

US EPA ARCHIVE DOCUMENT

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 271**

[OSWER-FRL-2614-2]

**Maryland; Phase II, Components B and
C, Interim Authorization of the State
Hazardous Waste Management
Program****AGENCY:** Environmental Protection
Agency.**ACTION:** Approval of State Program.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA) provisions, the State of Maryland has applied for Interim Authorization Phase II, Components B and C. The Environmental Protection Agency (EPA) has reviewed Maryland's application for Phase II, Components B and C, Interim Authorization, and has determined that Maryland's hazardous waste program is substantially equivalent to the Federal program.

The State of Maryland is hereby granted Interim Authorization for Phase II, Components B and C to operate the State's hazardous waste program in lieu of the Federal program for facilities which incinerate hazardous wastes or dispose of hazardous wastes on land.

DATES: These regulations shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on July 9, 1984. These regulations shall become effective on July 9, 1984.

FOR FURTHER INFORMATION CONTACT: Anthony J. Donatoni, Chief, State Programs Section, Waste Management Branch, U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597-7937.

SUPPLEMENTARY INFORMATION:**Background**

In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective November 19, 1980 were provisions for a transitional stage in which States would be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program has taken effect. Phase I of the Federal program, published in the May 19, 1980

Federal Register (45 FR 33063), includes regulations pertaining to the identification and listing of hazardous wastes; standards applicable to generators and transporters of hazardous waste, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities. The State of Maryland received Interim Authorization for Phase I on July 8, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions of the second phase of Interim Authorization. Phase II of the Federal program includes permitting procedures and standards for hazardous waste management facilities. EPA made the second phase of Interim Authorization available in components in order to authorize State programs as expeditiously as possible and because some of the standards for hazardous waste treatment, storage, and disposal facilities (40 CFR Part 264) have been promulgated at different times. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments, and waste piles. The State of Maryland received Interim Authorization of Phase II, Component A, on November 23, 1983.

Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators. Component C, published in the **Federal Register** July 26, 1982 (47 FR 32274), contains standards for permitting surface impoundments, waste piles, land treatment facilities and landfills. These Component C standards for permitting surface impoundments and waste piles superseded the Component A standards for permitting storage and treatment in surface impoundments and waste piles published on January 12, 1981. The State of Maryland applied for Phase II, Components B and C, Interim Authorization to enable the State to permit the incineration and land disposal of hazardous wastes in lieu of the Federal program.

On February 10, 1984, EPA published a notice in the **Federal Register** inviting the public to comment on Maryland's application for Interim Authorization, Phase II, Components B and C, at a public hearing on March 12, 1984. This notice also invited the public to submit written comments on Maryland's application to Region III by March 19, 1984. Notice was also published in seven major daily newspapers in Maryland and mailed to persons on both the State and EPA mailing lists.

Discussion

The State of Maryland submitted its complete application for Phase II, Components B and C, Interim Authorization on January 30, 1984. EPA reviewed the State's application and prepared comments. The issues which EPA identified for the State to address included: (1) Discussions in the Program Description to clarify a difference between EPA's and the State's correction factor for measuring particulate emissions from incinerators, and the applicability of groundwater monitoring requirements to all disposal facilities; (2) commitments in the Memorandum of Agreement so the State requests certain permit information from permit applicants, so State reporting to EPA is consistent with RCRA grant guidance, and to insert two, more current procedural provisions; (3) a certification from the Attorney General regarding the State's adoption of federal regulations by reference, and (4) a commitment in the Authorization Plan to correct numerous regulatory inaccuracies.

In a letter dated April 25, 1984 and through subsequent responses, the State of Maryland submitted amendments to its application for Phase II, Components B and C, Interim Authorization and satisfactorily responded to the issues raised by EPA. In those responses, the State provided amendments to the Program Description which described that the State's correction factor that is applied when measuring particulate emissions from hazardous waste incinerators is at least as stringent as EPA's especially when considering the State's emission standard itself is more stringent than EPA's. Thirdly, Maryland explains it is utilizing State permit provisions to impose groundwater monitoring programs at facilities where regulatory applicability is unclear.

The Memorandum of Agreement has been modified as requested by EPA and certain permit application information will be required by the State in order to properly process permit applications. Additionally, procedural provisions were added as EPA requested, including State reporting requirements that are consistent with RCRA grant guidance.

An amendment to the Attorney General's Statement certifies that unless specifically noted, when federal regulations are referenced in Maryland's regulations, the State is only adopting the text of the federal regulations in existence on the date Maryland proposes its regulations.

