the State will promptly correct any violation of the NAAQS which occurs after the area is redesignated to attainment. Then, 8 years after the redesignation, CAA section 175A(b) requires States to

submit a SIP revision with a revised maintenance plan to continue maintaining the NAAQS for another 10 years following the initial 10-year maintenance period.

The EPA has identified the following list of five core provisions to ensure maintenance of the relevant NAAQS in an area for which a State is seeking redesignation from nonattainment to attainment: attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and contingency plan.⁶⁰

For the attainment inventory, as discussed in section 5.2.1 of the TSD, the EPA proposes to find that Ohio’s attainment inventory appropriately identified the 2024 level of Pb emissions in the Canton Nonattainment Area at the time the monitoring data showed attainment, a level which is considered sufficient to attain the 2008 Pb NAAQS.⁶¹

For the maintenance demonstration, as discussed in section 5.2.2 of the TSD, the EPA proposes to find that Ohio fully documented that the improvement in air quality is based on permanent and enforceable emission reductions as well

as NSR provisions that will ensure continued attainment. To demonstrate the NAAQS will be maintained for 10 years following the redesignation, Ohio effectively showed that future emissions would not exceed the level of the 2024 attainment inventory and that modeling of its control strategy demonstrated the future mix of sources will not cause a violation of the 2008 Pb NAAQS through 2037.⁶²

For the monitoring network, as discussed in section 5.2.3 of the TSD, the EPA proposes to find that Ohio’s 2025 Canton Pb Maintenance Plan appropriately provides a commitment to continue monitoring and reporting the ambient Pb levels at both the Republic Steel and Republic Community monitoring sites to ensure continued maintenance of the 2008 Pb NAAQS as well as a commitment to consult with the EPA prior to making any changes to the State’s approved air monitoring network.

For the verification of continued attainment, as discussed in section 5.2.4 of the TSD, the EPA proposes to find that Ohio EPA met this provision by committing to track future Pb emissions inventories and compare them with the Pb inventories for the 2020 base year,

⁶⁰ See September 4, 1992 Calcagni Memo, section 5.

⁶¹ See 1992 Calcagni Redesignations Memo, p. 8.

⁶² See 1992 Calcagni Redesignations Memo, p. 9.

2024 attainment year, and 2037 future maintenance year to assess emission trends and to ensure continued compliance with the 2008 Pb NAAQS.

For the contingency plan, as discussed in section 5.2.5 of the TSD, Ohio EPA carried forward the contingency measures from the September 17, 2024, Director's Final Findings and Orders into Ohio's 2025 Canton Pb Maintenance Plan that set action levels for measured Pb ambient concentrations to trigger certain responses. These contingency measures require Republic Steel or any subsequent owner or operator of the Canton Plant to take certain actions if the Republic Steel or Republic Community monitoring sites reach Pb daily average concentrations of 0.75 µg/m³ or 1-month average concentrations of 0.10 µg/m³. These actions include additional watering, additional cleaning, building/equipment repairs, additional closing of building openings, updated work practices, and/or application of chemical suppressant to control fugitive Pb-bearing dust from the Canton Plant within 14 days of being notified of the monitoring results. Additionally, these Orders require Republic Steel or any subsequent owner or operator to submit to Ohio EPA a plan for approval for sitewide control of fugitive Pb-bearing dust at least 30 days prior to undertaking any activities related to demolition or deconstruction of any portion of the facility. These Orders also require that any subsequent owner assume all obligations with these Orders if the Canton Plant changes ownership. Based on these measures, the EPA proposes to find that Ohio has fully satisfied the requirement for contingency provisions for a maintenance plan under CAA section 175A(d).

Based on the information in sections 5.2.1–5.2.5 of the TSD, the EPA is proposing to approve Ohio's 2025 Canton Pb Maintenance Plan as containing all these necessary provisions to maintain the 2008 Pb NAAQS for the initial 10 years under CAA section 175A as well as a commitment from the State to review the maintenance plan 8 years after redesignation for the next 10 years.

