Approval of Source-Specific Air Quality Implementation Plan; New York; Big Six Towers Inc.

A Rule by the Environmental Protection Agency on 08/14/2026

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PUBLISHED DOCUMENT: 2026-16627 (91 FR 52534)

DOCUMENT HEADINGS

Environmental Protection Agency

1. 40 CFR Part 52
2. [EPA-R02-OAR-2025-3588; FRL-13122-02-R2]

AGENCY:

Environmental Protection Agency (EPA).

ACTION:

Final rule.

SUMMARY:

The Environmental Protection Agency (EPA) is approving a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a source-specific SIP (SSSIP) revision for Big Six Towers Inc. (the Big Six), located at 59-55 47th Ave. Woodside, NY 11377 (the Facility). The EPA found that the control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to oxides of nitrogen (NO_x) emissions from the relevant Facility sources, which are identified as three oil-fired engines. This SSSIP revision implements NO_x RACT for the relevant Facility sources in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA determined that this action will not interfere with ozone NAAQS requirements and meets all applicable requirements of the Clean Air Act (CAA).

DATES:

This final rule is effective on September 14, 2026.

ADDRESSES:

The EPA has established a docket for this action under Docket ID Number EPA-R02-OAR-2025-3588. 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, *e.g.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as (printed page 52535) copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

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I. Executive Summary

A. What action is the EPA taking?

The EPA is approving the Facility's source-specific SIP (SSSIP) revision submittal dated July 24, 2024 because the limits included in the SSSIP are demonstrated to implement Reasonably Available Control Technology (RACT) for Emission Unit 1-STACK (EU 1-STACK), emission sources 0ENG2, 0ENG4, 0ENG6 (representing the Facility's three oil-fired engines).

Specifically, the EPA has determined the following limit and associated requirements as implementing RACT: (1) the Facility must not exceed the alternate NO_x RACT limit for the three oil-fired engines of 5.0 grams per brake horsepower-hour (grams/bhp-hr) as demonstrated in the June 2022 NO_x RACT analysis; (2) the Facility shall submit a testing protocol to NYSDEC for

approval a minimum of 90 days prior to any stack testing; and (3) the owner or operator will maintain records on-site for a minimum of five years.

B. What is the legal authority and what are the requirements?

The NYSDEC RACT regulations establish RACT requirements for this category of sources in 6 NYCRR subpart 227-2, "Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_x)," last approved into New York's SIP by the EPA on July 12, 2013 (78 FR 41846). The Facility's three oil-fired engines are subject to 6 NYCRR subpart 227-2.4(f)(3) because they are stationary internal combustion engines that run on oil. The subpart lists a presumptive RACT emission limit of 2.3 g/bhp-hr. However, the NYSDEC RACT regulations allow source-specific RACT determinations if the presumptive RACT requirements are not technologically or economically feasible.

II. Background

On May 28, 2026 (91 FR 31694), the EPA published a proposed rulemaking that proposed to approve a State Implementation Plan (SIP) revision submitted by the State of New York on July 24, 2024. In that notice, the EPA proposed to determine that the NO_x RACT emission limit submitted by the State for the three oil-fired engines implements RACT. The State's July 24, 2024 SIP submittal consists of the SSSIP Revision for the Facility, the NO_x RACT demonstration from June 2022, and the public notice in the Environmental Notice Bulletin posted on September 6, 2023.

The Facility generates electrical power and steam for an apartment complex and mixed retail space and is located at 59-55 47th Avenue in Woodside, Queens. Under the Facility-wide Title V Operating Permit, the Big Six is permitted to operate six internal combustion engines (consisting of three natural gas-fired engines and three oil-fired engines) and three boilers (that fire natural gas as primary fuel and No. 2 fuel oil as backup). All of the emission sources are grouped under EU 1-STACK. The natural gas-fired engines meet the presumptive RACT limit of 1.5 g/bhp-hr and are not required to be addressed in this action. The sources evaluated in this action are the Facility's three oil-fired engines (EU 1-STACK, emission sources 0ENG2, 0ENG4, 0ENG6). The three oil-fired engines do not meet the presumptive limits of 2.3 g/bhp-hr. To

minimize NO_x emissions, the Facility employs good combustion practices for the oil-fired engines without any add-on controls.

The NYSDEC RACT regulations establish RACT requirements for this category of sources in 6 NYCRR subpart 227-2, "Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_x)," last approved into New York's SIP by the EPA on July 12, 2013 (78 FR 41846). The three oil-fired engines are subject to 6 NYCRR subpart 227-2.4(f)(3) because they are stationary internal combustion engines that run on oil. The subpart lists a presumptive RACT emission limit of 2.3 g/bhp-hr. However, as explained above, the NYSDEC RACT regulations allow source-specific RACT determinations if the presumptive RACT requirements are not technologically or economically feasible; such source-specific determinations must be submitted to the EPA as a SSSIP.

