

US EPA ARCHIVE DOCUMENT

Federal citation	State analog
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable, [57 FR 5859-5861], February 18, 1992. (Checklist 101).	AHWMC 23 § 3a (7), and (11) as amended August 27, 1993, effective September 21, 1993.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

C. 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.

D. 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.

[FR Doc. 94-24854 Filed 10-6-94; 8:45 am]

BILLING CODE 6560-50-P

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

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

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

ADDRESSES: Written comments, referring to Docket Number OK-94-1, should be sent to Dick Thomas, Region 6 Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, USEPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-8528. Copies of the Oklahoma program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 8:30 a.m. to 4 p.m. Monday through Friday at the following addresses: State of Oklahoma Department of Environmental Quality, 1000 Northeast Tenth Street, Oklahoma City, Oklahoma 73117-1212, phone (405) 271-5338 and 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: Dick Thomas, Region 6 Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, USEPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-8528.

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 124, 260 through 268, and 270.

B. Oklahoma

Oklahoma initially received Final Authorization on January 10, 1985, (see 49 FR 50362) to implement its base hazardous waste management program. Oklahoma received authorization for revisions to its program on June 18, 1990 (see 55 FR 14280), November 27, 1990 (see 55 FR 39274), June 3, 1991 (see 56 FR 13411), and November 19, 1991 (see 56 FR 47675). The authorized Oklahoma RCRA program was incorporated by reference into the Code of Federal Regulations effective December 13, 1993. On August 3, 1994, Oklahoma submitted a final complete program revision application for additional program approvals. Today, Oklahoma is seeking approval of its program revision in accordance with § 271.21(b)(3).

Statutory authority is provided by the Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) Supplement 1993, §§ 2-7-101 et seq. The Act was amended May 28, 1993, and is expected to be amended this legislative session by Senate Bills 832 and 997. Pursuant to this Act, the Oklahoma Department of Environmental Quality (DEQ) adopted by reference the Rules and Regulations for Hazardous Waste Management, Oklahoma Department of Health (ODH) Bulletin 0525, as amended on October 5, 1992. The Environmental Quality Board adopted these rules by reference and without amendment, under the emergency rulemaking procedures of the Administrative Procedures Act, 75 O. S. Supp. 1992 §§ 250 et seq. The Governor signed the emergency rulemaking action with an effective date of July 1, 1993.

On November 24, 1993, the Environmental Quality Board adopted permanent rules, Oklahoma Administrative Code (OAC) Title 252 Chapter 200 (Rules) with an effective

date of May 26, 1994. The Rules are a slightly modified version of the former rules which were adopted by reference from ODH Bulletin 0525. Modifications include changing references of Oklahoma State Department of Health to the Department of Environmental Quality, Commissioner of Health to Executive Director, 310:270 to 252:200, and references of former statutory authority to present statutory authority. Substantive changes are found in former OAC 310:270-11-2 "County Commissioner Involvement In Permit Issuance", Tables 1, 2, and 3.B, dealing with fees, and Subchapter 17, which addresses tax credits.

EPA reviewed DEQ's application, and made an immediate final decision that DEQ's 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 Oklahoma. The public may submit written comments on EPA's final decision until November 21, 1994. Copies of Oklahoma's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of DEQ'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 that either affirms that the immediate final decision takes effect or reverses the decision.

Oklahoma'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 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 also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

