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:

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not subject to a requirement for Executive Order 12866 review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not 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 to not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will approve a State plan pursuant to CAA section 111(d) and will therefore have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). 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 13175: Consultation and Coordination With Indian Tribal Governments

This action will not apply to areas of Indian country within Arizona and therefore does not have tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). This action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Arizona tribe implements a regulatory program under the CAA and thus does not have applicable or related tribal laws.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definitions of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it approves a State program.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution and Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. This action 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.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Landfills, Reporting and recordkeeping requirements, Waste Treatment and Disposal.

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

Dated: October 22, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–22585 Filed 11–4–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2026–5021; FRL–13501–01–R3]

Approval and Promulgation of Delegation of Authority for Designated Facilities and Pollutants; Allegheny County; Delegation of Authority of the Federal Plan for Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request from the Allegheny County Health Department (ACHD) for delegation of authority to implement and enforce the Federal Plan requirements for existing Municipal Solid Waste (MSW) landfills within Allegheny County in the Commonwealth of Pennsylvania. On May 21, 2021, the EPA promulgated the Federal Plan for MSW landfills to fulfill the requirements of section 111(d) of the Clean Air Act (CAA). The Federal Plan addresses the implementation and enforcement of the emission guidelines applicable to existing MSW landfills located in areas not covered by an approved and currently effective State plan. The Federal Plan imposes emission limits and other control requirements for existing MSW landfills which will reduce designated pollutants.

DATES: Written comments must be received on or before December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2026–5021 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 and Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Blvd., Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *stankunas.krystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this document the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ACHD Allegheny County Health Department
CAA Clean Air Act
CBI Confidential Business Information
EPA Environmental Protection Agency
GCCS gas collection and control system
MoA Memorandum of Agreement
MSW Municipal Solid Waste
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

Table of Contents

I. Background
II. Summary of Action and EPA Analysis
III. Proposed Action
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Executive Order 14192: Unleashing Prosperity Through Deregulation
C. Paperwork Reduction Act (PRA)
D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

I. Background

Section 111(d) of the CAA requires States to submit plans to control certain pollutants (designated pollutants) at existing sources (designated facilities) whenever standards of performance have been established under CAA section 111(b) for new sources of the same type and the EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria has been issued or which is not included on a list published under section 108(a) (national ambient air quality standards) or section 112 (hazardous air pollutants) of the CAA, but emissions of which would be subject to a standard of performance for new stationary sources under CAA section 111(b). Under CAA section 111(d)(2), the EPA is supposed to prescribe and enforce a plan—referred to as a Federal Plan—for States that do not submit a State plan.

On March 12, 1996 (61 FR 9905), the EPA added the MSW landfills to the priority list in 40 CFR 60.16 as a source category because as authorized in CAA section 111(b)(1)(A), in the judgment of the Administrator, the source category contributes significantly to air pollution that may reasonably be anticipated to endanger public health and welfare. In that same rule, the EPA promulgated new source performance standards, which apply to new (and modified or reconstructed) landfills under the authority of CAA section 111(b)(1)(B), and emission guidelines, which apply to existing landfills, under the authority of CAA section 111(d). Additionally, the EPA defined the MSW landfills source category, identified municipal solid waste landfill emissions (commonly referred to as landfill gas) as the pollutant for which standards should be developed, identified which landfills would be covered, and determined the applicability threshold and emission level of the standards. On March 17, 1999 (64 FR 13075), the EPA approved the ACHD's 111(d) State plan for existing MSW landfills.[1]

On August 29, 2016, the EPA promulgated revised new source performance standards (81 FR 59332) and emission guidelines (81 FR 59276) for MSW landfills at 40 CFR part 60, subparts XXX and Cf, respectively. State plans to implement the 40 CFR part 60, subpart Cf emission guidelines were due May 30, 2017. The procedures for adoption and submittal of State plans are codified in 40 CFR part 60, subpart B. For States that fail to submit a State plan, the EPA is required to develop and implement a Federal Plan.[2] The EPA implementation and enforcement of the Federal Plan is viewed as an interim measure until States or local agencies assume their role as the preferred implementers of the emission guidelines requirements stipulated in the Federal Plan.[3]

Accordingly, the EPA promulgated the MSW landfill Federal Plan on May 21, 2021, (86 FR 27756) which is codified at 40 CFR part 62, subpart OOO. The MSW landfill Federal Plan, like the emission guidelines at subpart Cf, applies in areas without an approved State plan by requiring existing MSW landfills that reach a landfill gas emission threshold of 34 megagrams (Mg) of NMOC or more per year to install a system to collect and control landfill gas.[4] The Federal Plan applies to existing MSW landfills that commenced construction, reconstruction, or modification on or before July 17, 2014, and accepted waste at any time since November 8, 1987, or have additional capacity for future waste deposition. In the rulemaking for the Federal Plan, the EPA strongly encouraged State and local agencies in jurisdictions that did not submit approvable State plans to request delegation of the MSW landfill Federal Plan so that they can have the primary responsibility for implementing and enforcing regulations affecting existing MSW landfills, consistent with the intent of Congress. The Federal Plan applies in States that have either never submitted a State plan or not received approval of any necessary revised State plan until such time as an initial State plan or revised State plan is approved. The MSW landfill Federal Plan, which takes the place of State plans where State plans are not fully approved and effective, is currently in effect in Allegheny County.

