

List of Subjects in 40 CFR Part 52

Air pollution control,
Intergovernmental relations, Ozone,
Hydrocarbons.

Dated: January 22, 1986.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart L—Georgia

2. Section 52.576 is amended by adding paragraph (b) as follows:

§ 52.576 Compliance schedules.

(b) The extended compliance schedule for the General Motors Lakewood Assembly Plant submitted on July 30, 1982, is disapproved because the State has failed to show that the schedule would not interfere with the attainment of the ozone standard in the Atlanta nonattainment area.

[FR Doc. 86-2039 Filed 1-29-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-5-FRL-2963-4]

Illinois: Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on Illinois' Application for Final Authorization.

SUMMARY: Illinois has applied for final authorization under the Resource Conservation and Recovery Act, as amended (RCRA). The United States Environmental Protection Agency (U.S. EPA) has reviewed Illinois' application and found it includes all the information necessary for final authorization. U.S. EPA is granting final authorization to the State of Illinois to operate its hazardous waste management program in lieu of the Federal program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

EFFECTIVE DATE: The final authorization

for Illinois takes effect 1:00 p.m., Eastern Standard Time on January 31, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Russell, Illinois Regulatory Specialist, Solid Waste Branch, U.S. EPA Region V, 230 South Dearborn, Chicago, Illinois, 60604, (312) 886-6940 (FTS: 8-886-6940).

SUPPLEMENTARY INFORMATION: Section 3006 of the RCRA allows U.S. EPA to authorize a State hazardous waste management program to operate in a State in lieu of the Federal hazardous waste management program. To qualify for final authorization, a State's program must: (1) Be equivalent to the Federal program; (2) Be no less "stringent" than the Federal program; (3) Be consistent with the Federal program and other authorized State programs; (4) Provide for adequate enforcement authority; and (5) Provide for public participation in the permit process. (Section 3006(b) of RCRA, 42 U.S.C. 6926(b)).

On July 29, 1985, the State of Illinois submitted a complete application to obtain final authorization to administer the RCRA program. After completion of a comprehensive review of the State's official application, U.S. EPA forwarded comments to the State on September 10, 1985. These comments reflected the remaining areas which the State needed to further address. Illinois and the Attorney General responded satisfactorily to U.S. EPA's comments in letters dated October 7, 24, and November 14, 1985. Region V conducted a comprehensive Capability Assessment evaluating past State program performance and present resource capability for future program implementation. The Capability Assessment together with the Letter of Intent, highlighted the areas in which Illinois needed improvement and the measures U.S. EPA and Illinois will take to ensure that these improvements are implemented. These areas were Closure Management and Maintenance of Enforcement Related Records. Since the publication of the tentative determination, Region V has continued to monitor the progress in these areas as well as in escalation of enforcement. Region V has found that Illinois continues to make progress in these areas. Therefore, following a detailed review of the complete application and the development of a Capability Assessment, U.S. EPA published a notice on November 19, 1985, announcing its tentative determination to grant final authorization to the State of Illinois. Further background on the tentative determination to grant final

authorization appears in the November 19, 1985 *Federal Register*, (50 FR 47566). That *Federal Register* notice summarized all major issues raised in U.S. EPA's review of the complete application.

Along with the notice of tentative determination, U.S. EPA announced the availability of Illinois' application for public inspection and copying; the date of the public comment period; the date of the public hearing on Illinois' application; and U.S. EPA's tentative determination to grant final authorization. A Public Notice ran in four newspapers in Illinois and one newspaper in Missouri. This Notice was mailed to all individuals and organizations on the Region V Illinois mailing list. The public hearing was held on December 20, 1985, in Chicago, Illinois. Fifteen people attended the public hearing. Five oral and eight written comments were presented at the public hearing or during the public comment period. U.S. EPA's responses to comments it has received are contained in the Responsiveness Summary. A copy of the Responsiveness Summary is available from Barbara Russell, Illinois Regulatory Specialist, at the United States Environmental Protection Agency, 230 South Dearborn, 5HS-JCK-13, Chicago, Illinois, (312) 886-6940.

Decision

After reviewing the public comments and the changes the State has made to its application since the tentative decision, I conclude that Illinois' application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Illinois is granted final authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA). Illinois now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program, subject to the HSWA. Illinois also has primary enforcement responsibility, although U.S. 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. Illinois is not authorized to operate the RCRA program on Indian lands, and this authority will remain with the U.S. EPA.

As stated above, Illinois' authority to operate a hazardous waste program

under Subtitle C of RCRA is limited by the November 1984 HSWA amendments to RCRA. Prior to that date a State with Final Authorization administered its hazardous waste program entirely in lieu of the U.S. EPA. The Federal requirements no longer applied in the authorized State, and U.S. EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified timeframes. New Federal requirements did not take effect in an authorized State until the State adopted those requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. U.S. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial Federal permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, HSWA provisions apply in authorized States in the interim.

As a result of HSWA, there will be a dual State/Federal regulatory program in Illinois. To the extent the authorized State program is unaffected by HSWA, the State program is authorized to operate in lieu of the Federal program. Where HSWA-related requirements apply, however, U.S. EPA will administer and enforce them in Illinois until the State receives authorization to do so. Any State requirement that is more stringent than a HSWA provision also remains in effect; thus, the universe of the more stringent provisions in HSWA and the approved State program defines the applicable Subtitle C requirements in Illinois.

