

NEGATIVE DECLARATIONS FOR THE 2008 OZONE NAAQS

CTG document No.	Title
EPA-450/2-77-008	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
EPA-450/2-77-022	Control of Volatile Organic Emissions from Solvent Metal Cleaning.
EPA-450/2-77-025	Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
EPA-450/2-77-026	Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals.
EPA-450/2-77-032	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture.
EPA-450/2-77-033	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Insulation of Magnet Wire.
EPA-450/2-77-034	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances.
EPA-450/2-77-036	Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks.
EPA-450/2-78-015	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VI: Surface Coating of Miscellaneous Metal Parts and Products.
EPA-450/2-78-029	Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.
EPA-450/2-78-030	Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.
EPA-450/2-78-032	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling.
EPA-450/2-78-033	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VIII: Graphic Arts-Rotogravure and Flexography.
EPA-450/2-78-036	Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment.
EPA-450/2-78-047	Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks.
EPA-450/3-82-009	Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners.
EPA-450/3-83-006	Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
EPA-450/3-83-007	Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants.
EPA-450/3-83-008	Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.
EPA-450/3-84-015	Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry.
EPA-450/4-91-031	Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry.
EPA-453/R-96-007	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.
EPA-453/R-94-032 61 FR 44050; 8/27/96	Alternative Control Technology Document—Surface Coating Operations at Shipbuilding and Ship Repair Facilities Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating).
EPA-453/R-97-004 59 FR 29216; 6/6/94.	Aerospace MACT and Aerospace (CTG & MACT).
EPA-453/R-06-001	Control Techniques Guidelines for Industrial Cleaning Solvents.
EPA-453/R-06-002	Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing.
EPA-453/R-06-003	Control Techniques Guidelines for Flexible Package Printing.
EPA-453/R-06-004	Control Techniques Guidelines for Flat Wood Paneling Coatings
EPA 453/R-07-003	Control Techniques Guidelines for Paper, Film, and Foil Coatings.
EPA 453/R-07-004	Control Techniques Guidelines for Large Appliance Coatings.
EPA 453/R-07-005	Control Techniques Guidelines for Metal Furniture Coatings.
EPA 453/R-08-003	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings.
EPA 453/R-08-004	Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials.
EPA 453/R-08-005	Control Techniques Guidelines for Miscellaneous Industrial Adhesives.
EPA 453/R-08-006	Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings.
EPA 453/B16-001	Control Techniques Guidelines for the Oil and Natural Gas Industry.

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SURFACE TRANSPORTATION BOARD

49 CFR 1022

[Docket No. EP 716 (Sub-No. 4)]

Civil Monetary Penalties—2019 Adjustment

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is issuing a final rule to implement the annual inflationary adjustment to its civil monetary penalties, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This final rule is effective on December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Jonathon Binet: (202) 245-0368. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), enacted as part of the Bipartisan Budget Act of 2015, Public Law 114-74, 701, 129 Stat. 584, 599-601, requires agencies to adjust their civil penalties for inflation annually, beginning on July 1, 2016, and no later than January 15 of every year thereafter. In accordance with the 2015 Act, annual inflation adjustments are to be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for October of the

previous year and the October CPI-U of the year before that. Penalty level adjustments should be rounded to the nearest dollar.

II. Discussion

The statutory definition of civil monetary penalty covers various civil penalty provisions under the Rail (Part A); Motor Carriers, Water Carriers, Brokers, and Freight Forwarders (Part B); and Pipeline Carriers (Part C) provisions of the Interstate Commerce Act, as amended. The Board’s civil (and criminal) penalty authority related to rail transportation appears at 49 U.S.C. 11901–11908. The Board’s penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901–14916. The Board’s penalty authority related to pipeline carriers appears at 49 U.S.C. 16101–16106.¹ The Board has regulations at 49 CFR pt. 1022 that codify the method set forth in the 2015 Act for annually adjusting for inflation the civil monetary penalties within the Board’s jurisdiction.

As set forth in this final rule, the Board is amending 49 CFR pt. 1022 to make an annual inflation adjustment to the civil monetary penalties in conformance with the requirements of the 2015 Act. The adjusted penalties set forth in the rule will apply only to violations that occur after the effective date of this regulation.

In accordance with the 2015 Act, the annual adjustment adopted here is calculated by multiplying each current penalty by the cost-of-living adjustment factor of 1.02522, which reflects the percentage change between the October 2018 CPI-U (252.885) and the October 2017 CPI-U (246.663). The table at the end of this decision shows the statutory citation for each civil penalty, a description of the provision, the adjusted statutory civil penalty level for

2018, and the adjusted statutory civil penalty level for 2019.

III. Final Rule

The final rule set forth at the end of this decision is being issued without notice and comment pursuant to the rulemaking provision of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), which does not require that process “when the agency for good cause finds” that public notice and comment are “unnecessary.” Here, Congress has mandated that the agency make an annual inflation adjustment to its civil monetary penalties. The Board has no discretion to set alternative levels of adjusted civil monetary penalties, because the amount of the inflation adjustment must be calculated in accordance with the statutory formula. Given the absence of discretion, the Board has determined that there is good cause to promulgate this rule without soliciting public comment and to make this regulation effective immediately upon publication.

IV. Regulatory Flexibility Statement

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

V. Paperwork Reduction Act

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

List of Subjects in 49 CFR Part 1022

Administrative practice and procedures, Brokers, Civil penalties, Freight forwarders, Motor carriers, Pipeline carriers, Rail carriers, Water carriers.

