

U.S. Code citation	CMP description	New maximum amount
(10) 12 U.S.C. 1786(k)(2)(A)	Tier 2 CMP for violations of law, regulation, and other orders or agreements and for recklessly engaging in unsafe or unsound practices or breaches of fiduciary duty.	\$50,334.
(11) 12 U.S.C. 1786(k)(2)(A)	Tier 3 CMP for knowingly committing the violations under Tier 1 or 2 (natural person).	\$2,013,399.
(12) 12 U.S.C. 1786(k)(2)(A)	Tier 3 CMP for knowingly committing the violations under Tier 1 or 2 (insured credit union).	\$2,013,399 or 1 percent of the total assets of the credit union, whichever is less.
(13) 12 U.S.C. 1786(w)(5)(ii)	Non-compliance with senior examiner post-employment restrictions.	\$331,174.
(14) 15 U.S.C. 1639e(k)	Non-compliance with appraisal independence requirements.	First violation: \$11,563 Subsequent violations: \$23,125.
(15) 42 U.S.C. 4012a(f)(5) ...	Non-compliance with flood insurance requirements	\$2,187.

(b) The adjusted amounts displayed in paragraph (a) of this section apply to civil monetary penalties that are assessed after the date the increase takes effect, including those whose associated violation or violations pre-dated the increase and occurred after November 2, 2015.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 19

[FRL-9988-90-OAR-OECA]

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating this final rule to adjust the level of the maximum (or minimum) statutory civil monetary penalty amounts under the statutes EPA administers. This action is mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (“the 2015 Act”). The 2015 Act prescribes a formula for annually adjusting the statutory maximum (or minimum) amount of civil penalties to reflect inflation, maintain the deterrent effect of statutory civil penalties, and promote compliance with the law. The rule does not necessarily revise the penalty amounts that EPA chooses to seek pursuant to its civil penalty policies in a particular case. EPA’s civil penalty policies, which guide enforcement personnel on how to exercise EPA’s statutory penalty authorities, take into account a number of fact-specific considerations, *e.g.*, the seriousness of the violation, the

violator’s good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and a violator’s ability to pay.

DATES: This final rule is effective February 6, 2019, and applicable beginning January 15, 2019.

FOR FURTHER INFORMATION, CONTACT: David Smith-Watts, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, Mail Code 2241A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 564-4083; *smith-watts.david@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Since 1990, federal agencies have been required to issue regulations adjusting for inflation the statutory civil penalties¹ that can be imposed under the laws administered by that agency. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (DCIA), required agencies to review their statutory civil penalties every 4 years, and to adjust the statutory civil penalty amounts for inflation if the increase met the DCIA’s adjustment methodology. In accordance with the DCIA, EPA reviewed and, as appropriate, adjusted the civil penalty levels under each of the statutes the agency implements in 1996 (61 FR 69360), 2004 (69 FR 7121), 2008 (73 FR 75340), and 2013 (78 FR 66643).

The 2015 Act² required each federal agency to adjust the level of statutory

civil penalties under the laws implemented by that agency with an initial “catch-up” adjustment through an interim final rulemaking. The 2015 Act also required federal agencies, beginning on January 15, 2017, to make subsequent annual adjustments for inflation. Section 4 of the 2015 Act requires each federal agency to publish these annual adjustments by January 15 of each year. The purpose of the 2015 Act is to maintain the deterrent effect of civil penalties by translating originally enacted statutory civil penalty amounts to today’s dollars and rounding statutory civil penalties to the nearest dollar.

As required by the 2015 Act, EPA issued a catch-up rule on July 1, 2016, which was effective August 1, 2016 (81 FR 43091). EPA made its first annual adjustment on January 12, 2017, which was effective on January 15, 2017 (82 FR 3633). EPA made its second annual adjustment on January 10, 2018, which was effective on January 15, 2018 (83 FR 1190). Today’s rule implements the third annual adjustment mandated by the 2015 Act.