Illinois is not being authorized now for any requirement implementing HSWA. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal program. Until that time the State will assist U.S. EPA's implementation of the HSWA under a Cooperative Agreement.

U.S. EPA has published a Federal Register notice that explains in detail HSWA and its effect on authorized States. That notice was published in the July 15, 1985 Federal Register (50 FR 28702), and should be referred to for further information.

EFFECTIVE DATE: 40 CFR 23.4 provides

that the grant of final authorization under section 3006 takes effect 2 weeks after the date of Federal Register publication unless the Federal Register notice specifically provides otherwise. I have determined that a different effective date January 31, 1986, is necessary in this instance. Illinois currently has interim authorization for Phase I of the RCRA program. Since interim authorization expires by statute on January 31, 1986, Illinois must have authority to administer the final authorization program, on that date, or the RCRA program will revert to EPA. To avoid the problem of a short-term reversion, I have decided to shorten the period during which my decision will take effect.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3, Executive Order 12291.

Certification Under The Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 505(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal regulations in favor of Illinois' program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. 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 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, by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA Delegation 8-7.

Dated: January 21, 1986.

Alan Levin,

Acting Regional Administrator.

[FR Doc. 86-2037 Filed 1-29-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-10-FRL-2963-6]

Oregon; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Oregon's application for final authorization.

SUMMARY: The State of Oregon has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Oregon's application and has reached a final determination that Oregon's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to the State to operate its program, in lieu of the Federal hazardous waste program in its jurisdiction, subject to the limitations imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA).

EFFECTIVE DATE: Final Authorization for Oregon shall be effective at 1 p.m., e.s.t., on January 31, 1986.

FOR FURTHER INFORMATION CONTACT: David Hanline, M/S 530, U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101, (206) 442-2858 (FTS 399-2858).

SUPPLEMENTARY INFORMATION:

I. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in lieu of the Federal hazardous waste program. To qualify for final authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other State programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6926(b)).

On June 1, 1984, Oregon submitted a complete application for final authorization. On December 6, 1985, EPA published a tentative decision announcing its intent to grant Oregon final authorization. Further background information on EPA's tentative decision to grant final authorization appears at 50 FR 49947, December 6, 1985.

In addition to announcing its tentative determination, EPA announced the availability of the application for public review and comment. Also it was announced that a public hearing would

be held if sufficient public interest was expressed. No requests for a hearing were received. Only one letter of comment was submitted—a general statement in support of EPA's tentative decision.

II. Decision

I conclude that Oregon's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Oregon is granted final authorization to operate its hazardous waste program subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA). Oregon now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program, subject to the HSWA. Oregon also has primary enforcement responsibility, although EPA retains the right to conduct inspections and gather information under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA. Oregon is not authorized by the Federal government to operate the RCRA program on Indian lands; this authority remains with EPA.

As stated above, Oregon's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the November 1984 HSWA amendments to RCRA. Prior to that date a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial Federal permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Oregon. To the extent the authorized State program is unaffected by the HSWA, the State program is authorized to operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce them in Oregon until the State receives authorization to do so. Any State requirement that is more stringent than a HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the HSWA and the approved State program define the applicable Subtitle C requirements in Oregon.

This authorization of Oregon's hazardous waste program includes two Federal regulatory promulgations pursuant to the HSWA—the listing of and special management standards for dioxin-containing wastes (50 FR 1978) and the paint filter liquids test (50 FR 18370). Thus the Federal program in those areas will not apply to Oregon. Once Oregon is authorized to implement other HSWA requirements or prohibitions, the State program in those areas will operate in lieu of the Federal provisions. Until that time the State may assist EPA's implementation of the HSWA under a Cooperative Arrangement.

EPA has published a Federal Register notice that explains in detail the HSWA and their effect on authorized States. That notice was published at 50 FR 28702-28755, July 15, 1985.

III. Effective Date

40 CFR 23.4 provides that the grant of final authorization under section 3006 takes effect two weeks after the date of the Federal Register publication unless the Federal Register notice specifically provides otherwise. I have determined that a different effective date, January 31, 1986, is necessary in this instance. Oregon currently has interim authorization for Phase I of the RCRA program. Because interim authorization expires by statute on January 31, 1986, Oregon must have final authority to administer the finally authorized program on that date or the RCRA program will revert to EPA. To avoid the problems caused by a short term reversion, I have decided to shorten the period during which my decision will take effect.

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 5 U.S.C. 605(b), I hereby certify that this authorization will not have significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal regulations in favor of Oregon's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. 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 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, 6974(b).

Dated: January 27, 1986.

Ernesta Barnes,

Regional Administrator.

[FR Doc. 86-2036 Filed 1-29-86; 8:45 am]

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40 CFR Part 271

[SW-1-FRL-2961-5]

Rhode Island; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination of Rhode Island's Application for Final Authorization.

SUMMARY: Rhode Island has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Rhode Island's application and has reached a final determination that Rhode Island's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to the State to operate its program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final authorization for Rhode Island shall be effective at 1:00