(154) Revisions to Chattanooga/Hamilton County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 11, 1995, and June 26, 1996, regarding nitrogen oxides, prevention of significant deterioration (PSD), lead sources, stack heights, infectious waste incinerators, and volatile organic compound (VOC) reasonably available control technology (RACT) for miscellaneous metal parts coaters and synthesized pharmaceutical products, and PM10.

(i) Incorporation by reference.

(A) Chapter 4, Section 4–13 except (b)(6), and Section 4–41, Rules 2.4, 2.6, 2.7, 16.5; 18; 20.4(2)d; 21, 25.2(23); 27; 3.5; 8; Table 1; 9.4, 13.1, and 26.8 of the “Chattanooga Air Pollution Control Ordinance,” adopted on August 15, 1995.

(B) Section 13, except (b)(6); Section 41, Rules 2.4, 2.6, 2.7; 16.5; 18; 20.4(2)d; 21, 24.2(33); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8(f)(4) of the regulation known as the “Hamilton County Air Pollution Control Regulation,” adopted by Hamilton County on September 6, 1995. The identical regulations were also adopted by the following municipalities as part of their air pollution control ordinances:

- Signal Mountain, adopted on December 11, 1995; Walden, adopted on December 12, 1995; Lookout Mountain, adopted on November 14, 1995; and Ridgeside, adopted on April 16, 1996.


(H) Chapter 4: Section 4–2; Section 4–41, Rules 19; 21, Table 1; 22; 25.2; 25.2(6); and 25.27(3) of the “Chattanooga Air Pollution Control Ordinance,” adopted on May 30, 1989.

(I) Section 9, Rules 19; 21, Table 1; 22; 25.2; 25.21(6); and 25.27(3); and Section 16 of the regulation known as the “Hamilton County Air Pollution Control Regulation,” adopted on June 7, 1989.

* * * * * *

[FR Doc. 97–21270 Filed 8–11–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52
[OH104–3a; FRL–5874–4]

Approval and Promulgation of Implementations Plans; Ohio Ozone Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; delay of the effective date.

SUMMARY: On May 14, 1997 (62 FR 26396), EPA approved a revision submitted on July 9, 1996, and January 31, 1997, to the ozone maintenance plans for the Dayton-Springfield Area (Miami, Montgomery, Clark, and Greene Counties), Toledo Area (Lucas and Wood Counties), Canton area (Stark County), Ohio portion of the Youngstown-Warren- Sharon Area (Mahoning and Trumbull Counties), Columbus Area (Franklin, Delaware, and Licking Counties), Cleveland-Akron-Lorain Area (Ashtabula, Cuyahoga, Lake, Lorain, Medina, Summit, Portage, and Geauga Counties), Preble County, Jefferson County, Columbiana and Clinton County. The revision was based on a request from the State of Ohio to revise the federally approved maintenance plan for those areas to provide the State and the affected areas with greater flexibility in choosing the appropriate ozone contingency measures for each area in the event such a measure is needed. On June 13, 1997 (62 FR 32204), the EPA delayed the effective date of the May 14, 1997, direct final rule for 60 days, until September 12, 1997, to allow for a 60-day extension of the public comment period. The EPA is postponing the effective date of this rule for an additional 120 days to allow for an additional 120-day extension of the public comment period. In the proposed rules section of this Federal Register, EPA announces an additional 120-day extension of the public comment period on these maintenance plans.

DATES: The direct final rule published at 62 FR 26396 becomes effective January 9, 1998 unless substantive written adverse comments not previously addressed by the State or EPA are received by December 10, 1997. If the effective date is further delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18), at the address below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Regulation Development Section, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Regulation Development Section, Air Programs Branch (AR–18), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–6084.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Volatile organic compounds.


J. Lynn Traub,
Acting Regional Administrator.


[FR Doc. 97–21382 Filed 8–11–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 148

[FRL–5873–8]

Final Decision To Grant Chemical Waste Management, Inc. a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 Regarding Injection of Hazardous Wastes

AGENCY: Environmental Protection Agency (EPA).

BILLING CODE 6560–50–P
ACTION: Notice of final decision on a request to modify an exemption from the hazardous and solid waste amendments of the Resource Conservation and Recovery Act.

