

US EPA ARCHIVE DOCUMENT

duplicate

Triethylene glycol ethyl ether, *see* POLY(2-8)ALKYLENE GLYCOL MONOALKYL(C1-C6) ETHER
 Triethylene glycol methyl ether, *see* POLY(2-8)ALKYLENE GLYCOL MONOALKYL(C1-C6) ETHER
 Triethyl phosphate
 Trimethylol propane polyethoxylate
 Tripropylene glycol methyl ether, *see* POLY(2-8)ALKYLENE GLYCOL MONOALKYL(C1-C6) ETHER
 Trisodium salt of N-(Hydroxyethyl)-ethylenediamine triacetic acid solution
 Urea, Ammonium mono- and di-hydrogen phosphate, Potassium chloride solution
 Urea, Ammonium nitrate solution (2% or less NH₄)
 Urea, Ammonium phosphate solution
 Vegetable oils, n.o.s. (*see also* Oil, edible)
 Vegetable acid oils and distillates, n.o.s.
 Waxes:
 Candelilla
 Carnauba
 * * * * *

§ 151.49 [Amended]

3. In § 151.49(a), remove the word "Cyclohexane" and add, in its place, the word "Cyclohexane"; remove the word "2-Methyl-1-pentene" and add, in its place the words "2-Methyl-1-pentene, *see* Hexene (all isomers)"; remove the words "(all isomers)" of the entry "Pentene (all isomers)" and add in their place the words "(all isomers)"; and remove the word "Toulene" and add, in its place the word "Toluene".

§ 151.49 [Amended]

4. In § 151.49(a), the following new entries are added in chemically proper alphabetized order:

* * * * *
 Aviation alkylates
 Cycloheptane
 Cyclopentane
 Hexane (all isomers)
 Isopropylcyclohexane
 Methyl cyclohexane
 Olefin mixtures (C5-C7)
 iso-Propylcyclohexane
 * * * * *

§ 151.49 [Amended]

5. In § 151.49(b), remove the entries "Alkyl(C9-C17) benzenes" and "Dodecane (all isomers)".

Dated: February 28, 1994.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environment.

[FR Doc. 94-8363 Filed 4-8-94; 8:45 am]

BILLING CODE 4910-14-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4861-4]

Texas: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Texas has applied for final authorization of a revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) reviewed Texas' application and has decided, subject to public review and comment, that Texas' hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Texas' hazardous waste program revision, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984. Texas' application for the program revision is available for public review and comment.

DATES: This final authorization for Texas shall be effective June 27, 1994 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. All comments on Texas' program revision application must be received by the close of business May 26, 1994.

ADDRESSES: Copies of the Texas 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: Texas Natural Resource Conservation Commission, 1700 N. Congress Avenue, Austin, TX 78711-3087, and U.S. EPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 65202, phone (214) 655-6444. Written comments, referring to Docket Number TX-94-2, should be sent to Dick Thomas, Region 6 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, (214) 655-8528.

FOR FURTHER INFORMATION CONTACT: Dick Thomas, Region 6 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, (214) 655-8528.

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. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive interim authorization for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements. 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, 268, 124, and 270.

B. Texas

Texas received final authorization to implement its hazardous waste management program on December 12, 1984, effective December 26, 1984 (see 49 FR 48300). This authorization was clarified in a notice published in the **Federal Register** on March 26, 1985 (see 50 FR 11858). Texas received final authorization for revisions to its program in notices published in the **Federal Register** on January 31, 1986, effective October 4, 1985 (see 51 FR 3952), on December 18, 1986, effective February 17, 1987 (see 51 FR 45320), on March 1, 1990, effective March 15, 1990 (see 55 FR 7318), on May 24, 1990, effective July 23, 1990 (see 55 FR 21383), on August 22, 1991, effective October 21, 1991 (see 56 FR 41626), and on October 5, 1992, effective December 4, 1992 (see 57 FR 45719). On December 8, 1992, the Texas Water Commission (TWC) submitted a final complete program revision application for additional program approvals. (In 1991, Texas Senate Bill 2 created the Texas Natural Resources Conservation Commission (TNRCC) which combined

the functions of the former Texas Water Commission and the former Texas Air Control Board. The transfer of functions to the TNRCC from the two agencies became effective on September 1, 1993. Under Chapter 361 of the Texas Health and Safety Code, the TNRCC has sole responsibility for the administration of laws and regulations concerning hazardous waste). Today, Texas is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA reviewed Texas' application, and made an immediate final decision that Texas' 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

Texas. The public may submit written comments on EPA's final decision until May 26, 1994. Copies of Texas' application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of Texas' 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.

