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560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2025-0169; EPA-R05-OAR-2025-0170; EPA-R05-OAR-2025-0171; FRL-13164-02-R5]

Air Plan Approval; Wisconsin; Moderate Attainment Plan Elements for Wisconsin's 2015 Ozone Standard Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving portions of Wisconsin's 2015 ozone National Ambient Air Quality Standard (NAAQS or standard) Moderate nonattainment area State Implementation Plan (SIP) submission for the Wisconsin portion of the Chicago, Illinois-Indiana-Wisconsin area (Kenosha County), the Milwaukee, Wisconsin area, and the Sheboygan County, Wisconsin area. The elements of the Moderate SIP submissions include the reasonable further progress (RFP) demonstration and the associated motor vehicle emissions budgets (Budgets) for 2023, the motor vehicle inspection and maintenance (I/M) program, and the nonattainment new source review (NNSR) program. The EPA is also approving the base year emissions inventory as satisfying previous Marginal area requirements for these areas. The EPA is finding adequate and approving the Budgets for these areas. The EPA proposed to approve this action on April 2, 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-2025-0169; EPA-R05-OAR-2025-0170; EPA-R05-OAR-2025-0171. 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 please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 353-6680, email address: leslie.michael@epa.gov.

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

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I. Executive Summary and Background.

On April 2, 2026[1], the EPA proposed to approve several nonattainment plan elements, including a 2017 base year emissions inventory for volatile organic compounds (VOC) and oxides of nitrogen (NO_x), a 15% RFP plan with 2023 VOC and NO_x motor vehicle emissions budgets, an I/M program certification, and an NNSR certification. An explanation of the Clean Air Act (CAA) requirements, a detailed analysis of the revisions, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (NPRM) and will not be restated here. The public comment period for this proposed rule ended on May 4, 2026. The EPA received no comments on the

[1] April 2, 2026 (91 FR 16605)

proposal.

II. What Action is the EPA Taking?

The EPA is approving revisions to Wisconsin's SIP pursuant to CAA section 110 and part D and EPA's regulations because Wisconsin's April 2, 2025, attainment plan submissions satisfy the base year emissions inventory, the RFP demonstration including associated motor vehicle emissions budgets, I/M, and NNSR requirements of the CAA for the Kenosha County, Milwaukee, and the Sheboygan County areas for the 2015 ozone NAAQS. The EPA is also finding adequate and approving the 2023 Budgets for the Kenosha County, Milwaukee, and the Sheboygan County areas included in this SIP submission.

III. 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 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 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 CAA section 307(b)(1), 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 CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 7, 2026.

Anne Vogel,
Regional Administrator, Region 5.

For the reasons stated in the preamble, 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 § 52.2570, the table in paragraph (e) is amended:

a. Under the heading "Attainment Plans" by adding an entry for "Ozone NAAQS (2015)" before the entry for "SO_2 NAAQS (2010)"; and

b. Under the heading "Emissions Inventories" by adding an entry for "Ozone NAAQS (2015)" before the entry for "$PM_{2.5}$ NAAQS (2006)".

The additions read as follows:

§ 52.2570 Identification of plan.

* * * * *

(e) * * *

TABLE 3 TO PARAGRAPH (e)—EPA-APPROVED WISCONSIN NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
* *	* * *	* *	*	
ATTAINMENT PLANS				
* *	* * *	* *	*	
Ozone NAAQS (2015)	Chicago, IL-IN-WI, Milwaukee, WI, and Sheboygan County, WI	April 2, 2025	**[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, 91 FR **[INSERT *FEDERAL REGISTER* PAGE WHERE THE DOCUMENT BEGINS]**	15% RFP plan with 2023 VOC and NO_x motor vehicle emissions budgets, I/M program certification, and NNSR certification for Kenosha (part), Milwaukee, Ozaukee, Racine (part), Washington (part), Waukesha (part), and Sheboygan (part) Counties.
* *	* * *	* *	*	
EMISSIONS INVENTORIES				
* *	* * *	* *	*	
Ozone NAAQS (2015)	Chicago, IL-IN-WI, Milwaukee, WI, and Sheboygan County,	April 2, 2025	**[INSERT DATE OF PUBLICATION IN THE *FEDERAL***	2017 base year emissions inventory for Kenosha (part), Milwaukee, Ozaukee,

	WI		***REGISTER***], 91 FR **[INSERT *FEDERAL REGISTER* PAGE WHERE THE DOCUMENT BEGINS]**	Racine (part), Washington (part), Waukesha (part), and Sheboygan (part) Counties.
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[FR Doc. 2026-16986 Filed: 8/19/2026 8:45 am; Publication Date: 8/20/2026]