SUMMARY: Notice is hereby given by the Environmental Protection Agency (EPA or Agency) that modification of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) has been granted to Chemical Waste Management, Inc. (CWM) of Oakbrook, Illinois. This modification allows CWM to inject RCRA-regulated hazardous wastes which will be banned from land disposal on August 11, 1997, as a result of regulations promulgated on May 12, 1997. Wastes designated by a total of 11 additional RCRA waste codes, may continue to be land disposed through four waste disposal wells at the facility at Vickery, Ohio. As required by 40 CFR part 148, CWM has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone utilized by CWM’s waste disposal facility located near Vickery, Ohio, for as long as the newly exempted waste remains hazardous. This decision constitutes a final Agency action for which there is no administrative appeal.

DATES: This action is effective as of August 12, 1997.

FOR FURTHER INFORMATION CONTACT: Harlan Gerrish or Nathan Wiser, Lead Petition Reviewers, Region 5, telephone (312) 886–2939 or (312) 353–9569, respectively. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative record.

SUPPLEMENTARY INFORMATION:

Background

CWM submitted a petition for an exemption from the restrictions on land disposal of hazardous wastes on January 19, 1988. Revised documents were received on December 4, 1989, and several supplemental submittals were subsequently made. The exemption was granted on August 7, 1990. On September 12, 1994, CWM submitted a petition to modify the exemption to include wastes bearing 23 additional RCRA waste codes. Region 5 reviewed documents supporting the request and granted the modification of the exemption on May 16, 1995. A notice of the modification appeared on June 5, 1995, at 60 FR 29592 et seq. On April 9, 1996, CWM submitted a petition to again modify the exemption to allow 91 additional RCRA waste codes. Region 5 reviewed documents supporting the request and granted the modification of the exemption on June 24, 1996. A notice of the modification appeared on July 15, 1996, at 61 FR 36880 et seq.

On May 13, 1997, in response to the Land Disposal Restrictions Rule published in the Federal Register at 62 FR 25998 et seq. on May 12, 1997, which set ban dates for a number of additional hazardous waste codes, CWM submitted a request to add a total of 11 additional RCRA waste codes to its exemption. Three (3) of these codes (F032, F034 and F035) are currently banned by the May 12, 1997, rule. The remaining eight (8) codes (F020, F021, F022, F023, F025, F026, F027 and F028) have been banned since 1988, but CWM anticipates a future need for their injection. The underlying chemicals found in all the codes of interest today were already the subject of previous technical consideration during the modeling for the originally-issued exemption. The newly-promulgated rule bans codes F022, F023, F025 and F026 from deep injection after August 11, 1997, upon which CWM makes a no-migration demonstration. CWM made a no-migration demonstration in 1990. After careful review of the material submitted, the EPA has determined, as required by 40 CFR part 148.20(f), that there is a reasonable degree of certainty that waste streams containing constituents designated by these codes will behave hydraulically and chemically like wastes for which CWM was granted its original exemption and will not migrate from the injection zone within 10,000 years. The injection zone is the Mt. Simon, Sandstone and the Rome, Conasauga, Kerbel, and Knox Formations. The confining zone is comprised of the Wells Creek and Black River Formations.

Effective May 29, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated 24 RCRA waste codes that had been previously listed. These 24 RCRA waste codes therefore are not banned from injection under Federal law as they no longer exist as Federally-defined RCRA waste codes. Notwithstanding the effect of the Court’s action at the Federal level, the Ohio Environmental Protection Agency rules governing these 24 RCRA waste codes prohibit injection of these coded wastes without a Federal exemption from the Land Disposal Restrictions. Hence, the action taken by modifying the exemption issued to CWM remains effective for these RCRA waste codes since without the inclusion of these codes, CWM would be barred from injecting them under State law. CWM’s modified exemption therefore contains these 24 RCRA waste codes. The effect of this exemption is limited to these codes: K160, U277, U366, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U390, U391, U392, U393, U396, U400, U401, U402, U403 and U407, effective the date that these 24 RCRA waste codes were originally promulgated. If these particular codes should be removed as RCRA wastes, different in chemical character from the originally-promulgated RCRA waste codes, the burden will be incumbent on CWM to show that the injection of such newly-promulgated RCRA waste codes will result in a reasonable degree of certainty that there will be no migration from the injection zone within 10,000 years, and a modification of CWM’s exemption will be required to inject them.

As a result of this action, CWM may continue to inject the wastes bearing the codes: F020, F021, F022, F023, F025, F026, F027, F028, F032, F034, and F035, after wastes denoted by these codes are banned from land disposal on August 11, 1997. These waste codes are added to the waste codes which have been previously exempted and the current total approved listing of codes follows.

