

US EPA ARCHIVE DOCUMENT

The training seminars will include discussions on the following topics:

- The mission, objectives, and functions of the Transportation and Processing Valuation Branch.
- An overview of the regulations.
- The reporting problems encountered.
- Systems development and billing procedures.
- Information collection requirements and reporting forms (Form MMS-4109, "Request for Gas Plant Processing Deduction;" Form MMS-4110, "Oil Transportation Allowance Report;" and Form MMS-4295 "Gas Transportation Allowance Report") required to support oil and gas transportation and processing allowance deductions from royalties due. Assistance will be provided on how to properly complete the forms.

Location and Dates

The seminars will be held from 8:30 a.m. to 4 p.m. each day on the dates and at the locations shown below:

Dates	Locations
March 28, 1990.....	Sheraton Hotel and Conference Center, 360 Union Boulevard, Lakewood, Colorado 80228, (303) 987-2000.
April 4, 1990.....	Stouffer Dallas Hotel, 2222 Stemmons Freeway, Dallas, Texas 75207, (214) 631-2222.
April 11, 1990.....	Houston Airport Marriott, 18700 John F. Kennedy Boulevard, Houston, Texas 77031, (713) 443-2310.
April 18, 1990.....	Sheraton Inn Tulsa Airport, 2201 North 77th East Avenue, Tulsa, Oklahoma 74115, (918) 835-9911.

Reservations

Persons interested in attending one of these seminars should make a reservation with our office by telephone on or before March 21, 1990, to Ms. LuCinda Rood at (303) 231-3396 or (FTS) 326-3396.

Telephone reservations should be confirmed in writing to Ms. LuCinda Rood, Minerals Management Service, Royalty Valuation and Standards Division, P.O. Box 25165, MS 653, Denver, Colorado 80225.

Persons requesting reservations should specify the seminar location that they are interested in attending and the number of attendees. Due to space limitations the number of attendees may be limited at each seminar location. Reservations will be provided on a first-come-first-served basis.

If insufficient interest is shown in attending any of the individual training

sessions, such sessions may be cancelled and alternate arrangements will be made for those who expressed interest.

Dated: February 23, 1990.

Jerry D. Hill,

Associate Director for Royalty Management.

[FR Doc. 90-4631 Filed 2-28-90; 8:45 am]

BILLING CODE 4710-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL 3728-1]

Texas; Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule on application of Texas for program revision.

SUMMARY: The State of Texas has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Environmental Protection Agency (EPA) has reviewed the Texas application and has reached a final determination that the Texas hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is approving the Texas hazardous waste program revisions.

EFFECTIVE DATE: Final authorization of the Texas hazardous waste program revisions shall be effective at 1:00 p.m. on March 15, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Prince, Grants and Authorization Section (611-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery 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 260-266 and 124 and 270.

B. Texas

The State of Texas initially received final authorization in a notice published on December 12, 1984, and effective December 26, 1984. Texas received authorization for revisions to its program in notices published in the Federal Register on March 26, 1985; October 4, 1985; January 31, 1986; and December 18, 1986. On November 12, 1987, Texas submitted a program revision application for additional program approvals. Texas seeks approval of its program revisions in accordance with § 271.21(b)(4).

EPA reviewed the Texas application and made a tentative determination, subject to public review and comment, and a legislative change which allows Texas to implement the permitting portion of its program, that the Texas hazardous waste program revision satisfied all of the requirements necessary to qualify for final authorization. Consequently, EPA made the tentative determination to grant Texas final authorization for the additional program modifications once the EPA concerns were satisfactorily addressed by the State. That decision was published in the Federal Register as a proposed rule on February 3, 1989 (see 54 FR 5500).

Federal regulations require that EPA approve or disapprove RCRA State program revisions based on the requirements of 40 CFR part 271 (40 CFR 271.21(b)(2)). One of these requirements, § 271.14, concerns permitting. All State RCRA programs must have legal authority to implement the conditions in § 270.32 (40 CFR 271.14(k)). Section 270.32(b)(1) states that each RCRA permit shall include conditions necessary to achieve compliance with the regulations including the applicable requirements of the regulations (40 CFR 271.32(b)(1)). For a State-issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit (40 CFR 270.32(c)).

Texas regulations are equivalent to these regulations. They require that any statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit application shall be included in the permit (31 TAC § 305.127(4)(b)). However, in July 1987, Article 7 of the Texas Department of Commerce Act (Tex. Rev. Civ. Stat. Ann. art. 4413 (301) 7.003(a) (Vernon Supp. 1988)) was passed and it required that State

agencies use solely those regulations in effect at the time of permit filing when processing a permit. Because statutory authority prevails over regulatory authority, *State v. Jackson*, 376 S.W.2d 341 (1964), the provisions of 31 TAC 305.127(4)(b) may have been considered to be legislatively precluded. Therefore, Texas did not have equivalent regulations for 40 CFR 270.32, nor did Texas have the authority to carry out the conditions in 40 CFR 270.32, as required by 40 CFR 271.14.

