



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA-R03-OAR-2025-1614; FRL-13044-02-R3]

Clean Air Act Title V Operating Permit Program Revision; District of Columbia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the District of Columbia (DC, the District's) title V operating permits program, submitted on behalf of the District by the Department of Energy and Environment (DOEE). The revision will update the title V operating permit fees collected by DOEE in order to ensure that the title V operating program will continue to be adequately funded. The revision also reorganized some sections in Chapter 3 of 20 District of Columbia Municipal Regulations (20 DCMR) with no substantive change in content. The EPA is approving these revisions to the DC title V program in accordance with the requirements under section 502 of the Clean Air Act (CAA).

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 Number EPA-R03-OAR-2025-1614. All documents in the docket are listed on the *www.regulations.gov* website. 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 through *www.regulations.gov*, or please contact the person identified in the **For Further Information Contact** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Yongtian He, Permits Branch (3AD10), Air

& Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2339. Mr. He can also be reached via electronic mail at *he.yongtian@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On January 8, 2026 (91 FR 654), the EPA published a notice of proposed rulemaking (NPRM) for the District of Columbia. In the NPRM, the EPA proposed the approval of a revision to the DC title V program codified in 20 DCMR Chapter 3 to update title V operating permit fees collected by DOEE in order to ensure that the title V operating program will continue to be adequately funded. The formal title V program revision request was submitted by DOEE on May 30, 2024.

DOEE's updated fee collection schedule is designed to ensure sufficient funding for its title V program, in order to cover all reasonable costs required to implement and administer the DOEE Title V Operating Permit Program as required by 40 CFR 70.9(a) and (b). Under 40 CFR 70.9(a), an approved state or local title V operating permits program must require that the owners or operators of 40 CFR part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and ensure that any fee required under 40 CFR 70.9 is used solely for permit program costs. The fee schedule must result in the collection and retention of revenues sufficient to cover the permit program implementation and oversight costs. See 40 CFR 70.9(b).

II. Summary of SIP Revision and EPA Analysis

In its May 30, 2024 submittal, DC sought the EPA's approval of its revisions to 20 DCMR Chapter 3 into its title V program. DC's revisions to 20 DCMR Chapter 3 revised fees (section 305) for its title V operating permit program. The revision reorganized three sections in Chapter 3 with no substantive change in content, including section 300 on applicability, section 301 on permit applications, and section 303 on permit issuance, renewal, reopening, and

revision. The revision also clarified and resolved errors in the existing regulations, including adding a definition for the term “relevant emission units.”

The EPA reviewed DOEE’s submittal for consistency with the presumptive minimum fee rate outlined in the September 17, 2024, EPA Office of Air Quality Planning and Standards memorandum, as well as the requirements of 40 CFR 70.9(b)(2), and determined that DOEE met the requirements of CAA section 502. The EPA also determined the submittal is consistent with applicable EPA requirements in the title V operating permit program of the CAA and 40 CFR 70.9 for the collection of sufficient title V fees to cover permit program implementation and oversight costs. This action approves DC’s revision of its title V fees in order to ensure the fees collected are sufficient to fund DC’s title V program.

Other specific requirements of this revision to the DC title V program and the rationale for the EPA’s proposed rulemaking are explained in the NPRM and will not be restated here.

III. The EPA’s Response to Comments Received

The EPA received two sets of comments on its January 8, 2026 proposed rulemaking to approve revisions to the DC title V program. Both of these comments supported the proposed rulemaking, thus no further response is needed from the EPA. A full set of these comments is provided in the docket for this final action.

IV. Final Action

The EPA is approving the changes to the DOEE’s title V permit program codified in 20 DCMR Chapter 3. The revisions meet the relevant requirements of section 502 of the CAA and 40 CFR 70.4 and 70.9.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air 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 Clean Air Act. Accordingly, this action

merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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 Clean Air Act, 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 to approve the revisions to the DC title V program revision may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Amy Van Blarcom-Lackey,
Regional Administrator,
Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 70 as follows:

PART 70—STATE OPERATING PERMIT PROGRAMS

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding paragraph (e) under “District of Columbia” to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permit Programs

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District of Columbia

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(e) The District of Columbia submitted a program revision on May 30, 2024 to update the title V operating permit fees collected by the DOEE; approval effective on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

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