The 2015 Act describes the method for calculating the adjustments. Each statutory maximum and minimum³ civil monetary penalty is multiplied by the cost-of-living adjustment, which is

L. 114–74) was signed into law on Nov. 2, 2015, and further amended the Federal Civil Penalties Inflation Adjustment Act of 1990.

³ Under Section 3(2)(A) of the 2015 Act, “civil monetary penalty” means “a specific monetary amount as provided by Federal law”; or “has a maximum amount provided for by Federal law.” EPA-administered statutes generally refer to statutory maximum penalties, with the following exceptions: Section 311(b)(7)(D) of the Clean Water Act, 33 U.S.C. 1321(b)(7)(D), refers to a minimum penalty of “not less than \$100,000 . . .”; Section 104B(d)(1) of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1414b(d)(1), refers to an exact penalty of \$600 “[f]or each dry ton (or equivalent) of sewage sludge or industrial waste dumped or transported by the person in violation of this subsection in calendar year 1992 . . .”; and Section 325(d)(1) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11045(d)(1), refers to an exact civil penalty of \$25,000 for each frivolous trade secret claim.

¹ The Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 28 U.S.C. 2461 note, defines “civil monetary penalty” as “any penalty, fine, or other sanction that—(A)(i) is for a specific monetary amount as provided by Federal law; or (ii) has a maximum amount provided for by Federal law; and (B) is assessed or enforced by an agency pursuant to Federal law; and (C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.”

² The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701 of Pub.

the percentage by which the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2018 exceeds the CPI-U for the month of October 2017.⁴

With this rule, the new statutory maximum and minimum penalty levels listed in the seventh column of Table 2 of 40 CFR 19.4 will apply to all civil penalties assessed on or after February 6, 2019, for violations that occurred after November 2, 2015, the date the 2015 Act was enacted. The former maximum and minimum statutory civil penalty levels, which are in the sixth column of Table 2 to 40 CFR 19.4, will now apply only to violations that occurred after November 2, 2015, where the penalties were assessed on or after January 15, 2018 but before February 6, 2019. The statutory penalty levels for violations that occurred after November 2, 2015, where the penalties were assessed on or after August 1, 2016 but before January 15, 2017, are codified in the fourth column of Table 2 to 40 CFR 19.4. The statutory civil penalty levels that apply to violations that occurred on or before November 2, 2015, are codified at Table 1 to 40 CFR 19.4.

The formula for determining the cost-of-living or inflation adjustment to statutory civil penalties consists of the following steps:

Step 1: The cost-of-living adjustment multiplier for 2019 is the percentage by which the CPI-U of October 2018 (252.885) exceeds the CPI-U for the month of October 2017 (246.663), which is 1.02522.⁵ Multiply 1.02522 by the current penalty amount. This is the raw adjusted penalty value.

Step 2: Round the raw adjusted penalty value. Section 5 of the 2015 Act states that any adjustment shall be rounded to the nearest multiple of \$1. The result is the final penalty value for the year.

II. The 2015 Act Requires Federal Agencies To Publish Annual Penalty Inflation Adjustments Notwithstanding Section 553 of the Administrative Procedures Act

⁴ Current and historical CPI-U's can be found on the Bureau of Labor Statistics' website here: <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-201810.pdf>.

⁵ Section 5(b) of the 2015 Act states “. . . the term ‘cost-of-living adjustment’ means the percentage (if any) for each civil monetary penalty by which—

(A) the Consumer Price Index for the month of October preceding the date of the adjustment, exceeds

(B) the Consumer Price Index for the month of October 1 year before the month of October referred to in subparagraph (A).”

Because the CPI-U for October 2018 is 252.885 and the CPI-U for October 2017 is 246.663, the cost-of-living multiplier is 1.02522 (252.885 divided by 246.663).

