



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2025-0056; FRL-12601-03-R9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing an approval of seven permitting rules as a revision to the Antelope Valley Air Quality Management District (AVAQMD or “District”) portion of the California State Implementation Plan (SIP). These revisions concern 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 revised rules address deficiencies identified in a previous limited disapproval action, correct a newly identified deficiency for one permitting rule, and incorporate other revisions related to NSR requirements. This action updates the District’s portion of the California SIP with the revised rules.

DATES: This rule is effective **[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-R09-OAR-2025-0056. 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR**

FURTHER INFORMATION CONTACT section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability 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. Proposed Action

On March 26, 2025 (90 FR 13719), the EPA proposed approval of six rules and a limited approval and limited disapproval of one rule that were submitted for incorporation into the California SIP.

The EPA had finalized this action on July 3, 2023 (88 FR 42621). Table 1 of this preamble 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	New Source Review	7/20/2021	7/3/2023 (88 FR 42621)

DISTRICT RULE NUMBER	TITLE/SUBJECT	STATE EFFECTIVE DATE	EPA APPROVAL DATE
1302(C)(5) and 1302(C)(7)(c))	Procedure		
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)

CARB submitted the rules that are listed in table 2 of this preamble to replace the EPA-approved rules currently in the SIP as listed in table 1 of this preamble. CARB also intended the submitted rules to: satisfy the minor NSR and nonattainment NSR (NNSR) requirements of section 110(a)(2)(C) and part D of title I of the Act; satisfy the EPA’s implementing regulations at title 40 of the Code of Federal Regulations (CFR) part 51; and resolve deficiencies identified in our July 3, 2023 final NSR action (“2023 NSR Action”)¹ that included a limited disapproval of Rules 1301, 1302, 1303, 1304, 1305, and 1309, as amended on July 20, 2021.

TABLE 2—SUBMITTED RULES

DISTRICT RULE NUMBER	TITLE/SUBJECT	AMENDED OR ADOPTED	AMENDMENT OR ADOPTION DATE	SUBMITTAL DATE^a
1301	New Source Review Definitions	Amended	12/30/2024	1/7/2025
1302 ^b (except 1302(C)(5) and 1302(C)(7)(c))	New Source Review Procedures	Amended	12/30/2024	1/7/2025
1303	State New Source Review Requirements	Amended	12/30/2024	1/7/2025
1304	State New Source Review Emissions Calculations	Amended	12/30/2024	1/7/2025
1305	State New Source Review	Amended	12/30/2024	1/7/2025

¹ 88 FR 42621.

DISTRICT RULE NUMBER	TITLE/SUBJECT	AMENDED OR ADOPTED	AMENDMENT OR ADOPTION DATE	SUBMITTAL DATE^a
	Emissions Offsets			
1309	Emission Reduction Credit Banking	Amended	12/30/2024	1/7/2025
1314	Federal Nonattainment New Source Review for Ozone Precursors	Adopted (New Rule)	7/15/2025 ^c	10/1/2025 ^c

^a The submittal for Rules 1301, 1302, 1303, 1304, 1305, 1309, and 1314 was transmitted to the EPA via a letter from CARB dated January 6, 2025. We note that no revisions were submitted for Rules 1300 and 1306, therefore, they will not be replaced.

^b Subsections 1302(C)(5)(d) and 1302(C)(7)(c)(iii) of Rule 1302 specifically state that subsections 1302(C)(5) and 1302(C)(7)(c) are not submitted to the EPA and are not intended to be included as part of the California SIP.

^c As we explain in this rule and in our March 23, 2026 proposed rulemaking (91 FR 13797), CARB submitted an amended version of Rule 1314 for inclusion in the SIP.

