

US EPA ARCHIVE DOCUMENT

On May 19, 1994, the Court ordered that the joint motion for remand be granted and that the anti-tampering regulation be vacated. The Court also ordered that 40 CFR § 86.094-17(j) be vacated to the extent it requires compliance with California's anti-tampering regulations for those vehicles optionally certified to the California OBD II requirements (Title 13, California Code of Regulations, § 1968.1(d)). The Court also ordered the remainder of the case be held in abeyance pending further order of the Court.

EPA intends to issue a final rulemaking that will officially withdraw the anti-tampering provisions (40 CFR § 86.094-18 and 40 CFR § 86.094-17(j), to the extent it requires compliance with California's anti-tampering regulations for those vehicles optionally certified to the California OBD II requirements) from the Code of Federal Regulations. In addition, EPA is continuing to review its policy concerns regarding tampering, (i.e. modifications made to vehicles in order to, or resulting in, the vehicles' emission control systems being incapacitated, damaged, or made less effective.) EPA may in the future determine that it is appropriate to promulgate new regulations to address its concerns regarding tampering. If the Agency so determines, it will at that time publish a notice of proposed rulemaking addressing these concerns.

Dated: September 30, 1994.

Jerry Kurtzweg,

Acting Assistant Administrator, for Air and Radiation.

[FR Doc. 94-24808 Filed 10-6-94; 8:45 am]

BILLING CODE 8560-50-P

40 CFR Part 271

[FRL-5085-9]

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's application and decided that its hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the

review and comment period provided for public participation in this process, EPA intends to approve Arkansas's hazardous waste program revision subject to the authority retained by EPA in accordance with the Hazardous Solid Waste Amendments of 1984. Arkansas's application for the program revision is available for public review and comment.

DATES: This final authorization for the State of Arkansas shall be effective on December 21, 1994 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. All comments on Arkansas's program revision application must be received by the close of business on November 21, 1994.

ADDRESSES: Written comments, referring to Docket Number AR-94-1, should be sent to Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, US EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-8533. 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 US EPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-6444.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, US EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-8533.

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. 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

revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260 through 268, 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 revisions to its program on August 23, 1985, May 29, 1990 (see 55 FR 11192), November 18, 1991 (see 56 FR 57593 and 56 FR 47153), and December 4, 1992 (see 57 FR 45721 and 57 FR 45722). The authorized Arkansas RCRA program was incorporated by reference into the Code of Federal Regulations effective December 13, 1993 (see 58 FR 52674). On June 9, 1994, 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's application, and decided that Arkansas's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for Arkansas's additional program modifications. The public may submit written comments on EPA's final decision until November 21, 1994. Copies of Arkansas's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Arkansas's program revision shall become effective 75 days from the date this notice is published, unless an adverse written comment pertaining to the State's application 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 reverses the decision.

Arkansas's 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 through 262, 264, 265, 266, 268, and 270 that were published in the FR through June 30, 1992. 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.

Federal citation	State analog
Wood Preserving Listings; Technical Corrections, [56 FR 30192-30198], July 1, 1991. (Checklist 92).	Arkansas Hazardous Waste Management Code (AHWMC) 23 § 3a (2), (3), (5), (6), (9); 13a (6), (7); 13a (6), (7), and (11), as amended August 27, 1993, effective September 21, 1993.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I, [56 FR 32688], July 17, 1991. (Checklist 94).	AHWMC 23 § 3a (2), (7), and (9), as amended August 27, 1993, effective September 21, 1993.
Land Disposal Restrictions for Electric Arc Furnace Dust (K061), [56 FR 41164-41178], August 19, 1991. (Checklist 95).	AHWMC 23 § 3a (2), and (8), as amended August 27, 1993, effective September 21, 1993.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments, [56 FR 42504-42517], August 27, 1991. (Checklist 96).	AHWMC 23 § 3a (2), (6), and (7), as amended August 27, 1993, effective September 21, 1993.
Exports of Hazardous Waste; Technical Correction, [56 FR 43704-43705], September 4, 1991. (Checklist 97).	AHWMC 23 § 3a(3), as amended August 27, 1993, effective September 21, 1993.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Administrative Stay of Applicability and Technical Amendment, [56 FR 43874-43877], September 5, 1991. (Checklist 98).	AHWMC 23 § 3a(7), as amended August 27, 1993, effective September 21, 1993.
Amendment to Interim Status Standards for Downgradient Groundwater Monitoring Well Locations, [56 FR 66365-66369], December 23, 1991. (Checklist 99).	AHWMC 23 § 3a(6), as amended August 27, 1993, effective September 21, 1993.
Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, [57 FR 3462-3497], January 29, 1992. (Checklist 100).	AHWMC 23 § 3a (1), (5), (6) and (9), as amended August 27, 1993, effective September 21, 1993.
Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable, [57 FR 5859-5861], February 18, 1992. (Checklist 101).	AHWMC 23 § 13a (7), and (11) as amended August 27, 1993, effective September 21, 1993.
J. Second Correction to the Third Third Land Disposal Restrictions, [57 FR 8086-8089], March 6, 1992. (Checklist 102).	AHWMC 23 § 3a (5), (6) and (8), as amended August 27, 1993, effective September 21, 1993.
1. Hazardous Debris Case-by-Case Capacity Variance, [57 FR 20766-20770], May 15, 1992. (Checklist 103).	AHWMC 23 § 3a(8), as amended August 27, 1993, effective September 21, 1993.
2. Oil Filter Exclusion, [57 FR 21524-21534], May 20, 1992. (Checklist 104).	AHWMC 23 § 3a(2), as amended August 27, 1993, effective September 21, 1993.
3. Recycled Coke By-Product Exclusion, [57 FR 27880-27888], June 22, 1992. (Checklist 105).	AHWMC 23 § 3a(2), as amended August 27, 1993, effective September 21, 1993.
4. Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance, [57 FR 28628-28632], June 26, 1992. (Checklist 106).	AHWMC 23 § 3a(8), as amended August 27, 1993, effective September 21, 1993.

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

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 the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Arkansas also has 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.

Codification in Part 272

EPA uses part 272 for codification of the decision to authorize Arkansas's program and for incorporation by reference of those provisions of Arkansas's statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore,

EPA is reserving amendment of part 272, subpart E until a later date.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

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's 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), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6926, 6974(b).

Dated: September 9, 1994.

W.B. Hathaway,

Acting Regional Administrator.

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40 CFR Part 271

[FRL-5085-8]

Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Oklahoma has applied for Final authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), and the Environmental Protection Agency (EPA) has reviewed Oklahoma's application and decided that its hazardous waste