

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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. Accordingly, this proposed action merely approves 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 Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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.

In addition, 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 and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175. *See* 65 FR 67249, November 9, 2000.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

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

Dated: May 5, 2026.

Kristy Eubanks,

Deputy Regional Administrator performing the functions and duties of the Regional Administrator, Region 4.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, and 270

[EPA-HQ-OLEM-2023-0085; FRL-9247-04-OLEM]

RIN 2050-AH27

Definition of Hazardous Waste Applicable to Corrective Action for Releases From Solid Waste Management Units; Withdrawal

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; withdrawal.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is withdrawing its proposed rule entitled "Definition of Hazardous Waste Applicable to Corrective Action for Releases From Solid Waste Management Units." The Agency issued the proposed rule to: amend the regulatory definition of hazardous waste applicable to corrective action to address releases from solid waste management units at hazardous waste treatment, storage, and disposal facilities permitted under the Resource Conservation and Recovery Act (RCRA) and make conforming amendments related to the definition amendment; and add the statutory corrective action authorities to the section of the regulations that provides notice that the statutory definitions, rather than the regulatory definitions, apply to certain sections of the statute. The Agency has concluded that the proposed revisions to the existing regulations would have complicated, rather than contributed to, efficient implementation of corrective action. For those reasons EPA has determined that withdrawal is appropriate.

DATES: The proposed rule published on February 8, 2024 (89 FR 8598) is withdrawn as of May 8, 2026.

ADDRESSES: Publicly available docket materials are available either electronically through <https://www.regulations.gov> or in hard copy at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Docket ID No. is EPA-HQ-OLEM-2023-0085. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays). For further information on the EPA Docket Center services and the current status, see: <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Barbara Foster, Waste and Chemical Implementation Division, Office of Resource Conservation and Recovery (5303T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, telephone number: (202) 566-0382, email address: foster.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Authority

These regulations were proposed under the authority of sections 2002(a), 3004(u) and (v), and 3008(h) of RCRA, as amended, 42 U.S.C. 6912(a), 6924(u) and (v), and 6928(h).

II. Background

A. Description of Proposed Rule

On February 8, 2024, EPA issued a proposed rule that would have amended the regulatory definition of hazardous waste applicable to corrective action to address releases from solid waste management units at RCRA-permitted treatment, storage, and disposal facilities (*see* 89 FR 8598). The Agency proposed two related amendments. First, the Agency proposed to amend two regulatory definitions in 40 CFR—the definition of hazardous waste in § 260.10, which is applicable to corrective action under § 264.101 and subpart S, and the identical definition in § 270.2 of the hazardous waste facility permitting regulations—to expressly apply the RCRA section 1004(5) statutory definition of hazardous waste to corrective action requirements. Second, EPA proposed to add RCRA sections 3004(u) and (v) and 3008(h) to the statutory authorities identified in § 261.1(b)(2) of the regulations. That section provides notice that the statutory definitions of solid and hazardous waste, rather than the more limited regulatory definitions, govern the scope of EPA's authority under certain sections of RCRA.

B. Withdrawal Is Appropriate Because the Rule Is Not Necessary

Through the proposed rule, EPA sought to align its regulations with the RCRA statutory requirement that permitted facilities conduct corrective action to address releases not only of substances listed or identified as hazardous waste in the regulations but of any substance that meets the statutory definition of hazardous waste. EPA particularly intended the rule to provide clear authority to address, through corrective action in permits, releases of emerging contaminants that have not yet been listed or identified as hazardous waste under the regulations.

Some commenters on the proposed rule argued that the rule is not necessary for a number of reasons. After considering public comments received on the proposed rule, EPA, while not agreeing with all the arguments presented by commenters, has determined that the rule is not necessary and that withdrawal of the proposed rule is appropriate for reasons described below.

1. Amendments to the Definition of Hazardous Waste

The proposed rule would have amended the definition of hazardous waste: (1) in § 260.10 (applicable to § 264.101 and 40 CFR part 264, subpart S); and (2) § 270.2 (applicable to the RCRA permitting requirement). EPA proposed these changes to apply the definition of hazardous waste in RCRA section 1004(5) to corrective action requirements at permitted hazardous waste facilities thus reflecting in the regulations authority to address not only releases of hazardous wastes that are listed or identified in EPA's hazardous waste regulations, but also releases of any substance that meet the broader, RCRA statutory definition of hazardous waste.

There are two reasons the amendments to the definition of hazardous waste are not necessary. First, nearly all corrective actions address regulatory hazardous wastes and hazardous constituents. This has been demonstrated through years of program implementation—EPA and authorized states have issued only a limited number of permits and section 3008(h) orders addressing substances that were not hazardous waste or hazardous constituents listed or identified by regulation.¹ Second, to the

extent that releases of other RCRA statutory hazardous wastes and constituents have occurred and present a risk to human health or the environment, EPA has other tools to require clean up in RCRA permits. Namely, RCRA section 3005(c)(3) and EPA's implementing regulations at § 270.32 require that all permits include such requirements as are necessary to protect human health and the environment. This "omnibus" authority requires that permits contain such terms and conditions as the Administrator determines necessary to protect human health and the environment, including any necessary conditions requiring an owner or operator to address releases of substances that are not hazardous waste or hazardous constituents under the regulations.

