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560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2026-5182; FRL-13486-02-R7]

Air Plan Approval; Missouri; Construction Permit Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving revisions to the Missouri State Implementation Plan (SIP) received on February 10, 2026. The submission revises Missouri's regulation on construction permit exemptions in its Minor New Source Review (NSR) program. These revisions refine exemptions for emergency generators, update references to other rules, and update recordkeeping requirements. The EPA's final approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

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-R07-OAR-2026-5182. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.*, 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 information.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental

Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7714; email address: stone.william@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" refer to the EPA. We use multiple abbreviations and terms in this rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

CAA	Clean Air Act
CBI	Confidential Business Information
CFR	Code of Federal Regulations
CSR	Missouri Code of State Regulations
EPA	U.S. Environmental Protection Agency
FR	Federal Register
NSR	New Source Review
SIP	State Implementation Plan
TSD	Technical Support Document
U.S.C.	United States Code

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I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP, Title 10, Division 10 of the Missouri Code of State Regulations (CSR), 10 CSR 10-6.061 "Construction Permit Exemptions." The purpose of the state regulation is to list specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10-6.060. Missouri's rule revisions are detailed in the EPA's notice of proposed rulemaking, published on July 30, 2026.[1] The EPA finds that these revisions

[1] 91 FR 48032 (July 30, 2026).

meet the requirements of the CAA and do not impact the State's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS). The full text of the rule revisions as well as the EPA's analysis of the revisions can be found in the technical support document (TSD) included in this docket.

II. Have the requirements for approval of a SIP revision been met?

The State's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 16, 2025, to August 7, 2025, and held a public hearing on July 31, 2025. Missouri received no comments.

In addition, as explained in the notice of proposed rulemaking and in more detail in the TSD, which is part of this docket, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. The EPA concludes that in accordance with CAA section 110(l), the revisions to 10 CSR 10-6.061 will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the CAA.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened July 30, 2026, the date of its publication in the *Federal Register*, and closed on August 31, 2026. During this period, the EPA received two anonymous comments.

Comment 1: The commenter urged EPA to ensure that the SIP revision does not lead to backsliding in air quality or undermine ozone and particulate matter attainment in Missouri. The commenter also requested that recordkeeping requirements for exempt sources remain clear, transparent, and publicly accessible so that exemptions do not create loopholes. The commenter stated that, while administrative updates and

clarification of minor equipment categories may be appropriate, they should not compromise the integrity or enforceability of the CAA.

Response: As stated in the proposal and TSD available in the docket to this action, the revisions that EPA is approving into Missouri's SIP clarify recordkeeping requirements and refine construction permit exemptions in addition to updating cross-references to other rules. The revisions to the rule do not add additional exemptions to construction permitting requirements in Missouri's SIP. For the reasons discussed below, the EPA finds that the revisions do not negatively impact air quality and do not constitute backsliding.

The revisions to the recordkeeping requirements in 10 CSR 10-6.061 were clarified to remove language that could cause confusion to the regulated community and to the public and to add additional clarifying language. The recordkeeping requirements continue to require owners and operators to maintain records that demonstrate compliance with construction permit exemptions and require a demonstration that actual emissions remain below the thresholds in the rule.

The revisions to 10 CSR 10-6.061 also refine exemptions for emergency generators by adding additional criteria that the source must meet to qualify for the exemption and narrow the applicability of the exemption for sources that operate more than one emergency generator. In addition, the revisions to the rule remove language that could be interpreted to allow lead emissions associated with construction or modification of a source to be excluded from the 876 lb/year cap and strengthens the lead compound permit exemption threshold. Because the EPA concludes that the revisions to 10 CSR 10-6.061 strengthen exemptions in Missouri's SIP and clarify language in the rule related to recordkeeping and other requirements of the rule, the EPA finds that these revisions meet the requirements of the CAA, do not interfere with any applicable requirement

concerning attainment and reasonable further progress, and do not adversely impact air quality, in accordance CAA section 110(l) (42 U.S.C. 7410(l)).

Comment 2: The commenter states that the EPA should not exempt Missouri from cleaning up its air, and must delete any exemptions, loopholes or "excuses for polluters" from the SIP.

Response: To the extent that this comment expresses a general concern with the revision to the construction permit exemptions addressed in the proposal and TSD available in the docket to this action, the commenter is directed to the EPA's response to Comment 1 above. The remainder of the comment regarding the deletion of loopholes, exemptions and "excuses for polluters" does not raise a relevant, material objection with specificity that would constitute a significant comment requiring a response. *See* 5 U.S.C. 553(c); 42 U.S.C. 7607(d)(6)(B).

IV. What action is the EPA taking?

The EPA is taking final action to amend the Missouri SIP by approving the State's revisions to 10 CSR 10-6.061 "Construction Permit Exemptions." This final action approves these amendments as part of the SIP.

V. Incorporation by Reference

In this document, 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 Missouri rule 10 CSR 10-6.061 discussed in section I. of this preamble and as set forth below in the amendments to 40 CFR part 52. The rule lists specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10-6.060. 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 the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under CAA sections 110 and 113 as of the effective date of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

VI. 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, Oct. 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, Feb. 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);

[2] 62 FR 27968 (May 22, 1997).

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, Aug. 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, Apr. 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.[3]

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 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* section 307(b)(2)).

[3] 65 FR 67249 (Nov. 9, 2000)

List of Subjects in 40 CFR part 52

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

Dated: September 28, 2026.

James Macy,
Regional Administrator,
Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 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 AA-Missouri

2. In § 52.1320, the table in paragraph (c) is amended by revising the entry "10-6.061" to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-Approved Missouri Regulations

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * * * * * *				
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
* * * * * * *				
10-6.061	Construction Permit Exemptions	1/30/2026	**[insert date of publication in the Federal Register]**, 91 FR **[insert Federal Register page where the document begins]**	Sections (3)(A)2.D. and (3)(A)2.E.(II)(c) are not SIP-approved.
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[FR Doc. 2026-20634 Filed: 10/7/2026 8:45 am; Publication Date: 10/8/2026]