3-1-3-10
9-1
9-2

Federal citation	State analog
1. State Availability of Information [RCRA § 3006(f)]. (Checklist A1)	Oklahoma Hazardous Waste Management Act (OHWMA), as amended, 27A Oklahoma Statutes (O.S.), Supp. 1993, §§ 2-7-105(15) and § 2-7-106, effective July 1, 1993.
2. Existing and Newly Regulated Surface Impoundments Requirements [HWSA § 3005(j)]. (Checklist SR1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(16) and § 2-7-106, effective July 1, 1993.
3. Sharing of Information with the Agency for Toxic Substances and Disease Registry [HWSA § 3019(b)]. (Checklist SI).	OHWMA, as amended, 27A O.S., Supp. 1993, § 2-7-127(C), effective July 1, 1993.
4. Dioxin Waste Listing and Management Standards, [50 FR 1978] January 14, 1985. (Checklist 14).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-103, 2-7-105, 2-7-106, 2-7-107, 2-7-108, and 2-7-116, effective July 1, 1993; and Oklahoma Administrative Code (OAC), 252, Chapter 200 (Rules), effective May 26, 1994.
5. Paint Filter Test, [50 FR 18370] April 30, 1985. (Checklist 16)	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-106, 2-7-107, and 2-7-110, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
6. HSWA Codification Rule; Small Quantity Generators [50 FR 28702] July 15, 1985. (Checklist 17A).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-103, 2-7-105, 2-7-106, 2-7-107, and 2-7-119, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
7. HSWA Codification Rule; Household Waste (Resource Recovery Facilities), [50 FR 28702] July, 15, 1985. (Checklist 17C).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-103, 2-7-105, 2-7-106, and 2-7-107, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
8. HSWA Codification Rule; Waste Minimization, [50 FR 28702] July, 15, 1985. (Checklist 17D).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(8), 2-7-107(A) (9) and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
9. HSWA Codification Rule; Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves, [50 FR 28702] July 15, 1985. (Checklist 17E).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105 (10), (17), (18), and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
10. HSWA Codification Rule; Liquids in Landfills I, [50 FR 28702] July 15, 1985 (Checklist 17F).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-106, 2-7-107, and 2-7-110, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
11. HSWA Codification Rule; Dust Suppression, [50 FR 28702] July 15, 1985. (Checklist 17G).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-106, and 2-7-107(A)(3), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
12. HSWA Codification Rule; Double Liners, [50 FR 28702] July 15, 1985. (Checklist 17H).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-106, and 2-7-108, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
13. HSWA Codification Rule; Ground-Water Monitoring, [50 FR 28702] July 15, 1985. (Checklist 17I).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(25), 2-7-106, and 2-7-116(G), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
14. HSWA Codification Rule; Cement Kilns, [50 FR 28702] July 15, 1985. (Checklist 17J).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(17), 2-7-106, and 2-7-107(A)(5), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
15. HSWA Codification Rule; Fuel Labeling, [50 FR 28702] July 15, 1985. (Checklist 17K).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(17), 2-7-106, and 2-7-107(A)(5), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
16. HSWA Codification Rule; Corrective Action, [50 FR 28702] July 15, 1985. (Checklist 17L).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(16), 2-7-105(25), 2-7-106, 2-7-108, and 2-7-116(G) effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
17. HSWA Codification Rule; Pre-Construction Ban, [50 FR 28702] July 15, 1985. (Checklist 17M).	OHWMA, as amended, 27A O.S., Supp. 1993, § 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
18. HSWA Codification Rule; Permit Life, [50 FR 28702] July 15, 1985. (Checklist 17N).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-106 and 2-7-127(B), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
19. HSWA Codification Rule; Omnibus Provision, [50 FR 28702] July 15, 1985. (Checklist 17O).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(23), 2-7-106, and 2-7-127(B), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
20. Interim Status, [50 FR 28702] July 15, 1985. (Checklist 17P)	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-106, 2-7-107(A)(7), and 2-7-108, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
21. HSWA Codification Rule; Research and Development Permits, [50 FR 28702] July 15, 1985. (Checklist 17Q).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(19)-(21), and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
22. HSWA Codification Rule; Hazardous Waste Exports, [50 FR 28702] July 15, 1985. (Checklist 17R).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-105(6) and (7), 2-7-106, and 2-7-125, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
23. HSWA Codification Rule; Exposure Information, [50 FR 28702] July 15, 1985. (Checklist 17S).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-7-106 and 2-7-127(C), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
24. Listing of TDI, TDA, and DNT Wastes, [50 FR 42936] October 23, 1985. (Checklist 18).	OHWMA, as amended, 27A O.S., Supp. 1993, § 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.

