

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.

## B. What is codification and is EPA codifying the New Hampshire's hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of New Hampshire's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart EE for the authorization of New Hampshire's program at a later date.

## C. Statutory and Executive Order Reviews

This final authorization revises New Hampshire's authorized hazardous waste management program pursuant to section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the March 1, 2019 **Federal Register** at 84 FR 7010. 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. EPA will submit a report containing this document 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 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). This final action is effective May 17, 2019.

## List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: May 1, 2019.

**Deborah A. Szaro,**

*Acting Regional Administrator, EPA Region 1.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 3160

**[LLWO310000 L13100000 PP0000 19X]**

**RIN 1004-AE56**

### Onshore Oil and Gas Operations—Annual Civil Penalties Inflation Adjustments

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule adjusts the level of civil monetary penalties contained in the Bureau of Land Management's (BLM) regulations governing onshore oil and gas operations as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and consistent with applicable Office of Management and Budget (OMB) guidance. The adjustments made by this final rule constitute the 2019 annual inflation adjustments, accounting for one year of inflation spanning the period from October 2017 through October 2018.

**DATES:** This rule is effective on May 17, 2019.

**FOR FURTHER INFORMATION CONTACT:** Steven Wells, Division Chief, Fluid Minerals Division, 202-912-7143, for information regarding the BLM's Fluid Minerals Program. For questions relating to regulatory process issues, please contact Jennifer Noe, Division of Regulatory Affairs, at 202-912-7442. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week to contact the above individuals.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### II. Calculation of 2019 Adjustments

##### III. Procedural Requirements

- A. Administrative Procedure Act.
- B. Regulatory Planning and Review (E.O. 12866, E.O. 13563, and E.O. 13771)
- C. Regulatory Flexibility Act
- D. Small Business Regulatory Enforcement Fairness Act
- E. Unfunded Mandates Reform Act
- F. Takings (E.O. 12630)
- G. Federalism (E.O. 13132)

H. Civil Justice Reform (E.O. 12988)

I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

J. Paperwork Reduction Act

K. National Environmental Policy Act

L. Effects on the Energy Supply (E.O. 13211)

## I. Background

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74) (the 2015 Act) became law, amending the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410).

The 2015 Act requires agencies to:

1. Adjust the level of civil monetary penalties for inflation with an initial "catch-up" adjustment through an interim final rulemaking in 2016;
2. Make subsequent annual adjustments for inflation beginning in 2017; and
3. Report annually in Agency Financial Reports on these inflation adjustments.

The purpose of these adjustments is to maintain the deterrent effect of civil monetary penalties and promote compliance with the law (*see* Pub. L. 101-410 at § 1).

As required by the 2015 Act, the BLM issued an interim final rule that adjusted the level of civil monetary penalties in BLM regulations with the initial "catch-up" adjustment (RIN 1004-AE46, 81 FR 41860), which was published on June 28, 2016, and became effective on July 28, 2016. On January 19, 2017, the BLM published a final rule (RIN 1004-AE49, 82 FR 6305) updating the civil penalty amounts to the 2017 annual adjustment levels. The final rule updating the civil penalty amounts to the 2018 annual adjustment levels was published on January 29, 2018 (RIN 1004-AE51, 83 FR 3992).

OMB issued Memorandum M-19-04 on December 14, 2018 (Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015) explaining agency responsibilities for identifying applicable penalties and calculating the annual adjustment for 2019 in accordance with the 2015 Act.

## II. Calculation of 2019 Adjustment

In accordance with the 2015 Act and OMB Memorandum M-19-04, the BLM has identified applicable civil monetary penalties in its regulations and calculated the annual adjustment. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in