

US EPA ARCHIVE DOCUMENT

**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 4 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. This authorization effectively suspends the applicability of certain Federal regulations in favor of Texas' 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**

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 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:** September 25, 1992.

**Philip A. Charles,**

*Acting Regional Administrator.*

[FR Doc. 92-24090 Filed 10-2-92, 8:45 am]

**BILLING CODE 6560-50-M**

**40 CFR Part 271**

[FRL-4516-9] *prog. revision ②*

**Arkansas; Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** The State of Arkansas has applied for final authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the State of Arkansas' application and has made a decision, subject to public review and comment, that Arkansas' hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Arkansas' hazardous waste

program revisions, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984. Arkansas' application for program revision is available for public review and comment.

**DATES:** Final authorization for the State of Arkansas shall be effective on December 4, 1992, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Arkansas' program revision application must be received by the close of business November 4, 1992.

**ADDRESSES:** Copies of the Arkansas program revision application and the materials which EPA used in evaluating the revision are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209-8913, phone (501) 562-7444; and the U.S. EPA Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6444. Written comments, referring to Docket Number AR-92-1, should be sent to the Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Program Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-8533.

**FOR FURTHER INFORMATION CONTACT:** Janie Hernandez, Grants and Authorization Section, RCRA programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-8533.

**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. 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 hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendment of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive interim authorization for the HSWA requirements under section

3006(g) of RCRA, 42 U.S.C. 6925(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revision are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124, and 270

**B. Arkansas**

Arkansas initially received final authorization on January 25, 1985 (see 50 FR 1513) to implement its base hazardous waste management program. Arkansas received authorization for revision to its program on August 23, 1985, May 29, 1990 (See 55 FR 11192), and November 18, 1991 (See 56 FR 57593). On June 3, 1992, Arkansas submitted a final complete program revision application for additional program approvals. Today, Arkansas is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed the State of Arkansas' application, and has made an immediate final decision that Arkansas' hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Arkansas. The public may submit written comments on EPA's final decision until November 4, 1992. Copies of Arkansas' application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Arkansas' program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comments period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverse the decision.

The Arkansas program revision application includes State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260-262, 264-266, 268, and 270 that were published in the Federal Register (FR) through June 13, 1991. This proposed approval includes the provisions that are listed in the chart below. This chart lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

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Federal citation	State analog
1. Toxicity Characteristic; Hydrocarbon Recovery Operations, October 5, 1990, FR 4634-4637, as amended on February 1, 1991, at 56 FR 3978, and April 2, 1991, at 56 FR 13408-13411.	Arkansas Hazardous Waste Management Code (AHWMC) section 3a(2), as amended December 6, 1991, effective January 27, 1992.
2. Petroleum Refinery Primary and Secondary Oil/Water/Solid Separation Sludge Listings (F037 and F038), 56 FR 4635-4637, November 2, 1990, as amended on December 17, 1990, at 55 FR 51787.	AHWMC section 3a(2), as amended December 6, 1991, effective January 27, 1992.
3. Wood Preserving Listings, 55 FR 50450-50490, December 6, 1990.	AHWMC sections 3a(1), (2), (3), (5), (6), (9), as amended December 6, 1991, effective January 27, 1992.
4. Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments, 56 FR 3864-3928, January 31, 1991.	AHWMC section 3a(2), (3), (5), (6), (8), and (9), as amended December 6, 1991, effective January 27, 1992.
5. Toxicity Characteristic; Chlorofluorocarbon Refrigerants, 56 FR 5910-5915, February 13, 1991.	AHWMC section 3a(2), as amended December 6, 1991, effective January 27, 1992.
6. Burning of Hazardous Waste in Boilers and Industrial Furnaces, 56 FR 7134-7240, February 21, 1991.	AHWMC section 3a(1), (2), (5), (6), (7), and (9), as amended December 6, 1991, effective January 27, 1991.
7. Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment, 56 FR 7567-7568, February 25, 1991.	AHWMC section 3a(2), as amended December 6, 1991, effective January 27, 1992.
8. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment, 56 FR 19298, April 28, 1991.	AHWMC section 3a(2), (5), (6), and (9) as amended December 6, 1991, effective January 27, 1992.
9. Administrative Stay for K068 Listing, 56 FR 19951, May 1, 1991.	AHWMC section 3a(2), as amended December 6, 1991, effective January 27, 1992.
10. Revision to the Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038), 56 FR 21955-21960, May 13, 1991.	AHWMC section 3a(2), as amended December 6, 1991, effective January 27, 1992.
11. Mining Waste Exclusion III, 56 FR 27300-27336, June 13, 1991.	AHWMC section 3a(2), as amended December 6, 1991, effective January 27, 1992.
12. Wood Preserving Listings, 56 FR 27332-27336, June 13, 1991.	AHWMC section 3a(2), (5), and (6), as amended December 6, 1991, effective January 27, 1992.

Arkansas is not authorized to operate the Federal program on Indian lands. This authority remains with EPA.

**D. Decision**

I conclude that the Arkansas application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Arkansas is granted final authorization to operate its hazardous waste program as revised.

Arkansas now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application. Arkansas also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3067 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

**E. Codification in Part 272**

EPA uses part 272 for codification of the decision to authorize Arkansas' program and for incorporation by reference of those provisions of Arkansas' statutes and regulations that EPA will enforce under sections 3008, 3013, and 7063 of RCRA. EPA is reserving amendment of part 272, subpart E.

**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 4 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. This authorization effectively suspends the applicability of certain Federal regulations in favor of Arkansas' program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. This authorization does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**Lists of Subjects in 40 CFR Part 271**

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 notice is issued under the authority of sections 2002(a), 3008 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6928, 6904(b).

Dated: September 14, 1992.

Joe D. Wisnke,  
Acting Regional Administrator.  
[FR Doc. 92-24091 Filed 10-3-92; 9:45 am]  
BILLING CODE 6560-50-10

**40 CFR Part 271**

[FRL-4517-4]

**Arkansas; Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** The State of Arkansas has applied for final authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the State of Arkansas' application and has made a decision, subject to public review and comment, that Arkansas' hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Arkansas' hazardous waste program revisions, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984. Arkansas' application for program revision is available for public review and comment.

**DATES:** Final authorization for the State of Arkansas shall be effective on December 4, 1992, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Arkansas' program revision application must be received the close of business on November 4, 1992.