Texas' 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, and 270 that were published in the **Federal Register** 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. (As a result of the Texas reorganization presented above, TNRCC rules, once codified at Title 31 Texas Administrative Code, are now codified at Title 30 Texas Administrative Code).

Federal Citation	State analog
1. California List Waste Land Disposal Restrictions, July 8, 1987 [52 FR 25760], as amended on October 27, 1987 [52 FR 41295]. (Checklists 39 and 39.1).	Texas Solid Waste Disposal Act (TSWDA) §§361.017 and 361.024; Texas Health and Safety Code Ann. (THSC) (Vernon's Supp. 1991), effective June 7, 1991, as amended; 30 Texas Administrative Code (TAC) §305.51(c), §335.2(j), §335.112(a)(1), §335.152(a)(1), and §335.431(c), all effective November 23, 1993; and 31 TAC §335.77, effective September 1, 1989, as amended.
2. Exception Reporting for Small Quantity Generators of Hazardous Waste, September 23, 1987 [52 FR 35894]. (Checklist 42).	TSWDA §§361.017, and 361.024; THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; 31 TAC §335.13(c), (d) and (g), effective March 31, 1992, as amended; and 30 TAC §335.74, effective November 23, 1993.
3. HSWA Codification Rule 2; Permit Application Requirements Regarding Corrective Action, December 1, 1987 [52 FR 45788]. (Checklist 44A).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §305.50(4)(A), effective November 23, 1993.
4. HSWA Codification Rule 2; Corrective Action Beyond Facility Boundary, December 1, 1987 [52 FR 45788]. (Checklist 44B).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; 30 TAC §335.166(5), and 30 TAC 335.167(c), effective November 23, 1993.
5. HSWA Codification Rule 2; Corrective Action for Injection Wells, December 1, 1987 [52 FR 45788]. (Checklist 44C).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §335.121(f), and §335.121(e)(1)-(3), both effective November 23, 1993.
6. HSWA Codification Rule 2; Permit Modification, December 1, 1987 [52 FR 45788]. (Checklist 44D).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 31 TAC §305.62(d)(3), effective September 1, 1989, as amended.
7. HSWA Codification Rule 2; Permit as a Shield Provision, December 1, 1987 [52 FR 45788]. (Checklist 44E).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §305.124, effective November 23, 1993.
8. HSWA Codification Rule 2; Permit Conditions to protect Human Health and the Environment, December 1, 1987 [52 FR 45788]. (Checklist 44F).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §305.50(14), effective November 23, 1993.
9. HSWA Codification Rule 2; Post-Closure Permits, December 1, 1987 [52 FR 45788]. (Checklist 44G).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §335.2(i) effective November 23, 1993.
10. Technical Correction to Checklist 23, Small Quantity Generators, July 19, 1988 [53 FR 27162]. (Checklist 47).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 31 TAC §335.78(e) and §335.78(f)(2), both effective September 1, 1989, as amended.
11. Farmer Exemptions; Technical Corrections, July 19, 1988 [53 FR 27164]. (Checklist 48).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §335.41(d)(4) and §335.61 (b) and (e), all effective November 23, 1993.
12. Land Disposal Restrictions for First Third Scheduled Wastes, August 17, 1988 [53 FR 31138], as amended on February 27, 1989 [54 FR 8264]. (Checklists 50 and 50.1).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; 30 TAC §335.112 (a)(1) and (a)(4), §335.152 (a)(1) and (a)(4), §335.211(b), and §335.431(c), all effective November 23, 1993.
13. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, September 2, 1988 [53 FR 34079]. (Checklist 52).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; 30 TAC §335.1, §335.112 (a)(6) and (a)(9), and §335.152 (a)(5) and (a)(8), all effective November 23, 1993.
14. Land Disposal Restriction Amendments to First Third Scheduled Wastes, May 2, 1989 [54 FR 18836]. (Checklist 62).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §335.431(c), effective November 23, 1993.
15. Land Disposal Restrictions for Second Third Scheduled Wastes, June 23, 1989 [54 FR 26594]. (Checklist 63).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §335.431(c) effective November 23, 1993.