In our March 26, 2025 (90 FR 13719) proposed action, we proposed approval of CARB's January 7, 2025 submittal of Rules 1301, 1302, 1303, 1304, 1305, and 1309 as authorized under section 110(k)(3) of the Act. We determined that these submitted rules satisfy the statutory and regulatory requirements in part D of the Act (including sections 172, 173, 182(c)(6), and 182(d)), and in the relevant provisions of sections 110(a)(2) and 302(z) of the Act, as well as 40 CFR 51.160 through 51.165, and 51.307, and they address the deficiencies previously identified by the EPA.² On the same day, we also made an interim final determination (IFD) (90 FR 13702, March 26, 2025) that the submittal from CARB corrected the SIP deficiencies we identified in the 2023 NSR Action, allowing us to stay the application of the offset sanction and to defer the application of the highway sanction resulting from that action.

In our March 26, 2025 (90 FR 13719) proposed action, we also proposed a limited approval and limited disapproval of Rule 1314 as authorized in sections 110(k)(3) and 301(a) of the Act,³ because although the version of AVAQMD Rule 1314 that CARB submitted on January 7, 2025, fulfilled most of the relevant CAA requirements and strengthened the SIP, it did

² 88 FR 42621 (July 3, 2023), and 90 FR 13719 (March 26, 2025). The EPA's proposal and technical support document (TSD), which can be found in the docket for this action, contain a more detailed discussion of the District's submitted rules that form the basis for our proposed action.

³ CAA sections 110(k)(3) and 301(a) authorize the EPA to issue a limited approval and limited disapproval action that will strengthen the SIP and require the State to correct a deficient provision.

not include the reasonable possibility requirements in 40 CFR 51.165(a)(6) and (7). We determined that this was a deficiency that the AVAQMD could resolve by including the requirements in 40 CFR 51.165(a)(6) and (7) in Rule 1314.

Following the EPA's March 26, 2025 (90 FR 13719) proposed limited approval and limited disapproval of Rule 1314, on October 16, 2025, CARB submitted to the EPA an amended Rule 1314 (hereafter referred to as the "October 2025 submittal").⁴ Locally amended Rule 1314 supersedes the version of Rule 1314 that CARB submitted to the EPA on January 7, 2025. In our March 23, 2026 proposal, we proposed approval of Rule 1314 as submitted in the October 2025 submittal as authorized in section 110(k)(3) of the Act. We simultaneously withdrew our proposed limited approval and limited disapproval of Rule 1314 from the March 2025 Proposed Action (91 FR 13797, March 23, 2026).

II. Public Comments and EPA Responses

The EPA's March 26, 2025 (90 FR 13719), and March 23, 2026 proposed actions each provided a 30-day public comment period, as did the March 26, 2025 (90 FR 13702) IFD. The public comment periods for the March 26, 2025 (90 FR 13719) proposed action and IFD began on the date of their publication in the *Federal Register* and closed on April 25, 2025. During this period, the EPA received one comment letter from an anonymous commenter concerning the IFD (Comment 1). The public comment period for the March 23, 2026 proposed action began on March 23, 2026, its date of publication in the *Federal Register*, and closed on April 22, 2026. During this period, the EPA received one comment letter from an anonymous commenter (Comment 2).

Comment 1: The commenter expressed concern with the EPA's use of an interim final rule to delay sanctions before giving the public any chance to provide input or react. The commenter wrote that clean air is a human right, which is something that should not be taken

⁴ The AVAQMD locally amended Rule 1314 on July 15, 2025. Documentation of AVAQMD's adoption of amendments is included in the docket for this action.

lightly because it affects everybody and delaying action without public input seems unstable. The commenter also questioned AVAQMD Rule 1314's limited approval, stating that the limited approval begs the question of whether or not the alterations are enough to meet Federal standards. The commenter wrote that if the issues from 2023 are not fully addressed, pausing sanctions would be the wrong decision. The commenter concluded by encouraging the EPA to follow through with a more transparent and just final review that includes meaningful public feedback and a readiness to reinstate sanctions if the rules fall short during final review.