List of Approved RCRA Waste Codes for Injection

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D001</td>
<td></td>
<td>D002</td>
<td></td>
<td>D003</td>
<td></td>
<td>D004</td>
<td></td>
</tr>
<tr>
<td>D005</td>
<td></td>
<td>D006</td>
<td></td>
<td>D007</td>
<td></td>
<td>D008</td>
<td></td>
</tr>
<tr>
<td>D009</td>
<td></td>
<td>D010</td>
<td></td>
<td>D011</td>
<td></td>
<td>D012</td>
<td></td>
</tr>
<tr>
<td>D013</td>
<td></td>
<td>D014</td>
<td></td>
<td>D015</td>
<td></td>
<td>D016</td>
<td></td>
</tr>
<tr>
<td>D017</td>
<td></td>
<td>D018</td>
<td></td>
<td>D019</td>
<td></td>
<td>D020</td>
<td></td>
</tr>
<tr>
<td>D021</td>
<td></td>
<td>D022</td>
<td></td>
<td>D023</td>
<td></td>
<td>D024</td>
<td></td>
</tr>
<tr>
<td>D025</td>
<td></td>
<td>D026</td>
<td></td>
<td>D027</td>
<td></td>
<td>D028</td>
<td></td>
</tr>
<tr>
<td>D029</td>
<td></td>
<td>D030</td>
<td></td>
<td>D031</td>
<td></td>
<td>D032</td>
<td></td>
</tr>
<tr>
<td>D033</td>
<td></td>
<td>D034</td>
<td></td>
<td>D035</td>
<td></td>
<td>D036</td>
<td></td>
</tr>
<tr>
<td>D037</td>
<td></td>
<td>D038</td>
<td></td>
<td>D039</td>
<td></td>
<td>D040</td>
<td></td>
</tr>
<tr>
<td>D041</td>
<td></td>
<td>D042</td>
<td></td>
<td>D043</td>
<td></td>
<td>D044</td>
<td></td>
</tr>
</tbody>
</table>

Effective May 29, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated 24 RCRA waste codes that had been previously listed. These 24 RCRA waste codes therefore are not banned from injection under Federal law as they no longer exist as Federally-defined RCRA waste codes. Notwithstanding the effect of the Court’s action at the Federal level, the Ohio Environmental Protection Agency rules governing these 24 RCRA waste codes prohibit injection of these coded wastes without a Federal exemption from the Land Disposal Restrictions. Hence, the action taken by modifying the exemption issued to CWM remains effective for these RCRA waste codes since without the inclusion of these codes, CWM would be barred from injecting them under State law. CWM’s modified exemption therefore contains these 24 RCRA waste codes. The effect of this exemption is limited to these codes: K160, U277, U366, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U390, U391, U392, U393, U396, U400, U401, U402, U403 and U407, effective the date that these 24 RCRA waste codes were originally promulgated. If these particular codes should be removed as RCRA wastes, different in chemical character from the originally-promulgated RCRA waste codes, the burden will be incumbent on CWM to show that the injection of such newly-promulgated RCRA waste codes will result in a reasonable degree of certainty that there will be no migration from the injection zone within 10,000 years, and a modification of CWM’s exemption will be required to inject them.

As a result of this action, CWM may continue to inject the wastes bearing the codes: F020, F021, F022, F023, F025, F026, F027, F028, F032, F034, and F035, after wastes denoted by these codes are banned from land disposal on August 11, 1997. These waste codes are added to the waste codes which have been previously exempted and the current total approved listing of codes follows.
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5670-8]

New York: Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of New York has applied for final authorization of certain revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The Environmental Protection Agency (EPA) has reviewed New York’s application and has made a decision, subject to EPA’s receipt and evaluation of public comment, that New York’s hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve New York’s hazardous waste program revisions, which are described later in this notice. New York’s application for program revision is available for public review and comment.

DATES: Final authorization for New York shall be effective October 14, 1997 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on New York’s program revision application must be received by the close of business September 11, 1997.

ADDRESSES: Copies of New York’s program revision application are available during the business hours of 9 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, Room 204, Albany, New York 12233-7253, (518) 457-3273; U.S. EPA Library (M2904), 401 M Street, S.W., Washington, DC 20460, 202/260-5922.

Written comments should be sent to: Ms. Kathleen Callahan, Director, Division of Environmental Planning and Protection, U.S. EPA, Region II, 290 Broadway, New York, New York 10007-1866, (212) 637-3726. FOR FURTHER INFORMATION CONTACT: Steven Venezia, (212) 637-4218.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal...