

EPA.⁸ We describe how these deficiencies have been resolved in Section II.C. of this notice.

C. How are the previously identified rule deficiencies resolved?

The October 2025 submittal resolves the deficiencies previously identified by the EPA in the 2023 NSR Action and in the March 2025 Proposed Action. In the October 2025 submittal, the AVAQMD made no changes to Rule 1314 that affect our rationale for proposing to find, in the March 2025 Proposed Action, that it resolved the deficiencies identified in the 2023 NSR Action. By amending Rule 1314 such that it includes new section (G), the AVAQMD in the October 2025 submittal resolved the deficiency we identified in the March 2025 Proposed Action.

D. Proposed Action and Public Comment

Based on the rationale set forth above, the EPA is proposing to approve AVAQMD Rule 1314 as submitted in the October 2025 submittal as authorized in section 110(k)(3) of the Act. The explanation we provided in the March 2025 Proposed Action—in our **Federal Register** Notice and TSD—of how AVAQMD Rule 1314 satisfies CAA statutory and regulatory requirements still stands, but we are, in this action, revising the March 2025 Proposed Action to remove our proposed deficiency findings regarding the missing requirements of 40 CFR 51.165(a)(6) and (7), because Rule 1314 now includes these requirements. We are simultaneously withdrawing our proposed limited approval and limited disapproval of Rule 1314 from the March 2025 Proposed Action in light of our proposed full approval of the rule.⁹ Therefore, we no longer plan to take final action on the January 7, 2025 submittal of Rule 1314 because it is superseded by the October 2025 submittal of amended Rule 1314.

Because this action proposes to fully approve Rule 1314, the EPA's March 26, 2025 interim final determination that stayed the application of the offset sanction and deferred the action of the highway sanction remains in effect.¹⁰ We will respond to the public comment we received on the interim final determination when we take final action

on the District's submitted Regulation XIII rules.

If we finalize this action as proposed, we plan to do so in a single final action on the October 2025 submittal for Rule 1314 as well as on the January 7, 2025 submittal from CARB for Rules 1301, 1302, 1303, 1304, 1305 and 1309, for which we proposed action in the March 2025 Proposed Action. Our action, if finalized, will be codified through revisions to 40 CFR 52.220a (Identification of plan—in part).

III. Incorporation by Reference

In this rule, the EPA is proposing to include in final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the AVAQMD rule described in Table 2 of this preamble. This rule implements the District's nonattainment NSR program. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and in hard copy at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. 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 proposed 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 proposed 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 subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review 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 proposes to approve 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: March 11, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–05636 Filed 3–20–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2023–0230; FRL–9329–01–R3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; West Virginia; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

⁸ The EPA describes the deficiencies in sections II.C and II.D of the **Federal Register** Notice for the March 2025 Proposed Action (90 FR 13719, 13721–22) as well as the TSD.

⁹ We are not withdrawing our proposed approval of AVAQMD Rules 1301, 1302, 1303, 1304, 1305, and 1309 from the March 2025 Proposed Action.

¹⁰ 90 FR 13702.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve a revision to a Clean Air Act (CAA) section 111(d) plan (plan) submitted by the West Virginia Department of Environmental Protection (WVDEP). This revision updates the plan to include changes made to Emissions Guidelines and Compliance Times for municipal solid waste (MSW) landfills. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 22, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2023-0230 at *Regulations.gov*, or via email to *Supplee.Gwendolyn@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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 the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.Krystal@epa.gov*.

I. Background

On March 26, 2020 (85 FR 17244), the EPA finalized the residual risk and technology review conducted for the MSW Landfills source category regulated under national emission standards for hazardous air pollutants which included changes to the

standards of performance for new MSW landfills, and emission guidelines and compliance times for existing MSW landfills published at 40 Code of Federal Regulations (CFR) 60, subparts XXX, and Cf respectively. This action was taken under section 111 of the CAA.