Federal citation	State analog
25. Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, [50 FR 49164] November 29, 1985, and [52 FR 11819], as amended on April 13, 1987. (Checklists 19 and 19.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(17), 2-7-106, and 2-7-107(A)(5), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
26. Listing of Spent Solvents, [50 FR 53315] December 31, 1985, and [51 FR 2702] as amended on January 21, 1986. (Checklists 20 and 20.1)).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
27. Listing of EDB Waste, [51 FR 5327] February 13, 1986. (Checklist 21).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
28. Listing of Four Spent Solvents, [51 FR 6537] February 25, 1986. (Checklist 22).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
29. Generator of 100 to 1000 kg Hazardous Waste, [51 FR 10146] March 24, 1986. (Checklist 23).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-103, 2-7-105, 2-7-106, 2-7-107, and 2-7-119, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
30. Codification Rule, Technical Correction (Paint Filter Test), [51 FR 19176] May 28, 1986. (Checklist 25).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-106, 2-7-107, and 2-7-110, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
31. Standards for Hazardous Waste Storage and Treatment Tank Systems, [51 FR 25422] July 14, 1986, and [51 FR 29430] as amended on August 15, 1986. (Checklists 28H and 28H.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-103(20), 2-7-105(24), 2-7-106, 2-7-107(A)(4), and 2-7-116(G), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
32. Biennial Report; Correction [51 FR 28556] August 8, 1986. (Checklist 30).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(7)-(9), (16), (25), and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
33. Exports of Hazardous Waste, [51 FR 28664] August 8, 1986. (Checklist 31).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(6), (7), 2-7-106, and 2-7-125, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
34. Standards for Generators; Waste Minimization Certifications, [51 FR 25190] October 24, 1986. (Checklist 32).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(8), and 2-7-107(A), (9), and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
35. Listing of EBDC, [51 FR 37725] October 24, 1986. (Checklist 33) ...	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
36. Land Disposal Restrictions (Solvents and Dioxins), [51 FR 40572] November 7, 1986, and [52 FR 21010], as amended on June 4, 1987. (Checklists 34 and 34.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10), (17), (18), 2-7-106, 2-7-107(A)(2) and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
37. California List Waste Land Disposal Restrictions, [52 FR 25760], July 8, 1987, and [52 FR 41295], as amended on October 27, 1987. (Checklists 39 and 39.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10), (17), (18), 2-7-106, 2-7-107(A)(2) and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
38. Exception Reporting for Small Quantity Generators of Hazardous Waste, [52 FR 35894] September 23, 1987. (Checklist 42).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-106 and 2-7-125, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
39. HSWA Codification Rule 2; Permit Application Requirements Regarding Corrective Action, [52 FR 45788] December 1, 1987. (Checklist 44A).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(23), 2-7-106, and 2-7-127, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
40. HSWA Codification Rule 2; Corrective Action Beyond Facility Boundary, [52 FR 45788] December 1, 1987 (Checklist 44B).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-106, 2-7-126, and 2-7-127(A), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
41. HSWA Codification Rule 2; Corrective Action for Injection Wells, [52 FR 45788] December 1, 1987. (Checklist 44C).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-103(7), 2-7-106, 2-7-108(B), and 2-7-127, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
42. HSWA Codification Rule 2; Permit Modification, [52 FR 45788] December 1, 1987. (Checklist 44D).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105, 2-7-106, 2-7-116, and 2-7-127, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
43. HSWA Codification Rule 2; Permit as a Shield Provision, [52 FR 45788] December 1, 1987. (Checklist 44E).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105, 2-7-106, 2-7-116, and 2-7-127, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
44. HSWA Codification Rule 2; Permit Conditions to Protect Human Health and the Environment, [52 FR 45788] (Checklist 44F).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10), (16), (17), and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.