Pursuant to section 4 of the 2015 Act, each federal agency is required to publish the next annual adjustments no later than January 15, 2019. However, due to the government shutdown from December 22, 2018, to January 25, 2019, EPA and the Office of **Federal Register** were unable to publish the rule by the January 15, 2019 deadline.

In accordance with section 553 of the Administrative Procedures Act (APA), most rules are subject to notice and comment and are effective no earlier than 30 days after publication in the **Federal Register**. However, Section 4(b)(2) of the 2015 Act provides that each agency shall make the annual inflation adjustments “notwithstanding section 553” of the APA. Consistent with the language of the 2015 Act, this rule is not subject to notice and an opportunity for public comment and will be effective on February 6, 2019.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to OMB for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule merely increases the level of statutory civil penalties that can be imposed in the context of a federal civil administrative enforcement action or civil judicial case for violations of EPA-administered statutes and their implementing regulations.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. Because the 2015 Act directs Federal agencies to publish this rule notwithstanding section 553 of the APA, this rule is not subject to notice and comment requirements or the RFA.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action is required by the 2015 Act, without the exercise of any policy discretion by EPA. This action also imposes no enforceable duty on any state, local or tribal governments or the private sector. Because the calculation of any increase is formula-driven pursuant to the 2015 Act, EPA has no policy discretion to vary the amount of the adjustment.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This rule merely reconciles the real value of current statutory civil penalty levels to reflect and keep pace with the levels originally set by Congress when the statutes were enacted. The calculation of the increases is formula-driven and prescribed by statute, and EPA has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Accordingly, this rule will not have a substantial direct effect on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

The rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. Rather, this action is mandated by the 2015 Act, which prescribes a formula for adjusting statutory civil penalties on an annual basis to reflect inflation.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The 2015 Act directs Federal agencies to publish their annual penalty inflation adjustments “notwithstanding section 553 [of the APA].” EPA finds that the APA’s notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest.

List of Subjects in 40 CFR Part 19

Environmental protection, Administrative practice and procedure, Penalties.

Dated: December 21, 2018.

Andrew R. Wheeler,
Acting Administrator.

For the reasons set out in the preamble, EPA amends title 40, chapter I, part 19 of the Code of Federal Regulations as follows:

PART 19—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

■ 1. The authority citation for part 19 continues to read as follows:

Authority: Pub. L. 101–410, Oct. 5, 1990, 104 Stat. 890, as amended by Pub. L. 104–134, title III, sec. 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321–373; Pub. L. 105–362, title XIII, sec. 1301(a), Nov. 10, 1998, 112 Stat. 3293; Pub. L. 114–74, title VII, sec. 701(b), Nov. 2, 2015, 129 Stat. 599.

■ 2. Revise § 19.2 to read as follows:

§ 19.2 Effective date.

The statutory penalty levels in the last column of Table 1 to § 19.4 apply to all violations which occurred after December 6, 2013 through November 2, 2015, and to violations occurring after November 2, 2015, where penalties were assessed before August 1, 2016. The statutory civil penalty levels set forth in the fourth column of Table 2 of § 19.4 apply to all violations which occurred after November 2, 2015, where the penalties were assessed on or after August 1, 2016 and before January 15, 2017. The statutory civil penalty levels set forth in the fifth column of Table 2 of § 19.4 apply to all violations which occurred after November 2, 2015, where the penalties were assessed on or after January 15, 2017 but before January 15, 2018. The statutory civil penalty levels set forth in the sixth column of Table 2 of § 19.4 apply to all violations which occurred after November 2, 2015, where the penalties were assessed on or after January 15, 2018 but before February 6, 2019. The statutory civil penalty levels set forth in the seventh and last column of Table 2 of § 19.4 apply to all

violations which occur or occurred after November 2, 2015, where the penalties are assessed on or after February 6, 2019.

■ 3. In § 19.4, revise the introductory text and table 2 of section 19.4 to read as follows:

§ 19.4 Statutory civil penalties, as adjusted for inflation, and tables.

