must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Tips for preparing your comments. When preparing and submitting your comments, see the commenting tips at http://www.epa.gov/dockets/comments.html.

3. Environmental justice. EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects related to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at http://www.regulations.gov.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

Amended Tolerance Exemptions for Non-Inerts (Except PIPS)

PP 9G8741. (EPA–HQ–OPP–2019–0182). Southern Gardens Citrus Nursery, LLC, 1820 County Rd. 833, Clewiston, FL 33440, requests to amend a temporary exemption from the requirement of a tolerance in 40 CFR 180.1337 for residues of the microbial pesticide Citrus tristeza virus expressing spinach defensin proteins 2, 7, and 8 in or on the commodities listed in fruit, citrus group 10–10 by extending the expiration date from August 31, 2020, to August 31, 2023. The petitioner believes no analytical method is needed because it is not practical, and there is no need for removal of residues of Citrus tristeza virus or residues of spinach defensin proteins 2, 7, and 8 from citrus tissues and commodities, as a continued exemption from the requirement of a tolerance at 40 CFR 180.1337 is requested for these proteins when expressed in citrus. Contact: BPPD.

New Tolerance Exemptions for PIPS

PP 8F8722. (EPA–HQ–OPP–2019–0097). BASF Corporation, 26 Davis Dr., Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 174 for residues of the plant-incorporated protectant (PIP) Bacillus thuringiensis Cry14Ab-1 protein in soybean. An analytical method utilizing ELISA and an independent laboratory validation of the method were submitted to EPA for the detection and measurement of the pesticide residues. Contact: BPPD.

New Tolerances for Non-Inerts

PP 9F8758. (EPA–HQ–OPP–2019–0297). Taminco US LLC, a subsidiary of Eastman Chemical Company, 200 S Wilcox Drive, Kingsport, TN 37660–5147, requests to amend the tolerance in 40 CFR 180.698 for residues of the plant regulator, chloromequat chloride in or on the raw agricultural commodity oat grain at 30.0 parts per million (ppm). The LC–MS/MS method is used to measure and evaluate the chemical chloromequat chloride. Contact: RD.

I. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2018–0533, at https://www.regulations.gov/ (our preferred method), or the other methods identified in the ADDRESSES section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit electronically 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. The 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.

B. Public Hearing

EPA will hold the public hearing at the GA EPD Tradeport Training Room located at 4244 International Parkway, Suite 116, Atlanta, GA 30354–3906, on August 6, 2019, from 8 a.m. through 5:30 p.m. EPA will begin pre-registering speakers for the hearing upon publication of this document in the Federal Register. To register to speak at the hearing, please use the online registration form available at https://www.epa.gov/coalash/forms/public-hearing-georgias-coal-combustion-residuals-permit-program. The last day to pre-register to speak at the hearing will be July 31, 2019. On August 2, 2019, the EPA will post a general agenda for the hearing at https://www.epa.gov/coalash/forms/public-hearing-georgias-coal-combustion-residuals-permit-program. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk. The EPA will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled. Each commenter will have five (5) minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) or in hard copy form. If EPA is anticipating a high attendance, the time allotment per testimony may be shortened to no shorter than three (3) minutes in order to accommodate all those wishing to provide testimony who have preregistered. While EPA will make every effort to accommodate all speakers who arrive and register the day of the hearing, opportunities to speak may be limited based upon the number of preregistered speakers. Therefore, EPA strongly encourages anyone wishing to speak to preregister.

Please note that any updates made to any aspect of the hearing will be posted online at https://www.epa.gov/coalash/forms/public-hearing-georgias-coal-combustion-residuals-permit-program. While the EPA expects the hearing to go forward as set forth above, please monitor our website to determine if there are any updates. The EPA does not intend to publish a document in the Federal Register announcing updates.

If you require the service of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by July 30, 2019. We will not be able to arrange accommodations without advanced notice.

