This document is scheduled to be published in the Federal Register on 2026-11-18 and available online at https://www.federalregister.gov/d/2026-23521, and on https://govinfo.gov

c6569-60

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2026-2878; FRL-13563-01-R6]

Air Plan Approval; Texas; Revisions to Concrete Batch Plant Standard Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on April 2, 2026, to update the provisions for standard permits (SP) for concrete batch plants (CBP) that perform wet batching, dry batching, or central mixing.

DATES: Written comments must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].**

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2026-2878, at *https://www.regulations.gov* or via email to *wiley.adina@epa.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please contact Adina Wiley; telephone number: (214) 665-2115; email address:

wiley.adina@epa.gov. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

Docket: The index to the docket for this action is available electronically at *https://www.regulations.gov*. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (e.g., CBI).

FOR FURTHER INFORMATION CONTACT: Adina Wiley; EPA Region 6 Office; Air Permits Section (ARPE); telephone number: (214) 665-2115; email address: *wiley.adina@epa.gov*. We encourage the public to submit comments via *https://www.regulations.gov*. Please call or e-mail the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this proposed rule, the use of "we," "us," or "our" is intended to refer to the EPA. We use multiple abbreviations and terms in this proposed 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
CBP – Concrete batch plant
NNSR – Nonattainment New Source Review
NSR – New Source Review
PSD – Prevention of Significant Deterioration
SIP – State Implementation Plan
SP – Standard Permit
TAC – Texas Administrative Code
TCEQ – Texas Commission on Environmental Quality
TSD – Technical Support Document

Table of Contents

I. Executive Summary
A. What Action is the EPA Taking?
B. What is the Legal Authority and What are the Requirements?
II. Background
III. Summary of Texas's April 2, 2026, SIP Submittal
IV. The EPA's Evaluation of Texas's April 2, 2026, SIP Submittal
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Executive Summary

A. What Action is the EPA Taking?

The EPA is proposing to approve revisions to the Texas SIP air permitting requirements at 30 Texas Administrative Code (TAC) Section 116.605 submitted by the TCEQ on April 2, 2026.

B. What is the Legal Authority and What are the Requirements?

The EPA is proposing this action in accordance with CAA section 110 and the Agency's implementing regulations regarding SIP submission and NSR permitting at 40 CFR part 51, subpart F and I, respectively.

II. Background

CAA section 110 requires States to develop air pollution regulations and control strategies to ensure that air quality meets the EPA's National Ambient Air Quality Standards (NAAQS). These ambient standards are established under section 109 of the Act, and they address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. The State's air regulations are contained in its SIP, the State's clean air plan. Each State is responsible for developing SIPs to demonstrate how the NAAQS will be achieved, maintained, and enforced. The SIP must be submitted to the EPA for approval and any changes a State makes to the approved SIP also must be submitted to the EPA for approval. When reviewing SIP submissions, the EPA's role is to approve State choices provided they meet the criteria of the CAA, and the applicable Federal regulations pertaining to the specific submitted revision(s) being acted on.

Section 110(a)(2)(C) of the CAA requires States to develop and submit to the EPA for approval into the SIP, preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants for attainment/unclassifiable and nonattainment areas that cover both major and minor new

sources and modifications, collectively referred to as the New Source Review (NSR) SIP. The CAA NSR SIP program is composed of three separate programs: Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the NAAQS, "attainment areas," as well as areas where there is insufficient information to determine if the area meets the NAAQS, "unclassifiable areas." The NNSR program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS, "nonattainment areas." The minor NSR program addresses construction or modification activities that do not emit, or have the potential to emit, beyond certain major source/major modification thresholds and thus do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. The EPA regulations governing criteria that States must satisfy for EPA approval of their NSR programs as part of the SIP are contained in 40 CFR 51.160 through 51.166. The requirements at 40 CFR 51.160 through 51.164 apply generally to all preconstruction permitting programs and establish the minimum requirements for minor NSR programs that cover the construction and modification of minor sources and minor modifications to existing major stationary sources. Requirements specific to construction of new stationary sources and major modifications in nonattainment areas are codified in 40 CFR 51.165 for the NNSR program. Requirements for permitting of new stationary sources and major modifications in attainment areas subject to PSD, including additional public participation requirements, are found at 40 CFR 51.166. The EPA approved the Texas Standard Permit program on November 14, 2003, as a component of the Texas minor NSR program.[1]

III. Summary of Texas's April 2, 2026, SIP Submittal

[1] *See* 68 FR 64548 (Nov. 14, 2003).

On April 2, 2026, the TCEQ submitted revisions to the Texas SIP to update the requirements of the Texas CBP SP to implement the requirements of Texas Senate Bills 763 and 2351, adopted in the 89th Regular Texas Legislature, 2025. New requirements at 30 TAC Section 116.605(d)(4) require the TCEQ to conduct a protectiveness review of the CBP SP at least once every eight years. New requirements at 30 TAC Sections 116.605(f)(1) and 116.605(f)(2) provide criteria of how the TCEQ may require facility operators to comply with the requirements of an amended CBP SP if the facility operator did not begin construction before the adoption of the amended SP or file a request for extension to begin construction.

IV. The EPA's Evaluation of Texas's April 2, 2026, SIP Submittal

The accompanying technical support document (TSD) for this action includes a detailed analysis of the submitted revisions to the Texas SIP which are the subject of this proposed rulemaking. Our analysis indicates that the April 2, 2026, SIP revision was developed in accordance with the CAA and the State provided reasonable notice and public hearing.

The submitted new requirements at 30 TAC Section 116.605(d)(4) expand the existing SIP-approved requirements for amendments to Standard Permits. New 30 TAC Section 116.605(d)(4) requires the TCEQ to conduct a protectiveness review of the SP for permanent concrete batch plants that perform wet batching, dry batching, or central mixing. The addition of the protectiveness review ensures that the Texas SP program continues to protect the NAAQS through updated control technology and emission limitations as appropriate.

The submitted new provisions at 30 TAC Sections 116.605(f)(1) and 116.605(f)(2) provide that the TCEQ may require facility operators authorized to begin new construction of permanent concrete batch plants that perform wet batching, dry batching, or mixing to comply with the amended SP for concrete batch plants if the

facility operator did not begin construction before the adoption of the amended SP and has filed an extension to begin construction before the effective date of the amended SP for concrete batch plants. This new requirement ensures that facility operators will apply the most recent control technology consistent with the protectiveness review.

The April 2, 2026, submittal also included renumbering without change of existing SIP-approved requirements at 30 TAC Sections 116.605(f) and 116.605(g) to 30 TAC Sections 116.605(g) and (h), respectively, to provide for the addition of new 30 TAC Section 116.605(f) as described in the preceding paragraph.

V. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Texas regulations as described in section III. of this preamble; "Summary of Texas's April 2, 2026, SIP Submittal". We have made, and will continue to make, these documents generally available electronically through *https://www.regulations.gov* (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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 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 proposes to approve 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 proposed 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 proposed 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).

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.

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

Dated: November 9, 2026.

Walter Mason,
Regional Administrator,
Region 6.

[FR Doc. 2026-23521 Filed: 11/17/2026 8:45 am; Publication Date: 11/18/2026]