

determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”

To the extent a court finds this action to be locally or regionally applicable, the EPA proposes to find that this action is based on a determination of “nationwide scope or effect” within the meaning of CAA section 307(b)(1). This action addresses emissions impacts from sources located in nine states, which are located in multiple EPA Regions and federal circuits. The proposed action is also based on a common core of factual findings and analyses concerning the transport of pollutants between the different states.

For these reasons, to the extent a court finds this action to be locally or regionally applicable, the Administrator proposes to determine that any final action related to this proposal is based on a determination of nationwide scope or effect for purposes of section 307(b)(1) of the CAA. Thus, pursuant to CAA section 307(b), any petitions for review of any final action related to this proposal must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date such final action is published in the **Federal Register**.

## VII. Statutory Authority

42 U.S.C. 7410, 7426, 7601.

Dated: May 6, 2019.

**Andrew R. Wheeler,**  
Administrator.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 282

[EPA-R08-UST-2018-0729; FRL-9991-42-Region 8]

### Colorado: Final Approval of State Underground Storage Tank Program Revisions and Codification

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

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the state of Colorado’s Underground Storage Tank (UST) Program submitted by the State. This action is based on the EPA’s

determination that the State’s revisions satisfy all requirements for UST program approval. This action also proposes to codify Colorado’s state program, as revised by Colorado and approved by the EPA, and to incorporate by reference the State regulations that we have determined meet the requirements for approval. The State’s federally authorized and codified UST program, as revised pursuant to this action, will remain subject to the EPA’s inspection and enforcement authorities under sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions.

**DATES:** Send written comments by June 19, 2019.

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

1. **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments.

2. **Email:** [Hendrix.Mark@epa.gov](mailto:Hendrix.Mark@epa.gov).

3. **Mail:** Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P-R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

4. **Hand Delivery or Courier:** Deliver your comments to Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P-R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

**Instructions:** Direct your comments to Docket ID No. EPA-R08-UST-2018-0729. The EPA’s policy is that all comments received will be included in the public docket without change and may be available online at <https://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 <https://www.regulations.gov> or email. The federal <https://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 <https://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.

You can view and copy the documents that form the basis for this action and associated publicly available materials from 8:30 a.m. to 4:00 p.m., Monday through Friday, at the following location: EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, phone number (303) 312-6561. Interested persons wanting to examine these documents should make an appointment with the office at least 2 days in advance.

**FOR FURTHER INFORMATION CONTACT:** Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P-R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, phone number (303) 312-6561, email address: [Hendrix.Mark@epa.gov](mailto:Hendrix.Mark@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule published in the “Rules and Regulations” section of this **Federal Register**.

**Authority:** This rule is issued under the authority of Sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

### List of Subjects in 40 CFR Part 282

Environmental protection, Administrative practice and procedure, Hazardous substances, Incorporation by reference, State program approval, Underground storage tanks.

Dated: April 29, 2019.

**Debra Thomas,**  
Acting Regional Administrator, EPA Region 8.

[FR Doc. 2019-10411 Filed 5-17-19; 8:45 am]

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