

other terms of compensation, and selection for training) made or kept by an institution of higher education shall be preserved by such institution of higher education for a period of two years from the date of the making of the personnel action or record involved, whichever occurs later. In the case of the involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of two years from the date of termination. Where a charge of discrimination has been filed, or a civil action brought against an institution of higher education by the Commission or the Attorney General, the respondent shall preserve similarly at the central administrative office of the institution of higher education, at the central office of a separate campus or branch, or at the individual school which is the subject of the charge or action, where more convenient, all personnel records relevant to the charge or action until final disposition of the charge or the action. The term "personnel records relevant to the charge," for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; it would also include application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in the United States District Court, or, where an action is brought against an institution of higher education by a person claiming to be aggrieved, the Commission, or the Attorney General, the date on which such litigation is terminated.

(c) The requirements of paragraph (b) of this section shall not apply to application forms and other preemployment records of non-student applicants for positions known to non-student applicants to be of a temporary or seasonal nature.

(Approved by the Office of Management and Budget under control number 3046-0040)

§ 1602.56 Investigation of recordkeeping violations.

When it has received an allegation, or has reason to believe, that a person has not complied with the record preservation and recordkeeping requirements of this part or of part 1607 of this chapter, the Commission may

conduct an investigation of the alleged failure to comply.

■ 2. Redesignate §§ 1602.14 through 1602.56 as follows:

Old section	New section
1602.14	1602.2
1602.20	1602.3
1602.21	1602.4
1602.28	1602.5
1602.29	1602.10
1602.31	1602.6
1602.36	1602.7
1602.40	1602.8
1602.49	1602.9
1602.56	1602.11

Dated: July 21, 2026.

For the Commission.

Andrea R. Lucas,
Chair.

[FR Doc. 2026-14937 Filed 7-22-26; 8:45 am]

BILLING CODE 6570-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2026-0630; FRL-13351-01-R3]

Air Plan Approval; Pennsylvania; Revision to Source-Specific Reasonably Available Control Technology (RACT) Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Pennsylvania Department of Environmental Protection on behalf of the Commonwealth of Pennsylvania. This revision pertains to previously approved, source-specific reasonably available control technology (RACT) requirements for the Equitrans, Inc. Hartson Compressor Station in Washington County, Pennsylvania. This proposed action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before August 24, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2026-0630 at www.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, 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. 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: David Talley, 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) 814-2117. Mr. Talley can also be reached via electronic mail at talley.david@epa.gov.

SUPPLEMENTARY INFORMATION: On January 21, 2025, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to the Pennsylvania SIP relating to source-specific RACT requirements at the Equitrans, Inc. Hartson Compressor Station in Washington County, Pennsylvania.

I. Background

A. RACT Requirements for Ozone

The CAA regulates emissions of oxides of nitrogen (NO_x) and volatile organic compounds (VOC) from certain sources in certain parts of the country to prevent photochemical reactions that result in ground-level ozone formation. RACT is an important strategy for reducing NO_x and VOC emissions from major stationary sources. Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment area planning requirements of CAA section 172. Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including emissions reductions from existing sources through adoption of RACT. Further, section 182(b)(2) of the CAA sets forth three specific RACT requirements for

ozone nonattainment areas classified as Moderate or higher nonattainment. First, CAA section 182(b)(2)(A) requires that states submit a revision to their SIP requiring implementation of RACT for each category of VOC sources in the nonattainment area covered by a control techniques guideline (CTG) document issued by the EPA between November 15, 1990 and the date of attainment for an ozone NAAQS. Second, CAA section 182(b)(2)(B) requires a SIP revision to implement RACT for all VOC sources in the nonattainment area covered by any CTG issued before November 15, 1990. Third, CAA section 182(b)(2)(C) requires a SIP revision implementing RACT for any other major source of VOC located in the nonattainment area. This RACT requirement is extended to major stationary sources of NO_x via section 182(f) of the CAA, which subjects major stationary sources of NO_x to the same RACT requirements that are applicable to major stationary sources of VOC.

Section 184(b)(1)(B) of the CAA applies the RACT requirements in CAA section 182(b)(2) to areas that would not otherwise be subject (*i.e.*, nonattainment areas classified as Marginal and attainment areas), when such areas are located within ozone transport regions established pursuant to section 184 of the CAA. Section 184(a) of the CAA established by law the current Ozone Transport Region (OTR) comprised of 12 eastern states, including Pennsylvania. As part of the OTR, the entire Commonwealth of Pennsylvania, regardless of each area's attainment designation, is subject to the RACT requirements of CAA sections 182(b)(2) and 182(f), pursuant to section 184(b).

B. Previous RACT Approval

On October 17, 2001, the EPA took final action to approve source-specific VOC and NO_x RACT determinations for the 1997 ozone NAAQS for five individual sources in the Pittsburgh-Beaver Valley area.¹ Included among those determinations was one pertaining to the Equitrans, Inc. Hartson Compressor Station. PADEP determined that annual and short-term emissions limits (108 tons/year and 43 pounds/hour (lb/hr)), plus an annual operating limit of 5,000 hours for each engine constituted RACT level control for each of the facility's three Cooper-Bessamer GMV-10 engines (Source ID's 101, 102, and 103). These limits were incorporated into an operating permit (RACT Operating Permit No. 63-000-642, effective July 10, 1995), which was then submitted to the EPA for approval

into the Pennsylvania SIP as federally enforceable RACT requirements.

