



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-R07-OAR-2026-0497; FRL-13206-02-R7]

Approval of Missouri's Request for Partial Program

Delegation of Clean Air Act 112(r) Prevention of Accidental Release Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the Missouri Department of Natural Resource's (MoDNR's) request for delegation of a partial Clean Air Act (CAA) Risk Management Program (RMP) for agricultural anhydrous ammonia facilities in the State of Missouri. The EPA retains authority for any anhydrous ammonia that does not meet the definition of agricultural anhydrous ammonia at these facilities, the RMP for all other regulated chemicals that may be present at these facilities, and for the RMP generally in Missouri for all other facilities.

DATES: This final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of **[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-R07-OAR-2026-0497. 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, e.g., Confidential Business Information (CBI) 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 electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Christina Gallick, Chemical Accident Prevention Section, U.S. Environmental Protection Agency, Region 7, 11201 Renner Blvd., Lenexa, Kansas 66219, telephone number: (913) 551-7429, email address: gallick.christina@epa.gov.

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I. Background

On October 6, 9, and 27, 2025, the MoDNR, on behalf of the State of Missouri, submitted a request for partial delegation of the RMP for facilities with an anhydrous ammonia storage capacity of ten thousand pounds or more that is intended to be used as fertilizer or in the manufacturing of a fertilizer (''agricultural anhydrous ammonia facilities''), as defined in state regulation at 10 Code of State Regulations (CSR) 10-6.255(2)(B). Included within this request for partial delegation are regulations under Missouri CSR Division 10 Air Conservation Commission, Chapter 6 Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri, section 255, Chemical Accident Prevention for Agricultural Anhydrous Ammonia (10 CSR 10-6.255), effective February 28, 2025.

The EPA proposed to approve Missouri's request for delegation of authority to implement and enforce a partial RMP for agricultural anhydrous ammonia facilities on February 26, 2026 (91 FR 9523). Specifically, the EPA proposed to approve the request as satisfying the relevant

criteria of 40 CFR 63.91, 63.93, and 63.95, and therefore meeting the approval requirements of CAA section 112(1). In addition, the EPA proposed to approve, and to incorporate by reference into 40 CFR part 63, MoDNR regulation 10 CSR 10-6.255. These state regulations took effect on February 28, 2025.

The EPA accepted comments on this proposal from February 26, 2026, through March 30, 2026.

II. What is the authority for delegation?

Section 112(1) of the CAA and 40 CFR part 63, subpart E, authorize the EPA to approve State rules and programs to be implemented and enforced in place of certain CAA requirements, including the RMP set forth at 40 CFR part 68.

III. What criteria for approval did Missouri meet?

The criteria that must be demonstrated by a State to receive approval of a program are set forth in section 112(1)(5) of the CAA and 40 CFR 63.91(a), and a State seeking approval of State rules implementing part 68 must also satisfy requirements under 40 CFR 63.95 to obtain delegation of a section 112 program.

When a State adopts federal rules with changes, as here, then the provisions of either 40 CFR 63.92 or 40 CFR 63.93 must also be met. The provisions for 40 CFR 63.92 are followed if the changes are pre-approved, and the provisions of 40 CFR 63.93 are followed if the changes do

not qualify for approval under 40 CFR 63.92. See 40 CFR 63.91(a)(2) and (a)(4).

After a thorough review, as described in detail in our proposed approval of Missouri's partial delegation request, of the pertinent statutes and regulations, and public notice of the proposed delegation, Region 7 found that Missouri had satisfied the criteria in 40 CFR 63.91, 63.93 and 63.95 by demonstrating it has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of agricultural anhydrous ammonia facilities subject to the RMP and that the State's two changes to the federal rule were no less stringent than the applicability criteria and program requirements of 40 CFR part 68.

IV. What is being delegated?

As approved, Missouri has the primary authority and responsibility to carry out elements of the RMP for agricultural anhydrous ammonia facilities within the State, including on-site inspections, recordkeeping reviews, audits, compliance assistance and outreach, and enforcement. The EPA will retain the RMP for all other regulated chemicals that may be present at these facilities and any anhydrous ammonia that does not meet the definition of agricultural anhydrous ammonia. See 40 CFR 68.130. These responsibilities are outlined in a Memorandum of Understanding signed by the MoDNR and the EPA, which

describes how the agencies plan to coordinate their program functions.

