

States Court of Appeals for the appropriate circuit by July 16, 2019. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these actions for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rules or actions. These actions may not be challenged later in proceedings to enforce their requirements. *See* section 307(b)(2).

**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.

Dated: May 6, 2019.

**Mary S. Walker,**

*Acting Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

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

**Subpart L—Georgia**

■ 2. In § 52.570, paragraph (e) is amended by adding an entry for “110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO<sub>2</sub> NAAQS” at the end of the table to read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS**

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
* * * 110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO <sub>2</sub> NAAQS.	* * * Georgia .....	* * * 07/24/18	* * * 5/17/19 [Insert citation of publication].	* * * Addressing Prongs 1 and 2 of section 110(a)(2)(D)(i) only.

**Subpart RR—Tennessee**

■ 3. In § 52.2220, paragraph (e) is amended by adding an entry for

“110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO<sub>2</sub> NAAQS” at the end of the table to read as follows:

**§ 52.2220 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS**

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO <sub>2</sub> NAAQS.	Tennessee .....	05/14/18	5/17/19 [Insert citation of publication].	Addressing Prongs 1 and 2 of section 110(a)(2)(D)(i) only.

[FR Doc. 2019–10187 Filed 5–16–19; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R10–OAR–2018–0801; FRL–9993–75–Region 10]

**Air Plan Approval; OR; 2015 Ozone NAAQS Interstate Transport Requirements**

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

**ACTION:** Final rule.

**SUMMARY:** The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in

other states. On September 25, 2018, the State of Oregon made a submission to the Environmental Protection Agency (EPA) to address these requirements for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The EPA is approving the submission as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

**DATES:** This action is effective on June 17, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2018–0801. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information

whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. **FOR FURTHER INFORMATION CONTACT:** Claudia Vaupel, (206) 553–6121, [vaupel.claudia@epa.gov](mailto:vaupel.claudia@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background Information**

On March 5, 2019, the EPA proposed to approve Oregon’s September 25, 2018 submittal as meeting the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2015 ozone NAAQS (84 FR 7854). An explanation of

the CAA requirements, a detailed analysis of the submittal, and the EPA's reasons for approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on April 4, 2019. The EPA did not receive comments on the proposal.

## II. Final Action

The EPA is approving Oregon's September 25, 2018 submittal as meeting the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2015 ozone NAAQS.

## III. Statutory and Executive Orders Review

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 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 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 SIP 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 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; and
- Does not provide the 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).

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 it 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a

"major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 16, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

## 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.

Dated: April 22, 2019.

**Chris Hladick,**

*Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

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

### Subpart MM—Oregon

- 2. In § 52.1970, paragraph (e), table 5, is amended under the heading "110(a)(2) Infrastructure and Interstate Transport" by adding an entry for "2015 Ozone NAAQS Interstate Transport" immediately after the entry for "Interstate Transport for the 2012 PM<sub>2.5</sub> NAAQS" to read as follows:

#### § 52.1970 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

TABLE 5—STATE OF OREGON AIR QUALITY CONTROL PROGRAM APPROVED BUT NOT INCORPORATED BY REFERENCE

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
*	*	*	*	*
<b>110(a)(2) Infrastructure and Interstate Transport</b>				
*	*	*	*	*
2015 Ozone NAAQS Interstate Transport.	Statewide .....	9/25/2018	5/17/2019, [Insert <b>Federal Register</b> citation].	This action addresses CAA 110(a)(2)(D)(i)(I).
*	*	*	*	*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[EPA–R01–RCRA–2018–0431; FRL–9993–77–Region 1]

**New Hampshire: Final Authorization of State Hazardous Waste Management Program Revisions**

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

**ACTION:** Final authorization.

**SUMMARY:** The Environmental Protection Agency (EPA) is granting New Hampshire final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on March 1, 2019, and provided for public comment. Four (4) comments were received during the public comment period. A summary and response to these comments is provided below. These comments did not affect EPA’s decision. No further opportunity for comment will be provided.

**DATES:** This final authorization is effective May 17, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R01–RCRA–2018–0431. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Publicly available docket materials are available electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen Yee, RCRA Waste Management, UST & Pesticides Section, Land, Chemicals and Redevelopment Division, EPA Region 1, 5 Post Office Square, Suite 100 (Mail Code: 07–1), Boston, MA 02109–3912, Tel: (617) 918–1197; Fax: (617) 918–0197, email: [yee.steve@epa.gov](mailto:yee.steve@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. What changes to New Hampshire’s hazardous waste program is EPA authorizing with this action?**

On September 10, 2018, New Hampshire submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that New Hampshire’s hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the Proposed Rule published in the March 1, 2019, **Federal Register** at 84 FR 7010.

During the public comment period, EPA received four (4) comments. These comments can be found at: <https://www.federalregister.gov/documents/2019/03/01/2019-03590/new-hampshire-proposed-authorization-of-state-hazardous-waste-management-program-revisions>. EPA has reviewed these comments, which overall were supportive of EPA’s proposed authorization, and did not identify any specific factual or legal deficiency in EPA’s proposed authorization, or were outside the scope of EPA’s proposed action. Accordingly, they have not

altered EPA’s final decision to authorize the New Hampshire’s program revisions. EPA will forward these comments to the State for their consideration.

Also, the following additions and corrections will become part of the authorized program:

1. EPA inadvertently omitted two (2) Revision Checklists (RC) during the preparation of the Proposed Rule **Federal Register** Notice. These RCs were:

- RC 82—Wood Preserving Listings, and
- RC 192B—Land Disposal Restrictions (LDR) Correction. (RC 192B is cited in the Special Consolidated Checklist (SCC) Phases I–IV LDR as of 12/31/2002).

The revisions in the RCs were incorporated into the NH regulations and the provision are equivalent to the Federal regulations.

2. The following standalone checklists were inadvertently repeated in the SCC for the Phases I–IV LDRs as of 12/31/2002 during the preparation of the Proposed Rule **Federal Register** Notice. They are:

RC 117A—“Mixture” and “Derived-From” Rules; Response to Court Remand, and

RC 178—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills.

3. The following checklist was inadvertently listed in the SCC for Wood Preserving during the preparation of the Proposed Rule **Federal Register** Notice, it should have been listed in the SCC for the Phases I–IV LDRs as of 12/31/2002:

RC 162—Clarification of Standards for Hazardous Waste LDR Treatment Variances.