Federal Citation	State analog
16. Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, September 6, 1989 [54 FR 36967, as amended on June 13, 1990 [55 FR 23935]. (Checklists 66 and 66.1).	TSWDA §§ 361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC § 335.211(b) and § 335.431(c), both effective November 23, 1993.
17. Reportable Quantity Adjustment Methyl Bromide Production Wastes, October 6, 1989 [54 FR 41402]. (Checklist 68).	TSWDA §§ 361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; 30 TAC § 335.1 and § 335.29, both effective November 23, 1993.
18. Reportable Quantity Adjustment (F024 & F025), December 11, 1989 [54 FR 50968]. (Checklist 69).	TSWDA §§ 361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC § 335.1 and § 335.29, both effective November 23, 1993.
19. Listing of 1,1-Dimethyl-hydrazine Production Wastes, May 2, 1990 [55 FR 18496]. (Checklist 75).	TSWDA §§ 361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; 30 TAC § 335.1 and § 335.29, both effective November 23, 1993.
20. HSWA Codification Rule: Double Liners; Correction, May 9, 1990 [55 FR 19262]. (Checklist 77).	TSWDA §§ 361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC § 335.168(c) and § 335.173(c), both effective November 23, 1993.
21. Land Disposal Restrictions for Third Scheduled Wastes, June 1, 1990 [55 FR 22520]. (Checklist 78H).	TSWDA §§ 361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC § 305.69(i) Appendix I.B.1.b., § 335.1, § 335.29, § 335.62(2), § 335.69(a)(4), § 335.111(c), § 335.112 (a)(1) and (a)(10)-(a)(13), § 335.152(a)(9)-(a)(12), and § 335.431(c), all effective November 23, 1993.
22. Organic Air Emission Standards for Process Vents and Equipment Leaks, June 21, 1990 [55 FR 25454]. (Checklist 79).	TSWDA §§ 361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; 30 TAC § 335.1, § 305.50(4)(A), § 335.2(j), § 335.112 (a)(1), (a)(4), (a)(19), and (a)(20), § 335.115(4), § 335.152 (a)(1), (a)(4), (a)(16) and (a)(17), and § 335.155(3), all effective November 23, 1993.
23. Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption, July 19, 1988 [53 FR 27290]. (Checklist 49).	TSWDA §§ 361.017 and 361.024; THSC (Vernon 1990), effective September 1, 1989, as amended; Texas Water Code (TWC) §§ 5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and 31 TAC § 335.1 and § 335.2(g), both effective August 1, 1990.
24. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, September 2, 1988 [53 FR 34079]. (Checklist 52N).	TSWDA §§ 361.017, and 361.024; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; 31 TAC § 335.1, effective August 1, 1990; and 31 TAC § 335.112(a)(6) and § 335.152 (a)(5), (a)(8) and (a)(9), all effective December 13, 1991, as amended.
25. Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities and Notification, September 13, 1988 [53 FR 35412]. (Checklist 53).	TSWDA §§ 361.017, and 361.024; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and 31 TAC § 335.1, effective August 1, 1990.