In instances where there is a conflict between a MoDNR interpretation and a Federal interpretation of applicable regulations in 40 CFR part 68, the Federal interpretation must be applied if it is more stringent than that of the MoDNR. The Administrator retains the specific authorities under 40 CFR 68.120 regarding the petition process for modifying the list of regulated substances identified in table 2 of 40 CFR 68.130. Although the MoDNR has primary authority and responsibility to implement and enforce the chemical accident prevention provisions for agricultural anhydrous ammonia, nothing shall preclude, limit, or interfere with the authority of the EPA to exercise its outreach and compliance assistance, enforcement, investigatory, and information gathering authorities concerning this part of the CAA.

V. Response to Comments

We received four comments in support of the proposed approval of MoDNR's request for delegation. The comments are posted to the docket (EPA R07-OAR-2026-0497). We thank the commenters for their input and acknowledge their participation in the process. Since these comments are not adverse to the specific action with the EPA proposed, the EPA will not be responding further to these comments or making any changes to the proposed rulemaking.

VI. Final Action

The EPA is approving MoDNR's request for delegation of authority to implement and enforce a partial RMP for agricultural anhydrous ammonia facilities in Missouri as defined by 10 CSR 10-6.255(2)(C).

If the EPA determines that MoDNR's procedures for enforcing or implementing the 40 CFR part 68 requirements are inadequate, or are not being effectively carried out, this delegation may be revoked in whole or in part in accordance with the procedures set out in 40 CFR 63.96(b).

VII. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference of MoDNR regulation 10 CSR 10-6.255, "Chemical Accident Prevention for Agricultural Anhydrous Ammonia" with an effective date of February 28, 2025, as discussed in section I. of this preamble. These regulatory provisions adopted the requirements of 40 CFR part 68 and specifically apply only to agricultural anhydrous ammonia facilities, as that term is defined in 10 CSR 10-6.255(2)(C). They require a stationary source facility that uses, stores, or sells agricultural anhydrous ammonia that meets the threshold quantity of 10,000 pounds to comply with the RMP provisions of 40 CFR part 68. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office

(please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in 40 CFR part 63, have been incorporated by reference by the EPA in 40 CFR 63.14(n)(11), and are fully federally enforceable under sections 112 and 113 of the CAA as of the effective date of the final rule of the EPA's approval.

VIII. Statutory and Executive Orders Reviews

Under the CAA, the Regional Administrator has the authority to approve section 112(1) submissions that comply with the provisions of the CAA and applicable Federal regulations.

Thus, in reviewing delegation requests under 112(1), the EPA's role is to review and approve State program delegation requests, provided that they meet the criteria and objectives of the CAA and the EPA's implementing regulations. Accordingly, this proposed action merely approves the State's request and does not impose additional requirements beyond those imposed by State law. For that reason:

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4,

1993) and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action merely delegates to the local agency the authority to implement the already applicable requirements of the Federal Rule.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531-1538 and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13131 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the

States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action merely delegates to a State agency the authority to administer the already applicable RMP.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866. *J. National Technology Transfer and Advancement Act (NTTAA)*

This rulemaking does not involve technical standards. This action merely delegates to a State agency the authority to administer the already applicable RMP.

In addition, this action 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).

K. Congressional Review Act

This action is subject to the Congressional Review Act (CRA), 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).

Environmental protection, Air pollution control,
Chemicals, Hazardous substances, Incorporation by
reference, Intergovernmental relations, Risk management
program.

Dated: April 21, 2026.

James Macy,
Regional Administrator,
Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 63 as set forth below:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

2. Section 63.14 is amended by adding paragraph (n) (11) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(n) * * *

(11) Missouri Department of Natural Resources regulations, 10 CSR 10-6.255, Chemical Accident Prevention for Agricultural Anhydrous Ammonia, effective February 28, 2025. Incorporation by reference approved for § 63.99(a).

* * * * *

Subpart E—Approval of State Programs and Delegation of Federal Authorities

3. Section 63.99 is amended by adding paragraph (a) (26) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(26) Affected agricultural anhydrous ammonia facilities within Missouri must comply with the Chemical Accident Prevention for Agricultural Anhydrous Ammonia 10 CSR 10-6.255 (incorporated by reference, see § 63.14). 10 CSR 10-6.255 of Missouri's Code of State Regulations pertains to agricultural anhydrous ammonia facilities in the State of Missouri's jurisdiction and have been approved under the procedures of § 63.93 and § 63.95 to be implemented and enforced in place of 40 CFR part 68 by the State.

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[FR Doc. 2026-08348 Filed: 4/28/2026 8:45 am; Publication Date: 4/29/2026]