Federal citation	State analog
45. HSWA Codification Rule 2; Post-Closure Permits, [52 FR 45788] December 1, 1987. (Checklist 44G).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(23), 2-7-106, 2-7-116, and 2-7-127, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
46. Technical Correction to Checklist 23, Small Quantity Generators, [53 FR 27162] July 19, 1988. (Checklist 47).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-103, 2-7-105, and 2-7-107, and 2-7-119, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
47. Farmer Exemptions; Technical Corrections, [53 FR 27164] July 19, 1988. (Checklist 48).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(6), (7), 2-7-106, and 2-7-125, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
48. Land Disposal Restrictions for First Third Scheduled Wastes, [53 FR 31138] August 17, 1988, as amended on February 27, 1989, [54 FR 8264] (Checklists 50 and 50.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10), (17), (18), 2-7-106, and 2-7-107(A)(2) and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
49. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, [53 FR 34079] September 2, 1988. (Checklist 52).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-103(20), 2-7-105(24), 2-7-106, 2-7-107(A)(4) and 2-7-116(G), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
50. Land Disposal Restriction Amendments to First Third Scheduled Waste, [54 FR 18836] May 2, 1989. (Checklist 62).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10), (17), 2-7-106, and 2-7-107(A)(2) and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
51. Land Disposal Restrictions for Second Third Scheduled Wastes, [54 FR 26594] June 23, 1989. (Checklist 63).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10), (17), 2-7-106, and 2-7-107(A)(2) and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
52. Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, [54 FR 36967] September 6, 1989, as amended on June 13, 1990 [55 FR 23935]. (Checklists 66 and 66.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10), (17), (18), 2-7-106, and 2-7-107(A)(2) and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
53. Reportable Quantity Adjustment Methyl Bromide Production Wastes, [54 FR 41402] October 6, 1989. (Checklist 68).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
54. Reportable Quantity Adjustment (F024 & F025) [54 FR 50968] December 11, 1989. (Checklist 69).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
55. Toxicity Characteristic Revisions, [55 FR 11798] March 29, 1990, as amended on June 29, 1990, [55 FR 26986] (Checklists 74 and 74.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
56. Listing of 1,1-Dimethylhydrazine Production Wastes, [55 FR 18496] May 2, 1990. (Checklist 75).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
57. HSWA Codification Rule, Double Liners; Correction, [55 FR 19262] May 9, 1990. (Checklist 77).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(16) and 2-7-108, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
58. Land Disposal Restrictions for Third Third Scheduled Wastes, [55 FR 22520] June 1, 1990 (Checklist 78H).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
59. Organic Air Emission Standards for Process Vents and Equipment Leaks, [55 FR 25454] June 21, 1990. (Checklist 79).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-106 and 2-7-107(A) and (4), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
60. Petroleum Refinery Primary and Secondary Oil/Water/ Solids Separation Sludge Listings (F037 and F038), November 2, 1990 [55 FR 46354], as amended on December 17, 1990 [55 FR 51707]. (Checklists 81 and 81.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
61. Wood Preserving Listings, [55 FR 50450], December 6, 1990. (Checklist 82).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
62. Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment, [56 FR 3864], January 31, 1991. (Checklist 83).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
63. Burning of Hazardous Waste in Boilers and Industrial Furnaces, February 21, 1991 [56 FR 7134]. (Checklist 85).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
64. Removal of Strontium Sulfide From the List of Hazardous Waste; Technical Amendment [56 FR 7567] February 25, 1991. (Checklist 86).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-2, effective May 26, 1994.
65. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment, April 26, 1991 [56 FR 19290]. (Checklist 87).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-106, 2-7-107(A)(4), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-1, effective May 26, 1994.