IV. Criteria for Redesignation to Attainment and the EPA's Review of Ohio's SIP Revisions

A. CAA Criteria for Redesignation to Attainment

As noted above, on April 25, 2025, Ohio requested the EPA redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008

Pb NAAQS since the area has achieved a design value of 0.15 µg/m³ for the most recent three-year period 2022–2024, thereby meeting the 2008 Pb NAAQS of 0.15 µg/m³.

While the EPA is proposing to determine that the Canton Nonattainment Area has monitored attainment of the 2008 Pb NAAQS in section III.A. of this preamble and section 5.1 of the TSD, the EPA notes that this, in and of itself, does not constitute a redesignation to attainment.⁶³ There are five criteria for redesignating an area from nonattainment to attainment that are found in CAA section 107(d)(3)(E):

- (i) the Administrator determines that the area has attained the NAAQS;
- (ii) the Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);
- (iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable Federal air pollutant control regulations and other permanent and enforceable reductions;
- (iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and
- (v) the State containing such area has met all requirements applicable to the area under CAA section 110 and part D of CAA title 1.

How Ohio's submittals met each of these five criteria for redesignation of the Canton Nonattainment Area to attainment is addressed in section IV.B. of this preamble and section 6.2 of the TSD.

B. How Ohio's Submittals Met the CAA Criteria for Redesignation to Attainment

In reviewing Ohio's 2024 Canton Pb SIP Revision and 2025 Canton Pb Maintenance Plan and Redesignation Request, the EPA addresses each of the five criteria under CAA section 107(d)(3)(E) for redesignating an area from nonattainment to attainment in turn below.

In acting upon a redesignation request, the EPA may rely on any prior SIP approvals plus any additional approvals it may perform in conjunction with acting on the redesignation. The 1992 Calcagni Redesignations Memo and 1992 Calcagni SIP Actions Memo

both note, “[A]pproval action on SIP elements and the redesignation request may occur simultaneously,” and the EPA has frequently taken this approach in its redesignation actions.⁶⁴ As such, the EPA is proposing to approve all required SIP elements simultaneously in conjunction with acting in accordance with Ohio EPA's request to redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008 Pb NAAQS.

1. CAA Section 107(d)(3)(E)(i)—Attainment of the 2008 Pb NAAQS

Based on the information presented in section III.A. of this preamble and in section 5.1 of the TSD, the EPA is proposing to determine that, as of the end of 2024, the Canton Nonattainment Area achieved attainment of the 2008 Pb NAAQS as expeditiously as practicable, approximately 1.5 years after the April 10, 2023, effective date of the redesignation, and earlier than the April 10, 2028, date based on the full 5 years allowed under CAA section 172(a)(2).

2. CAA Section 107(d)(3)(E)(ii)—Approval of Implementation Plan Under CAA Section 110(k) That Meets All Applicable Requirements of Title 1 of the CAA

As summarized in section II.D. of this preamble and in section 4.4 of the TSD, the EPA is proposing to fully approve Ohio's 2024 Canton Pb SIP Revision under CAA section 110(k) as satisfying all the applicable requirements of title 1 under CAA sections 110(a)(2)(D)(i)(I), 110(a)(2)(I), 110(a)(2)(K), 110(l), 172, 191, and 192(a) as well as 40 CFR 51 Subparts F and G.

3. CAA Section 107(d)(3)(E)(iii)—Improvement in Air Quality Due to Permanent and Enforceable Measures

From the time the Republic Steel—Canton Plant shutdown and all air permits were terminated in July 2024, Ohio documented the corresponding sharp decrease in monitored Pb concentrations and improvement in air quality. Based on the information presented in sections II.A.2.c. and III.A. of this preamble and in sections 4.1.2.3 and 5.1 of the TSD, the EPA proposes to determine that the improvement in ambient air quality is due to permanent and enforceable reductions in Pb emissions resulting from the permanent

⁶³ “A determination that an area has attained by the applicable attainment date does not constitute a redesignation to attainment.” 90 FR 31906; 31908, July 16, 2025.

⁶⁴ See 66 FR 53096, October 19, 2001 (Pittsburgh-Beaver Valley, Pennsylvania); 65 FR 37879, June 19, 2000 (Cincinnati-Hamilton, Ohio); 61 FR 20458, May 7, 1996 (Cleveland-Akron-Lorain, Ohio); 60 FR 37366, July 20, 1995 and 61 FR 31832 through 31833, June 21, 1996 (Grand Rapids, MI); 68 FR 25413, May 12, 2003 and 68 FR 25418, May 12, 2003 (St. Louis, MO).

shutdown of all emission units requiring air permits and the termination of the associated air permits at the Republic Steel—Canton Plant.