It is ordered:

1. The Board amends its rules as set forth in this decision. Notice of the final rule will be published in the **Federal Register**.

2. This decision is effective on its date of publication in the **Federal Register**.

Decided: December 20, 2018.

By the Board, Board Members Begeman and Miller.

Raina Contee,
Clearance Clerk.

List of Subjects in 49 CFR Part 1022

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, part 1022 of title 49, chapter X, of the Code of Federal Regulations is amended as follows:

PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

■ 1. The authority citation for part 1022 continues to read as follows:

Authority: 5 U.S.C. 551–557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 14916, 16101, 16103.

■ 2. In § 1022.4, revise paragraph (b) to read as follows:

§ 1022.4 Cost-of-living adjustments of civil monetary penalties.

* * * * *

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

U.S. code citation	Civil monetary penalty description	Adjusted penalty amount 2018	Adjusted penalty amount 2019
Rail Carrier Civil Penalties			
49 U.S.C. 11901(a)	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	\$7,791	\$7,987
49 U.S.C. 11901(b)	For each violation under § 11124(a)(2) or (b)	779	799
49 U.S.C. 11901(b)	For each day violation continues	40	41
49 U.S.C. 11901(c)	Maximum penalty for each knowing violation under §§ 10901–10906	7,791	7,987
49 U.S.C. 11901(d)	For each violation under §§ 11123 or 11124(a)(1)	155–779	159–799
49 U.S.C. 11901(d)	For each day violation continues	78	80
49 U.S.C. 11901(e)(1), (4)	For each violation under §§ 11141–11145, for each day	779	799
49 U.S.C. 11901(e)(2), (4)	For each violation under § 11144(b)(1), for each day	155	159
49 U.S.C. 11901(e)(3)–(4)	For each violation of reporting requirements, for each day	155	159

¹ The Board also has various criminal penalty authority, enforceable in a federal criminal court.

Congress has not, however, authorized federal agencies to adjust statutorily prescribed criminal

penalty provisions for inflation, and this rule does not address those provisions.

U.S. code citation	Civil monetary penalty description	Adjusted penalty amount 2018	Adjusted penalty amount 2019
Motor and Water Carrier Civil Penalties			
49 U.S.C. 14901(a)	Minimum penalty for each violation and for each day	1,066	1,093
49 U.S.C. 14901(a)	For each violation under §§ 13901 or 13902(c)	10,663	10,932
49 U.S.C. 14901(a)	For each violation related to transportation of passengers	26,659	27,331
49 U.S.C. 14901(b)	For each violation of the hazardous waste rules under § 3001 of the Solid Waste Disposal Act.	21,327–42,654	21,865–43,730
49 U.S.C. 14901(d)(1)	Minimum penalty for each violation of household good regulations, and for each day.	1,558	1,597
49 U.S.C. 14901(d)(2)	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.	15,583	15,976
49 U.S.C. 14901(d)(3)	Minimum penalty for each instance of transportation of household goods without being registered.	38,954	39,936
49 U.S.C. 14901(e)	Minimum penalty for each violation of a transportation rule	3,116	3,195
49 U.S.C. 14901(e)	Minimum penalty for each additional violation	7,791	7,987
49 U.S.C. 14903(a)	Maximum penalty for undercharge or overcharge of tariff rate, for each violation	155,820	159,750
49 U.S.C. 14904(a)	For first violation, rebates at less than the rate in effect	311	319
49 U.S.C. 14904(a)	For all subsequent violations	390	400
49 U.S.C. 14904(b)(1)	Maximum penalty for first violation for undercharges by freight forwarders	779	799
49 U.S.C. 14904(b)(1)	Maximum penalty for subsequent violations	3,116	3,195
49 U.S.C. 14904(b)(2)	Maximum penalty for other first violations under § 13702	779	799
49 U.S.C. 14904(b)(2)	Maximum penalty for subsequent violations	3,116	3,195
49 U.S.C. 14905(a)	Maximum penalty for each knowing violation of § 14103(a), and knowingly authorizing, consenting to, or permitting a violation of § 14103(a) or (b).	15,583	15,976
49 U.S.C. 14906	Minimum penalty for first attempt to evade regulation	2,133	2,187
49 U.S.C. 14906	Minimum amount for each subsequent attempt to evade regulation	5,332	5,466
49 U.S.C. 14907	Maximum penalty for recordkeeping/reporting violations	7,791	7,987
49 U.S.C. 14908(a)(2)	Maximum penalty for violation of § 14908(a)(1)	3,116	3,195
49 U.S.C. 14910	When another civil penalty is not specified under this part, for each violation, for each day.	779	799
49 U.S.C. 14915(a)(1)–(2)	Minimum penalty for holding a household goods shipment hostage, for each day	12,383	12,695
49 U.S.C. 14916(c)(1)	Maximum penalty for each violation under § 14916(a) by knowingly authorizing, consenting to, or permitting unlawful brokerage activities.	10,663	10,932
Pipeline Carrier Civil Penalties			
49 U.S.C. 16101(a)	Maximum penalty for violation of this part, for each day	7,791	7,987
49 U.S.C. 16101(b)(1), (4)	For each recordkeeping violation under § 15722, each day	779	799
49 U.S.C. 16101(b)(2), (4)	For each inspection violation liable under § 15722, each day	155	159
49 U.S.C. 16101(b)(3)–(4)	For each reporting violation under § 15723, each day	155	159
49 U.S.C. 16103(a)	Maximum penalty for improper disclosure of information	1,558	1,597

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