Response to Comment 1: EPA acted consistently with notice and comment requirements in publishing the March 26, 2025 (90 FR 13719), IFD, which stayed and deferred offset and highway sanctions, respectively, in the AVAQMD. As we explained in section II, "EPA Evaluation and Action" of the IFD, we preliminarily determined that the State corrected the deficiencies we identified in the 2023 NSR Action and relief from sanctions should be provided as quickly as possible.⁵ In delaying sanctions, the IFD invoked the Administrative Procedure Act good cause exception, which allows Federal agencies to bypass standard notice-and-comment procedures under certain circumstances including bypassing public notice and comment before an action takes effect. However, the IFD stated that we were providing the public with an opportunity to comment on the EPA's determination after the effective date of the March 26, 2025 IFD. The IFD also stated that we would consider any comments received in deciding the appropriateness of such determination. As discussed in the IFD, the IFD itself stayed the offset sanction and deferred the highway sanction.⁶ It did not terminate those sanctions—the sanctions would not be terminated until the effective date of a final full approval.⁷

As we explained in the IFD, we believe that notice-and-comment rulemaking before the effective date of that action was impracticable and contrary to the public interest.⁸ When we

⁵ 90 FR 13702, 13703 (March 26, 2025).

⁶ Id.

⁷ Id.

⁸ Id.

proposed action on March 26, 2025, we had reviewed the State’s submittal and found that it was more likely than not that the State had corrected the deficiencies that were the basis for the limited disapproval in the 2023 NSR Action that started the sanctions clocks.⁹ Therefore, we stated that it was not in the public interest to apply sanctions.¹⁰ We did not receive any comments from the public to change our understanding that the submitted rules satisfy CAA requirements and resolve the deficiencies we identified in the 2023 NSR Action.

The commenter’s statement that they “question Rule 1314’s limited approval which begs the question if the alterations are enough to meet Federal standards” may be based on the commenter’s misunderstanding of the substance of the rulemaking, which the EPA can clarify here. In the March 26, 2025 rulemaking, the EPA proposed that the rules CARB submitted as part of the January 7, 2025 submittal package resolved the deficiencies the EPA identified in the 2023 NSR Action. Separately, the EPA identified a deficiency in Rule 1314. The deficiency we identified and explained in the March 26, 2025 rulemaking was unrelated to the deficiencies that were the basis for the disapproval in the 2023 NSR Action. That deficiency would not affect the sanctions clocks associated with the 2023 NSR Action.¹¹ Thus, there is nothing that changes our understanding that the District’s rules satisfy the CAA requirements.

As the EPA explained in our 1994 rulemaking on the sequence of sanctions for findings made pursuant to section 179 of the CAA, we believe that it is consistent with CAA section 179 to treat proposed full approvals following disapprovals as the basis for deferring or staying the application of sanctions, while not permanently stopping the sanctions clock or permanently lifting sanctions.¹² Here, the District fixed all of the deficiencies that the EPA identified in the 2023 NSR Action. The proposed full approval then forms the basis for the EPA to issue an IFD,

⁹ Id.

¹⁰ Id.

¹¹ In any event, the District fixed the deficiency we identified in the March 26, 2025 (90 FR 13719) proposed action and CARB submitted the amended rule to supersede the January 7, 2025 submittal. As we explain in section I of this preamble, we proposed to fully approve amended Rule 1314 in our March 23, 2026 proposed action (91 FR 13797).

¹² 59 FR 39832, 39849 (August 4, 1994).

which the EPA publishes in a separate action in the *Federal Register*, as we did here.¹³ As we explained in 1994, we believe this approach is consistent with the requirements of Administrative Procedures Act section 553 because the opportunity for comment is provided before any sanctions clock is permanently stopped, while in the meantime enabling the EPA to pause sanctions that would unnecessarily risk potential disruption in government programs and the marketplace after EPA has determined it is more likely than not that the State has corrected the deficiency.¹⁴

For the reasons described here, the EPA's position is that the March 26, 2025 IFD provided the public with the opportunity to comment on the stay of the offset sanction and deferral of the highway sanction, which the EPA correctly paused on the basis that the State more likely than not had corrected the deficiencies that were the reason for the sanctions. No comments were submitted that changed our understanding.