Table 1 to § 19.4 sets out the statutory civil penalty provisions of statutes administered by EPA, with the original statutory civil penalty levels, as enacted, and the operative statutory civil penalty levels, as adjusted for inflation, for violations that occurred on or before November 2, 2015, and for violations that occurred after November 2, 2015, where penalties were assessed before August 1, 2016. Table 2 to § 19.4 sets out the statutory civil penalty provisions of statutes administered by EPA, with the third column displaying the original statutory civil penalty levels, as enacted. The fourth column of Table 2 displays the operative statutory civil penalty levels where penalties were assessed on or after August 1, 2016 but before January 15, 2017, for violations that occurred after November 2, 2015. The fifth column displays the operative statutory civil penalty levels where penalties were assessed on or after January 15, 2017 but before January 15, 2018, for violations that occurred after November 2, 2015. The sixth column displays the operative statutory civil penalty levels where penalties were assessed on or after January 15, 2018 but before January 15, 2019, for violations that occurred after November 2, 2015. The seventh and last column displays the operative statutory civil penalty levels where penalties are assessed on or after January 15, 2019, for violations that occur or occurred after November 2, 2015.

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TABLE 2 OF SECTION 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Environmental statute	Statutory civil penalties, as enacted	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after August 1, 2016 but before January 15, 2017	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2017 but before January 15, 2018	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2018 but before January 15, 2019	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2019
7 U.S.C. 136l(a)(1) ...	Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).	\$5,000	\$18,750	\$19,057	\$19,446	\$19,936
7 U.S.C. 136l(a)(2) ¹ ..	FIFRA	\$1,000/\$500/\$1,000 ...	\$2,750/\$1,772/\$2,750	\$2,795/\$1,801/\$2,795	\$2,852/\$1,838/\$2,852	\$2,924/\$1,884/\$2,924
15 U.S.C. 2615(a)(1)	Toxic Substances Control Act (TSCA).	\$25,000	\$37,500	\$38,114	\$38,892	\$39,873
15 U.S.C. 2647(a)	TSCA	\$5,000	\$10,781	\$10,957	\$11,181	\$11,463
15 U.S.C. 2647(g)	TSCA	\$5,000	\$8,908	\$9,054	\$9,239	\$9,472
31 U.S.C. 3802(a)(1)	Program Fraud Civil Remedies Act (PFCRA).	\$5,000	\$10,781	\$10,957	\$11,181	\$11,463
31 U.S.C. 3802(a)(2)	PFCRA	\$5,000	\$10,781	\$10,957	\$11,181	\$11,463

