

US EPA ARCHIVE DOCUMENT

significant economic impact on a substantial number of small entities. This temporary stay is not expected to result in any additional compliance cost to regulated parties and, in fact, is expected to decrease compliance costs to the industry and decrease costs to consumer in the affected areas.

VIII. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993) the Agency must determine whether a regulation is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

Under the Paper Reduction Act, 44 U.S.C. 3501 *et seq.*, EPA must obtain Office of Management and Budget (OMB) clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This rule does not create any new information requirements or contain any new information collection activities.

IX. Statutory Authority

The statutory authority for the action in this rule is granted to EPA by section 211 (c) and (k), and section 301(a) of the Clean Air Act as amended, 42 U.S.C. 7545 (c) and (k) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, and Motor vehicle pollution.

Dated: December 29, 1994.

Carol M. Browner,
Administrator.

40 CFR Part 80 is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a))

2. Section 80.70 is amended by revising the introductory text of paragraph (j) to read as follows.

§ 80.70 Covered areas.

(j) The ozone nonattainment areas listed in this paragraph (j) of this section are covered areas beginning on January 1, 1995, except that those areas listed in paragraphs (j)(5) (viii) and (ix), (j)(10) (i), (iii) and (v) through (xi) and j(11) of this section are covered areas beginning on July 1, 1995. The geographic extent of each covered area listed in this paragraph (j) of this section shall be the nonattainment area boundaries as specified in 40 CFR part 81, subpart C:

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[FR Doc. 95-421 Filed 1-10-95; 8:45 am]
BILLING CODE 6560-60-M

40 CFR Part 228

[FRL-5137-5]

Ocean Dumping; Site Designation Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: This document contains corrections to the final rulemaking for designation of an Ocean Dredged Material Disposal Site (ODMDS) offshore Fort Pierce, Florida. The final rule was published in the *Federal Register* on Thursday, September 2, 1993. The preamble of the Final Rule correctly described the location of the ODMDS. However, the regulatory text gave incorrect coordinates for the location of the Fort Pierce, Florida ODMDS. This technical amendment is necessary to correct the coordinates for the location of the ODMDS.

EFFECTIVE DATE: February 10, 1995.

FOR FURTHER INFORMATION CONTACT: Christopher J. McArthur, 404/347-1740.

SUPPLEMENTARY INFORMATION:

Background

The final rule (September 2, 1993, 58 FR 46544) that is the subject of this correction designated an Ocean Dredged Material Disposal Site (ODMDS) offshore Fort Pierce, Florida as an EPA-approved ocean dumping site for the

dumping of suitable dredged material. Need for Correction

As published, the final rule contained errors in the regulatory text. Coordinates for the location of the Fort Pierce, Florida ODMDS were listed incorrectly

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: December 23, 1994.

Approved by: Patrick M. Tobin.

Acting Regional Administrator.

In consideration of the foregoing, subchapter H of chapter I of title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.15 is to be amended by revising paragraph (h)(11)(i) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(h) * * * *

(11) * * * *

(i) Location: 27°28'00" N., 80°12'33" W.; 27°28'00" N., 80°11'27" W.; 27°27'00" N., 80°11'27" W.; and 27°27'00" N., 80°12'33" W.

[FR Doc. 95-701 Filed 1-10-95; 8:45 am]
BILLING CODE 6560-60-P

40 CFR Part 271

[FRL-5137-7]

Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Oklahoma Department of Environmental Quality (DEQ) applied for final authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act, (RCRA), 42 U.S.C. 6926(b). The Environmental Protection Agency (EPA) 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 the Hazardous and Solid Waste Amendments (HSWA) of 1984. Oklahoma's application for program revision is available for public review and comment.

DATES: This final authorization for Oklahoma shall be effective April 27, 1995 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 February 27, 1995.

ADDRESSES: Copies of the Oklahoma program revision application and the materials 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. Written comments, referring to Docket Number OK-95-1, should be sent to Dick Thomas, Region 6 RCRA Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-8528.

FOR FURTHER INFORMATION CONTACT: Dick Thomas, Region 6 RCRA Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-8528.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of RCRA 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, 260-268, 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), November 19, 1991 (see 56 FR 47675) and December 21, 1994, (see 59 FR 51116). The authorized Oklahoma RCRA program was incorporated by reference into the Code of Federal Regulations effective December 13, 1993. On December 1, 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 40 CFR 271.21(b)(3).

