

US EPA ARCHIVE DOCUMENT

TABLE 52.1167—EPA—APPROVED MASSACHUSETTS REGULATIONS—Continued

State citation	Title/Subject	Date submitted by state	Date approved by EPA	Federal Register citation	52.1120(c)	Explanations/unapproved sections
310 CMR 7.19	NO _x RACT	4/16/99	9/2/99	[Insert FR citation from published date].	119	Facility specific NO _x RACT for Medusa Minerals Company in Lee.
310 CMR 7.19	NO _x RACT	4/16/99	9/2/99	[Insert FR citation from published date].	119	Approval of the replacement of section 310 CMR 7.19(1)(c)1, (1)(c)8, (2)(b), (3)(a), (3)(c)2, (4)(a)3.b, (7)(a)4, (9), (13)(a), (13)(a)3, (13)(a)9, and (13)(a)13.
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[FR Doc. 99–22185 Filed 9–1–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6431–2]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Louisiana has applied for final authorization to revise its Hazardous Waste Program under the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes satisfy all requirements needed to qualify for final authorization. The EPA reviewed Louisiana's application, and now makes an immediate final decision, subject to receipt of adverse written comment, that Louisiana's Hazardous Waste Program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Louisiana final authorization for the program modifications contained in the revision.

DATES: This action is effective on November 1, 1999 without further notice, unless the EPA receives relevant adverse comments by October 4, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the immediate final rule or identify the issues raised, respond to the comments, and affirm that the immediate final rule will take effect as scheduled.

ADDRESSES: Mail written comments to Alima Patterson, Region 6, Regional Authorization Coordinator, Grants and Authorization Section (6PD–G),

Multimedia Planning and Permitting Division, at the address shown below. You can examine copies of the materials submitted by the State of Louisiana during normal business hours at the following locations: EPA Region 6, 1445 Ross Avenue, Dallas Texas 75202–2733, (214) 665–8533; or Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810,(504) 765–0617.

FOR FURTHER INFORMATION CONTACT: Alima Patterson (214) 665–8533.

SUPPLEMENTARY INFORMATION:

A. What Is Resource Conservation and Recovery Act State Authorization?

RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), provides for authorization of State hazardous waste programs under subtitle C. Under RCRA section 3006, EPA may authorize a State to administer and enforce the RCRA hazardous waste program. See 40 CFR part 271. In fact, Congress designed RCRA so that the entire subtitle C program would eventually be administered by the States in lieu of the Federal Government. This is because the States are closer to, and more familiar with, the regulated community and therefore are in a better position to administer the programs and respond to local needs effectively.

After receiving authorization, the State administers the program in lieu of the Federal government, although EPA retains enforcement authority under RCRA sections 3008, 3013, and 7003. Authorized States must revise their programs when EPA promulgates Federal Standards that are more stringent or broader in scope than existing federal standards. States are not required to modify their programs when Federal changes that are less stringent than the existing Federal program or when changes reduce the scope of the existing Federal program. These changes

are optional and are noted as such in the **Federal Register** (FR) documents. However, EPA encourages States to adopt optional rules because they provide benefit to environmental protection.

B. Why Are Revisions to State Programs Necessary?

States that receives final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal Hazardous Waste Program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260–266, 268, 270, 273, and 279.

What Is the Effect of This Authorization?

This authorization should not have little impact because the State's requirements are already effective. However, upon approval of the revisions, Louisiana will have authority to regulate the rules pertaining to RCRA Cluster VII. Currently, the EPA regulates this waste. Louisiana will have authority to issue permits in RCRA Cluster VII rules and to ensure that all permits issued to hazardous waste facilities protect of human health and the environment.