TABLE 2 OF SECTION 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil penalties, as enacted	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after August 1, 2016 but before January 15, 2017	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2017 but before January 15, 2018	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2018 but before January 15, 2019	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2019
33 U.S.C. 1319(d)	Clean Water Act (CWA).	\$25,000	\$51,570	\$52,414	\$53,484	\$54,833
33 U.S.C. 1319(g)(2)(A).	CWA	\$10,000/\$25,000	\$20,628/\$51,570	\$20,965/\$52,414	\$21,393/\$53,484	\$21,933/\$54,833
33 U.S.C. 1319(g)(2)(B).	CWA	\$10,000/\$125,000	\$20,628/\$257,848	\$20,965/\$262,066	\$21,393/\$267,415	\$21,933/\$274,159
33 U.S.C. 1321(b)(6)(B)(i).	CWA	\$10,000/\$25,000	\$17,816/\$44,539	\$18,107/\$45,268	\$18,477/\$46,192	\$18,943/\$47,357
33 U.S.C. 1321(b)(6)(B)(iii).	CWA	\$10,000/\$125,000	\$17,816/\$222,695	\$18,107/\$226,338	\$18,477/\$230,958	\$18,943/\$236,783
33 U.S.C. 1321(b)(7)(A).	CWA	\$25,000/\$1,000	\$44,539/\$1,782	\$45,268/\$1,811	\$46,192/\$1,848	\$47,357/\$1,895
33 U.S.C. 1321(b)(7)(B).	CWA	\$25,000	\$44,539	\$45,268	\$46,192	\$47,357
33 U.S.C. 1321(b)(7)(C).	CWA	\$25,000	\$44,539	\$45,268	\$46,192	\$47,357
33 U.S.C. 1321(b)(7)(D).	CWA	\$100,000/\$3,000	\$178,156/\$5,345	\$181,071/\$5,432	\$184,767/\$5,543	\$189,427/\$5,683
33 U.S.C. 1414b(d)(1)	Marine Protection, Research, and Sanctuaries Act (MPRSA).	\$600	\$1,187	\$1,206	\$1,231	\$1,262
33 U.S.C. 1415(a)	MPRSA	\$50,000/\$125,000	\$187,500/\$247,336	\$190,568/\$251,382	\$194,457/\$256,513	\$199,361/\$262,982
33 U.S.C. 1901 note (see 1409(a)(2)(A)).	Certain Alaskan Cruise Ship Operations (CACSO).	\$10,000/\$25,000	\$13,669/\$34,172	\$13,893/\$34,731	\$14,177/\$35,440	\$14,535/\$36,334
33 U.S.C. 1901 note (see 1409(a)(2)(B)).	CACSO	\$10,000/\$125,000	\$13,669/\$170,861	\$13,893/\$173,656	\$14,177/\$177,200	\$14,535/\$181,669
33 U.S.C. 1901 note (see 1409(b)(1)).	CACSO	\$25,000	\$34,172	\$34,731	\$35,440	\$36,334
33 U.S.C. 1908(b)(1)	Act To Prevent Pollution From Ships (APPS).	\$25,000	\$70,117	\$71,264	\$72,718	\$74,552
33 U.S.C. 1908(b)(2)	APPS	\$5,000	\$14,023	\$14,252	\$14,543	\$14,910
42 U.S.C. 300g–3(b)	Safe Drinking Water Act (SDWA).	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 300g–3(g)(3)(A).	SDWA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 300g–3(g)(3)(B).	SDWA	\$5,000/\$25,000	\$10,781/\$37,561	\$10,957/\$38,175	\$11,181/\$38,954	\$11,463/\$39,936
42 U.S.C. 300g–3(g)(3)(C).	SDWA	\$25,000	\$37,561	\$38,175	\$38,954	\$39,936
42 U.S.C. 300h–2(b)(1).	SDWA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 300h–2(c)(1).	SDWA	\$10,000/\$125,000	\$21,563/\$269,535	\$21,916/\$273,945	\$22,363/\$279,536	\$22,927/\$286,586
42 U.S.C. 300h–2(c)(2).	SDWA	\$5,000/\$125,000	\$10,781/\$269,535	\$10,957/\$273,945	\$11,181/\$279,536	\$11,463/\$286,586
42 U.S.C. 300h–3(c) ..	SDWA	\$5,000/\$10,000	\$18,750/\$40,000	\$19,057/\$40,654	\$19,446/\$41,484	\$19,936/\$42,530
42 U.S.C. 300i(b) ..	SDWA	\$15,000	\$22,537	\$22,906	\$23,374	\$23,963
42 U.S.C. 300i–1(c) ..	SDWA	\$100,000/\$1,000,000	\$131,185/\$1,311,850	\$133,331/\$1,333,312	\$136,052/\$1,360,525	\$139,483/\$1,394,837
42 U.S.C. 300j(e)(2) ..	SDWA	\$2,500	\$9,375	\$9,528	\$9,722	\$9,967
42 U.S.C. 300j–4(c) ..	SDWA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 300j–6(b)(2).	SDWA	\$25,000	\$37,561	\$38,175	\$38,954	\$39,936
42 U.S.C. 300j–23(d)	SDWA	\$5,000/\$50,000	\$9,893/\$98,935	\$10,055/\$100,554	\$10,260/\$102,606	\$10,519/\$105,194
42 U.S.C. 4852d(b)(5)	Residential Lead–Based Paint Hazard Reduction Act of 1992.	\$10,000	\$16,773	\$17,047	\$17,395	\$17,834
42 U.S.C. 4910(a)(2)	Noise Control Act of 1972.	\$10,000	\$35,445	\$36,025	\$36,760	\$37,687
42 U.S.C. 6928(a)(3)	Resource Conservation and Recovery Act (RCRA).	\$25,000	\$93,750	\$95,284	\$97,229	\$99,681
42 U.S.C. 6928(c)	RCRA	\$25,000	\$56,467	\$57,391	\$58,562	\$60,039
42 U.S.C. 6928(g)	RCRA	\$25,000	\$70,117	\$71,264	\$72,718	\$74,552
42 U.S.C. 6928(h)(2)	RCRA	\$25,000	\$56,467	\$57,391	\$58,562	\$60,039
42 U.S.C. 6934(e)	RCRA	\$5,000	\$14,023	\$14,252	\$14,543	\$14,910
42 U.S.C. 6973(b)	RCRA	\$5,000	\$14,023	\$14,252	\$14,543	\$14,910
42 U.S.C. 6991e(a)(3)	RCRA	\$25,000	\$56,467	\$57,391	\$58,562	\$60,039
42 U.S.C. 6991e(d)(1)	RCRA	\$10,000	\$22,587	\$22,957	\$23,426	\$24,017
42 U.S.C. 6991e(d)(2)	RCRA	\$10,000	\$22,587	\$22,957	\$23,426	\$24,017
42 U.S.C. 7413(b)	Clean Air Act (CAA) ..	\$25,000	\$93,750	\$95,284	\$97,229	\$99,681
42 U.S.C. 7413(d)(1)	CAA	\$25,000/\$200,000	\$44,539/\$356,312	\$45,268/\$362,141	\$46,192/\$369,532	\$47,357/\$378,852
42 U.S.C. 7413(d)(3)	CAA	\$5,000	\$8,908	\$9,054	\$9,239	\$9,472
42 U.S.C. 7524(a)	CAA	\$25,000/\$2,500	\$44,539/\$4,454	\$45,268/\$4,527	\$46,192/\$4,619	\$47,357/\$4,735
42 U.S.C. 7524(c)(1)	CAA	\$200,000	\$356,312	\$362,141	\$369,532	\$378,852
42 U.S.C. 7545(d)(1)	CAA	\$25,000	\$44,539	\$45,268	\$46,192	\$47,357
42 U.S.C. 9604(e)(5)(B).	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 9606(b)(1)	CERCLA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 9609(a)(1)	CERCLA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 9609(b)	CERCLA	\$25,000/\$75,000	\$53,907/\$161,721	\$54,789/\$164,367	\$55,907/\$167,722	\$57,317/\$171,952
42 U.S.C. 9609(c)	CERCLA	\$25,000/\$75,000	\$53,907/\$161,721	\$54,789/\$164,367	\$55,907/\$167,722	\$57,317/\$171,952

