



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2025-0143; FRL-13000-02-R5]

Air Plan Approval; Ohio; Ohio Permit Rules Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to Ohio air permitting rules into the State Implementation Plan (SIP) under the Clean Air Act (CAA). These revisions represent changes to the air permitting rules the Ohio Environmental Protection Agency (Ohio EPA) adopted on March 1, 2023, and July 25, 2025, which became effective at the State level on March 11, 2023, and August 14, 2025, respectively. These revisions will result in consistent requirements of rules at both the State and Federal level. The EPA proposed to approve this action on January 9, 2026, and received no adverse comments.

DATES: This final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2025-0143. All documents in the docket are listed on the <https://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information

whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through <https://www.regulations.gov> or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Skyler Sanderson, at (312) 886-4454, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Skyler Sanderson, Air and Radiation Division (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 886-4454, email address: sanderson.skyler@epa.gov.

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

I. Background Information.

On January 9, 2026 (91 FR 937), the EPA proposed to approve revisions submitted on March 19, 2025, and August 5, 2025, to Ohio's air permitting rules into the SIP under the CAA, including incorporating by reference Ohio rule(s) 3745-31-01 [with the exception of OAC 3745-31-01(A)(8), (E)(3)(b)(ii) and (iii), (M)(10)(a)(ii), (P)(12), (Q), and (S)(11)], 3745-31-02, 3745-31-03 [with the exception of OAC 3745-31-03(B)(1)(p)], 3745-31-05 [with the exception of OAC 3745-31-05(E)], 3745-31-

06, 3745-31-07, 3745-31-09, 3745-31-10, 3745-31-11, 3745-31-12, 3745-31-13 [with the exception of OAC 3745-31-13(H) (1) (c)], 3745-31-14, 3745-31-15, 3745-31-16, 3745-31-17, 3745-31-18, 3745-31-19, 3745-31-20, 3745-31-21, 3745-31-22 [with the exception of OAC 3745-31-22 (A) (3) (b)], 3745-31-23 [with the exception of the 1-hour NO₂ SIL in 3745-31-23(A)], 3745-31-24 [with the exception of OAC 3745-31-24(F)], 3745-31-25, 3745-31-26 [with the exception of OAC 3745-31-26(D)], 3745-31-27 [with the exception of OAC 3745-31-27(A) (1) (b)], 3745-31-28, 3745-31-29, 3745-31-30, and 3745-31-32. An explanation of the CAA requirements, a detailed analysis of the revisions, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on February 9, 2026. The EPA received no comments on the proposal.

II. Final Action.

The EPA is approving Ohio EPA's March 19, 2025, and August 5, 2025, submittals as revisions to its existing SIP. The EPA finds that the revisions are consistent with Federal requirements. As requested by Ohio EPA, the following provisions are not included in this proposed approval: OAC 3745-31-01(A) (8), (E) (3) (b) (ii) and (iii), (M) (10) (a) (ii), (P) (12), (Q), and (S) (11); 3745-31-03(B) (1) (p); 3745-31-05(E); 3745-31-13(H) (1) (c); 3745-31-22 (A) (3) (b); 1-hour NO₂ SIL in 3745-31-23(A); 3745-31-24(F); 3745-31-26(D); 3745-31-27(A) (1) (b); and 3745-31-34(B), (C), and (D).

III. Incorporation by Reference.

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Ohio Regulations described in section I. of this preamble and set forth in the amendments to 40 CFR part 52 below. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov>, and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

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 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

¹ 62 FR 27968 (May 22, 1997).

as meeting Federal requirements and does 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 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).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon oxides, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 26, 2026.

Cheryl Newton,
Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

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

2. In § 52.1870, amend the table in paragraph (c) by revising the section "Chapter 3745-31 Permit-to Install New Sources and Permit-to-Install and Operate Program", consisting of entries 3745-31-01 through 2745-31-34, to read as follows:

§ 52.1870 Identification of plan.

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(c) * * *

EPA -APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective Date	EPA Approval date	Notes
* * * * *				
Chapter 3745-31 Permit-to Install New Sources and Permit-to-Install and Operate Program				
3745-31-01	Definitions.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	Except for (A) (8), (E) (3) (b) (ii) and (iii), (M) (10) (a) (ii), (P) (12), (Q), and (S) (11).
3745-31-02	Applicability, requirements, and obligations.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-03	Exemptions.	8/14/2025	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	Except for (B) (1) (p).
3745-31-04	Applications.	5/29/2014	6/25/2015, 80 FR 36477	

3745-31-05	Criteria for decision by the Director.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	Except for (E).
3745-31-06	Completeness determinations, processing requirements, public participation, public notice, and issuance.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-07	Termination, revocation, expiration, renewal, revision and transfer.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-08	Registration status permit-to-operate	5/29/2014	6/25/2015, 80 FR 36477	
3745-31-09	Variances on operation.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-10	NSR projects at existing emissions units at a major stationary source.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-11	Attainment provisions - ambient air increments, ceilings, and classifications.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-12	Attainment provisions - data submission requirements.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-13	Attainment provisions - review of major stationary sources and major modifications, stationary source applicability, and exemptions.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	Except for (H) (1) (c).
3745-31-14	Attainment provisions - pre-application analysis.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert	

			<i>Federal Register</i> page where the document begins]	
3745-31-15	Attainment provisions - control technology review.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-16	Attainment provisions - major stationary source impact analysis.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-17	Attainment provisions - additional impact analysis.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-18	Attainment provisions - air quality models.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-19	Attainment provisions - notice to the United States environmental protection agency.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-20	Attainment provisions - innovative control technology.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-21	Nonattainment provisions - review of major stationary sources and major modifications - stationary source applicability and exemptions.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	
3745-31-22	Nonattainment provisions - conditions for approval.	3/11/2023	[Insert date of publication in the <i>Federal Register</i>], 91 FR [Insert <i>Federal Register</i> page where the document begins]	Except for (A) (3) (b) .
3745-31-23	Nonattainment provisions -	3/11/2023	[Insert date of publication in the	Except for 1- hour NO2 SIL in

	stationary sources locating in designated clean or unclassifiable areas which would cause or contribute to a violation of a national ambient air quality standard.		Federal Register], (A). 91 FR [Insert Federal Register page where the document begins]	
3745-31-24	Nonattainment provisions - baseline for determining credit for emission and air quality offsets.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert Federal Register page where the document begins]	Except for (F).
3745-31-25	Nonattainment provisions - location of offsetting emissions.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert Federal Register page where the document begins]	
3745-31-26	Nonattainment provisions - offset ratio requirements.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert Federal Register page where the document begins]	Except for (D).
3745-31-27	Nonattainment provisions - administrative procedures for emission offsets.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert Federal Register page where the document begins]	Except for (A) (1) (b).
3745-31-28	Review of major stationary sources of hazardous air pollutants requiring MACT determinations.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert Federal Register page where the document begins]	
3745-31-29	General permit-to-install and general PTIO.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert Federal Register page where the document begins]	
3745-31-30	Permits-by-rule.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert Federal Register page where the document begins]	
3745-31-32	Plantwide applicability limit.	3/11/2023	[Insert date of publication in the Federal Register], 91 FR [Insert	

			Federal Register page where the document begins]	
3745-31-34	Permits to install for major stationary sources and major modifications of sources emitting greenhouse gases.	3/31/2011	2/14/2020, 85 FR 8406	Except for (B), (C), and (D).
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[FR Doc. 2026-06398 Filed: 4/1/2026 8:45 am; Publication Date: 4/2/2026]