II. General Information

A. Overview of Proposed Action

EPA is proposing to approve Georgia’s CCR state permit program, in part, pursuant to RCRA 4005(d)(1)(B). 42 U.S.C. 6945(d)(1)(B). The fact that Georgia is seeking a partial program approval does not mean it must subsequently apply for a full program approval. However, Georgia could apply for a revised partial program approval or a full program approval at some point in the future if it chooses to do so. If approved, Georgia’s CCR state permit program would operate in lieu of the Federal CCR program, codified at 40 CFR part 257, subpart D.1 with the exception of the provisions specifically identified below for which the state is not seeking approval. However, even for the approved provisions, EPA would...

There are no federally recognized tribes within the State of Georgia, nor any federally recognized tribal lands/reservations adjacent to Georgia’s boundaries with neighboring states. Thus, EPA has not consulted with any Federal tribes in connection with this proposed Action.

B. Background

CCR are generated from the combustion of coal, including solid fuels classified as anthracite, bituminous, subbituminous, and lignite, for the purpose of generating steam to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR, commonly known as coal ash, include fly ash, bottom ash, boiler slag, and fly gas desulfurization materials. CCR can be sent offsite for disposal, or beneficial use, or disposed in on-site landfills or surface impoundments.

On April 17, 2015, EPA published a final rule, creating 40 CFR part 257, subpart D, that established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302, April 17, 2015) (“Federal CCR regulations”). The rule created a self-implementing program which regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR disposal, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. The Federal CCR regulations do not apply to activities that meet the definition of “beneficial use” of CCR, as that term is defined in §257.53.

C. Statutory Authority

EPA is issuing this proposed action pursuant to sections 4005(d) and 7004(b)(1) of RCRA. See 42 U.S.C. 6945(d) and 6974(b)(1). Section 2301 of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act amended section 4005 of RCRA, creating a new subsection (d) that establishes a Federal permitting program similar to those under RCRA subtitle C and other environmental statutes. See 42 U.S.C. 6945(d). Under the WIIN Act, states may develop and submit an application for a state CCR permit program to EPA for approval.

Under RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), states seeking approval must submit to the Administrator “evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State.” EPA shall approve a state permit program if the Administrator determines that the state program meets the standard in RCRA section 4005(d)(1)(B), 42 U.S.C. 6945(d)(1)(B), i.e., that it will require each CCR unit located in the state to achieve compliance with either: (1) The Federal CCR requirements at 40 CFR part 257, subpart D; or (2) other state criteria that the Administrator, after consultation with the state, determines to be “at least as protective as” the Federal requirements. See 42 U.S.C. 6945(d)(1)(B). The Administrator must make a final determination, after providing for public notice and an opportunity for public comment, within 180 days of receiving a state’s complete submittal of the information in RCRA section 4005(d)(1)(A). See 42 U.S.C. 6945(d)(1)(B). EPA may approve a CCR state permit program in whole or in part. Id. Once approved, the state permit program operates in lieu of the Federal requirements. See 42 U.S.C. 6945(d)(1)(A). In a state with partial approval, only the state requirements that have been approved operate in lieu of the Federal requirements, and facilities remain responsible for compliance with all remaining requirements in 40 CFR part 257.

Once a program is approved, the Administrator must review the approved CCR state permit program at least once every 12 years, as well as no later than three years after a revision to an applicable section of 40 CFR part 257, subpart D, or one year after any unauthorized significant release from a CCR unit located in the state. See 42 U.S.C. 6945(d)(1)(D)(i)(II)-(III). EPA also must review an approved program at the request of another state alleging that the soil, groundwater, or surface water of the requesting state is or is likely to be adversely affected by a release from a CCR unit in the approved state. See 42 U.S.C. 6945(d)(1)(D)(i)(IV).

In a state with an approved CCR state permit program, EPA may commence administrative or judicial enforcement actions under section 3008 of RCRA, 42 U.S.C. 6928, if the state requests assistance or if EPA determines that an EPA enforcement action is likely to be necessary to ensure that a CCR unit is operating in accordance with the criteria of the state’s permit program. See 42 U.S.C. 6945(d)(4). EPA may also exercise its inspection and information gathering authorities under section 3007 of RCRA, 42 U.S.C. 6927.

