

2003; NR 436 as published in the Wisconsin Register November 1999 No. 526, effective November 1, 1999; NR 445 as published in the Wisconsin Register March 2016 No. 723, effective April 1, 2016; NR 447 as published in the Wisconsin Register June 2004 No. 582, effective July 1, 2004; NR 492 as published in the Wisconsin Register April 2013 No. 688, effective May 1, 2013; NR 493 as published in the Wisconsin Register November 1999 No. 527, effective December 1, 1999; Chapter Trans 131 as published in the Wisconsin Register July 2023 No. 811, effective August 1, 2023; and Wisconsin Statutes Chapters 15, 110, 285 and 299, Updated 21–22 Wis. Stats., published October 4, 2023, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Also in this document, EPA is proposing to remove EPA-Approved Wisconsin rules NR 422.02(24) and NR 493.05(5)(title) and EPA-Approved Wisconsin Statutes 144.30(9m), 144.30(9p), 144.30(9r), 144.30(17), 144.30(17m), 144.30(18), 144.30(18m), 144.30(19), 144.30(19m), 144.30(22), 144.30(22m), 144.3712(2), 144.3712(3), 144.395, 144.397(1), 144.399(2), 144.399(3) and 144.402 from the Wisconsin SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

## VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 14094 (88 FR 21879, April 11, 2023);
- 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;

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

- 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 CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where 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 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).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

WDNR did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither

prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action.

Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations and Indigenous peoples.

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 8, 2024.

**Debra Shore,**

*Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 124, 260, 264, 265, 270, and 271

[EPA–HQ–OLEM–2021–0397; FRL–8592–03–OLEM]

RIN 2050–AH24

### Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives; Extension of Comment Period

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is extending the comment period for the proposed rule entitled “Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives.” EPA published the proposed rule in the **Federal Register** on March 20, 2024 (89 FR 19952) and the public comment period was scheduled to end on May 20, 2024. However, EPA has received requests for additional time to develop and submit comments on the proposal. In response to the requests for additional time, EPA is extending the comment period for an additional 31 days, through June 20, 2024.

**DATES:** Written comments must be received on or before June 20, 2024.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2021–0397, by any of the following methods:

• *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.

• *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, RCRA Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

• *Hand Delivery/Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

*Instructions:* All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Sasha Lucas-Gerhard (email address: [gerhard.sasha@epa.gov](mailto:gerhard.sasha@epa.gov), phone number: (202) 566–0346) or Paul Diss (email address: [diss.paul@epa.gov](mailto:diss.paul@epa.gov), phone number: (202) 566–0321), in the Program Implementation and Information Division, Office of Resource Conservation and Recovery.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Summary**

On March 20, 2024, EPA published in the **Federal Register** (89 FR 19952) a proposed rule that would revise the RCRA regulations to clarify and add specificity to existing requirements for owners/operators of open burning and open detonation (OB/OD) units, including how and when to apply and implement the requirements in the permitting process.

In 1980, EPA prohibited OB/OD of hazardous waste due to the potential risks to human health and the environment. EPA allowed one exception to this prohibition for OB/OD of waste explosives because at the time, there were no safe alternative treatment options for these wastes. Since that time, facilities have been required to

determine and continue to evaluate whether alternatives are available. Recent findings from the National Academies of Sciences, Engineering, and Medicine and EPA identify several safe alternatives that are now available for certain types of explosive wastes. The proposed rule would improve implementation of requirements for how facilities must evaluate and use alternative technologies determined to be safe and available for treating waste explosives in lieu of OB/OD, and would set new minimum technical standards for OB/OD where it remains the only available treatment option.

Specifically, EPA proposed to create new subparts for OB/OD units in parts 264 (applicable to permitted facilities) and 265 (applicable to interim status facilities). The new subparts contain requirements that would apply to all owners/operators conducting or seeking to conduct OB/OD of waste explosives, including activities conducted as part of RCRA cleanup and closure. The new subparts propose: certain requirements for OB/OD emergency permits and an exemption from the alternative technology evaluation and implementation regulations for the de minimis treatment of waste explosives by OB/OD; new provisions that would specify how and when owners/operators and permit authorities are to evaluate alternative treatment technologies for OB/OD, including specific information that would be required for facilities to demonstrate whether safe modes of treatment are available for specific waste streams and for waste analysis/characterization; new and revised regulatory provisions on timelines for implementing alternative technologies; wastes prohibited/restricted from OB/OD; technical standards for OB/OD units; delay of closure applicability to OB/OD units; clarifications to emergency provisions; and procedures for permitting of mobile treatment units (MTUs) for waste explosives.

The comment period for the proposed rule was scheduled to end on May 20, 2024. Since publication, EPA has received requests to extend that comment period to allow for additional time to develop comments on the proposed rule. After considering the requests, EPA has decided to extend the

comment period for an additional 31 days, through June 20, 2024.

##### **II. Public Participation**

Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2021–0397, at [https://www.regulations.gov](https://www.regulations.gov/) (our preferred method), or the other methods identified in the **ADDRESSES** section of this document. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov/> 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. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

##### **List of Subjects in 40 CFR Parts 124, 260, 264, 265, 270, and 271**

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Insurance, Intergovernmental relations, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Security measures, Surety bonds, Water pollution control, Water supply.

Dated: May 13, 2024.

**Carolyn Hoskinson,**

*Director, Office of Resource Conservation and Recovery.*

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