Specific statutory language which addressed adoption of Federal regulations by reference was formerly found at 63 Oklahoma Statutes (O.S.), Supp. 1992 § 1-2005. This section was repealed by Oklahoma House Bill 1002, effective July 1, 1993. Adoption by reference was continued through the

general rule making language of 27A O.S. Supp. 1993 § 2-7-106. To clarify the adoption by reference abilities of the DEQ, 27A O.S. Supp. § 2-2-104 was enacted. Rules 252:200-3-2 through 252:200-3-6 adopt the Federal requirements by reference.

EPA reviewed the 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 February 27, 1995. 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, 260-262, 264, 265, 266, and 270 that were published in the FR through June 30, 1993. 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. Used Oil Filter Exclusion; Technical Correction, [57 FR 29220] July 1, 1992. (Checklist 107).	Oklahoma Hazardous Waste Management Act (OHWMA), as amended, 27A Oklahoma Statutes (O.S.), Supp. 1993, §§ 2-2-104, 2-7-106, and 2-7-107(A)(5) effective July 1, 1993; and Oklahoma Administrative Code (OAC) Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 2. Toxicity Characteristics Revision; Technical Corrections, [57 FR 30657] July 10, 1992. (Checklist 108).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104 and § 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 3. Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, [57 FR 37194] August 18, 1992. (Checklist 109).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 2-7-106, and 2-7-107(A)(10) effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 4. Coke By-Product Listings, [57 FR 37284] August 18, 1992. (Checklist 110).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104 and § 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 5. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III, [57 FR 38558] August 25, 1992. (Checklist 111).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104 and § 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
✓ 6. Recycled Used Oil Management Standards, [57 FR 41566] September 10, 1992. (Checklist 112).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 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.
✓ 7. Financial Responsibility for Third-Party Liability, Closure and Post-Closure, [57 FR 42832] September 16, 1992, [53 FR 33938] September 1, 1988, and [56 FR 30200] July 1, 1991. (Checklists 113, 113.1, and 113.2).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 2-7-106, and 2-7-116 effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 8. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Amendment IV, [57 FR 44999] September 30, 1992. (Checklist 114).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 2-7-106, 2-7-107(A)(4), 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.
✓ 9. Chlorinated Toluene Production Waste Listing, [57 FR 47376] October 15, 1992. (Checklist 115).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 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. Hazardous Soil Case-By-Case Capacity Variance, [57 FR 47772] October 20, 1992. (Checklist 116).	OHWMA, as amended, 27A O.S., Supp. 1993, § 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-2 through 252:200-3-6, effective May 26, 1994.
✓ 11. "Mixture" and "Derived-From" Rules; Response to Court Remand, [57 FR 7628] March 3, 1992, [57 FR 23062] June 1, 1992, and [57 FR 49278] October 20, 1992. (Checklists 117A, 117A.1 and 117A.2).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 12. Toxicity Characteristic Revision, [57 FR 23062] June 1, 1992. (Checklist 117B).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 13. Liquids in Landfills II, [57 FR 54452] November 18, 1992. (Checklist 118).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 2-7-106, 2-7-105(10), 2-7-107(1), and 2-7-110(B), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 14. Toxicity Characteristic Revision; TCLP, [57 FR 55114] November 24, 1992, and [58 FR 6854] February 2, 1993. (Checklists 119, and 119.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 15. Wood Preserving; Amendments to Listings and Technical Requirements, [57 FR 61492] December 24, 1992. (Checklist 120).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, and 2-7-106, effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 16. Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C, [58 FR 8658] February 16, 1993. (Checklist 121).	27A O.S., Supp. 1993, §§ 2-2-104, 2-7-106, 2-7-126(3), and 2-7-127(A), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.
✓ 17. Recycled Used Oil Management Standards; Technical Amendments and Corrections, [58 FR 26420] May 3, 1993, and [58 FR 3334] June 17, 1993. (Checklists 122 and 122.1).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 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.
✓ 18. Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance, [58 FR 28506] May 14, 1993. (Checklist 123).	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.
✓ 19. Land Disposal Restrictions for Ignitable and Corrosive Characteristic Waste Whose Treatment Standards Were Vacated, [58 FR 29860] June 17, 1993. (Checklist 124).	OHWMA, as amended, 27A O.S., Supp. 1993, §§ 2-2-104, 2-7-106, 2-7-105(17), and 2-7-107(A)(10), effective July 1, 1993; and OAC Rules 252:200-3-1 through 252:200-3-6, effective May 26, 1994.

May 24, 1993

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

C. Decision

I conclude that DEQ's application for a 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 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 Section 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR 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, and 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, and 6974(b).

Dated: December 30, 1994.

Lynda F. Carroll,

Acting Regional Administrator.

[FR Doc. 95-702 Filed 1-10-95; 8:45 am]

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