4. CAA Section 107(d)(3)(E)(iv)—Approval of Maintenance Plan Under CAA Section 175A

As addressed in section III.B. of this preamble and in section 5.2 of the TSD, the EPA is proposing to approve Ohio's 2025 Canton Pb Maintenance Plan under CAA section 175A as effectively addressing each of the five core provisions identified by the EPA to maintain the 2008 Pb NAAQS for the initial 10 years (attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and contingency plan) as well as providing a commitment from the State to review the maintenance plan 8 years after redesignation for the next 10 years.

5. CAA Section 107(d)(3)(E)(v)—Approval of Applicable Requirements for Purposes of Redesignation Under CAA Section 110 and Part D of Title 1

Based on the information addressed in sections III.A. and III.B. of this preamble and in section 6.2.5 of the TSD, the EPA is proposing to determine that Ohio's 2025 Canton Pb Maintenance Plan and Redesignation Request have satisfied all the applicable requirements for the purposes of redesignation under CAA section 110 and part D of title 1.

For CAA section 110, the EPA previously approved Ohio's Infrastructure and Transport SIPs, and the EPA is proposing to find that Ohio's 2024 Canton Pb SIP Revision satisfies the applicable requirements under CAA sections 110(a)(2)(D)(i)(I), 110(a)(2)(I) and 110(a)(2)(K) that specifically address the nonattainment plan provisions for the Canton Nonattainment Area as well as the anti-backsliding provisions of CAA section 110(l).

For CAA part D of title I, the EPA is proposing to find that Ohio's 2024 Canton Pb SIP Revision, which was comprised of an attainment plan with monitoring data, emissions inventory, attainment demonstration, and contingency measures to demonstrate attainment as expeditiously as practicable and no later than five years after the April 10, 2023 effective date of the nonattainment designation, meets each of the applicable provisions of CAA sections 172, 191(a), and 192(a).

C. *The EPA's Proposed Redesignation of the Canton Nonattainment Area From Nonattainment to Attainment of the 2008 Pb NAAQS*

Based on the EPA's proposed findings and approvals in the synopsis in section IV.B. of this preamble and in section 6.2 of the TSD, the EPA is proposing to determine that Ohio's 2024 Canton Pb SIP Revision as well as Ohio's 2025 Canton Pb Maintenance Plan and Redesignation Request have met the requirements for the EPA to redesignate the Canton Nonattainment Area from nonattainment to attainment under CAA section 107(d)(3)(E). As such, the EPA is proposing to approve Ohio's April 25, 2025 Canton Pb Maintenance Plan and to act in accordance with Ohio's request to redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008 Pb NAAQS in accordance with CAA sections 107(d)(3)(E)(i) through (v).

V. **The EPA's Proposed Actions**

The EPA is proposing to approve all of Ohio's required SIP elements simultaneously in conjunction with proposing to act in accordance with Ohio's request to redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008 Pb NAAQS. Specifically, the EPA is proposing the following separate, but related, actions:

1. To approve Ohio's September 19, 2024 Canton Pb SIP Revision as meeting the applicable requirements of CAA sections 110(a)(2)(D)(i)(I), 110(a)(2)(I), 110(a)(2)(K), 110(l), 172, 191, and 192(a) and 40 CFR 51 Subparts F and G;
2. To determine that the Canton Nonattainment Area is attaining the 2008 Pb NAAQS;
3. To approve Ohio EPA's comprehensive Pb emissions inventory for the Canton Nonattainment Area as meeting the applicable requirements of CAA section 172(c)(3);
4. To approve Ohio's 2025 Canton Pb Maintenance Plan as meeting the applicable requirements of CAA section 175A;
5. To determine that Ohio's 2024 Canton Pb SIP Revision as well as Ohio's 2025 Canton Pb Maintenance Plan and Redesignation Request have met the applicable requirements for the EPA to redesignate the Canton Nonattainment Area from nonattainment to attainment of the 2008 Pb NAAQS under CAA section 107(d)(3)(E); and thus
6. To act in accordance with Ohio's April 25, 2025 Canton Pb Redesignation Request and to redesignate the Canton Nonattainment Area from

nonattainment to attainment of the 2008 Pb NAAQS in accordance with CAA section 107(d)(3)(E)(i)through(v).