Lastly, the Authorization Plan was amended describing a procedure by

which EPA regulatory comments would be addressed by the State for Final Authorization. A specific schedule for a State regulation proposal and adoption procedure to make the necessary regulatory amendments is presented. Minor regulatory errors will be corrected through an errata.

The State of Maryland has provided the necessary amendments to its application and has adequately addressed EPA's comments. The State's program is substantially equivalent to the Federal program.

Responsiveness Summary

Region III held a public hearing on Maryland's application for Phase II, Components B and C, Interim Authorization on March 12, 1984, in Baltimore, MD. Six (6) members of the public attended, in addition to Region III and State agency representatives. No testimony was provided at the public hearing on the State's application and no written comments were received by the Agency. The public comment period closed March 19, 1984.

Decision

I have determined that the State of Maryland's program is substantially equivalent to the Federal program for Phase II, Components B and C, Interim Authorization, as defined in 40 CFR Part 271, Subpart B. In accordance with Section 3006(c) of RCRA, the State of Maryland is hereby granted Interim Authorization to operate its hazardous waste program in lieu of Phase II, Components B and C of the Federal hazardous waste program.

Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal regulations in favor of Maryland's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials. Indian lands, Reporting and recordkeeping

requirements. Waste treatment and disposal. Intergovernmental regulations. Penalties. Confidential business information.

Authority: This notice 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: May 31, 1984.

Thomas P. Eichler,
Regional Administrator.

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40 CFR Part 712

[OPTS-82004Q; FRL TSH-2595-4]

Amendment Adding Chemicals Recommended by the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds 17 chemical substances to the list of chemicals subject to the Preliminary Assessment Information Rule—Manufacturer Reporting (PAI Rule) (40 CFR Part 712), under the authority of section 8(a) of the Toxic Substances Control Act (TSCA). These chemicals were recommended for testing consideration in the Eleventh Report of the Interagency Testing Committee (ITC), as published in the *Federal Register* of December 2, 1982 (47 FR 54624). Manufacturing firms which produce these subject chemicals are required to submit production, use, and exposure data to EPA, in a manner specified in the PAI Rule. The Agency will use the reported data to evaluate risks associated with the chemicals. EPA also will use the information to determine whether the chemicals should be subject to testing under section 4 of TSCA, or to verify test/no test decisions which already have been made.

DATES: This regulation shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on July 9, 1984. This regulation becomes effective on August 8, 1984.

FOR FURTHER INFORMATION CONTACT: For further information on this rule or to obtain copies of the Manufacturer's Report Form, contact: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2000-0420.

I. Background

Under the authority of TSCA section 4(e), the ITC issues reports which recommend certain chemicals for priority testing consideration by EPA. The ITC recommendations may take one of two forms:

1. The ITC may designate a chemical for consideration and response by EPA within 12 months of the date of recommendation. This type of recommendation requires EPA to initiate work on a section 4 test rule (or equivalent action) before the 12-month deadline, or issue a notice for publication in the *Federal Register* explaining why such action is not being taken. For convenience, this rule will refer to chemicals subject to this type of recommendation as designated chemicals.

2. The ITC may recommend a chemical for testing consideration, but not designate a deadline for Agency response. For convenience, this rule will refer to chemicals subject to this type of recommendation as non-designated chemicals.

EPA must evaluate all chemicals that the ITC recommends for testing consideration, regardless of whether they are designated or non-designated.

The PAI Rule (40 CFR Part 712), issued under the authority of TSCA section 8(a), requires manufacturers of certain chemicals to report general production, use, and exposure information using the Preliminary Assessment Information Manufacturer's Report Form (EPA Form 7710-35). The EPA Administrator has the authority to amend the list of chemicals subject to the rule when necessary to collect information on additional chemicals. The Administrator has delegated this authority to the Assistant Administrator for Pesticides and Toxic Substances (for amendments involving ITC-recommended chemicals only). The Assistant Administrator has redelegated this authority to the Director of the Office of Toxic Substances.

II. Content of the Rule

This rule amends the list of chemicals subject to the PAI Rule by adding the 17 chemicals recommended in the ITC's Eleventh Report to the list of subject chemicals. Eleven of these chemicals are designated and six are non-designated. Manufacturers (including importers) of all 17 of the chemical substances listed in this rule are subject to the reporting requirements of the PAI Rule. This addition to the PAI Rule was proposed for public comment in the *Federal Register* of May 19, 1983 (48 FR 22697).