Section 111(d) of the CAA requires the EPA to establish a procedure for a state to submit a plan to the EPA which establishes standards of performance for any air pollutant: (1) for which air quality criteria have not been issued or which is not included on a list published under CAA section 108 or emitted from a source category which is regulated under CAA section 112 but; (2) to which a standard of performance under CAA section 111 would apply if such existing source were a new source. The EPA established these requirements for state plan submittals in 40 CFR part 60, subpart B and later in subpart Ba. State submittals under CAA section 111(d) must be consistent with the relevant emission guidelines, in this instance 40 CFR part 60, subpart Cf, and the requirements of 40 CFR part 60, subpart B, subpart Ba where applicable,¹ and part 62, subpart A.

On November 18, 2021, WVDEP submitted to the EPA a formal section 111(d) revision for existing MSW landfills. The submitted revision to the plan was in response to the EPA's March 26, 2020 (85 FR 17244) final residual risk and technology review for the MSW Landfills source category. The EPA originally approved West Virginia's MSW 111(d) plan effective July 23, 2001 (66 FR 28375), and it was subsequently revised and approved on November 22, 2019 (84 FR 64430).

II. Summary of Plan Revision and EPA Analysis

The EPA has reviewed the West Virginia section 111(d) plan revision in the context of the requirements of 40 CFR part 60, subparts B, Ba (where applicable), and Cf, and part 62, subpart A. In this action, the EPA has determined that the submitted section 111(d) plan revision meets the above-cited requirements. Included within the section 111(d) plan are regulations under the West Virginia Code, specifically, West Virginia legislative rule 45 Code of State Rule (C.S.R.) 23, entitled "Control of Air Pollution from Municipal Solid Waste Landfills." A

¹ Section 60.30f, Scope and delegated authorities, was amended on August 26, 2019 (84 FR 44555), subsequent to the promulgation of subpart Ba. As amended, § 60.30f indicates that for state plans submitted after September 6, 2019, §§ 60.23a and 60.27a of subpart Ba will apply instead of §§ 60.23 and 60.27 of subpart B.

detailed explanation of the rationale behind this approval is available in the technical support document (TSD), located in the docket for this rulemaking.

III. Proposed Action

The EPA is proposing to approve the revision to the West Virginia section 111(d) plan for MSW landfills submitted pursuant to 40 CFR part 60, subpart Cf. The EPA is also proposing to amend 40 CFR part 62, subpart XX to reflect this action, including replacing both existing 40 CFR 62.12125(b) and 40 CFR 62.12125(c) with new 40 CFR 62.12125(b) and 40 CFR 62.12125(c), respectively, and adding new 40 CFR 62.12125(d) and 40 CFR 62.12127(c). This approval will update the rule to include references and dates relevant to the November 18, 2021 submittal. The scope of the approval of the section 111(d) plan revision is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the emission guidelines, subpart Cf.

The EPA Administrator continues to retain authority for approval of alternative methods to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant (k), as stipulated in 40 CFR 60.30f(c), as well as section 4.8.b, "Implementation of Emission Guidelines for Existing MSW Landfills," of West Virginia's 111(d) plan submittal.

IV. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference West Virginia legislative rule 45CSR23, Control of Air Pollution from Municipal Solid Waste Landfills, effective June 1, 2021, which provides emissions guidelines and compliance times for MSW landfills. The EPA has made, and will continue to make, these documents generally available through *Regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the EPA is required to approve a CAA section 111(d) submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B, Ba, and Cf; and 40 CFR part 62, subpart A. Thus, in

reviewing CAA section 111(d) state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. 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 proposed action:

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action 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.*). This action merely delegates to the local agency the authority to implement the already applicable requirements of the Federal Plan.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the states, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action is not subject to the 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.

J. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Landfills, Incorporation by reference, Intergovernmental relations, Methane, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2026–0233; FRL–13256–01–R6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Louisiana; Control of Emissions From Existing Other Solid Waste Incineration Units

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 notifying the public that we have received a CAA section 111(d)/129 negative declaration from Louisiana for existing incinerators subject to the Other Solid Waste Incineration units (OSWI) Emission Guidelines (EG). This negative declaration certifies that existing incinerators subject to the OSWI EG and the requirements of sections 111(d) and 129 of the CAA do not exist within specified jurisdictions in Louisiana. The EPA is proposing to accept the negative declaration and amend the agency regulations in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before April 22, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2026–0233, at <https://www.regulations.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 Kevin Kim, (214) 665–8554, kim.kevin@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>.