

US EPA ARCHIVE DOCUMENT

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 271**

[EPA-R03-RCRA-2008-0256; FRL-8574-7]

Virginia: Final Authorization of State Hazardous Waste Management Program Revision; Withdrawal of Immediate Final Rule**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of immediate final rule.

SUMMARY: EPA is withdrawing the immediate final rule for Virginia: Final Authorization of State Hazardous Waste Management Program revision published on April 3, 2008, which authorized changes to Virginia's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA stated in the immediate final rule that if EPA received written comments that oppose this authorization during the comment period, EPA would publish a notice of withdrawal in the **Federal Register** prior to the effective date of June 2, 2008. Since EPA did receive a comment that opposes this authorization, EPA is withdrawing the immediate final rule. EPA will address these comments in a subsequent final action based on the proposed rule also published on April 3, 2008 at 73 FR 18229.

DATES: As of June 3, 2008, EPA withdraws the immediate final rule published on April 3, 2008 at 73 FR 18172.

FOR FURTHER INFORMATION CONTACT: Thomas UyBarreta, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

SUPPLEMENTARY INFORMATION: Because EPA received written comments that oppose this authorization, EPA is withdrawing the immediate final rule for Virginia: Final Authorization of State Hazardous Waste Management Program Revision published on April 3, 2008 at 73 FR 18172, which authorized changes to Virginia's hazardous waste program. EPA stated in the immediate final rule that if EPA received written comments that oppose this authorization during the comment period, EPA would publish a notice of withdrawal in the **Federal Register** prior to the effective date of June 2, 2008. Since EPA received comments that oppose this action, today EPA is withdrawing the immediate final rule. EPA will address the comments received during the comment period in a subsequent final action based on the

proposed rule also published on April 3, 2008. EPA will not provide for additional public comment during the final action.

Dated: May 22, 2008.

William T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. E8-12377 Filed 6-2-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****49 CFR Part 195**

[Docket ID PHMSA-RSPA-2003-15864]

RIN 2137-AD98

Pipeline Safety: Protecting Unusually Sensitive Areas From Rural Onshore Hazardous Liquid Gathering Lines and Low-Stress Lines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: PHMSA is amending its pipeline safety regulations to extend added protection to certain environmentally sensitive areas that could be damaged by failure of a rural onshore hazardous liquid gathering line or low-stress pipeline. Building on PHMSA's existing regulatory framework, the rule is intended to protect designated "unusually sensitive areas" (USAs)—locations requiring extra protection because of the presence of sole-source drinking water, endangered species, or other ecological resources. This rule defines "regulated rural onshore hazardous liquid gathering lines" and requires operators of these lines to comply with safety requirements that address the most common threats to the integrity of these pipelines: Corrosion and third-party damage. In accordance with the Pipeline Inspection, Protection, Enforcement and Safety (PIPES) Act of 2006, the rule also significantly narrows the regulatory exception for rural onshore low-stress hazardous liquid pipelines by extending all existing safety regulations, including integrity management requirements, to large-diameter low-stress pipelines within a defined "buffer" area around a USA. The final rule requires operators of these, and all other low-stress pipelines, to comply with annual reporting requirements, furnishing data needed for further rulemaking required by the PIPES Act.

EFFECTIVE DATE: July 3, 2008.

FOR FURTHER INFORMATION CONTACT: Lane Miller by phone at (405) 954-4969 or by e-mail at *Lane.Miller@dot.gov*.

SUPPLEMENTARY INFORMATION:**I. Background**

PHMSA published a Notice of Proposed Rulemaking (NPRM) (71 FR 52504; September 6, 2006) proposing to extend pipeline safety regulations to rural onshore hazardous liquid gathering lines and rural onshore hazardous liquid low-stress pipelines located in or within a quarter mile of previously-defined "unusually sensitive areas" (See § 195.6). Unusually sensitive areas (USAs) that are in non-populated areas need extra protection because they contain sole-source drinking water, endangered species, or other ecological resources that could be adversely affected by accidents or leaks from hazardous liquid pipelines. There is no universal definition of either gathering lines or low-stress pipelines. For purposes of safety regulation, PHMSA defines gathering lines by reference to diameter and function and low-stress pipelines by reference to the stress level at which they operate (see § 195.2).

With limited exceptions, pipelines operating at low-stress in rural areas and onshore gathering lines in rural areas have not been regulated under Federal safety regulations for hazardous liquid pipelines (49 CFR part 195). Section 195.2 defines a "rural area" as outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area, such as a subdivision, a business or shopping center, or community development. Low-stress pipelines in these areas have been regulated only if they cross commercially navigable waterways (§ 195.1(b)(i)(C)); in the case of rural gathering lines, only limited requirements (inspection and burial (§ 195.1(b)(4)) have applied and only to onshore gathering lines located in Gulf of Mexico inlets.

The proposed rule would have defined "regulated rural onshore gathering lines" and "regulated rural onshore low-stress lines" and would have required operators of such pipelines to comply with a threat-focused set of requirements in part 195. The safety requirements proposed to be applied addressed the most common threats to the integrity of these rural lines: Corrosion and third-party damage. The proposal was intended to provide additional integrity protection, to prevent significant adverse environmental consequences, and to