

US EPA ARCHIVE DOCUMENT

significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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 rule 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 of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 9, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 180.472 [Amended]

2. Section 180.472 is amended by adding the commodity wheat (hay) to the table in paragraph (a) and revising the following entries to paragraphs (a) and (d) to read as follows:

(a) * * *

Commodity	Parts per million	Expiration/Revocation date
* * *	* *	*
Barley (grain)	0.05	None
Barley (hay)	0.5	None
Barley (straw)	0.5	None

Commodity	Parts per million	Expiration/Revocation date
* * *	* *	*
Beets, sugar (tops)	0.5	None
Beets, sugar (roots)	0.05	None
Beets, sugar, molasses	0.3	None
* * *	* *	*
Wheat (forage) ..	7.0	None
Wheat (grain)	0.05	None
Wheat (hay)	0.5	None
Wheat (straw)	0.5	None

* * * * *

(d) * * *

Commodity	Parts per million	Expiration/Revocation date
Cereal grains crop group (grain)	0.05	None
Foliage of legume vegetables crop group (foliage)	2.5	None
Forage, fodder, and straw of cereal grains crop group (forage)	2.0	None
Forage, fodder, and straw of cereal grains crop group (hay)	6.0	None
Forage, fodder, and straw of cereal grains crop group (stover)	0.3	None
Forage, fodder, and straw of cereal grains crop group (straw)	3.0	None
Legume vegetables crop group (seed) ..	0.3	None
Safflower (meal)	0.5	None
Safflower (seed)	0.05	None
Soybean (meal)	0.5	None
Sweet corn (kernel plus cob with husk removed)	0.05	None
* * *	* *	*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6161-5]

Georgia: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Georgia has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Georgia's revisions consist of the provisions contained in the rules promulgated between July 1, 1995 and June 30, 1996, RCRA Cluster VI and requirements promulgated August 26, 1996 and February 19, 1997. These requirements are listed in section B of this document. The Environmental Protection Agency (EPA) has reviewed Georgia's application and has made a decision, subject to public review and comment, that Georgia's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Georgia's hazardous waste program revisions. Georgia's application for program revisions is available for public review and comment.

DATES: Final authorization for Georgia shall be effective without further notice, November 17, 1998 if EPA receives no adverse comment on this document by October 19, 1998. Should EPA receive such comments EPA will withdraw this rule before its effective date by publishing a notice of withdrawal in the **Federal Register**. Any comments on Georgia's program revision application must be filed by October 19, 1998.

ADDRESSES: Send comments to: Patricia Herbert, Chief, RCRA Programs Branch, Waste Management Division, EPA, 61 Forsyth Street, Atlanta, Georgia 30303. Copies of Georgia's program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying during regular office hours of 9 a.m. to 5 p.m., Monday through Friday, at the following addresses:

Georgia Department of Natural Resources, Environmental Protection Division, Floyd Towers East, Room 1154, 205 Butler Street, SE, Atlanta, Georgia 30334
U.S. EPA Region 4, Library, 61 Forsyth Street, Atlanta, Georgia 30303

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FOR FURTHER INFORMATION CONTACT:

Patricia Herbert, Chief, RCRA Service Section, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303; (404) 562-8449.

SUPPLEMENTARY INFORMATION:**A. Background**

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. As the Federal hazardous waste program changes, the States must revise their programs and apply for authorization of the revisions. Revisions to State hazardous waste programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must revise their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. Georgia

Georgia initially received final authorization for its base RCRA program effective on August 21, 1984. Georgia was de-authorized for section 3004(t) of the RCRA on July 30, 1992. Between 1984 and 1998 Georgia received authorization for revisions to its

program for non-HSWA Clusters I through VII; HSWA Clusters I and II, including corrective action; Radioactive Mixed Wastes; the Toxicity Characteristics Rule and RCRA Clusters I through V.

On April 28, 1998, Georgia submitted a final, complete program revision application for RCRA Cluster VI, seeking authorization of its program revision in accordance with 40 CFR 271.21. The EPA reviewed Georgia's application, and now makes an immediate final decision, subject to receipt of adverse written comment, that Georgia's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Final Authorization for the program modifications contained in Georgia's program revision application.

The public may submit written comments on EPA's final decision until October 19, 1998. Copies of Georgia's application for program revisions are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

If EPA does not receive adverse written comment pertaining to Georgia's program revision by the end of the comment period, the authorization of Georgia's revision will become effective in 60 days from the date this document is published. If the Agency does receive adverse written comment, it will publish a document withdrawing this immediate final rule before its effective date. EPA will then address the comments in a later final rule based on

the companion document appearing in the Proposed Rules section of today's **Federal Register**. EPA may not provide additional opportunity for comment. Any parties interested in commenting should do so at this time.