D. What Is the History of Louisiana's Final Authorization and Its Revisions?

The State of Louisiana initially received final authorization on February 7, 1985 (50 FR 3348), to implement its

base Hazardous Waste Management program. Louisiana received authorization for revisions to its program on January 29, 1990 (54 FR 48889), October 25, 1991 (56 FR 41958), and technical corrections at (56 FR 51762), effective January 23, 1995 and another technical corrections was made at (59 FR 55368–55371), (60 FR 18360), March 8, 1995. We authorized the additional following revisions: (59 FR 66200), October 17, 1995, (60 FR 53707) effective January 2, 1996, March 28, (61 FR 13777–13782) effective June 11, 1996, December 29, 1997, (62 FR 67572–67577) effective March 16, 1998 and October 23, 1998 (63 FR 56830–56891) effective December 22, 1998, August 25, 1999 (64 FR 46302–46333), effective October 25, 1999. On January 26, 1999, Louisiana applied for approval of its

complete final program. In this application, Louisiana is seeking additional approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In 1983, the Louisiana legislature adopted Act 97, which amended and reenacted Louisiana Revised Statutes 30:1051 *et seq.*, the Environmental Affairs Act. This Act created the LDEQ, which has lead agency jurisdictional authority for administering the RCRA Subtitle C program in the State. Also, LDEQ is designated to facilitate communication between EPA and the State. The State of Louisiana has adopted the Federal regulations in cluster VII promulgated from July 1, 1996, through June 30, 1997; the State of Louisiana regulations became effective September 20, 1998.

E. What Revisions Are We Approving With Today's Action?

The State of Louisiana submitted a final complete program revision application, seeking authorization of their revisions in accordance with 40 CFR 271.21. Louisiana's revisions consist of regulations which specifically govern's RCRA cluster VII rules. Louisiana requirements appear on the chart included in this document. The EPA is now making a final decision, subject to receipt of written comments that oppose this action, that Louisiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, we grant Louisiana final authorization for the following program revisions:

