

Additionally, Georgia's July 31, 2018, SIP revision makes changes to Rule 391-3-1-.02(2)(c), "Incinerators." The change updates rule titles for Hospital/Medical/Infectious Waste Incinerators, Commercial and Industrial Solid Waste, and Sewage Sludge Incinerators in Subparagraphs (6)(iv), (v), (vi), (vii), and (xiii). Lastly, a typographical edit is made to Rule 391-3-1-.03(11)(b)(11), "Peanut/Nut Shelling Operations" at Subparagraph (i)(II). EPA is proposing to approve these changes because they are minor and clarifying changes that do not relax or alter the meaning of the rules.

### III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the GA EPD Rule 391-3-1-.01, "Definitions," Rule 391-3-.02(2)(c), "Incinerators," and Rule 391-3-1-.03(11) "Permit by Rule," which clarifies the rule by updating rule titles and making typographical corrections, state effective June 18, 2018. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### IV. Proposed Action

EPA is proposing to approve the aforementioned changes to Georgia August 2, 2018, SIP submittal that make changes to Rule 391-3-1-.01, "Definitions," Rule 391-3-.02(2)(c), "Incinerators," and Rule 391-3-1-.03(11) "Permit by Rule." EPA views these changes as being consistent with the CAA.

### V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 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. This action merely proposes to approve 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 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 CAA; 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).

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

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

Dated: June 26, 2019.

**Mary S. Walker,**  
Region 4.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271 and 272

[EPA-R06-RCRA-2016-0549; FRL-9993-44-Region 6]

### Texas: Proposed Authorization of State-Initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program

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

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

**SUMMARY:** On October 24, 2018, the Environmental Protection Agency (EPA) published a proposed rule and provided for a thirty-day public comment period. The public comment period closed on November 23, 2018 and EPA received three comments. The purpose of this document is to reopen the comment period for an additional 30 days. This extension of the comment period is provided to allow the public additional time to provide comment on the October 24, 2018 proposed rule. All comments submitted during the original comment period as well those submitted during this extension of the comment period will be accepted and considered.

**DATES:** Comments on this proposed rule must be received by August 9, 2019.

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

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- **Email:** [jones.bruced@epa.gov](mailto:jones.bruced@epa.gov) or [patterson.alima@epa.gov](mailto:patterson.alima@epa.gov).
- **Fax:** (214) 665-6762 (prior to faxing, please notify Alima Patterson at (214) 665-8533).

- **Mail:** Alima Patterson, Regional Authorization/Codification Coordinator, RCRA Permit Section (LCR-RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270.

- **Hand Delivery or Courier:** Deliver your comments to Alima Patterson, Regional Authorization/Codification Coordinator, RCRA Permit Section (LCR-RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270

**Instructions:** EPA must receive your comments by August 9, 2019. Direct your comments to Docket ID Number EPA-R06-RCRA-2016-0549. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>

[www.regulations.gov](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 [regulations.gov](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. (For additional information about the EPA’s public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets/commenting-epa-dockets>.)

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy. You may view and copy the documents that form the basis for this authorization and codification and associated publicly available materials from 8:30 a.m. to 4 p.m. Monday through Friday at the following location: EPA, Region 6, 1201 Elm Street Suite 500, Dallas, Texas 75270, contact: Alima Patterson, phone number: (214) 665–8533. Interested persons wanting to examine these documents in person should contact Ms. Patterson to make an appointment.

**FOR FURTHER INFORMATION CONTACT:** Bruce Jones, Office of Regional Counsel (ORC), (214) 665–3184 and Email address [jones.bruce@epa.gov](mailto:jones.bruce@epa.gov); or Alima

Patterson, Regional Authorization/Codification Coordinator, Permit Section (LCR–RP), Land, Chemical and Redevelopment (214) 665–8533 and Email address [patterson.alima@epa.gov](mailto:patterson.alima@epa.gov); EPA Region 6, 1201 Elms, Suite 500, Dallas, Texas 75202–2733.

**SUPPLEMENTARY INFORMATION:** On October 24, 2018 (83 FR 53595), the EPA published a Proposed Rule to approve state-initiated changes and incorporation by reference of the State of Texas hazardous waste program under (RCRA). EPA is reopening the comment period due to a comment noting the public needed additional time to comment and that some items were not in the docket on [www.regulations.gov](http://www.regulations.gov). EPA has now put these documents into the docket identified by Docket ID EPA–R06–RCRA–2016–0549 at [www.regulations.gov](http://www.regulations.gov) and provided this additional comment period.

#### List of Subjects

##### 40 CFR Part 271

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

##### 40 CFR Part 272

Environmental protection, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Intergovernmental relations, Water pollution control, Water supply.

**Authority:** This document 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, 6974(b).

Dated: June 28, 2019.

**David Gray,**

*Acting Regional Administrator, Region 6.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

**RIN 0648–XG809**

#### Notification of the Rejection of the Petition To Ban Imports of All Fish and Fish Products From New Zealand That Do Not Satisfy the Marine Mammal Protection Act

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Rejection of the petition to ban imports through emergency rulemaking.

**SUMMARY:** NMFS announces the rejection of a petition for emergency rulemaking under the Administrative Procedure Act. Sea Shepherd Legal, Sea Shepherd New Zealand Ltd., and Sea Shepherd Conservation Society petitioned the U.S. Department of Commerce and other relevant Departments to initiate emergency rulemaking under the Marine Mammal Protection Act (“MMPA”), to ban importation of commercial fish or products from fish that have been caught with commercial fishing technology that results in incidental mortality or serious injury of Māui dolphin (*Cephalorhynchus hectori Māui*) in excess of United States standards.

**DATES:** The petition for rulemaking was denied on June 18, 2019.

**FOR FURTHER INFORMATION CONTACT:** Nina Young, NMFS F/IASI (Office of International Affairs and Seafood Inspection) at [Nina.Young@noaa.gov](mailto:Nina.Young@noaa.gov) or 301–427–8383.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(2) of the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1371(a)(2), states that: “The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards.” In August 2016, NMFS published a final rule (81 FR 54390; August 15, 2016) implementing the fish and fish product import provisions in section 101(a)(2) of the MMPA. This rule established conditions for evaluating a harvesting nation’s regulatory programs to address incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States. In that rule’s preamble, NMFS stated that it may consider emergency rulemaking to ban imports of fish and fish products from an export or exempt fishery having or likely to have an immediate and significant adverse impact on a marine mammal stock.

##### The Petition

NMFS received a petition on February 6, 2019, from Sea Shepherd Legal, Sea Shepherd New Zealand Ltd., and Sea