

## Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

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Washington

(a) Department of Ecology (Ecology): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(b) Energy Facility Site Evaluation Council (EFSEC): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(c) Benton County Clean Air Authority (BCCAA): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(d) Northwest Air Pollution Authority (NWAPA): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(e) Olympic Air Pollution Control Authority (OAPCA): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(f) Puget Sound Clean Air Agency (PSCAA): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(g) Spokane County Air Pollution Control Authority (SCAPCA): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(h) Southwest Clean Air Agency (SWCAA): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

(i) Yakima Regional Clean Air Authority (YRCAA): submitted on November 1, 1993; interim approval effective on December 9, 1994; revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999; full approval effective on March 5, 2001.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-6926-8]

### Florida: Final Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule-response to comments.

**SUMMARY:** On September 18, 2000, EPA published an action to grant Florida final authorization for several changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA) (65 FR 56256). These revisions consisted of the Corrective Action provisions contained in rules promulgated on July 15, 1985 (HSWA Codification Rule; HSWA Corrective Action), December 1, 1987 (HSWA Codification Rule: Corrective Action Beyond the Facility Boundary), February 16, 1993 (Corrective Action Management Units and Temporary Units), and December 6, 1994, as amended May 19, 1995, September 9, 1995, November 13, 1995, February 9, 1996, June 5, 1996, and November 25, 1996 (Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers). As was indicated in this document, EPA accepted written comments on this action until October 18, 2000. EPA received five written comments. Two of the commenters supported EPA's decision to grant Florida final authorization but offered recommendations regarding Florida's proposed manner of administration and implementation of the HSWA corrective action program. One commenter expressed the concern that the additional responsibilities the State would assume could negatively impact Florida's implementation of the RCRA program. EPA explained to this commenter that a Capability Assessment was performed on the State's program which concluded that Florida is capable of administering the Corrective Action and subpart CC programs. Another commenter was concerned that authorizing Florida for the subpart CC rules would relinquish EPA's oversight authority. EPA's response to this commenter explained that federal regulations are in place that give the Agency oversight responsibilities to evaluate the State's performance in administering the RCRA program. Finally, EPA received a written letter from a commenter that supported the

intended delegation in principle, but expressed concern that the Final Authorization application, including the proposed Memorandum of Agreement, did not incorporate the RCRA Reforms which were announced on July 8, 1999, and which provide for "faster, focused, and more flexible cleanups." To this commenter, EPA responded that "The RCRA Reforms do not constitute rulemaking for which Florida is obliged to seek authorization. The purpose of the authorization process is to show equivalence to federal statutes and regulations to demonstrate the State's ability to carry out its program responsibilities once it is authorized." Further, the proposed language in the Memorandum of Agreement states that "The State will conduct its hazardous waste program in a manner equivalent to the EPA program policies and guidance." EPA and the State interpret this to include all guidance published by EPA's Office of Solid Waste including the July 8, 1999, directive and any other appropriate guidance. EPA has communicated with Florida reemphasizing the importance of Florida's continued support and implementation of the corrective action program in a manner consistent with the RCRA Reforms. Florida acknowledges the importance of the Reforms and has reaffirmed its commitment to implementation of the Reforms. EPA has revised the attachment to the proposed Memorandum of Agreement to include more specific program guidance references which reflect the Reforms. EPA has determined that the addition of specific references to the proposed Memorandum of Agreement does not constitute a substantive change to the authorization document. In view of the fact that such guidance and policy was cited in a comprehensive way in the MOA, EPA made a decision to not withdraw the Immediate Final rule that grants Florida authorization as published in the September 18, 2000, **Federal Register**.

**DATES:** This final authorization became effective on November 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** Narindar M. Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303-8960; (404) 562-8440.

**SUPPLEMENTARY INFORMATION:** EPA, through this final action, retains its decision to authorize revisions to Florida's Hazardous Waste Management Program as published on September 18, 2000 (65 FR 56256).

**Authority:** This action 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: December 1, 2000.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-6923-5]

#### Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** The State of Louisiana has applied for Final authorization of its revisions to its Hazardous Waste Program under the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. The EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize the State of Louisiana Department of Environmental Quality's (LDEQ) changes to their hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** (FR) withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

**DATES:** This immediate final rule is effective March 5, 2001 unless EPA receives adverse written comments by February 1, 2001. If EPA receives such comments, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

**ADDRESSES:** Written comments, referring to Docket Number LA-00-2 should be sent to Alima Patterson Region 6 Regional Authorization Coordinator, Grants and Authorization Section (6PD-

G), Multimedia Planning and Permitting Division, EPA Region 6, 1145 Ross Avenue, Dallas, Texas 75202-2733. Copies of the Louisiana 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: Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, (225)765-0397 and EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

**FOR FURTHER INFORMATION CONTACT:** Alima Patterson, (214) 665-8533.

#### SUPPLEMENTARY INFORMATION:

##### A. Why Are Revisions to State Programs Necessary?

States that receive final authorization from EPA under RCRA Section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal Hazardous Waste Program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260-266, 268, 270, 273, and 279.

##### B. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Louisiana subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent federal requirements in order to comply with RCRA. Louisiana has enforcement responsibilities under its state hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to: (1) Do inspections, and require monitoring, tests, analyses or reports, (2) enforce RCRA requirements and suspend or revoke permits, and (3) take enforcement actions regardless of whether the State has taken its own actions. This action does not impose additional requirements on the regulated community because the regulations for which Louisiana is being authorized by today's action are already

effective, and are not changed by today's action.

##### C. What Is the History of Louisiana's Final Authorization and Its Revisions?

The State of Louisiana initially received final authorization on February 7, 1985 (50 FR 3348), to implement its base Hazardous Waste Management Program. Louisiana received authorization for revisions to its program on January 29, 1990 (54 FR 48889); August 26, 1991 (56 FR 41958) August 26, 1991, November 7, 1994 (59 FR 55368) effective January 23, 1995; December 23, 1994 (59 FR 66200) effective March 8, 1995; there were technical corrections made on January 23, 1995 (60 FR 4380), effective January 23, 1995 and another technical correction was made on April 11, 1995 (60 FR 18360). We authorized the additional following revisions: October 17, 1995 (60 FR 53704) effective January 2, 1996; March 28, 1996 (61 FR 13777) effective June 11, 1996; December 29, 1997 (62 FR 67572) effective March 16, 1998; October 23, 1998 (63 FR 56830) effective December 22, 1998; August 25, 1999 (64 FR 46302) effective October 25, 1999; September 2, 1999 (64 FR 48099) effective November 1, 1999; and February 28, 2000 (65 FR 10411) effective April 28, 2000. On September 1, 2000, Louisiana applied for approval of its program revisions for RCRA Cluster IX. In this application, Louisiana is seeking approval of RCRA Cluster IX in accordance with 40 CFR 271.21(b)(3).

Since 1979, the State of Louisiana, through the Louisiana Department of Natural Resources, has conducted an effective program designed to regulate those who generate, transport, treat, store, dispose or recycle hazardous waste. During the 1983, Regular Session of the Louisiana Legislature, Act 97 was adopted which amended and reenacted Louisiana Revised Statutes (LRS) 30:1051 *et seq.*, or the Environmental Affairs Act. This Act created the new Department. During the 1999 Regular Session of Louisiana Legislature, Act 303 revised the LRS 30:2011 *et seq.*, allowing Department of Environmental Quality (LDEQ) to re-engineer the Department to perform more efficiently and to meet its strategic goals.

Act 97, which amended and reenacted LRS 30:1051 *et seq.*, or the Environmental Affairs Act, transferred the duties and previous responsibilities delegated to the Department of Natural Resources, Office of Environmental Affairs, to the new Department. The LDEQ and the Department of Natural Resources, Office of Conservation, has a memorandum of understanding that outlines the protocol for activities