Federal Citation	State Analog
1. Criteria for Classification of Solid Waste Disposal Facilities and Practices; Identification and Listing of Hazardous Waste; Requirements for Authorization of State Hazardous Waste Programs, [61 FR 34252] July 1, 1996. (Checklist 153).	Louisiana Revised States (LRS) 30:§2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) §§3911, as amended October 20, 1994, effective October 20, 1994; 3915.B, 3915.B.1–3, 3915.B.4, 3915.B.4.a–b, 3915.B.5, as amended September 20, 1998; effective September 20, 1998, 301.B.1, as amended April 20, 1996, effective April 20, 1996; 315.N, as amended September 20, 1997, effective September 20, 1997; and 521.H, as amended September 20, 1993, effective September 20, 1993. LAC 33:V.3913 and LAC 33:V.3915.B are more stringent than the 40 CFR 261.5(f)–(g). The State does not recognize the class of generators generating 0–100 kilogram per month as “conditionally exempt small quantity generators”. Generators in Louisiana who generate 0–100 kg/mth must follow more stringent guidelines, such as filing annual reports for small quantity generators. The State regulations are more stringent because generators who generate more than 1 kg acutely hazardous waste are subject to full regulations. LAC 33:VII.301.B.1, LAC 33:VII.315.N. and LAC 33:VII.521.H is more stringent than 40 CFR 261.5(f)(3)(iv)(v) and (g)(3)(iv)–(v) because solid waste landfills are prohibited from accepting hazardous waste, with the exception of household hazardous waste.
2. Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance, [62 FR 1992] January 14, 1997. (Checklist 155).	LRS 30:2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§109 Excluded Scrap Metal, 109. Processed Scrap Metal, 109. Home Scrap Metal, 109. Prompt Scrap Metal, 109. Table 1, 105.D.1.m–n, 105.D.1.n.i–ii, 4105.B.4, 2201.I.1.2, 2201.I.3, 2237.A.2.d, 2237.A.4, 2245.A, 2245.A, 2245.B.1–6, 2245.B, 2245.C.1.a–d, 2245.C.2, 2245.C, 2245.C.1.a, 2245.C.1.b, 2245.D.3–7, 2245.D, 2245.E, 2245.E.1–3, 2245.F, 2245.G, 2245.H, 2245.L, 2245.L.1–3, 2747.A, 2247.A.1–2, 2247.B, 2247.B.1–2, 2247.B.2.a–e, 2247.C, 2247.C.1–3, 2247.D–E, 2247.F.1–2, 2246.A, 2246.D.1.b, 2209.A, 2209.A.1–3, 2209.B–D, 2209.D.2–3, 2209.D.1, 2209.D.4, 2209.E, 2213–2219, Chapter 22 Tables 2–3, 2231.L, Chapter 22. Table 10 and Chapter 22 Tables 5 and 11, as amended September 20, 1998, effective September 20, 1998. The State has no equivalent citation to 40 CFR 268.1(e)(1). The State does not recognize the class of generators generating 0–100 kg/mth as “conditionally small quantity generators (SQGs)” Generators in Louisiana who generate 0–100 kg/mth must follow more stringent guidelines for SQGs. LAC 33:V.2237.A.4 is more stringent than 40 CFR 268.4(a)(4) because Louisiana specifies that the owner or operator must submit to the administrative authority a written certification. There is not an equivalent citation to 40 CFR 268.7(a)(10). In this case the State does not offer the relief to SQG and thus the State is more stringent.
3. Military Munition Rule: Hazardous Waste Identification and Management; Explosive emergencies; Manifest Exemption for Transport of Hazardous Waste on Right-of-Ways on Contiguous Properties, [62 FR 6622] February 12, 1997. (Checklist 156).	LRS 30:2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§109, 109. Active Range, 109. Administrative Authority, 109. Chemical Agents and Munitions, 109. Explosives or Emergency, Response Specialist, 109. Inactive Range, 109. Military, 109. Military Munitions, 109. Military Range, 109. Unexploded Ordnance (UXO), 109. Solid Waste.1.b.iii–iv, 305.C.12–13, 321.C.8, 321.C.8.a–c, 321.C.9, 1101, 1107A.11, 1301.G, 1301.H, 1501.C.7.a.iv, 1501.C.7.d, 1501.C.12, 901, 2401, 2403.A, 2403.A.1–5, 2403.B, 2403.B.1, 2403.B.1.a–b, 2403.B.1.b.1–iii, 2403.B.1.c, 2403.B.2–3, 2403.C–F, 2405.A–B, 4307, 4351, 4707, 4709.A, 4709.A.1–5, 4709.B, 4709.B.1, 4709.B.1.a–b, 4709.B.1.b.1–iii, 4709.B.1.c, 4709.B.2–3, 4709.C–F, 4711.A–B, 5301.A–B, 5303.A, 5303.A.1, 5303.A.1.a–c, 5303.A.2, 5303.B, 5303.B.1–4, 5303.C, 5303.C.1–2, 5303.D, 5305.A, 5305.A.1, 5305.A.1.a–c, 5305.A.2–4, 5305.B–C, 5307, 5309, 5309.A.1, 5309.A.1.a–g, 5309.A.2–3, 5309.B–D, 5309.D.1–2, 5309.E, 5311, 305.C.13.d, 305.C.15, as amended September 20, 1998, effective September 20, 1998.