Today's rule will allow state statutes and regulations to: (1) provide that ECD 301B (Modified Sturm Test) may also be used to demonstrate that a sorbent is non-biodegradable (Checklist 145), (2) provide opportunities or earlier public involvement in the permitting process and expand public access to information throughout the permitting process and the operational lives of facilities (Checklist 148), (3) correct the text of a regulatory exclusion from the regulatory definition of solid waste for recovered oil which is inserted into the petroleum refining process (Checklist 150), (4) contain treatment standards for hazardous wastes from the production of carbamate pesticides and from primary aluminum production, contain the treatment standards for hazardous wastes that exhibit the characteristic of reactivity, put back into place the LDR "Third Third" provisions for the treatment of certain wastewaters, codify the Federal policy that combustion of inorganic waste is an impermissible form of treatment (Checklist 151), (5) identify the wastes, under the RCRA, that are subject to a graduated system of procedural and substantive controls when they move across national borders within the OECD for recovery (Checklist 152).

Georgia's program revisions are summarized in the table below:

Checklist	Description	Federal Register date and page	State authority
145 *	Hazardous Waste Management Liquids in Landfills	60 FR 35705, 07-11-95	391-3-11-.10
148	RCRA Expanded Public Participation	60 FR 63431, 12-11-95	391-3-11-.11
150 *	Identification and Listing of Hazardous Waste; Amendments to Definition of Solid Waste.	61 FR 13106, 03-26-96	391-3-11-.07
151	Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Waste, and Spent Potliners.	61 FR 15597, 04-08-96	391-3-11-.16
		61 FR 15662, 04-08-96	
		61 FR 19117, 04-30-96	
		61 FR 33682, 06-28-96	
		61 FR 36419, 07-10-96	
		61 FR 43927, 08-26-96	
		62 FR 7504, 02-19-97	
152	Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision.	61 FR 16309, 04-12-96	391-3-11-.07 391-3-11-.08 391-3-11-.09 391-3-11-.10 391-3-11-.18

* Denotes optional rule.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by

EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

The State of Georgia's Hazardous Waste Management Program is not being authorized to operate in Indian Country.

C. Decision

I conclude that Georgia's application for program revision authorization

meets all of the statutory and regulatory requirements established by RCRA. Accordingly, EPA grants Georgia Final Authorization to operate its hazardous waste program as revised. Georgia now has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its program application, and its previously approved authorities. Georgia also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. EPA has determined that section 202 and 205 requirements do not apply to today's action because this rule does not contain a Federal mandate that may result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under Georgia's program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector. Further, as it applies to the State, this action does not impose a Federal intergovernmental mandate because UMRA does not include duties arising from participation in a voluntary federal program. The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may be hazardous waste generators, transporters, or own and/or

operate TSDFs, they are already subject to the regulatory requirements under the existing State laws that are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's Administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities. The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under the existing State laws that are now being authorized by EPA. The EPA's authorization does not impose any significant additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities. Pursuant to the provision at 5 U.S.C. 605(b), the Agency hereby certifies that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the Comptroller General

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. The EPA submitted

a report containing this rule 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 of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

Compliance With Executive Order 13045

Executive Order 13045 applies to any rule that the Office of Management and Budget determines is "economically significant" as defined under Executive Order 12866, and that EPA determines that the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The Agency has determined that the final rule is not a covered regulatory action as defined in the Executive Order because it is not economically significant and does not address environmental health and safety risks. As such, the final rule is not subject to the requirements of Executive Order 13045.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. No. 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus

standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Excessive paperwork, Hazardous waste, Hazardous waste transportation, Indian Country, Intergovernmental relations, Penalties, Reporting and record keeping requirements, Water pollution control, Water supply.

Authority: This document 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, 6974(b).

Dated: August 10, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6161-2]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "the Act"), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List ("NPL") constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency ("EPA" or "the Agency") in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

This rule adds 1 new site to the General Superfund section of the NPL.

EFFECTIVE DATE: The effective date for this amendment to the NCP shall be October 19, 1998.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see Section II, "Availability of Information to the Public" in the "Supplementary Information" portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, phone (703) 603-8852, State and Site Identification Center, Office of Emergency and Remedial Response (mail code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or the Superfund Hotline, phone (800) 424-9346 or (703) 412-9810 in the Washington, DC metropolitan area.

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What is Executive Order 13084 and is it applicable to this final rule?

I. Background

What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601-9675 ("CERCLA" or "the Act"), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act ("SARA"), Pub. L. 99-499, 100 Stat. 1613 et seq.

What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under Section 105(a)(8)(A) of CERCLA, the NCP also includes "criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action." ("Removal" actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases 42 U.S.C. 9601(23).)

What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or