The Texas Legislature amended the Texas Department of Commerce Act with House Bill 391 on May 17, 1989, with the following language: "This section does not apply to permits or orders issued under programs for which a State regulatory agency has received authorization, delegation, or approval from the federal government to implement an equivalent State program in lieu of or as part of the federal program." The bill was effective on September 1, 1989. When the legislative amendment became effective, Texas program satisfied all the requirements necessary for final authorization.

In the proposed rule that was published in the Federal Register on February 3, 1989, EPA announced the availability of the Texas revision application for public review and comment and the date of a public hearing on the application. The public hearing was held on February 28, 1989, at 7 p.m. in Austin, Texas.

During the hearing, only one public comment on the application was made. The commentator offered support for delegation of the program to Texas due to their better capacity to conduct a permitting and enforcement program by being closer to the regulated community and having those State resources behind them. However, concern was expressed about the permitting language in the Department of Commerce Act. Additional concern addressed the Memorandum of Understanding (MOU) between the Texas Water Commission and the Texas Railroad Commission regarding the authority of each agency over oil and gas waste. The commentator felt that the MOU is not specific enough concerning each agency's inspection and enforcement authority in particular cases.

These concerns were also provided in a letter sent to EPA. EPA's response included the status of the amendment to the Texas Department of Commerce Act and the Agency's belief that the MOU addresses all of EPA's requirements for inclusion in that document. The commentator was assured that the MOU could be amended, as necessary, at a later date.

The Texas program revisions adopt changes in the Federal RCRA program through the July 14, 1986, publication of the Federal Register. The revisions are in 31 TAC Chapters 281, 301, 305, 335, and 337. These revisions not only include all the requirements for Texas to maintain a program which is equivalent

to the Federal RCRA program, but they also include regulations added to the Federal program pursuant to HSWA promulgated by EPA through July 14, 1986. These State regulations which deal with the subject matter of the Federal HSWA program are not considered at this time as part of the Federally authorized program in Texas, and EPA will retain its responsibilities to enforce HSWA provisions in Texas. The State of Texas has submitted a separate application for approval of these State regulations which deal with the Federal HSWA program pursuant to 40 CFR 271.21(e)(2)(iii), and EPA anticipates action on this application in the near future.

In addition, the Texas provision incorporating the Federal HSWA provisions concerning research, development, and demonstration permits is not being considered by EPA for authorization at this time. Texas has not applied, nor is it required at this time to apply pursuant to 40 CFR 271.21(e)(2)(iii), for authorization of these Federal HSWA requirements. Therefore, Subchapter K of 31 Texas Administrative Code chapter 305 (as amended July 14, 1987) is not being considered as part of the authorized State program.

The following chart lists the State rules that have been changed and are being recognized as equivalent to the analogous Federal rules, as they have been changed.

Federal Citation	State Analog
1. Exclusion of Household Waste as a Hazardous Waste—changes in 40 CFR Part 261, Subpart A—as published in the FEDERAL REGISTER on November 13, 1984.	1. 31 Texas Administrative Code (TAC) § 335.1, revised July 14, 1987.
2. Applicability of Interim Status Standards to Owners and Operators of Treatment, Storage and Disposal Facilities—changes to 40 CFR Part 265, Subpart A—as published in the FEDERAL REGISTER on November 21, 1984.	2. 31 TAC § 335.111, revised July 14, 1987.
3. Corrections to the Test Methods Manual—changes to 40 CFR Part 260, Subparts B and C and 270, Subpart A—as published in the FEDERAL REGISTER on December 4, 1984.	3. 31 TAC § 335.125(d) and 335.175(c), revised July 14, 1987.
4. Interim Status Standards for Landfills—changes to 40 CFR Part 265, Subparts K, M, and N—as published in the FEDERAL REGISTER on April 23, 1985.	4. 31 TAC § 335.112(a)(10) and (13); 335.121(a); and 335.125(a), revised July 14, 1987.
5. Financial Responsibility—Settlement Agreement—changes to 40 CFR Part 260, Subpart B; 264, Subparts G and H; 265, Subparts G and H; and 270, Subparts B, D, and G—as published in the FEDERAL REGISTER on May 2, 1986.	5. 31 TAC § 335.1; 335.152(a)(5) and (6); 335.178; 335.112(a)(6) and (7); 335.127; 305.50(d); 305.51; 305.62(c)(2)(C)(*) and 305.64(g), revised July 14, 1987.
6. Listing of Spent Pickle Liquor—changes to 40 CFR Part 261, Subpart D—as published in the FEDERAL REGISTER on May 29, 1986.	6. 31 TAC § 335.1, revised July 14, 1987.
7. Radioactive Mixed Waste—as published in the FEDERAL REGISTER on July 3, 1986.	7. 31 TAC § 335.1, revised July 14, 1987.