The ACHD submitted to the EPA a request dated December 12, 2022, for delegation of authority to implement and enforce the MSW landfill Federal Plan. In the same document, ACHD also

[1] See 40 CFR 62.9630.

[2] While the ACHD has an approved State plan for 40 CFR part 60, subpart Cc to implement the 1996 MSW landfill emission guidelines at 40 CFR 62.9630, the ACHD does not have a revised State plan for 40 CFR part 60, subpart Cf for the 2016 revised MSW landfill emission guidelines. 42 U.S.C. 7411(d); 40 CFR 60.27(c) and (d).

[3] *See* 86 FR 27756, 27765 (May 21, 2021).

[4] The 1996 MSW landfill emission guidelines at 40 CFR part 62, subpart Cc had set a higher threshold of 50 Mg.

requested withdrawal of the previously approved State plan of 1999 because it is no longer valid. Removal of the 1999 State plan from the Code of Federal Regulations will clarify that the delegated Federal Plan will be the implementing mechanism of the emissions guidelines. The scope of the request includes only the geographical area of Allegheny County. On April 7, 2026, the Regional Administrator for EPA Region III signed a Memorandum of Agreement (MoA) which is the mechanism for the transfer of authority between the EPA and the ACHD and defines the policies, responsibilities and procedures by which the ACHD will implement and enforce the Federal Plan for existing MSW landfills. According to the MoA, the EPA will retain the authorities reserved to the EPA at 40 CFR 62.16710, and per the MoA the EPA also retains a concurrence role as to the ACHD's approval of gas collection and control system (GCCS) design plans. The EPA is proposing to approve the ACHD request for delegation of authority to implement and enforce the MSW landfill Federal Plan found at 40 CFR part 62, subpart OOO and to adhere to the terms and conditions prescribed in the MoA signed by the EPA and the ACHD, as explained further in this action. The purpose of this MSW landfill Federal Plan delegation is to transfer primary implementation and enforcement responsibility from the EPA to the ACHD for all existing landfills within the jurisdiction of Allegheny County. However, nothing in this action, nor in the MoA, shall be construed to prohibit the EPA from enforcing the MSW landfill Federal Plan.

II. Summary of Action and EPA Analysis

The EPA evaluated the ACHD's December 12, 2022 request for delegation pursuant to the requirements described in the MSW landfill Federal Plan preamble and the EPA's Delegation Manual.[5] The EPA also acknowledged the ACHD's request to withdraw the 1999 MSW landfill State plan, which is no longer effective as a result of the 2016 revisions to the MSW landfill emission guidelines.[6]

As explained in the rulemaking for the MSW landfill Federal Plan, a State's request for delegation of authority to implement must: (1) demonstrate that the State or tribe has adequate resources, as well as the legal authority, to administer and enforce the program; (2) include an inventory of designated MSW landfills, which includes those that have ceased operation, but have not been dismantled or rendered inoperable, and an inventory of the designated units' air emissions; (3) certify that a public hearing was held on the State or tribal delegation request; and (4) include a memorandum of agreement between the State or Tribe and the EPA that sets forth the terms and conditions of the delegation, the effective date of the agreement, and the mechanism to transfer authority.[7]

Under the EPA's Delegation Manual, item 7–139, the Regional Administrator is authorized to delegate implementation and enforcement of CAA section 111(d) Federal Plans to States. The Regional Administrator may consider delegating authority to implement and enforce Federal Plans to a State provided the following conditions are met: (1) the State does not already have an EPA approved State plan; (2) the State submits a demonstration of adequate resources and legal authority to administer and enforce the Federal Plan; and (3) the State enters into an MoA with the Regional Administrator that sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority.

Along with the December 12, 2022 letter requesting delegation, the ACHD submitted a demonstration of adequate resources and legal authority, an inventory of the MSW landfills in Allegheny County subject to the Federal Plan and their emissions, and a certification that the ACHD held a public hearing on the delegation request.