Federal Citation	State Analog
4. Land Disposal Restrictions—Phase IV: Treatment Standards for Wood Preserving Waste, Paperwork Reduction and Streamlining, Exemptions From RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions, [62 FR 25998] May 12, 1997. (Checklist 157).	LRS 30:2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR §§ 109. Excluded Scrap Metal, 109. Processed Scrap Metal, 109. Home Scrap Metal, 109. Prompt Scrap Metal, 109. Table 1, 105.D.1.m–n, 105.D.1.n.i–ii, 4105.B.4, 2201.I.I–2, 2201.I.3, 2237.A.2.d, 2237.A.4, 2245.A, 2245.B.1–6, 2246.B, 2245.C.1.a–d, 2245.C.2, 2245.C, 2245.C.1.a–b, 2245.D.3–7, 2245.D, 2245.E, 2245.E.1–4, 2245.F–H, 2245.I, 2245.I.1, 2245.I.2–3, 2245.I.3, 2247.A, 2247.A.1–2, 2247.B, 2247.B.1–2, 2247.B.a–e, 2247.C, 2247.C.1–3, 2247.D, 2247.E, 2247.F.1–2, 2246.A, 2246.D.1.b, 2209.A, 2209.A.1–3, 2209.B–D, 2209.D.2–3, 2209.D.1, 2209.D.4, 2209.E, 2213–2219, Chapter 22. Table 2, Chapter 22. Table 3, 2231.L, Chapter 22. Table 10, 5 and 11, as amended September 20, 1998, effective September 20, 1998
5. Hazardous Waste Management System; Testing and Monitoring Activities, [62 FR 32452] June 13, 1997. (Checklist 158).	LRS 30:2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR §§ 110.A, 110.A.1–10, as amended April 20, 1998, effective April 20, 1998; 110.A.11, as amended September 20, 1998, effective September 20, 1998, 110.A.12–15, as amended April 20, 1998, effective April 20, 1998, 1711.D.1.c, 1711.F, 1741.D.2, Chapter 33. Table 4, 4557, 4587, 3009.E.1, 3013.G.1–2, 3015.F, as amended September 20, 1998, effective September 20, 1998; and Chapter 30. Appendix I, as amended December 20, 1992, effective December 20, 1992

F. What Decisions Has the EPA Made?

We conclude that Louisiana's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, we grant Louisiana final authorization to operate its hazardous waste program as revised, assuming we receive no adverse comments as discussed above. Upon effective final approval Louisiana will be responsible for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Louisiana also will have 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.

G. How Do the Revised State Rules Differ From the Federal Rules?

EPA considers the following State requirements to be more stringent than the Federal: The State has no equivalent citation to 40 CFR 268.1(e)(1). The State does not recognize the class of generators generating 0–100kg/mth as “conditionally exempt small quantity generators”. Generators in Louisiana who generate 0–100kg/mth must follow more stringent guidelines for small quantity generators. LAC 33:V.2237.A.4 is more stringent than the 40 CFR 266.4(a)(4) because Louisiana specify that the owner or operator must submit to the administrative authority a written certification. There is no equivalent citation to 40 CFR 268.7(a)(10) because the State of Louisiana does not offer the relief to small quantity generators. LAC 33:VII.301.B.1, LAC 33:VII.315.N, and LAC 33:VII.521.H is more stringent than the 40 CFR 261.5(f)(3)(iv)(v) and (g)(3)(iv)–(v) because solid waste

landfills are prohibited from accepting hazardous waste, with the exception of household hazardous waste. These requirements are part of Louisiana's authorized program and are federally enforceable. In this authorization of the State of Louisiana's program revisions for RCRA cluster VII, there are no provisions that are broader in scope. Broader in scope requirements are not part of the authorized program and EPA can not enforce them.

H. Who Handles Permits After This Authorization Takes Effect?

Louisiana will issue permits for all the provisions for which it has authority and will administer the permits it issues.

EPA will continue to administer any RCRA hazardous waste permits or portions of permits which it issued before the effective date of this authorization until they expire or are terminated. EPA will not issue any more permits or portions of permits for the provisions listed in this document after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which the State is not yet authorized.

I. Why Wasn't There a Proposed Rule Before Today's Notice?

EPA is authorizing the State's changes through this immediate final action and is publishing this rule without a prior proposal to authorize the changes because EPA believes it is not controversial and we expect no comments that oppose this action. EPA is providing an opportunity for public comment now. In the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the State changes. If EPA receives comments which oppose this authorization, that document will

serve as a proposal to authorize the changes.

J. Where Do I Send My Comments and When Are They Due?

You should send written comments to Alima Patterson, Regional Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8533. Please refer to Docket Number LA–99–2. We must receive your comments by October 4, 1999. You may not have an opportunity to comment again. If you want to comment on this action, you must do so at this time.