II. Georgia’s Application

On April 13, 2018, Georgia EPD submitted its initial CCR State Permit Program application to EPA Region 4. After receiving comments from EPA, Georgia provided revised responses to its 2018 application on March 6, 2019 and May 23, 2019. In its February 27, 2019, revised cover letter, Georgia requested partial approval of the State’s CCR permit program. EPA determined that Georgia’s State CCR Permit Program Application was complete and notified Georgia of its determination by letter dated June 19, 2019. Georgia’s application and EPA’s completeness determination letter are available in the docket supporting this preliminary determination.

Georgia’s CCR Permit Program is codified at Ga. Comp. R. and Regs. 391–3–4–10, which adopts by reference nearly all of the technical criteria contained in 40 CFR part 257, subpart D. Georgia’s CCR Rule is included in Appendix C of Georgia’s application and is available in the docket supporting this preliminary determination. Georgia’s CCR Permit Program covers a broader universe of CCR units than are covered under the Federal CCR regulations. While Georgia’s general applicability section mirrors that of the Federal CCR regulations (See Ga. Comp. R. and Regs. 391–3–4–10(1)(a)(1) and 40 CFR 257.50(b)), and the State’s definition of “CCR Unit” matches the Federal definition (See Ga. Comp. R. and Regs. 391–3–4–11 and 40 CFR 257.53), the Georgia CCR regulation defines “CCR Landfills” and “CCR Surface Impoundments” differently. Specifically, the State’s definitions for these units include unauthorized surface impoundments. National Pollutant Discharge Elimination System (NPDES)-CCR surface impoundments (inactive, but not dewatered, surface impoundments at inactive facilities), and inactive CCR landfills. See Ga. Comp. R. and Regs. 391–3–4–10(9) and (10). These units are, in turn, defined at Ga. Comp. R. and Regs. 391–3–4–10(2)(a)–3. These types of CCR units are not covered by the Federal CCR regulations. See 40 CFR 257.50(d) and 257.50(b).
III. EPA Analysis of Georgia’s Application

As discussed in Unit I.C. of this document, RCRA section 4005(d) requires EPA to evaluate two components of a state program to determine whether it meets the standard for approval. First, EPA is to evaluate the adequacy of the permit program itself (or other system of prior approval and conditions). See 42 U.S.C. 6945(d)(1)(A). Second, EPA is to evaluate the adequacy of the technical criteria that will be included in each permit, to determine whether they are the same as the Federal criteria, or to the extent they differ, whether the modified criteria are “at least as protective as” the Federal requirements. See 42 U.S.C. 6945(d)(1)(B). Only if both components meet the statutory requirements may EPA approve the program. See 42 U.S.C. 6945(d)(1).

On that basis, EPA conducted an analysis of Georgia’s State CCR Permit Program Application, including a thorough analysis of the criteria that will be included in each permit, as discussed on page 11 of the narrative. Georgia’s CCR units are issued permits for the life of the site, with a required review every 5 years.

For more information on the specific facilities covered by Georgia’s CCR Permit Program, see the Technical Support Document which is available in the docket for this document.4


4 Georgia’s application also includes some discussion of Municipal Solid Waste Landfills (MSWLS), including Commercial Industrial Landfills (CILs), that dispose of CCR. While Georgia permits these facilities through its MSWL regulations, MSWLS disposing of CCR are exempted from the requirements of 40 CFR 257 and are outside the scope of the Federal CCR regulations and the State’s CCR Permit Program. Georgia’s discussion of these landfills and how it regulates them is included in its application only to provide a more inclusive description of CCR disposal activities in Georgia.

A. Adequacy of Georgia’s Permit Program

Section 4005(d)(1)(A) of RCRA, 42 U.S.C. 6945(d)(1)(A), requires a state seeking CCR state permit program approval to submit to EPA an application with “evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State;” however, it does not require EPA to promulgate regulations governing the process or standards that states may use to apply for EPA approval of their CCR permit programs, based on the existing regulations at 40 CFR part 239 and the Agency’s experience in reviewing and approving state programs in general. EPA evaluated the adequacy of Georgia’s CCR state permit program using the process and statutory and regulatory standards discussed in the Guidance Document. EPA’s findings are summarized below and provided in more detail in the Technical Support Document located in the docket supporting this preliminary determination.