TABLE 2 OF SECTION 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil penalties, as enacted	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after August 1, 2016 but before January 15, 2017	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2017 but before January 15, 2018	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2018 but before January 15, 2019	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 15, 2019
42 U.S.C. 11045(a) ...	Emergency Planning and Community Right-To-Know Act (EPCRA).	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 11045(b)(1)(A).	EPCRA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 11045(b)(2)	EPCRA	\$25,000/\$75,000	\$53,907/\$161,721	\$54,789/\$164,367	\$55,907/\$167,722	\$57,317/\$171,952
42 U.S.C. 11045(b)(3)	EPCRA	\$25,000/\$75,000	\$53,907/\$161,721	\$54,789/\$164,367	\$55,907/\$167,722	\$57,317/\$171,952
42 U.S.C. 11045(c)(1)	EPCRA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 11045(c)(2)	EPCRA	\$10,000	\$21,563	\$21,916	\$22,363	\$22,927
42 U.S.C. 11045(d)(1)	EPCRA	\$25,000	\$53,907	\$54,789	\$55,907	\$57,317
42 U.S.C. 14304(a)(1)	Mercury-Containing and Rechargeable Battery Management Act (Battery Act).	\$10,000	\$15,025	\$15,271	\$15,583	\$15,976
42 U.S.C. 14304(g) ...	Battery Act	\$10,000	\$15,025	\$15,271	\$15,583	\$15,976

