



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2025-0056; FRL-12601-04-R9]

Air Plan Revisions; California; Antelope Valley Air Quality Management District; New Source Review; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and partial withdrawal of proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of one permitting rule, submitted on October 16, 2025, as a revision to the Antelope Valley Air Quality Management District (AVAQMD or “District”) portion of the California State Implementation Plan (SIP). This revision concerns the District’s New Source Review (NSR) permitting program for new and modified sources of air pollution under part D of title I of the Clean Air Act (CAA or “Act”). The AVAQMD amended and resubmitted the rule after the EPA identified deficiencies in an earlier proposed rulemaking on a previous submittal. In this action, the EPA is also withdrawing our proposed limited approval and limited disapproval of the previous version of this AVAQMD rule. If finalized, this action will update the AVAQMD’s current SIP with the amended rule. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2025-0056 at <https://www.regulations.gov>. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions

(audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Cecelia Working, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; by phone: (213) 244-1911; or by email to working.cece@epa.gov.

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

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I. The State’s Submittal

- A. What rules are in the current SIP?*

Table 1 lists the rules in the current SIP with the dates they were adopted or amended by

the AVAQMD, submitted by the California Air Resources Board (CARB), the governor’s designee for California SIP submittals, and approved by the EPA.

TABLE 1 – CURRENT SIP RULES

DISTRICT RULE NUMBER	TITLE/SUBJECT	STATE EFFECTIVE DATE	EPA APPROVAL DATE
1300	New Source Review General	7/20/2021	7/3/2023 (88 FR 42621)
1301	New Source Review Definitions	7/20/2021	7/3/2023 (88 FR 42621)
1302 (except 1302(C)(5) and 1302(C)(7)(c))	New Source Review Procedure	7/20/2021	7/3/2023 (88 FR 42621)
1303	New Source Review Requirements	7/20/2021	7/3/2023 (88 FR 42621)
1304	New Source Review Emissions Calculations	7/20/2021	7/3/2023 (88 FR 42621)
1305	New Source Review Emissions Offsets	7/20/2021	7/3/2023 (88 FR 42621)
1306	New Source Review for Electric Energy Generating Facilities	7/20/2021	7/3/2023 (88 FR 42621)
1309	Emission Reduction Credit Banking	7/20/2021	7/3/2023 (88 FR 42621)

B. What rules did the State submit?

CARB provided a submittal to the EPA on October 16, 2025 (hereafter referred to as the “October 2025 submittal”), to revise the AVAQMD’s nonattainment NSR (NNSR) permitting program in the California SIP.

CARB’s October 2025 submittal provided the amended NNSR permitting program rule listed in Table 2 – Rule 1314 – that the AVAQMD amended on July 15, 2025. Locally amended Rule 1314 supersedes the version of Rule 1314 that CARB submitted to the EPA on January 7, 2025. In addition to Rule 1314, CARB’s January 7, 2025 submittal included amended AVAQMD rules 1301, 1302, 1303, 1304, 1305, and 1309. CARB submitted these rules to replace the current EPA-approved SIP rules in Table 1 that apply in the AVAQMD. On March 26, 2025, the EPA proposed to take action on CARB’s January 7, 2025 submittal (the “March

2025 Proposed Action”).¹

TABLE 2 – SUBMITTED RULE

DISTRICT RULE NUMBER	TITLE/SUBJECT	AMENDED OR ADOPTED	AMENDMENT OR ADOPTION DATE	SUBMITTAL DATE ^a
1314	Federal Nonattainment New Source Review for Ozone Precursors	Adopted (New Rule)	7/15/2025 ^b	10/16/2025

^a The October 2025 submittal of Rule 1314 was transmitted to the EPA via a letter from CARB dated October 1, 2025.

^b The AVAQMD Governing Board adopted amended Rule 1314 on July 15, 2025. On August 4, 2025, the AVAQMD renumbered the rule to correct cross-referencing errors, as the AVAQMD submission letter to CARB explains. The change copy of Rule 1314 that is included in the AVAQMD’s submission to CARB shows the corrections to the July 15, 2025 AVAQMD Board-adopted amended rule. These documents are available in the docket for this action.

Section 110(k)(1)(B) of the CAA requires the EPA to determine whether a SIP submission is complete within 60 days of receipt. The EPA’s SIP completeness criteria are found in 40 CFR part 51, Appendix V. Based on our review of the public process documentation for the October 2025 submittal, we find that the District has provided sufficient evidence of public notice and opportunity for public comment and held a public hearing prior to adoption and submittal of this rule to the EPA pursuant to 40 CFR part 51, Appendix V, and that the submittal fulfills the completeness criteria of Appendix V.

