Manufacturers of Emission Controls Association

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COMMENTS OF THE MANUFACTURERS OF EMISSION CONTROLS ASSOCIATION ON THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED RULEMAKING: REVISIONS TO MINOR NEW SOURCE REVIEW (NSR) PERMIT PROGRAM REQUIREMENTS FOR STATE IMPLEMENTATION PLANS, 91 FR 41591 (July 7, 2026)

EPA-HQ-OAR-2025-1212

The Manufacturers of Emission Controls Association (MECA) offers the following comments on the United States Environmental Protection Agency's (EPA) Notice of Proposed Rulemaking revising the Federal minimum public participation requirements applicable to State and local minor New Source Review ("NSR") programs approved into State Implementation Plans ("SIPs").

Clean mobility suppliers have invested in developing technologies and manufacturing capacity for over 50 years to reduce emissions from on-site and grid-support generation equipment that is frequently authorized as a minor source under State and local minor NSR programs, including systems used on the backup, standby, and on-site generation equipment increasingly deployed to support data center and other high-load digital infrastructure development across the United States. The technologies that MECA members supply to ensure reliable and clean backup power to data centers are based on the decades-proven aftertreatment used on cars, heavy-duty trucks, ships and nonroad equipment. These include emission control technologies for natural gas and diesel lean-burn engines, such as oxidation catalysts that eliminate 80% – 95% of the CO and 70% of the VOCs, particle filters that capture 85% of the PM from diesel engines, and selective catalytic reduction (SCR) technology that reduces over 90% of the NOx emissions. States rely on these reductions as critical control measures in their SIPs.

MECA is a non-profit industry association of the world's leading manufacturers of technologies that reduce the environmental footprint of reciprocating engines powered by all fuels and used in all on-road, nonroad and stationary applications in all world markets. Our industry has played a critical role in the environmental success story associated with vehicles and stationary reciprocating internal combustion engines (RICE) in the United States, and has continually supported efforts to develop innovative, technology advancing, emission reduction programs to improve ambient air quality while simultaneously yielding fuel savings to consumers and operators.

MECA members are a part of the clean mobility supplier industry that employs nearly 400,000 North American skilled workers building the technologies that reduce emissions and improve the fuel economy of vehicles and equipment. Suppliers create jobs in nearly every state in the United States – the top 10 states being Michigan, Texas, Illinois, Virginia, New York, Indiana, North Carolina, Ohio, Pennsylvania, and South Carolina. The emission control industry has generated hundreds of billions of dollars in U.S. economic activity since 1975 and continues to grow and add more jobs in response to necessary and well-designed air quality policies and regulations. Clean technology manufacturers invest billions of dollars each year in developing the technologies that reduce emissions from mobile and stationary sources.

MECA respectfully urges EPA not to finalize the proposed removal of the Federal minimum public participation requirement at 40 CFR 51.161.

Responses to EPA's Questions

Question #2: EPA asks for suggestions of alternate regulatory approaches the agency should consider?

MECA urges EPA not to eliminate the Federal public comment requirement at 40 CFR 51.161. As currently written, that provision requires State and local agencies to make an applicant's information and the agency's own air quality analysis available for public inspection, to provide a 30-day period for public comment, and to give public notice of where that information can be reviewed. As an alternative approach to eliminating the review requirement, EPA could consider maintaining a streamlined preconstruction review. This would provide transparency and resolve CAA requirements before billions of dollars are invested, but it could speed up and provide more predictability to the review process as any concerns could be identified early in the process.

Question #3: EPA asks for relevant reliance interests that might be impacted by this proposed action? If so, how should such reliance interests be addressed?

Developers and operators of data center backup and on-site generation, and the equipment suppliers, including MECA members, that supply them, currently plan and invest in these projects based on the understanding that the minor NSR authorization process includes a defined opportunity for public inspection, comment, and notice as set out in 40 CFR 51.161(a) and (b).

The current process provides the surrounding community with a defined opportunity to review the specific information the permitting authority relied upon, including its analysis of air quality effects, and to submit comment before a final permitting decision is made. If this requirement is eliminated, no comparable, agency-administered opportunity for a community to review this information prior to construction remains, reducing the transparency of the permitting process for these projects.

MECA members and their customers rely on the existing public comment process to address community concerns in a defined, time-limited manner before capital is committed to a project. A reduction in transparency at the permitting stage does not reduce the level of public attention a project receives. Communities that are not provided an opportunity to review project information and submit comment before construction are more likely to raise concerns through means that are less structured and less predictable than a defined comment period, including opposition directed at local officials, opposition raised in unrelated permitting or zoning proceedings, and litigation. Furthermore, the removal of the preconstruction review process is likely to shift the point at which these concerns are raised to a later stage of the project and risks higher costs and with less predictability for the developer. One of EPA's considerations in this proposal is that State governments are presently facing budget shortfalls, including restricted resources for air agencies. Based on recent legal filings[1], we believe removing the upfront review will result in a net cost increase to states as they manage responses from public stakeholders in an undefined process.

EPA should treat this reliance interest, held by developers and equipment suppliers, as distinct from the reliance interest of air agencies in the current Federal requirement, and should address it in the final rule by preserving the Federal minimum public participation requirement at 40 CFR 51.161.

MECA appreciates the opportunity to comment on EPA's proposed rule and respectfully urge EPA not to finalize the proposed removal of the Federal minimum public participation requirement at 40 CFR 51.161. Our industry is prepared to do its part and deliver cost-effective and durable advanced emission control and efficiency technologies to data center developers to accelerate the U.S. leadership in AI technology while providing certainty and stability in the market for technology suppliers and supporting the agencies environmental protection goals.

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[1] https://midwestadvocates.org/wp-content/uploads/PJR-Port-Washington-Data-Center-EIS-2026-07-10.pdf
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