The ACHD demonstrated that its air agency has the requisite authority and resources to administer and enforce the Federal Plan. The ACHD's legal authority to support delegation of the Federal Plan is adequately addressed in section III of this document of the formal request for delegation submitted by the ACHD. Additionally, the ACHD certified that it has adequate staffing levels and divisional resources to implement and enforce the requirements of 40 CFR part 62, subpart OOO. According to the submitted inventory, the ACHD has three (3) existing MSW landfill facilities, as defined under 40 CFR 62.16711, that are subject to the Federal Plan. The formal request for delegation included a request from the ACHD to withdraw their previously approved MSW Landfill State plan.[8] The ACHD held a public hearing on July 11, 2022 for the Request of Delegation of Authority to Implement the Federal Plan for MSW Landfills. Notice of the public hearing was given by publication in a newspaper of general circulation on June 9, 2022. No comments were received during the public hearing or during the public comment period. After consideration of these materials, the EPA determined that the request letter and attached documents adequately fulfilled the State delegation criteria outlined in Federal Plan's final rule, section VI, D., Delegation of the Federal Plan and Retained Authorities.[9]

In parallel with our review of the delegation request, the EPA prepared the MoA which defines the policies, responsibilities, and procedures by which the MSW landfill Federal Plan will be administered and enforced by both the ACHD and the EPA. The MOA describes the ACHD's specific role in program implementation, provides an overview of how EPA will provide assistance and oversight to ensure consistency with 40 CFR part 62, subpart OOO, and delineates which authorities are and are not delegated to the ACHD.

The EPA and ACHD signed the MoA in which the parties agreed to the terms and conditions regarding the policies, responsibilities, and procedures for the implementation and enforcement of the delegated MSW landfill Federal Plan. The MoA is the mechanism for the transfer of authority from the EPA to the ACHD. The MoA became effective upon signature by the EPA on April 7, 2026, and satisfies EPA Delegation, item 7–139.

The ACHD has met all the EPA's delegation requirements as described above. The reader may view the ACHD letter to the EPA requesting delegation and the MoA signed by both parties at *www.regulations.gov,* identified by Docket ID Number EPA–R03–OAR–2026–5021.

III. Proposed Action

The EPA has evaluated the ACHD delegation request submittal for consistency with the CAA, EPA regulations, and EPA policy. The ACHD has met all the requirements for obtaining delegation of authority to implement and enforce the MSW landfill Federal Plan. The ACHD entered into an MoA with the EPA, and it became effective on April 7, 2026.

[5] Item 7–139 of the EPA's Delegation Manual is entitled ''Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) Federal Plans'' and the reader may refer to it in the docket for this rulemaking at *www.regulations.gov* (see Docket ID Number EPA–R03–OAR–2026–5021).

[6] See 81 FR 59276, 59286 (August 29, 2016).

[7] See 86 FR 27756, 27766 (May 21, 2021).

[8] See 64 FR 13075, March 17, 1999.

[9] See 86 FR 27756, 27766 (May 21, 2021), and the overlapping requirements of EPA Delegation 7–139.

Accordingly, the EPA is proposing to approve the ACHD request dated December 12, 2022 for delegation of authority to implement and enforce the Federal Plan for existing MSW landfills. The EPA will continue to retain certain authorities reserved to the EPA in the MSW landfill Federal Plan, as indicated in the MoA (*e.g.,* alternative methods to determine the site-specific NMOC concentration or a site-specific methane generation rate constant (k), etc.), and as required under 40 CFR 62.16710(b). The EPA is also proposing to amend 40 CFR part 62 to reflect the ACHD's 1999 MSW landfill State plan withdrawal and the delegation of authority to the ACHD to implement and enforce the MSW landfill Federal Plan.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to delegate to a State or local agency the authority to implement a 111(d) Federal Plan so long as the delegation complies with the provisions of the CAA and applicable Federal regulations.[10] In reviewing 111(d) Federal Plan delegation requests, the EPA may approve a State's request to implement a Federal Plan, provided that it meets the criteria of the CAA and the EPA's implementing regulations. Accordingly, this action merely proposes to codify the EPA's delegation of authority to the ACHD to administer the Federal Plan and does not impose additional requirements beyond those imposed by the already applicable MSW landfill Federal Plan.

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 involve 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. This action merely delegates to a local agency the authority to administer the already applicable MSW landfill Federal Plan.

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 merely delegates to a local agency the authority to administer the already applicable MSW landfill Federal Plan.

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

This action does not have tribal implications as specified in Executive Order 13175. This is because this action merely delegates administration of the MSW landfill Federal Plan to the local agency, and the MSW landfill Federal Plan does not have tribal implications specific to any landfills under the local agency's jurisdiction. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–22583 Filed 11–4–26; 8:45 am]

BILLING CODE 6560–50–P

[10] 42 U.S.C. 7411(d); 40 CFR 62.16710.

LEGAL SERVICES CORPORATION

45 CFR Part 1631

Purchasing and Property Management

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule revises the Legal Services Corporation's (LSC) definition of ''capital improvement'' by removing the threshold amount of LSC funds that must be expended on an improvement to real estate for the expenditure to qualify as a capital improvement. The proposed amendment would distinguish the definition of a capital improvement from the monetary thresholds required for prior approval; promote consistent tracking and oversight of LSC funds used for capital improvements; and strengthen accountability for LSC funds invested in recipients' real property.

DATES: Comments must be submitted by 11:59 p.m. Eastern on December 21, 2026.

ADDRESSES: You may submit comments by any of the following methods:

- *Email: lscrulemaking@lsc.gov.* Include ''Comments on Revision to Part 1631'' in the subject line of the message.
- *Mail:* Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006, ATTN: Part 1631 Rulemaking.