26. Permit Modifications for Hazardous Waste Management Facilities, September 28, 1988 [53 FR 37912], as amended on October 24, 1988 [53 FR 41649]. (Checklists 54 and 54.1).	TSWDA §§ 361.017, and 361.024; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; Texas Open Records Act, TEX. REV. CIV. STAT. ANN. art.6252-17a (Vernon 1990); 31 TAC § 305.2, § 305.66, and § 335.124, all effective November 23, 1993; 31 TAC § 305.62(a), effective October 29, 1990; 31 TAC § 335.112(a)(6), § 335.152 (a)(3) and (a)(5), all effective December 13, 1991, as amended; 31 TAC § 305.64(a) and (g), and § 305.144, § 305.62(d)(3), § 305.62(e)(2)(C)(iv)-(e)(2)(C)(xi), all effective October 29, 1990; 31 TAC § 305.62(e), effective July 17, 1989; 31 TAC 305.100, effective October 8, 1990; 31 TAC § 305.102, § 305.171, and § 305.172(10), all effective October 29, 1990; 31 TAC § 305.69(a), § 305.69(a)(1)(A)-(a)(1)(C), § 305.69 (a)(2) and (a)(3), § 305.69 (b) and (b)(1), § 305.69(b)(1)(A)-(b)(1)(D), § 305.69(b)(2), § 305.69(b)(2)(A)-(b)(2)(G), § 305.69(b)(3)-(b)(6), § 305.69(b)(6)(A)-(b)(6)(C), § 305.69 (b)(6)(C)(i) and (b)(6)(C)(ii), § 305.69 (b)(6)(D) and (b)(6)(E), § 305.69(b)(7), § 305.69(b)(7)(A)-(b)(7)(C), § 305.69 (b)(7)(C)(i) and (b)(7)(C)(ii), § 305.69(b)(7)(D), § 305.69 (b)(8) and (b)(9), § 305.69 (b)(9)(A) and (b)(9)(B), § 305.69(b)(10)-(b)(14), § 305.69(b)(14)(A)-(b)(14)(C), § 305.69(b)(15), § 305.69(c), § 305.69(c)(1), § 305.69(c)(1)(A)-(c)(1)(D), § 305.69(c)(2), § 305.69(c)(2)(A)-(c)(2)(F), § 305.69(c)(3)-(c)(6), § 305.69(d), § 305.69 (d)(1) and (d)(2), § 305.69(d)(2)(A), § 305.69 (d)(2)(B)(i) and (d)(2)(B)(ii), § 305.69(d)(2)(C), § 305.69(e), § 305.69 (e)(1) and (e)(2), § 305.69 (e)(2)(A) and (e)(2)(B), § 305.69(e)(3), § 305.69(e)(3)(A)-(e)(3)(C), § 305.69 (e)(4) and (e)(5), § 305.69 (e)(5)(A) and (e)(5)(B), § 305.69(e)(5)(B)(i)-(e)(5)(B)(v), § 305.69(e)(6), § 305.69 (e)(6)(A) and (e)(6)(B), § 305.69(f), § 305.69 (f)(1) and (f)(2), § 305.69(g), § 305.69(g)(1), § 305.69(g)(1)(A)-(g)(1)(E), § 305.69(g)(2), and § 305.184(1)-(3), all effective October 29, 1990.
27. Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities, October 11, 1988 [53 FR 39720]. (Checklist 55).	TSWDA §§ 361.017, and 361.024; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; 31 TAC § 335.157 (a)(1) and (a)(2), § 335.158, § 335.163(1)(A), § 335.163 (1)(A)(i) and (1)(A)(ii), § 335.163(1)(C), § 335.163(7), § 335.163 (7)(A) and (7)(B), § 335.163(8), § 335.163(8)(A)-(8)(E), § 335.163(9), § 335.163(9)(A)-(9)(F), § 335.163(10), § 335.164(3)-(6), § 335.164 (6)(A) and (6)(B), § 335.164(7), § 335.164(7)(A)-(7)(D), § 335.164(7)(D)(i)-(7)(D)(iv), § 335.164(7)(E), § 335.164 (7)(E)(i) and (7)(E)(ii), § 335.164 (7)(E)(ii)(i) and (7)(E)(ii)(II), § 335.164(7)(F), § 335.164(7)(F)(i)-(7)(F)(iv), § 335.164(8), § 335.165(3), § 335.165 (3)(A) and (3)(B), § 335.165(4), § 335.165 (4)(A) and (4)(B), and § 335.165(6)-(10), all effective October 29, 1990.