Comment 2: The commenter stated that they did not understand the summary of the EPA's proposed action.

Response to Comment 2: The EPA summary was meant to provide an overview of the proposed action and how it will impact the AVAQMD portion of the California SIP.

The comment letters can be found in the docket for this action and are accessible at www.regulations.gov.

III. EPA Action

None of the submitted comments change our assessment of the submitted rules as described in our proposed actions. Although we initially proposed a limited approval and limited disapproval of Rule 1314, the District amended Rule 1314 on July 15, 2025. CARB submitted the amended rule to the EPA on October 16, 2025, which superseded the January 1, 2025 submittal of that rule.

¹³ Id.

¹⁴ Id. at 39849-50.

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted versions of Rules 1301, 1302 (except 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, 1309 and 1314 into the California SIP. The December 30, 2024 version of Rules 1301, 1302 (except 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, and 1309 will replace the previously approved versions of rules 1301, 1302 (except 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, and 1309 in the SIP. New Rule 1314, locally amended on July 15, 2025, will also be incorporated into the SIP.

This approval resolves all deficiencies that formed the basis for our previous limited disapprovals in the 2023 NSR Action of Rules 1301, 1302 (except 1302(C)(5) and 1302(C)(7)(c)), 1303, 1304, 1305, and 1309. As a result of this action, the sanctions that were stayed and deferred in our March 26, 2025 IFD are now terminated, and a Federal implementation plan to resolve the deficiency is no longer required under section 110(c) of the Act.

IV. 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 the AVAQMD rules described in table 2 of this preamble. These rules implement the District's NSR permitting program for new and modified sources of air pollution under part D of title I of the CAA. 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).

V. 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 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 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 for 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 CAA section 307(b)(2).)

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.

Dated: July 6, 2026.

Michael Martucci,
Acting Regional Administrator, Region 9.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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.*

Subpart F—California

2. Amend § 52.220a, paragraph (c), table 5, under the heading “Regulation XIII—New Source Review” by:

- a. Revising the entries for “1301”, “1302 (except 1302(C)(5) and 1302(C)(7)(c))”, “1303”, “1304”, “1305”, and “1309”; and
- b. Adding an entry for “1314” in numerical order.

The revisions and addition read as follows:

§ 52.220a Identification of plan—in part.

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(c) * * *

TABLE 5—EPA- APPROVED ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS; LOS ANGELES COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTHERN CALIFORNIA AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT REGULATIONS [APPLICABLE IN ANTELOPE VALLEY]

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
* * * * *				
REGULATION XIII—NEW SOURCE REVIEW				
**	*	*	*	**
1301	New Source Review Definitions	December 30, 2024	[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE	Submitted by CARB on January 7, 2025

			DOCUMENT BEGINS]	
1302 (except 1302(C)(5) and 1302(C)(7)(c))	New Source Review Procedures	December 30. 2024	[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS]	Submitted by CARB on January 7, 2025
1303	State New Source Review Requirements	December 30, 2024	[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS]	Submitted by CARB on January 7, 2025
1304	State New Source Review Emissions Calculations	December 30, 2024	[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS]	Submitted by CARB on January 7, 2025
1305	State New Source Review Emissions Offsets	December 30, 2024	[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 91 FR [INSERT FEDERAL REGISTER PAGE WHERE	Submitted by CARB on January 7, 2025

			THE DOCUMENT BEGINS]	
* * * * *				
1309	Emission Reduction Credit Banking	December 30, 2024	[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS]	Submitted by CARB on January 7, 2025
1314	Federal Nonattainment New Source Review for Ozone Precursors	July 15, 2025	[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS]	Submitted by CARB on October 16, 2025
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