Federal citation	State analog
66. Revision to F037 and F038 Listings, [56 FR 21955] May 13, 1991. (Checklist 89).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
67. Mining Waste Exclusion III, June 13, 1991 [56 FR 27300]. (Checklist 90).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
68. Administrative Stay for F032, F034, and F035 Listings, June 13, 1991 [56 FR 27332]. (Checklist 91).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
69. Wood Preserving Listings; Technical Corrections, [56 FR 30192], July 1, 1991. (Checklist 92).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
70. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I, [56 FR 32688], July 17, 1991. (Checklist 94).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-106, 2-7-107(A)(5), and 2-7-108(A), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-1, effective May 26, 1994.
71. Land Disposal Restrictions for Electric Arc Furnace Dust (K061), [56 FR 41164], August 19, 1991. (Checklist 95).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
72. Burning of Hazardous Waste in Boilers and industrial Furnaces; Technical Amendments II, [56 FR 42504], August 27, 1991. (Checklist 96).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
73. Exports of Hazardous Waste; Technical Correction, [56 FR 43704], September 4, 1991. (Checklist 97).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(6) and (7), 2-7-106, and 2-7-125, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-1, effective May 26, 1994.
74. Coke Ovens Administrative Stay, [56 FR 43874], September 5, 1991. (Checklist 98).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
75. Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, [57 FR 3462], January 29, 1992. (Checklist 100).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(16) and (23), 2-7-106, and 2-7-116, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-1, effective May 26, 1994.
76. Second Correction to the Third Third Land Disposal Restrictions [57 FR 8086], March 6, 1992. (Checklist 102).	OHWMA, as amended, 27A O.S., Supp. 1993, §§2-7-105(10) and (17), 2-7-106, and 2-7-107(A)(2), and (10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, and 252:200-9-1, effective May 26, 1994.
77. Hazardous Debris Case-by-Case Capacity Variance, [57 FR 20766], May 15, 1992. (Checklist 103).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
78. Used Oil Filter Exclusion, [57 FR 21524], May 20, 1992. (Checklist 104).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
79. Coke by-product Exclusion, [57 FR 27880], June 22, 1992. (Checklist 105).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
80. Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance, [57 FR 28628], June 26, 1992. (Checklist 106).	OHWMA, as amended, 27A O.S., Supp. 1993, §2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.

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

Decision

I conclude that DEQ's application for program revision meets the statutory and regulatory requirements established by RCRA. Accordingly, DEQ is granted final Authorization to operate its hazardous waste program as revised. Oklahoma 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. Oklahoma 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 DEQ's program and for incorporation by reference of those provisions of its Statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart LL 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 Oklahoma'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 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 28, 1994.

Allyn M. Davis,

Acting Regional Administrator.

[FR Doc. 94-24856 Filed 10-6-94; 8:45 am]

BILLING CODE 5560-50-P

40 CFR Part 271

[FRL-5086-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of New Mexico 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 New Mexico'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 New Mexico's hazardous waste program revision subject to the authority retained by EPA in accordance with Hazardous and Solid Waste Amendments of 1984. New Mexico's application for the program revision is available for public review and comment.

DATES: This final authorization for New Mexico shall be effective December 21, 1994, unless EPA publishes a prior *Federal Register* (FR) action withdrawing this Immediate Final Rule. All comments on New Mexico's program revision application must be

received by the close of business November 21, 1994.

ADDRESSES: Written comments, referring to Docket Number NM-94-2, should be sent to Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, USEPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-8533. Copies of the New Mexico program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: New Mexico Environment Department, 1190 St Francis Drive, Santa Fe, New Mexico 87502 and USEPA, 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, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, USEPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (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. New Mexico

New Mexico received final authorization January 25, 1985, (see 50 FR 1515) to implement its base hazardous waste management program. New Mexico received authorization for revisions to its program on April 10,

1990 (see 55 FR 4604), July 25, 1990 (see 55 FR 28397), December 4, 1992 (see 57 FR 45717) and August 23, 1994. The authorized New Mexico RCRA program was incorporated by reference into the Code of Federal Regulations (CFR), effective December 13, 1993 (see 58 FR 52677). On July 26, 1994, New Mexico submitted a final complete program revision application for additional program approvals. Today, New Mexico is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA reviewed New Mexico's application, and made an immediate final decision that New Mexico's 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 New Mexico. The public may submit written comments on EPA's final decision until November 21, 1994. Copies of New Mexico's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of New Mexico'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 that either affirms that the immediate final decision takes effect or reverses the decision.

New Mexico'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* through June 30, 1987, June 30, 1990, and June 30, 1992. 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.