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 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 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

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 27, 2026.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2026-06937 Filed 4-9-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA-R05-OAR-2023-0635; FRL-13222-01-R5]

Air Plan Approval; Michigan; Redesignation and Maintenance Plan for the Partial St. Clair 2010 1-Hour Sulfur Dioxide (SO₂) NAAQS Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to redesignate the St. Clair nonattainment area in southeast Michigan to attainment for the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The EPA is also proposing to approve Michigan's maintenance plan for the St. Clair SO₂ nonattainment area and emissions limits for the DTE Belle River Power Plant. Michigan submitted the request for approval of the St. Clair area redesignation and maintenance plan on December 15, 2023, with a supplement to the request on July 24, 2025.

DATES: Comments must be received on or before May 11, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2023-0635 at <https://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. The EPA may publish any comment received to its public docket.

Do not submit to the 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. 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, 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:

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SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean the EPA.

I. Background

On June 22, 2010 (75 FR 35520), the EPA established a new 1-hour SO₂ NAAQS of 75 parts per billion (ppb), which can be met at an ambient air quality monitoring site (or in the case of dispersion modeling, at an ambient air quality receptor location) when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR part 50. 40 CFR 50.17(a)-(b).

On September 12, 2016 (81 FR 45039), the EPA designated part of St. Clair County, Michigan as nonattainment for the 2010 SO₂ NAAQS based on computer modeling that incorporated SO₂ data from Continuous Emissions Monitors (CEM) at the DTE Belle River and St. Clair power plants.

Section 191 of the CAA directs States to submit a State Implementation Plan (SIP) for an area designated as nonattainment for the 2010 SO₂ NAAQS to the EPA within 18 months of the

effective date of the designation. The SIP must demonstrate that the State will achieve the NAAQS for the nonattainment area as expeditiously as practicable, but no later than five years from the effective date of designation. As a result, Michigan was required to submit a nonattainment SIP to the EPA by March 12, 2018, to bring the St. Clair area into attainment by the attainment date of September 12, 2021. Michigan did not submit a nonattainment SIP for the St. Clair area by the March 12, 2018, deadline, instead relying on the EPA's Clean Data Policy, described in more detail below, to address the requirement.

On July 24, 2020, Michigan submitted a request that the EPA make a Clean Data Determination (CDD) under the CAA and the EPA's Clean Data Policy, based on both local monitored air quality data and a new dispersion modeling analysis, demonstrating that the St. Clair nonattainment area attained the 2010 SO₂ NAAQS. When a nonattainment area is attaining the 2010 SO₂ NAAQS based on the most recent available data, the EPA may issue a CDD suspending certain planning requirements for as long as the area continues to attain the NAAQS. On June 30, 2021, Michigan submitted the St. Clair area's emissions inventory and nonattainment new source review (NNSR) verification required by CAA section 172 to the EPA. The EPA issued a CDD for the St. Clair area on December 7, 2021 (86 FR 69173), and approved Michigan's submittal of the emissions inventory and NNSR elements on February 9, 2022 (87 FR 7387). Additionally, to address requirements under CAA section 179(c), the EPA made a determination of attainment by the attainment date, finding that the St. Clair nonattainment area attained the 2010 SO₂ NAAQS for the relevant period associated with the attainment date of September 12, 2021 (89 FR 104884, December 26, 2024).

II. Evaluation of Michigan's Redesignation Request and Maintenance Plan

Michigan submitted a request for redesignation and a maintenance plan for the St. Clair nonattainment area on December 15, 2023, and supplemented the request on July 24, 2025. In addition to information addressing CAA redesignation and maintenance plan requirements, the submittal addresses the DTE Energy St. Clair Power Plant closure and the reduction of SO₂ emissions from the DTE Belle River Power Plant.

Under section 107(d)(3)(E) of the CAA, the EPA may not promulgate a