The State also submitted revisions to the Program Description, Attorney General's Statement and the Memorandum of Agreement between the State of Texas and EPA, Region 6. Three executed Memoranda of Understanding (MOUs) were also submitted. The first MOU is between the Texas Railroad Commission, TWC and the Texas Department of Health (TDH). That document addresses the

jurisdictional division among the agencies over wastes that result from activities associated with the exploration, development, and production of oil or gas. The second MOU between TWC and TDH concerned the regulation and management of radioactive mixed wastes. The third MOU between TWC and the Attorney General of Texas concerned public participation in the

State hazardous waste enforcement process.

The State of Texas is not seeking authority over activities on Indian lands.

C. Decision

After reviewing the public comments and re-evaluating the State's submittal in light of the comments, it is my conclusion that the Texas revision application now meets all of the

regulatory and statutory requirements established by RCRA. Accordingly, Texas is granted final authorization to operate its revised hazardous waste management program.

D. Codification in Part 272

EPA will use part 272 for codification of the decision to authorize the Texas program and for incorporation by reference of those provisions of the Texas statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore, EPA is proposing to amend part 272, subpart SS. A separate notice is being published today for the proposed codification.

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 does not create any new requirements but simply approves requirements which are already State law. 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, and 6974(b).

Dated: October 18, 1989.

Robert E. Layton, Jr., P.E.,

Regional Administrator.

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BILLING CODE 6560-50-M

40 CFR Part 271

[FR 3728-4]

Illinois; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Illinois has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA" or the "Act"). The Environmental Protection Agency (EPA) has reviewed Illinois' application and has reached a decision, subject to public review and comment, that Illinois' hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Illinois to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA").

EFFECTIVE DATES: Final authorization for Illinois' program revision shall be effective April 30, 1990 unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on Illinois' program revision application must be received by 4:30 p.m. central time on April 2, 1990.

ADDRESSES: Copies of Illinois' final authorization applications are available from 9 a.m. to 4 p.m., at the following addresses for inspection and copying: Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, contact: Tom Kavanagh, (217) 785-0551; U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460, phone (202) 382-5962; U.S. EPA, Region V, 230 S. Dearborn, Chicago, Illinois 60604, contact: Gary Westefer, (312) 886-7450. Written comments should be sent to Mr. Gary Westefer, Illinois Regulatory Specialist, U.S. EPA, Office of RCRA, 511R-JCK-13, 230 S. Dearborn, Chicago, Illinois 60604, phone (312) 886-7450.

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Illinois Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Waste Management Division, Office of RCRA, Program Management Branch, Regulatory Development Section, 511R-JCK-13, 230 South Dearborn, Chicago, Illinois 60604, (312) 886-7450, FTS 8 886-7450.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 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. For further explanation see section C of this notice.

In accordance with 40 CFR 271.21(a), 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 necessary because of changes to EPA's regulations in 40 CFR parts 124, 260-268, and 270.

B. Illinois

Illinois initially received final authorization for its base program (51 FR 3778, January 30, 1986) effective on January 31, 1986. Illinois received authorization for revisions to its program effective on March 5, 1988 (53 FR 126, January 5, 1988). On November 30, 1988, Illinois submitted an additional revision application. EPA has reviewed this application and has made an immediate final decision, subject to public review and comment, that Illinois' hazardous waste program revisions do reflect the State's equivalency with the Federal program and satisfy all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Illinois for its additional program revisions.

On the effective date of final authorization, Illinois will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program.

Federal requirement	Analogous state authority
Delisting, July 15, 1985, 50 FR 28702-28755*	Rule 35 IAC 720.122, Effective August 22, 1986.
Household Waste, July 15, 1985, 50 FR 28702-28755*	Rule 35 IAC 721.104, Effective August 22, 1986.
Waste Minimization, July 15, 1985, 50 FR 28702-28755*	Rule 35 IAC 702.150; 703.153; 722.141; Part 722 Appendix, 724.170; 724.173, Effective August 22, 1986.
Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves, July 15, 1985, 50 FR 28702-28755*	Rule 35 IAC 724.118, 725.118, Effective August 22, 1986.
Liquids in Landfills, July 15, 1985, 50 FR 28702-28755*	Rule 35 IAC 703.207; 724.414; 725.414, Effective August 22, 1986.
Dust Suppression, July 15, 1985, 50 FR 28702-28755*	Rule 35 IAC 726.123, Effective August 22, 1986.