For these reasons EPA has concluded that the existing regulations provide the tools to develop protective permit conditions, when necessary, without the need to modify the hazardous waste definition applicable to § 264.101, 40 CFR part 264, subpart S, and § 270.14(d). EPA is thus withdrawing these proposed changes.

2. Amendments to § 261.1(b)(2)

Section 261.1(b) merely provides notice of EPA's statutory interpretations. EPA proposed to include its longstanding statutory interpretations of sections 3004(u) and (v) and section 3008(h) in that section. In the proposal, EPA stated that it did not believe that the addition of those sections to this paragraph would impose additional requirements on facilities. Rather, EPA's intent in revising § 261.1(b)(2) as part of its proposal to amend the applicable hazardous waste definitions was to maintain consistency in the regulations. Because the Agency is withdrawing the proposed revisions to the definitions coupled with the fact that the Agency has articulated its consistent and longstanding interpretation of the scope of its authority under sections 3004(u) and (v) and section 3008(h) elsewhere, EPA is also withdrawing the proposed revisions to § 261.1(b)(2). EPA is not reconsidering or revisiting its interpretation of those statutory provisions, and nothing in this withdrawal of the proposed rule affects those prior interpretations.

C. The Proposed Rule Could Have Complicated, Rather Than Contributed to, Efficient Implementation of Corrective Action

Though some commenters generally supported the proposed rule, EPA found convincing concerns that were raised by other commenters. Commenters stated

that the proposed rule would, as a practical matter, result in confusion for regulators and owners and operators on which substances were subject to corrective action and what units were solid waste management units. Commenters argued that the statutory definition is broad, that it provides little guidance to the regulated community as to what is regulated under the statute, and that the proposed rule would result in inconsistent implementation of corrective action.

EPA agrees that the proposed rule could unnecessarily create uncertainty and disrupt implementation of corrective action. While the proposed rule would have made clear that the statutory hazardous waste definition applies to corrective action, it could have, as a result, made less clear the obligations of owners and operators in routine and established permit processes. For example, uncertainty related to the identification of hazardous waste that will be subject to corrective action at a facility could complicate compliance with the information submission requirements of § 270.14(d)(3), which requires owners and operators to submit all available information pertaining to any releases of hazardous wastes from solid waste management units, by making less clear what is an adequate permit application. The Agency thus concludes that withdrawal of the proposed rule is appropriate.

D. Additional Information

Nothing in this action modifies or affects the regulations promulgated to date to govern corrective action, or EPA's longstanding interpretations of the scope of its RCRA corrective action authorities. Any future changes to the regulations would be preceded by a notice of proposed rulemaking published in the **Federal Register** for public comment.

Finally, EPA also retains other authorities to address releases at RCRA facilities. For example, EPA may take action under RCRA section 7003 where solid or hazardous waste management activities may present an imminent and substantial endangerment to health or the environment. And, under RCRA section 3013, EPA may require investigations where the presence of hazardous waste or releases of hazardous waste may present a substantial hazard to human health or the environment. In addition, section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

¹ See *Economic Assessment for the Definition of Hazardous Waste Applicable to Corrective Action for Releases from Solid Waste Management Units*, which is available in the docket for the proposed rule (EPA-HQ-OLEM-2023-0085).

(CERCLA),² provides broad authority to take action requiring abatement if EPA determines there may be an imminent and substantial endangerment caused by actual or threatened release of hazardous substances.

Lee Zeldin,
Administrator.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 26-94; FCC 26-25; FRS ID 344405]

Review of the Commission's Assessment and Collection of Regulatory Fees for Fiscal Year 2026

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on revising the fee schedule of FY 2026 regulatory fees and on several additional regulatory fee issues, as described in the text below.

DATES: Comments must be submitted on or before May 28, 2026. Reply comments must be submitted on or before June 12, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments identified by MD Docket No. 26-94, by any of the following methods below. Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

1. *Comment Filing Procedures.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

2. *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

3. *Materials in Accessible Formats.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

4. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. When the FCC Headquarters reopens to the public, these documents will also be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Patrick Brogan, Office of Economics and Analytics (202) 418-7378, or Patrick.Brogan@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* (NPRM), FCC 26-25, MD Docket No. 26-94, adopted on

April 27, 2026 and released on April 28, 2026. Comments, reply comments, and *ex parte* submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. When the FCC Headquarters reopens to the public, these documents will also be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

I. Administrative Matters

5. *Ex Parte Information.* The proceeding initiated by this Notice of Proposed Rulemaking, in which we seek comment on proposals as described above, shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments

² 42 U.S.C. 9606.