Federal Citation	State analog
28. Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes, October 31, 1988 [53 FR 43878]. (Checklist 56).	TSWDA §§361.003; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and 31 TAC §335.1, effective August 1, 1990.
29. Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes, October 31, 1988 [53 FR 43881]. (Checklist 57).	TSWDA §§361.003(11); THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and 31 TAC §335.1, effective August 1, 1990.
30. Hazardous Waste Miscellaneous Units; Standards applicable to Owners and Operators, January 9, 1989 [54 FR 615]. (Checklist 59).	TSWDA §§361.003, 361.024, 361.088; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and 31 TAC §305.50(4), effective July 17, 1989.
31. Amendment to Requirements for Hazardous Waste Incinerator Permits, January 30, 1989 [54 FR 9596]. (Checklist 60).	TSWDA §§361.003, 361.024, 361.088; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and 31 TAC §305.174, effective October 29, 1990.
32. Delay of Closure Period for Hazardous Waste Management Facilities, August 14, 1989 [54 FR 33376]. (Checklist 64).	TSWDA §§361.017 and 361.024; THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 27.019 (Vernon 1992), effective September 1, 1985, as amended; 31 TAC §§335.152(a), 335.152(a)(1), 335.152(a)(5), 335.152(a)(6), 335.112(a), 335.112(a)(1), 335.112(a)(6), and 335.112(a)(7), all effective December 13, 1991; and 31 TAC 305.69(h), Appendix I, D.1.f., effective October 29, 1990.
33. Mining Waste Exclusion I, September 1, 1989 [54 FR 36592]. (Checklist 65).	TSWDA §§361.003, 361.017, and 361.024; THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011, (Vernon 1992), effective September 1, 1985, as amended; and 31 TAC 335.1, effective August 4, 1989.
34. Testing and Monitoring Activities, September 29, 1989 [54 FR 40260]. (Checklist 67).	TSWDA §§361.003, 361.017, and 361.024, THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011, (Vernon 1992), effective September 1, 1985, as amended; and 31 TAC §§335.2(j) and 335.29, both effective November 23, 1993.
35. Changes to Part 124 Not Accounted for by Present Checklists, June 30, 1983 [48 FR 30113]; July 26, 1988 [53 FR 28118]; September 26, 1988 [53 FR 37396]; and January 4, 1989 [54 FR 246]. (Checklist 70).	TSWDA §§361.017, 361.024, 361.032, 361.066, and 361.068; THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§5.103, 5.105, 26.011, and 27.019 (Vernon 1992), effective September 1, 1985, as amended; 31 TAC 281.22, effective July 14, 1987; 31 TAC §§305.42, 305.44, 305.62, 305.102, 305.103, and 305.105, 305.127 (1)(B), (2) and (3), 305.142, and 305.144, all effective October 29, 1990; 305.143, 31 TAC 305.36, effective April 21, 1989; 31 TAC §§305.100, 305.101, 305.121, 305.122(a), 305.125, and 305.128, all effective October 8, 1990; 31 TAC §§305.123, 305.124, 305.141, 305.142, 305.143, and 305.146, all effective June 19, 1986; and 31 TAC 305.145, effective April 8, 1987.
36. Mining Waste Exclusion II, January 23, 1990 [55 FR 2322]. (Checklist 71).	TSWDA §§361.003, 361.017, and 361.024; THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011, (Vernon 1992), effective September 1, 1985, as amended; 31 TAC 335.1, effective August 4, 1989; and 31 TAC 335.10(a)(6), effective November 23, 1993.
37. Modification of F019 Listing, February 14, 1990 [55 FR 5340]. (Checklist 72).	TSWDA §§361.003, 361.017, and 361.024, THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended. TWC §§5.103, 5.105, and 26.011, (Vernon 1992), effective September 1, 1985, as amended; 31 TAC 335.1, effective August 4, 1989.
38. Testing and Monitoring Activities; Technical Corrections, March 9, 1990, [55 FR 8948]. (Checklist 73).	TSWDA §§361.003, 361.017, and 361.024, THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended. TWC §§5.103, 5.105, and 26.011, (Vernon 1992), effective September 1, 1985, as amended; and 31 TAC §§335.2(j) and 335.29, effective November 23, 1993.
39. Criteria for Listing Toxic Wastes; Technical Amendment, May 4, 1990 [55 FR 18726]. (Checklist 76).	TSWDA §§361.003, 361.017, and 361.024; THSC, Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 26.011 (Vernon 1992), effective September 1, 1985, as amended; and 31 TAC 335.1, effective August 4, 1989.
40. Financial Responsibility; Settlement Agreement (Amendment to Checklist 24's Optional Designation of 264.113 and 265.113), June 26, 1990 [55 FR 25976]. (Checklist 24A).	TSWDA §§361.017 and 361.024, THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§5.103, 5.105, and 27.019 (Vernon 1992), effective September 1, 1985, as amended; and 31 TAC §§335.112(a)(6) and 335.152(a)(5), both effective December 13, 1991.

