

III. What is being addressed in this document?

The EPA is proposing to approve revisions to the Operating Permits Program for the State of Kansas submitted to the EPA on January 22, 2018. Revisions to the program include revoking Kansas Administrative Regulation (K.A.R.) 28-19-202; adding new language to K.A.R. 28-19-517 which parallels language in the revoked K.A.R. 28-19-202; increasing the annual emission fee from \$37 dollars per ton to \$53 dollars per ton; increasing all application fees in K.A.R. 28-19-516; establishing a baseline emission fee; and adding additional clarifications to the Program to address fees, refunds, electronic submittal, and who is required to submit an annual emissions inventory.

IV. Have the requirements for approval of a Part 70 revision been met?

The state provided a public comment period for this Operating Permits Program revision from September 7, 2017, to November 15, 2017, and received comments. In response to the comments, Kansas revised the rule prior to submitting to the EPA. The revisions are consistent with applicable EPA requirements in title V of the CAA and 40 CFR part 70.

V. What action is EPA taking?

The EPA is proposing to approve revisions to the Kansas Operating Program by approving the State's request to revoke K.A.R. 28-19-202, Annual emissions fees; and to amend K.A.R. 28-19-516, Class I operating permits, application fees; and K.A.R. 28-19-517, Class I operating permits, annual emissions inventory and fees. Approval of these revisions will ensure consistency between the state and federally-approved rules. EPA has determined that these changes will not adversely impact air emissions. Additional information on the the EPA's analysis can be found in the Technical Support Document (TSD) included in this docket.

We are processing this as a proposed action because we are soliciting comments. Final rulemaking will occur after consideration of any comments.

VI. Statutory and Executive Order Reviews

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 proposed action:

- Is not a significant regulatory action subject to review by the Office of

Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because Title V approvals are exempted 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 an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This proposed approval of the revision to Kansas's Title V Operating Permit Program 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 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: December 14, 2018.

James Gulliford, Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 70 as set forth below:

PART 70—STATE OPERATING PERMIT PROGRAMS

- 1. The authority citation for part 70 continues to read as follows:

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

- 2. Amend appendix A to part 70 by adding new paragraph (g) under Kansas to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

Kansas

\* \* \* \* \*

(g) The Kansas Department of Health and Environment submitted revisions to Kansas rules K.A.R. 28-19-202, K.A.R. 28-19-516, and K.A.R. 28-19-517, on January 22, 2018. The state effective date is January 5, 2018. This revision is effective [date 60 days after date of publication of the final rule in the Federal Register].

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[FR Doc. 2018-27457 Filed 12-18-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA-R08-RCRA-2018-0554; FRL-9987-31-Region 8]

North Dakota: Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to grant authorization to the State of North Dakota for the changes to its hazardous waste program under the Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes satisfy all requirements needed to qualify for final authorization and is authorizing the state's changes through a direct final action.

DATES: Send written comments by January 18, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R08-RCRA-2018-0554 by mail to Moye Lin, Resource Conservation and Recovery Program, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. You may also submit comments electronically or through hand delivery/courier by following the detailed instructions in the ADDRESSES section of the direct final rule located in the Rules

section of this issue of the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Moye Lin at (303) 312-6667, [lin.moye@epa.gov](mailto:lin.moye@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the “Rules and Regulations” section of this issue of the **Federal Register**, the EPA is authorizing changes to the North Dakota program as a direct final rule. The EPA did not make a proposal prior to the direct final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the direct final rule.

Unless the EPA receives written comments that raise concerns with the authorization during the comment period, the direct final rule will become effective on March 15, 2019, and we will not take further action on this proposal. If we get comments that raise concerns with the authorization, we will withdraw the direct final rule and it will not take immediate effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

Dated: December 13, 2018.

**Douglas Benevento,**

*Regional Administrator, Region 8.*

[FR Doc. 2018-27423 Filed 12-18-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 281

[EPA-R08-UST-2018-0728; FRL-9986-99—Region 8]

#### North Dakota: Authorization of State Underground Storage Tank Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the State of North Dakota’s Underground Storage Tank (UST) program submitted by the State. This action is based on the EPA’s determination that the State’s revisions satisfy all requirements for UST program approval. The State’s federally-authorized UST program, as revised pursuant to this action, will remain subject to the EPA’s inspection and

enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. All revisions to the State of North Dakota’s UST program would be federally approved as of the effective date of this action.

**DATES:** Send written comments by January 18, 2019.

**ADDRESSES:** Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

2. *Email:* [bents.benjamin@epa.gov](mailto:bents.benjamin@epa.gov).

3. *Mail:* Benjamin Bents, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (8P-R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

4. *Hand delivery or courier:* Deliver your comments to Benjamin Bents, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (8P-R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

*Instructions:* Direct your comments to Docket ID No. EPA-R08-UST-2018-0728. The EPA’s policy is that all comments received will be included in the public docket without change and may be available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov>, or email. The federal <http://www.regulations.gov> website is an “anonymous access” system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, the EPA

may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

You can view and copy the documents that form the basis for this action and associated publicly available materials from 8:30 a.m. to 4:00 p.m., Monday through Friday at the following location: EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, phone number (303) 312-6435. Interested persons wanting to examine these documents should make an appointment with the office at least 2 days in advance.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Bents, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (8P-R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, phone number (303) 312-6435, email address: [Bents.Benjamin@epa.gov](mailto:Bents.Benjamin@epa.gov).

**SUPPLEMENTARY INFORMATION:** The State of North Dakota adopted state Senate Bill No. 2327 (S.L. 2017, ch. 199, § 75) which separated the Environmental Health Section from the North Dakota Department of Health (NDDOH) to create a stand-alone North Dakota Department of Environmental Quality (NDDEQ). Per S.L. 2017, ch. 199, Section 75, the transfer of authority, power, and duties related to environmental quality from NDDOH to NDDEQ will become effective upon the North Dakota Legislative Council’s receipt of the certification by the Chief of the Environmental Health Section of the State Department of Health attesting that all necessary federal approvals have been obtained and all necessary federal and other agreements have been amended to ensure the State will continue to meet the authorization requirements it currently satisfies after the transfer of authority, powers, and duties from the NDDOH to the NDDEQ. This rule constitutes the EPA approval of the transfer of all duties and responsibilities of the State relating to the existing federal UST program in North Dakota from the NDDOH to the NDDEQ.

The State plans to rely on the date when the EPA signs the final rule for purposes of notifying the state legislature that the EPA has approved these revisions, which will provide for the transfer of authority to implement the federal UST program from the NDDOH to NDDEQ to be effective under state law. The EPA understands that the State intends to take the necessary