K. What Happens if EPA Receives Comments Opposing This Action?

If EPA receives comments opposing this authorization, a second **Federal Register** document will be published before the immediate final rule takes effect. The second document may withdraw the immediate final rule or identify the issues raised, respond to the comments, and affirm that the immediate final rule will take effect as scheduled.

L. When Will This Approval Take Effect?

Unless EPA receives comments opposing this action, this final authorization approval will become effective without further notice on November 1, 1999.

M. Where Can I Review the State's Application?

You can view and copy the State of Louisiana's application from 8:30 a.m. to 4 p.m. Monday through Friday at the following addresses: Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, (504) 765–0617 and EPA, Region

6 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6444. For further information contact Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

N. Now Does Today's Action Affect Indian Country in Louisiana?

Louisiana is not authorized to carry out its hazardous waste program in Indian country within the State. This authority remains with EPA. Therefore, this action has no effect Indian country.

O. What Is Codification?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the CFR. The EPA does this by referencing the authorized State rules in 40 CFR part 272. The EPA reserves the amendment of 40 CFR part 272, subpart T for this authorization of Louisiana's program changes until a later date.

Regulatory Requirements

Compliance With Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3 of E.O. 12866.

Compliance Executive Order 13045

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" applies to any rule that: (1) The OMB determines is "economically significant" as defined under E.O. 12866; and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have 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.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs the 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 the 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, the EPA did not consider the use of any voluntary consensus standards.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 and 205 of the UMRA, the EPA 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. The 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 the State of Louisiana's program, and today's action does not impose any additional obligations on regulated entities. In fact, the 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 the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires the 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 hazardous waste treatments, storage or disposal facilities (TSDFs), they are already subject to the regulatory requirements under the existing State laws that are being authorized by the 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 any 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" defined by 5 U.S.C. 804(2).

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.

Executive Order 12875 Enhancing Intergovernmental Partnerships

Under E.O. 12875, the EPA may not issue regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, the EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires the EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

This rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

Executive Order 13084 Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, the EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes

substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance cost incurred by the tribal governments. If the mandate is unfunded, the EPA must provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of the EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires the EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

This rule is not subject to E.O. 13084 because it does not significantly or uniquely affect the communities of Indian governments. The State of Louisiana is not authorized to implement the RCRA hazardous waste program in Indian country. This action has no effect on the hazardous waste program that the EPA implements in the Indian country within the State.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping 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: June 15, 1999.

Jerry Clifford,

Acting Regional Administrator, Region 6.
[FR Doc. 99-22627 Filed 9-1-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 439

[FRL-6431-8]

RIN 2040-AA13

Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Correcting Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: EPA is correcting minor errors in the effluent limitations guidelines and standards for the pharmaceutical manufacturing point source category which appeared in the **Federal Register** on September 21, 1998.

DATES: These corrections shall become effective September 2, 1999. In accordance with 40 CFR 23.2, this rule will be considered promulgated for purposes of judicial review at 1:00 p.m. Eastern Time on September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Frank H. Hund, Office of Water, Engineering and Analysis Division (4303), U. S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202) 260-7182, hund.frank@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In a final rule published on September 21, 1998 (63 FR 50388), EPA established final effluent limitations and standards for the pharmaceutical manufacturing point source category for the control of wastewater pollutants. The final rule omitted a clarifying abbreviation and contained four incorrect subsections. This notice inserts a clarifying abbreviation, deletes four incorrect subsections, changes the parenthetical letters identifying two subsections and deletes the parenthetical letters identifying two other subsections. The clarifying abbreviation "Mg/L" (milligrams per liter) is necessary to avoid confusion with the abbreviation "Mg" (megagrams) which is used in the preamble section devoted to the discussion of the MACT rule which was promulgated at the same time as the pharmaceuticals effluent guidelines rule. The subsection deletions are in the Pretreatment Standards for New Sources (PSNS) sections of the rule. These subsections contained a cite from the regulations concerning new source direct dischargers which is inconsistent