

■ 2. Add § 165.T05–1067 to read as follows:

**§ 165.T05–1067 Safety Zone; Cape Fear River, Brunswick County and New Hanover County, NC.**

(a) *Location.* The following areas are safety zones:

(1) *Safety zone 1.* All navigable waters of the Cape Fear River from the International Regulations for Prevention of Collisions at Sea, 1972 (COLREGS, 72) Demarcation Line drawn from Oak Island Light House to Bald Head Island Abandon Light House noted on NOAA chart 11537 and proceeding north up the Cape Fear River from shore to shore to the Cape Fear Memorial Bridge, in Brunswick County and New Hanover County, NC;

(2) *Safety zone 2.* Waters of the Cape Fear River within 200 yards around the vessel transporting the new Neo-Panamax container crane to the North Carolina State Port Authority in Wilmington, North Carolina, while the vessel is moored at the North Carolina State Port in Wilmington, North Carolina.

(b) *Definitions.* As used in this section—

*Captain of the Port* means the Commander, Sector North Carolina.

*Designated representative* means a Coast Guard Patrol Commander, including a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

*Participants* means persons and vessels involved in support of the container crane transport and offload.

(c) *Regulations.* (1) The general regulations governing safety zones in § 165.23 apply to the areas described in paragraph (a) of this section.

(2) With the exception of participants, entry into or remaining in these safety zones is prohibited unless authorized by the COTP North Carolina or the COTP North Carolina's designated representative. All other vessels must depart the zone immediately.

(3) The Captain of the Port, North Carolina can be reached through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina at telephone number 910–343–3882.

(4) The Coast Guard and designated security vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 MHz) and channel 16 (156.8 MHz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement periods.* This regulation will be enforced for:

(1) *Zone 1 during vessel transit.* Vessel transit is anticipated to take one day and will occur from April 1 through April 30, 2019;

(2) *Zone 2 during offload of the Neo-Panamax container crane.* Offload will take one day and will occur within five days after vessel transit is complete.

(f) *Public notification.* The Coast Guard will notify the public of the active enforcement times at least 48 hours in advance by transmitting Broadcast Notice to Mariners via VHF–FM marine channel 16.

Dated: March 28, 2019.

**Bion B. Stewart,**

*Captain, U.S. Coast Guard, Captain of the Port North Carolina.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA–R04–RCRA–2018–0528; FRL–9991–62–Region 4]

### Mississippi: 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 Mississippi final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on October 29, 2018, and provided for public comment. One comment was received in support of authorizing Mississippi's proposed revisions. This comment can be reviewed in the docket for this action under Docket ID No. EPA–R04–RCRA–2018–0528. No further opportunity for comment will be provided.

**DATES:** This final authorization is effective April 3, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R04–RCRA–2018–0528. 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 electronically through <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Leah Davis, Materials and Waste Management Branch, RCR Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8562; fax number: (404) 562–9964; email address: [davis.leah@epa.gov](mailto:davis.leah@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### A. What changes to Mississippi's hazardous waste program is EPA authorizing with this action?

On June 1, 2018, Mississippi 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 Mississippi'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 October 29, 2018 **Federal Register** at 83 FR 54304.

#### B. What is codification and is EPA codifying Mississippi'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 Mississippi's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart Z, for the authorization of Mississippi's program changes at a later date.

#### C. Statutory and Executive Order Reviews

This final authorization revises Mississippi'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 October 29, 2018 **Federal Register** at 83 FR 54304. 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 will be effective April 3, 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: March 18, 2019.

**Mary S. Walker,**

*Acting Regional Administrator, Region 4.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R04-RCRA-2018-0527; FRL-9991-61-Region 4]

### Kentucky: 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 Kentucky final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a Proposed Rule on September 21, 2018, and provided for public comment. Two

substantive comments were received on Kentucky’s proposed revisions. These comments are addressed in this Final Authorization.

**DATES:** This Final Authorization is effective April 3, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R04-2018-0527. 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 electronically through <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

##### A. What changes to Kentucky’s hazardous waste program is EPA authorizing with this action?

On April 13, 2018, Kentucky submitted a final 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 Kentucky’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 September 21, 2018 **Federal Register** at 83 FR 47858.

##### B. What comments were received on Kentucky’s proposed authorization and how is EPA responding to these comments?

EPA received two substantive comments on its September 21, 2018 proposed authorization of Kentucky’s hazardous waste program revisions. Specifically, EPA received adverse comments from the Sierra Club (“Commenter”). These comments are provided in the docket for today’s final

action. See Docket ID No. EPA-R04-RCRA-2018-0527 at [www.regulations.gov](http://www.regulations.gov). A summary of the adverse comments and EPA’s responses are provided below.

**Comment 1:** The Commenter contends that EPA may not approve Kentucky’s maximum concentration limit for selenium in groundwater at 401 KAR 39:090, Section 1(1), because it is higher than the Federal level in Table 1 of 40 CFR 264.94(a). Specifically, Kentucky’s maximum concentration limit for selenium in groundwater is 0.05 milligrams per liter (mg/l), which is five times higher than the maximum Federal standard listed in 40 CFR 264.94(a), Table 1, which is 0.01 mg/l. The Commenter states that because this standard is “weaker” than the Federal analog, and because EPA has not established an “alternate limit” under the procedures of 40 CFR 264.94, the Kentucky concentration limit should not be approved.

**Response 1:** As the Commenter correctly notes, Kentucky replaces the federal Table 1 in 40 CFR 264.94(a) with its own Table 1 at 401 KAR 39:090, Section 1(1). In Kentucky’s April 13, 2018 program revision application, Kentucky noted its replacement of the Federal Table 1 with its own Table, and also specified that its replacement Table is based on the current Federal Maximum Contaminant Levels (MCLs) for all listed constituents. EPA analyzed these substitute constituent concentrations and confirmed that they are equivalent to the federal MCLs.

In its Proposed Rule, EPA concluded that Kentucky’s replacement Table 1 is “functionally equivalent” to the Federal table at 40 CFR 264.94(a). For the reasons set forth below, EPA affirms this determination and will proceed with authorization of Kentucky’s State-specific groundwater concentration limit for selenium.

By way of background, the Federal groundwater concentration limits in 40 CFR 264.94(a), Table 1, were promulgated in 1982 and have remained unchanged since that time. See 47 FR 32274, 32350 (July 26, 1982). These groundwater concentration limits serve as a trigger for corrective action for regulated units under post-closure care and were originally based on the health-based concentration limits found in the National Interim Primary Drinking Water Regulations under the Safe Drinking Water Act. See 47 FR at 32285. These National Interim Primary Drinking Water Regulations were later finalized to include the current MCLs, which were subject to notice and comment rulemaking and codified in 40 CFR part 141. EPA finalized the MCL for