1. Public Participation

Based on section 7004 of RCRA, 42 U.S.C. 6974, and the part 239 regulations, it is EPA’s judgment that an adequate state CCR permitting program...
will ensure that: (1) Documents for permit determinations are made available for public review and comment; (2) final determinations on permit applications are made known to the public; and (3) public comments on permit determinations are considered. To meet these requirements, Georgia has adopted a policy governing the procedure for public comment on draft CCR permits, which is memorialized in its “CCR Draft Permit Public Comment Process” Memorandum, signed by the Director of Georgia EPD on April 13, 2018. This procedure requires that Georgia EPD post all draft CCR permits online and concurrently notify anyone who has signed up to receive email for coal ash-related announcements of the posting. Draft permits and all information submitted as part of CCR permit applications will be available for review in person at Georgia EPD’s Tradeport office. Draft permits will be available for public comment for 30 days, and the Director may extend this comment period if deemed necessary. Georgia EPD will accept comments via email or regular mail. After the comment period ends, Georgia EPD will review all comments received and make any necessary changes before making a final permit decision. When issuing a final permit, Georgia EPD will release a response to comments on the draft permit and will notify the public in the same manner as when it provided notice of the draft permit. The final permit and response to comments will be available for review online. The “CCR Draft Permit Public Comment Process” “Memorandum” and the draft permit transmittal letter to the CCR facility owner, and a sample “Notice of the Opportunity for Public Comment” are included in Appendix D to the 2018 Application and is available in the docket supporting this preliminary determination. EPA has preliminarily determined that this approach provides adequate opportunities for public participation in the permitting process sufficient to meet the standard for program approval.

2. Guidelines for Compliance Monitoring Authority

Based on the 40 CFR part 239 regulations, it is EPA’s judgment that an adequate CCR state permit program should provide the state with the authority to gather information about compliance, perform inspections, and ensure that information it gathers is suitable for enforcement. Georgia EPD has compliance monitoring authority under O.C.G.A. §§ 12–8–23.1(a)(4), 12–8–29.1, and 12–8–23.1(20). Specifically, O.C.G.A. § 12–8–23.1(a)(4) and O.C.G.A. § 12–8–29.1 give the Director of Georgia EPD authority to undertake investigations, analysis, and inspections to determine compliance, and to enter property to undertake investigations to verify compliance. Further, O.C.G.A. § 12–8–23.1(20) grants the Director of Georgia EPD the authority to exercise all incidental powers necessary to carry out the purposes of applicable state law.

Together these authorities provide the State with authority to obtain records from an owner or operator to determine compliance. EPA has preliminarily determined that these compliance monitoring authorities are adequate, and that this aspect of the State’s CCR state permit program meets the standard for program approval.

3. Guidelines for Enforcement Authority

Based on the 40 CFR part 239 regulations, it is EPA’s judgment that an adequate CCR state permit program should provide the state with adequate enforcement authority to administer its CCR state permit program, including the authority to: (1) Restrain any person from engaging in activity which may damage human health or the environment, (2) sue to enjoin prohibited activity, and (3) sue to recover civil penalties for prohibited activity. Georgia EPD has adequate enforcement authority for its existing programs under O.C.G.A. sections 12–8–23.1(a)(9), 12–8–30, 12–8–30.1, 12–8–30.4, and 12–8–30.6, and these authorities extend to Georgia’s CCR state permit program. For example, O.C.G.A. section 12–8–23.1(a)(9) provides the State with authority to bring an administrative or civil proceeding to enforce the Georgia Comprehensive Solid Waste Management Act and its implementing regulations. O.C.G.A. section 12–8–30 provides the State with the authority to issue orders requiring corrective action to remedy violations. Under O.C.G.A. section 12–8–30.4, the State may sue in superior court for injunctions, restraining orders, and other relief for activities that violate the State program. Finally, under O.C.G.A. section 12–8–30.6 the State has the authority to bring an administrative action to assess civil penalties for violations of the State’s program. EPA has preliminarily determined that this aspect of Georgia’s CCR state permit program meets the standard for program approval.