C. What is the purpose of the submitted rule revisions?

The AVAQMD is the permitting authority for a portion of the Los Angeles-San Bernardino Counties (West Mojave Desert), CA (“West Mojave Desert”) nonattainment area that is designated as a “Severe” nonattainment area for the 2015 ozone NAAQS. The area is designated as Unclassifiable/Attainment for the nitrogen dioxide, carbon monoxide, particulate matter equal to or less than 10 micrometers (PM₁₀), particulate matter equal to or less than 2.5

¹ 90 FR 13719 (March 26, 2025). In the March 2025 Proposed Action, the EPA proposed to approve AVAQMD Rules 1301, 1302 (except subsections 1302(C)(5) and 1302(C)(7)(c), which CARB did not submit for inclusion in the SIP), 1303, 1304, 1305, and 1309, and proposed a limited approval and limited disapproval of the prior version of AVAQMD Rule 1314, which the AVAQMD superseded with the July 15, 2025 Board-adopted version of the rule. 90 FR 13719, 13722.

micrometers (PM_{2.5}), sulfur dioxide, and lead NAAQS.² The designation of the West Mojave Desert as a federal ozone nonattainment area triggered the requirement for the District to develop and submit an NNSR program to the EPA for approval into the California SIP.

The submitted rule listed in Table 2 of this Federal Register action, in conjunction with the rules that the EPA proposed to approve in the March 2025 Proposed Action, is intended to replace the rules currently in the SIP as listed in Table 1. The submitted rule is intended to satisfy the NNSR requirements of section 110(a)(2)(C) and part D of title I of the Act and the EPA's implementing regulations at title 40 of the Code of Federal Regulations (CFR) part 51. NNSR requirements apply only in areas designated as nonattainment for one or more National Ambient Air Quality Standards (NAAQS). The submitted rule is also intended to resolve deficiencies identified in two EPA actions: (1) our July 3, 2023 NSR action ("2023 NSR Action")³ that included a limited disapproval of AVAQMD Rules 1301, 1302, 1303, 1304, 1305, and 1309, as locally amended on July 20, 2021, and (2) our proposed limited approval and limited disapproval of AVAQMD Rule 1314, as adopted on December 30, 2024, as described in our March 2025 Proposed Action.⁴

The AVAQMD adopted new Rule 1314 and amended its existing rules 1301, 1302, 1303, 1304, 1305, and 1309 to address the deficiencies that the EPA identified in the 2023 NSR Action. In the March 2025 Proposed Action, the EPA proposed to find that the AVAQMD's revisions to its rules addressed the deficiencies that the EPA identified in the 2023 NSR Action. In the March 2025 Proposed Action, however, the EPA identified a new deficiency in the newly adopted AVAQMD Rule 1314.⁵ The deficiency that the EPA first identified in the March 2025 Proposed Action is separate and unrelated to the deficiencies the EPA identified in the 2023 NSR Action. In the March 2025 Proposed Action, the EPA explained that AVAQMD Rule 1314 did

² 40 CFR 81.305.

³ 88 FR 42621.

⁴ 90 FR 13719 (March 26, 2025).

⁵ 90 FR 13719, 13722. The Technical Support Document ("TSD") in the March 2025 Proposed Action also describes the deficiency at sections 5.2, 7.2, and in TSD Attachment 4. The Technical Support Document that is associated with the March 2025 Proposed Action is available in the docket for this proposed action.

not include the reasonable possibility requirements that are stated in 40 CFR 51.165(a)(6) and (7).⁶ Before the EPA finalized the March 2025 Proposed Action, the AVAQMD amended Rule 1314 with the intention of addressing the missing requirements that the EPA identified in the March 2025 Proposed Action.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the rule?

In the EPA evaluation of the prior and now superseded version of AVAQMD Rule 1314 as part of the March 2025 Proposed Action, the EPA reviewed the rule for compliance with the CAA requirements as follows: (1) the general SIP requirements as set forth in CAA section 110(a)(2), including 110(a)(2)(A) and 110(a)(2)(E)(i); (2) the stationary source preconstruction permitting program requirements as set forth in CAA part D of title I, including CAA sections 172(c)(5), 173, and 182; (3) the requirements for the review and modification of major sources in accordance with 40 CFR 51.160-51.165 as applicable in Severe ozone nonattainment areas; (4) the SIP revision requirements as set forth in CAA sections 110(l) and 193; and (5) the provisions of CAA section 302(z). We described our review in detail in the March 2025 Proposed Action Federal Register Notice and in the accompanying Technical Support Document (“TSD”).⁷

Sections 110(a)(2) and 110(l) of the Act require that each SIP or revision to a SIP submitted by the State must be adopted after reasonable notice and public hearing. In addition, section 110 of the Act requires that SIP rules be enforceable. Section 110(a)(2)(C) of the Act requires each SIP to include a program to regulate the modification and construction of any stationary source within the areas covered by the SIP as necessary to assure attainment and maintenance of the NAAQS.

Part D of title I of the Act contains the general requirements for areas designated nonattainment for a NAAQS (section 172), referred to as NNSR, including preconstruction

⁶ Id.

⁷ Id.

permit requirements for new major sources and major modifications proposing to construct in nonattainment areas (section 173) and the de minimis plan provisions for Severe nonattainment areas (sections 182(c)(6) and 182(d)).

The EPA's regulations at 40 CFR 51.160-51.164 provide general programmatic requirements to implement the statutory mandate under section 110(a)(2)(C) of the Act that is commonly referred to as the "general" or "minor" NSR program. These NSR program regulations impose requirements for approval of state and local programs that are more general in nature as compared to the specific statutory and regulatory requirements for NSR permitting programs under part D of title I of the Act.

