

US EPA ARCHIVE DOCUMENT

Confidential business information, Hazardous waste 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: October 6, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95-25650 Filed 10-16-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5314-9]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Louisiana has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Louisiana's application and determined 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 Louisiana's hazardous waste program revision subject to the authority retained by EPA in accordance with Hazardous and Solid Waste Amendments of 1984. Louisiana's application for the program revision is available for public review and comment.

DATES: This authorization for Louisiana shall be effective January 2, 1996, unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on Louisiana's program revision application must be received by the close of business December 1, 1995.

ADDRESSES: Copies of the Louisiana 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: Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, (504) 765-0617 and U.S. EPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, phone (214) 665-6444. Written comments, referring to Docket Number LA-95-3, should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (PD-G), U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

FOR FURTHER INFORMATION CONTACT:

Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

SUPPLEMENTARY INFORMATION:

A. Background

States authorized 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, 260-268, and 270.

B. Louisiana

Louisiana initially received final authorization on February 7, 1985 (see 50 FR 3348), to implement its base hazardous waste management program. Louisiana received authorization for revisions to its program on January 29, 1990 (see 54 FR 48889), October 25, 1991 (see 56 FR 41958), and Corrections at (56 FR 51762), effective January 23, 1995 (see 59 FR 55368-55371), and Corrections at (60 FR 18360) and March 8, 1995 (see 59 FR 66200). On June 7,

1995, Louisiana submitted a final complete program revision application for additional program approvals. Today, Louisiana is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In 1983, the Louisiana legislature adopted Act 97, which amended and reenacted Louisiana Revised Statutes 30:1051 et seq., the Environmental Affairs Act. This Act created the Louisiana Department of Environmental Quality (LDEQ), which has lead agency jurisdictional authority for administering the RCRA Subtitle C program in the State.

EPA reviewed Louisiana's application and made an immediate final decision that Louisiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant authorization for the additional program modifications to Louisiana. The public may submit written comments on EPA's proposed final decision until December 1, 1995. Copies of LDEQ's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of LDEQ'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 revision discussed in this notice is received by the end of the comment period. If an adverse written comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Louisiana'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, 260-262, 264, 265, 266, and 270 that were published in the Federal Register from July 1988 through June 30, 1990. This proposed approval includes the provisions that are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

Federal citation	State analog
1. Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption, (53 FR 27290-27302) July 19, 1988. (Checklist 49).	Louisiana Revised Statutes (LRS) 30: §2180 et seq., as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) §109, as amended October 20, 1994, effective October 20, 1994, §§105.D.37 and 105. D. 38 as amended September 20, 1994, effective September 20, 1994.

Federal citation	State analog
2. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, (53 FR 34079–34087) September 2, 1988. (Checklist 52).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 109 as amended October 20, 1994, § 3515 as amended July 20, 1990, effective July 20, 1990, § 1901.A, and B, as amended December 20, 1992; effective December 20, 1992, § 1907.F.3, as amended July 20, 1990; effective July 20, 1990, § 4377.B.2 as amended March 20, 1995; effective March 20, 1995, § 4385, as amended July 20, 1990; effective July 20, 1990, § 4431.A, A.2 as amended December 20, 1992; effective December 20, 1992, §§ 4437.F.3, G.3.iii and 4441, as amended July 20, 1992; effective July 20, 1992.
3. Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities, (53 FR 39720–39731) October 11, 1988. (Checklist 55).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 3303.A.1, A.2, as amended November 20, 1992; effective November 20, 1992, § 3305.A, as amended July 20, 1990; effective July 20, 1990, §§ 3315.A.1–3. G–J, 3317.C, D, F–K, and 3319.C. D, F–L, as amended July 20, 1990; effective July 20, 1990.
4. Standards for Generators of Hazardous Waste, (53 FR 45089–45093) November 8, 1988. (Checklist 58).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 903.D, as amended April 20, 1991; effective April 1991, and § 1107.A, as amended October 20, 1994; effective October 20, 1994.
5. Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators, (54 FR 615–617) January 9, 1989. (Checklist 59).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 517.G, M, as amended November 20, 1992; effective November 20, 1992.
6. Amendment to Requirements for Hazardous Waste Incinerator Permits, (54 FR 4286–4288) January 30, 1989. (Checklist 60).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 3115.D, as amended November 20, 1992; effective November 20, 1992.
7. Mining Waste Exclusion II, (55 FR 2322–2354) January 23, 1990. (Checklist 71).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 109, as amended October 20, 1994; effective October 20, 1994, and § 105.D.17.A–T, as amended September 20, 1994, and § 1107.D.6, as amended October 20, 1994; effective October 20, 1994.
8. Modification of F019 Listing, (55 FR 5340–5342) February 14, 1990. (Checklist 72).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.B Table 1, as amended September 20, 1994; effective September 20, 1994.
9. Criteria for Listing Toxic Wastes; Technical Amendment, (55 FR 18726) May 4, 1990. (Checklist 76).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 4907.A.3., as amended May 20, 1991; effective May 20, 1991.

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

C. Decision

I conclude that Louisiana's application for a program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Louisiana is granted final authorization to operate its hazardous waste program as revised. Louisiana now has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Louisiana 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.

D. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize Louisiana's program and for incorporation by reference of those provisions of Louisiana's Statutes and regulations that EPA will enforce under section 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart T until a later date.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 3 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 Louisiana'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.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste 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: October 6, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95–25651 Filed 10–16–95; 8:45 am]

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40 CFR Part 271

[FRL–5314–8]

New Mexico: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of New Mexico has applied for authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) reviewed New Mexico's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA intends to approve New Mexico's hazardous waste program revision subject to the authority retained by EPA