II. Summary of SIP Revision and the EPA's Analysis

PADEP initially imposed the 5,000-hour restriction after having concurred with the facility's determination that installing "CleanBurn" conversion packages on the engines to reduce NO_x emissions was economically infeasible. Subsequently, the facility sought to install the controls despite having previously determined them to be economically infeasible under RACT. PADEP issued a permit authorizing the installation of Clean Burn technology on the engines (Plan Approval No. 63-00632A; May 2, 2012). The installation of controls significantly reduced potential NO_x emissions from each engine, from 43 lb/hr to 5.95 lb/hr. Even at full utilization (8,760 hours per year), this represents a reduction from the uncontrolled emissions at 5,000 hours per year.² Therefore, the company requested that the 5000-hr operating restriction be removed.

PADEP agreed to remove the 5000-hr restriction and issued a revision to operating permit 63-000642 on February 21, 2023. In addition to removing the operating restriction, PADEP revised the short- and long-term NO_x limits from 43 lb/hr and 108 tons/yr to 5.95 lb/hr and 26.07 tons/year. The existing non-methane volatile organic compound limits from the original permit (1 lb/hr and 3 tons/yr) were also incorporated into the revised permit. The remaining conditions of the 1995 operating permit that were approved into the Pennsylvania SIP are unchanged and will remain in effect. These include the testing, monitoring, recordkeeping, and reporting requirements necessary to demonstrate compliance with the limits.

III. Proposed Action

The EPA's review of this material indicates that it is consistent with all applicable CAA requirements. Because the proposed revision will result in a decrease in emissions as compared to the previously approved SIP, the EPA finds that it will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement, in accordance with CAA section 110(l). The EPA is proposing to approve PADEP's January 21, 2025 submittal as a revision to the Pennsylvania SIP. The EPA is soliciting public comments on the issues

discussed in this document. These comments will be considered before taking final action.

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 proposing to incorporate by reference a source specific RACT permit as described in section II of this document. Except as revised by the new entry, the previously approved entry for this source remains in effect. These permits establish and require reasonably available control technology for certain sources at Equitrans, Inc. Hartson Compressor Station in Washington County, Pennsylvania. The EPA has made, and will continue to make, these materials generally available through www.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).

IV. Statutory and Executive Order Reviews.

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air 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 Clean Air Act. Accordingly, this proposed 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, 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

¹ See 66 FR 52705.

² 43 lb/hr × 5000 hr/yr = 107.5 tons/yr. 5.95 lb/hr × 8760 hr/yr = 26.06 tons/yr.

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 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, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Amy Van Blarcom-Lackey,
Regional Administrator, Region III.

[FR Doc. 2026–14891 Filed 7–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2026–0793; FRL–13420–01–R2]

Approval and Promulgation of State Implementation Plans; New Jersey; RACT Certifications for the 2008 and 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Jersey for purposes of certifying and meeting the requirements for Reasonably Available Control Technology (RACT) for the Serious classification of the 2008 and the

Moderate classification of the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). EPA is also proposing to approve that the SIP revisions fulfill SIP requirements pertaining to the Ozone Transport Region (OTR) for the 2015 Ozone NAAQS. These actions are being taken in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before August 24, 2026.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2026–0793 at <https://www.regulations.gov> (our preferred method), or the other submission methods identified in the link below. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), 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. 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). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

FOR FURTHER INFORMATION CONTACT:

Fausto Taveras, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866; telephone number: (212) 637–3378; email address: taveras.fausto@epa.gov.

SUPPLEMENTARY INFORMATION:

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- I. What did New Jersey submit?
- II. Background
- III. Summary and Evaluation of New Jersey’s RACT Certification
- IV. EPA’s proposed action
- V. Statutory and Executive Order Reviews

I. What did New Jersey submit?

On November 23, 2021, New Jersey submitted a State implementation plan (SIP) revision for purposes of meeting the requirement for Reasonably

Available Control Technology (RACT)¹ for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard) in New Jersey’s portion of the New York-Northern New Jersey-Long Island (NY–NJ–CT) nonattainment area (also referred to as the New York Metro Area or NYMA) for the Serious classification. The submittal was also meant to satisfy New Jersey’s requirement for Moderate area RACT for the 2015 NAAQS in the NYMA, and the requirements for RACT for the 2015 ozone NAAQS throughout the entire State for its separate RACT obligation within the OTR (CAA section 184(b)(1)(B)). Subsequently on March 3, 2025, New Jersey submitted a comprehensive SIP revision for the purposes of meeting the requirement of RACT for the 2015 Ozone NAAQS in the New Jersey portion of the Philadelphia-Wilmington-Atlantic City (PA–NJ–MD–DE) nonattainment area (also referred to as the Philly Area) for the Moderate classification. This proposed rulemaking addresses only New Jersey’s RACT certifications identified in both of New Jersey’s November 23, 2021, and March 3, 2025, comprehensive SIP submissions. EPA intends to act on the remaining elements in both SIP submissions in a future separate rulemaking.

II. Background

In 2008, EPA revised the health-based NAAQS for ozone, setting it at 0.075 parts per million (ppm), or 75 parts per billion (ppb), averaged over an 8-hour time frame (73 FR 16436, March 27, 2008). EPA determined that the revised 8-hour standard would be more protective of public health and welfare, especially with regard to children and adults who are active outdoors and individuals with a pre-existing lung disease such as asthma (73 FR 16436 at 73 FR 16450).

On May 21, 2012, EPA published in the *Federal Register* its final attainment/nonattainment designations for areas across the country with respect to the 2008 8-hour ozone standard (77 FR 30088, May 21, 2012). This action became effective on July 20, 2012. Within that action, the entire State of New Jersey was designated as Marginal nonattainment for the 2008 8-hour ozone standard since all portions of the State were included in either the NY–NJ–CT nonattainment area or the Philly

¹ EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979).