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

C. Decision

I conclude that Texas' application for a program revision meets the statutory and regulatory requirements established by RCRA. Accordingly, Texas is granted final authorization to operate its hazardous waste program as revised.

Texas 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. Texas 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 Texas' program and for incorporation by reference of those provisions of Texas' 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 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 Texas' 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: March 21, 1994.

Joe D. Winkle,

Acting Regional Administrator.

[FR Doc. 94-8579 Filed 4-8-94; 8:45 am]

BILLING CODE 6560-60-P

40 CFR Part 271

[FRL-4861-8]

Ohio and Wisconsin: Schedules of Compliance for Modification of Hazardous Waste Programs

AGENCY: Environmental Protection Agency, Region V.

ACTION: Notice of Ohio's and Wisconsin's compliance schedules to adopt program modifications.

SUMMARY: On September 26, 1986, USEPA promulgated amendments to the deadlines for modifications to the State Resource Conservation and Recovery Act (RCRA) programs and published requirements for States to be placed on a compliance schedule to adopt

necessary program modifications. USEPA is today publishing compliance schedules for Ohio and Wisconsin to modify their respective programs, in accordance with 40 CFR 271.21(g) to adopt Federal program modifications.

EFFECTIVE DATE: January 1, 1993.

FOR FURTHER INFORMATION CONTACT: John Maher, Ohio Regulatory Specialist, Office of RCRA, USEPA, Region V, 77 W. Jackson, HRM-7J, Chicago, Illinois 60604, (312) 886-6085. Margaret Millard, Wisconsin Regulatory Specialist, Office of RCRA, USEPA, Region V, 77 W. Jackson, HRM-7J, Chicago, Illinois 60604, (312) 353-1440.

SUPPLEMENTARY INFORMATION:

A. Background

Final authorization to implement the Federal hazardous waste program within a State is granted by USEPA if the Agency finds that the State program: (1) is "equivalent" to the Federal program; (2) is "consistent" with the Federal program and other State programs; and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6926(b)). USEPA regulations for final authorization appear at 40 CFR 271.1 through 271.25. In order to retain authorization, a State must revise its program to adopt new Federal requirements by the cluster deadlines and procedures specified in 40 CFR 271.21. See 51 FR 33712, September 22, 1986, for a complete discussion of these procedures and deadlines.

B. Ohio

Ohio received final authorization of its base hazardous waste program on June 30, 1989 (54 FR 27173). The State received authorization for program revisions effective June 7, 1991, (56 FR 14203) and August 19, 1991 (56 FR 28088).

C. Wisconsin

Wisconsin received final authorization for its base hazardous waste program on January 31, 1986 (51 FR 3783). Wisconsin received subsequent authorization for revisions to its program that became effective on June 6, 1989 (54 FR 22278), January 22, 1990 (54 FR 48243), and April 24, 1992 (57 FR 15029).

D. Schedules

The States have agreed to obtain the needed hazardous waste program revisions. Pursuant to 40 CFR 271.21, USEPA expects the States to have obtained these revisions by December 31, 1994. Ohio and Wisconsin are to complete program revisions for the following Federal requirements:

Wood Preserving Listing; Technical Correction—56 FR 30192;

Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I—56 FR 32688;

Land Disposal Restrictions for Electric Arc Furnace Dust (K061)—54 FR 41164;

Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II—56 FR 42504;

Exports of Hazardous Waste; Technical Correction—56 FR 43704;

Liners and Leak Detection Systems for Hazardous Waste Disposal Systems—56 FR 03462;

Second Correction to the Third Third Land Disposal Restrictions—57 FR 08086;

Hazardous Debris Case-by-Case Capacity Variance—57 FR 20766 and; and

Lead Bearing Materials: Case-by-Case Capacity Variance—57 FR 28626.

Authority: This action is issued under authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: March 28, 1994.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 94-8577 Filed 4-8-94; 8:45 am]

BILLING CODE 6560-60-F

40 CFR Parts 750 and 761

[OPPTS-66011A; FRL 4766-5]

RIN 2070-AB20

Polychlorinated Biphenyls; Exemptions From Prohibition Against Manufacturing, Processing, and Distribution in Commerce, and Use Authorization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Section 6(e) of the Toxic Substances Control Act (TSCA) bans the manufacture, processing, distribution in commerce, and the use of PCBs unless the PCBs are totally enclosed. Section 6(e) gives EPA authority, however, to authorize these activities if the Administrator finds that they will not present an unreasonable risk of injury to health and the environment. This final rule addresses six individual petitions under TSCA section 6(e)(3)(B) for exemptions from the prohibition against the manufacture, processing and distribution in commerce of polychlorinated biphenyls (PCBs). In this final rule, EPA denies two petitions