The EPA's regulations at 40 CFR 51.165 set forth the EPA's regulatory requirements for SIP approval of a NNSR permit program. Our review also evaluated the submittal for compliance with the NNSR requirements applicable to Severe ozone nonattainment areas and ensured that the submittal addressed the NNSR requirements for the 2015 ozone NAAQS.

Section 110(l) of the Act prohibits the EPA from approving any SIP revisions that would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA.

Section 193 of the Act, which only applies in nonattainment areas, prohibits the modification of a SIP-approved control requirement in effect before November 15, 1990, in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

Section 302(z) of the Act defines the term "Stationary Source" as generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in title II of the Act.

B. Does the rule meet the evaluation criteria?

In the March 2025 Proposed Action, the EPA reviewed the submitted rule listed in Table

2 of this document in accordance with the rule evaluation criteria described in Section II.A. of this document. The only difference between the version of Rule 1314 that is the focus of this proposed action and the superseded version of the rule that is the subject of the March 2025 Proposed Action is the amended rule's new section (G), "Projects That Rely On a Projected Actual Emissions Test," which the AVAQMD added when it amended the rule. The language in Rule 1314(G) contains the requirements of 40 CFR 51.165(a)(6) and (7).

With respect to procedural requirements, CAA sections 110(a)(2) and 110(l) require SIP revisions to be adopted by the state after reasonable notice and public hearing. Based on our review of the public process documentation included in the October 2025 submittal for the amended rules listed in Table 2 of this document, we find that the AVAQMD has provided sufficient evidence of public notice, opportunity for comment, and a public hearing prior to the adoption and submittal of these rules to the EPA.

We have determined that the submitted rule satisfies the statutory and regulatory requirements in part D of the Act (including sections 172, 173, 182(c)(6) and 182(d)) and with the relevant provisions of sections 110(a)(2) and 302(z) of the Act, as well as 40 CFR 51.160-51.165, and addresses all of the deficiencies previously identified by the EPA.⁸ We describe how these deficiencies have been resolved in Section II.C. of this notice.

C. How are the previously identified rule deficiencies resolved?

The October 2025 submittal resolves the deficiencies previously identified by the EPA in the 2023 NSR Action and in the March 2025 Proposed Action. In the October 2025 submittal, the AVAQMD made no changes to Rule 1314 that affect our rationale for proposing to find, in the March 2025 Proposed Action, that it resolved the deficiencies identified in the 2023 NSR Action. By amending Rule 1314 such that it includes new section (G), the AVAQMD in the October 2025 submittal resolved the deficiency we identified in the March 2025 Proposed

⁸ The EPA describes the deficiencies in sections II.C and II.D of the Federal Register Notice for the March 2025 Proposed Action (90 FR 13719, 13721-22) as well as the TSD.

Action.

D. Proposed Action and Public Comment

Based on the rationale set forth above, the EPA is proposing to approve AVAQMD Rule 1314 as submitted in the October 2025 submittal as authorized in section 110(k)(3) of the Act. The explanation we provided in the March 2025 Proposed Action — in our Federal Register Notice and TSD — of how AVAQMD Rule 1314 satisfies CAA statutory and regulatory requirements still stands, but we are, in this action, revising the March 2025 Proposed Action to remove our proposed deficiency findings regarding the missing requirements of 40 CFR 51.165(a)(6) and (7), because Rule 1314 now includes these requirements. We are simultaneously withdrawing our proposed limited approval and limited disapproval of Rule 1314 from the March 2025 Proposed Action in light of our proposed full approval of the rule.⁹ Therefore, we no longer plan to take final action on the January 7, 2025 submittal of Rule 1314 because it is superseded by the October 2025 submittal of amended Rule 1314.

Because this action proposes to fully approve Rule 1314, the EPA's March 26, 2025 interim final determination that stayed the application of the offset sanction and deferred the action of the highway sanction remains in effect.¹⁰ We will respond to the public comment we received on the interim final determination when we take final action on the District's submitted Regulation XIII rules.

If we finalize this action as proposed, we plan to do so in a single final action on the October 2025 submittal for Rule 1314 as well as on the January 7, 2025 submittal from CARB for Rules 1301, 1302, 1303, 1304, 1305 and 1309, for which we proposed action in the March 2025 Proposed Action. Our action, if finalized, will be codified through revisions to 40 CFR 52.220a (Identification of plan—in part).

III. Incorporation by Reference

⁹ We are not withdrawing our proposed approval of AVAQMD Rules 1301, 1302, 1303, 1304, 1305, and 1309 from the March 2025 Proposed Action.

¹⁰ 90 FR 13702.

In this rule, the EPA is proposing to include in final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the AVAQMD rule described in Table 2 of this preamble. This rule implements the District's nonattainment NSR program. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and in hard copy at the EPA Region IX Office (please contact the person identified in the “**FOR FURTHER INFORMATION CONTACT**” section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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 proposes to approve 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, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: March 11, 2026.

Michael Martucci,
Acting Regional Administrator, Region IX.