¹ Note that 7 U.S.C. 136f(a)(2) contains three separate statutory maximum civil penalty provisions. The first mention of \$1,000 and the \$500 statutory maximum civil penalty amount were originally enacted in 1978 (Pub. L. 95–396), and the second mention of \$1,000 was enacted in 1972 (Pub. L. 92–516).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0492; FRL–9989–03–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the remaining portions of a state implementation plan (SIP) revision submitted by the State of Delaware. This revision addresses the infrastructure requirement for interstate transport of pollution with respect to the 2010 1-hour sulfur dioxide (SO₂) national ambient air quality standard (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on March 8, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0492. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (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 <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Joseph Schulingkamp, (215) 814–2021, or by email at schulingkamp.joseph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 29, 2013, Delaware submitted, through the Delaware Department of Natural Resources and Environmental Control (DNREC), a revision to its SIP to satisfy the infrastructure requirements of section 110(a)(2) of the CAA for the 2010 1-hour SO₂ NAAQS, including the interstate transport requirements of section 110(a)(2)(D)(i)(I). On January 22, 2014 (79 FR 3506), EPA approved Delaware's infrastructure SIP submittal for the 2010 1-hour SO₂ NAAQS for all applicable elements of section 110(a)(2) with the exception of 110(a)(2)(D)(i)(I). On August 8, 2018 (83 FR 39035), EPA published a notice of proposed rulemaking (NPRM) approving the portion of Delaware's SIP addressing the interstate transport requirements of section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO₂ NAAQS. For more information on SO₂ pollution, EPA's infrastructure requirements, and interstate transport requirements, see Section I of the August 8, 2018 NPRM.

II. Summary of SIP Revision and EPA's Analysis

The portions of Delaware's May 29, 2013 SIP submittal addressing interstate

transport (for section 110(a)(2)(D)(i)(I)) discuss how Delaware does not significantly contribute with respect to the 2010 1-hour SO₂ NAAQS to nonattainment in, or interfere with maintenance in, any other state and discusses prevailing wind direction in the region. Delaware described in its submittal several existing SIP-approved measures and other federally enforceable source-specific measures, pursuant to permitting requirements under the CAA, that apply to SO₂ sources within the State.

After evaluating the information on emissions, monitoring data, and meteorological data, EPA concluded that the level of SO₂ emissions in Delaware is primarily due to point sources, which have substantially and permanently reduced SO₂ emissions in the past five years. Additionally, the historical and recent data from SO₂ monitors in close proximity to Delaware's borders support the conclusion that emissions from point sources in Delaware have been substantially reduced and are not impacting neighboring states. Based on this information, EPA agreed with Delaware's general conclusion that the existing Delaware SIP is adequate to prevent sources in Delaware from significantly contributing to nonattainment or interfering with maintenance in another state with respect to the 2010 1-hour SO₂ NAAQS. A detailed summary of EPA's review and rationale for our approval of this SIP revision as meeting CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO₂ NAAQS may be found in EPA's technical support document (TSD) (docket number: EPA–R03–OAR–2013–0492) and will not be restated here.