4. Intervention in Civil Enforcement Proceedings

Based on section 7004 of RCRA and the 40 CFR part 239 regulations, it is EPA’s judgment that an adequate CCR state permit program should provide adequate opportunity for citizen intervention in civil enforcement proceedings. Specifically, the state must either: (a) Provide for citizen intervention as a matter of right or (b) have in place a process to (1) provide notice and opportunity for public involvement in civil enforcement actions, (2) investigate and provide responses to citizen complaints about violations, and (3) not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation. In Georgia, citizen intervention is possible in the State civil enforcement process as a matter of right for interested parties. Pursuant to O.C.G.A. section 12–8–30.2, all hearings/reviews of enforcement actions on orders shall be conducted in accordance with O.C.G.A. section 12–2–2, which provides that hearings shall be conducted in accordance with the Georgia Administrative Procedures Act, which provides for intervention by citizens in contested cases. See O.C.G.A. section 50–13–14. EPA has preliminarily determined that these authorities provide for an adequate level of citizen involvement in the enforcement process, and that this aspect of the State’s CCR state permit program meets the standard for program approval.

B. Adequacy of Technical Criteria

The following table sets forth the Georgia regulations that encompass the technical criteria of the State’s CCR Permit Program.

<table>
<thead>
<tr>
<th>Description</th>
<th>State citation/analog</th>
<th>Federal requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Scope and Purpose</strong></td>
<td>Ga. Comp. R. and Regs. 391–3–4–10(1)(a) and (b)</td>
<td>§ 257.50.</td>
</tr>
<tr>
<td></td>
<td>Ga. Comp. R. and Regs. 391–3–4–05 (1)(d) and 391–3–4–10(9)(c)1</td>
<td>§ 257.52(b) (cross-referencing § 257.3–1 (Floodplains)).</td>
</tr>
<tr>
<td></td>
<td>No State Analog</td>
<td>§ 257.52(b) (cross-referencing § 257.3–2 (Endangered Species)).</td>
</tr>
<tr>
<td><strong>Definitions</strong></td>
<td>Ga. Comp. R. and Regs. 391–3–4–10(5)(a) and 391–3–4–04(1)</td>
<td>§ 257.52(b) (cross-referencing § 257.3–3 Surface Water).</td>
</tr>
<tr>
<td><strong>Design Criteria</strong></td>
<td>Ga. Comp. R. and Regs. 391–3–4–10(1)(c) and 391–3–4–10(3).</td>
<td>§ 257.60 through 257.64.</td>
</tr>
</tbody>
</table>

As noted above, the Georgia CCR regulations do not adopt by reference § 257.52(b), which requires compliance with the protections for Threatened and Endangered species identified in § 257.3–2, and do not otherwise contain provisions with equivalent protections for Threatened and Endangered species. For this reason, and because the Georgia CCR regulations differ from the Federal CCR regulations, including requirements for location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, recordkeeping, notification and publicly accessible website posting requirements. The Georgia CCR permit program also contains State-specific language, references, definitions, and State-specific requirements that differ from the Federal CCR regulations, but which EPA has determined to be "at least as protective as" the Federal criteria. The effect of granting a partial approval with respect to the four provisions above is that facilities will remain responsible for compliance with the Federal requirements for Threatened and Endangered species in 40 CFR 257.3–2. Facilities must also comply with the Federal requirements for inactive impoundments at inactive facilities, unlined impoundments, and clay-lined impoundments, once established by EPA. However, as previously noted, the Georgia CCR Permit Program already regulates inactive impoundments at inactive facilities. Further, any future regulations with respect to unlined impoundments and clay-lined impoundments are not expected to have any practical impact in Georgia because all unlined impoundments in the State are scheduled to cease receiving CCR by 2020 (i.e., no unlined impoundments will continue to receive CCR after that date) and because no clay-lined impoundments exist in Georgia.

EPA’s full analysis of Georgia’s CCR permit program, and how Georgia’s regulations differ from the Federal requirements, can be found in the Technical Support Document located in the docket supporting this preliminary determination.

**IV. Proposed Action**

EPA has preliminarily determined that Georgia’s CCR permit program meets the statutory standard for partial approval. Accordingly, in accordance with 42 U.S.C. 6945(d), EPA is proposing to partially approve Georgia’s CCR permit program.

Dated: June 21, 2019.

Andrew R. Wheeler,
Administrator.

[FR Doc. 2019–13907 Filed 6–27–19; 8:45 am]

BILLING CODE 6560–50–P