This SSSIP was submitted to the EPA by NYSDEC on July 24, 2024. As described in the proposed action, the EPA reviewed New York's RACT determination for the three oil-fired engines in this SSSIP submittal for consistency with the CAA and the EPA regulations, as interpreted through the EPA actions and guidance.[1] The intended effect of this SSSIP revision was to establish an emission limit for the process specific control measure for the three oil-fired engines.

The EPA has determined through this SSSIP rulemaking that the NO_x RACT emission limit submitted by the State for the three oil-fired engines is the lowest emission limit with the application of control technology that is reasonably available given technological and economic feasibility considerations. The relevant NO_x RACT emission limit is contained in the Facility's air permit, Permit ID 2-6304-00404/00004, under conditions 19, 30, 31, 32, and 40, which was issued by the State on April 4, 2024, and expires on April 3, 2029. The EPA is approving the incorporation of permit conditions 19, 30, 31, 32, and 40 into the SIP. In addition to the emission limit, these conditions include monitoring, reporting, and recordkeeping requirements for the proposed three oil-fired engines.

The Facility submitted a RACT demonstration, dated June 2022, to NYSDEC for the emission limit requirements, and NYSDEC reviewed and approved the variance emission limit as adequately implementing RACT for the source. NYSDEC then submitted the SSSIP revision package at issue in the proposed action for the EPA's approval, and the EPA has determined the variance emission limit as implementing RACT for this source. The RACT variance emission

limit for the Facility becomes part of the federally enforceable SIP upon the EPA's final approval of this SSSIP.

The EPA has determined that the emission limit of 5.0 g/bhp-hr for the three oil-fired engines implements RACT because: (1) the 6 NYCRR subpart 227-2.4 presumptive NO_x limit for the three oil-fired engines of 2.3 g/bhp-hr is not economically and technologically feasible for this source; (2) no additional control technologies beyond what are currently used at the three oil-fired engines (*i.e.* good combustion practices) (printed page 52536) are both technically and economically feasible; and (3) the SIP revision contains sufficient monitoring and reporting requirements associated with the emission limit.

III. Summary of New York's Submittal

The specific details of New York's SIP submittal are not restated in this final action. For this detailed information, the reader is referred to the EPA's May 28, 2026, proposed rulemaking.[2]

IV. The EPA's Evaluation of New York's Submittal

The rationale for the EPA's approval action is explained in the EPA's proposed rulemaking and is not restated in this final action. For this detailed information, the reader is referred to the EPA's May 28, 2026, proposed rulemaking.[3] With this final rulemaking, the EPA is approving conditions 19, 30, 31, 32, and 40 from Permit ID 2-6304-00404/00004 for incorporation by reference into New York's SIP.

V. Comments the EPA Received on Its Proposed Action

The EPA provided a 30-day review and comment period for the May 28, 2026 proposed rule. The comment period ended on June 29, 2026. The EPA received no comments on the proposed May 2026 action.[4]

VI. 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 revisions to the Facility's Title V operating permit conditions 19, 30, 31, 32, and 40 as

described in section I of this preamble. These documents are available in the docket of this rulemaking through *https://www.regulations.gov.* Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, 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 final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[5]

VII. 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 (*See*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 underExecutive Order 12866 (58 FR 51735, October 4, 1993);
- Is not anExecutive 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 inExecutive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject toExecutive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject toExecutive 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 rule is exempt from the Congressional Review Act because it is a rule of particular applicability.

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 October 13, 2026. 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 dioxide
- Ozone
- Reporting and recordkeeping requirements
- Volatile organic compounds

Michael Martucci,

Regional Administrator, Region 2.

For the reasons set forth 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 HH—New York

2. Amend § 52.1670, in the table titled, "EPA-Approved New York Source-Specific Provisions" in paragraph (d), by adding the entry "Big Six Towers" at the end of the table to read as follows:

§ 52.1670
Identification of plan.

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(d) * * * (printed page 52537)

Name of source	Identifier No.	State effective date	EPA approval date	Comments
*	*	*	*	*
	*		*	*
Big Six Towers	2-6304-00404/00004	04/04/2024	08/14/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS]	RACT emission limit for conditions 19, 30, 31, 32, and 40, emission unit 1-STACK, emission sources 0ENG2, 0ENG4, 0ENG6.

EPA—Approved New York Source-Specific Provisions

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Footnotes

1. *91 FR 31694 (May 28, 2026).*
   Back to Citation
2. *91 FR 31694 (May 28, 2026).*
   Back to Citation
3. *91 FR 31694 (May 28, 2026).*
   Back to Citation
4. *91 FR 31694 (May 28, 2026).*
   Back to Citation
5. *62 FR 27968 (May 22, 1997).*
   Back to Citation

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