ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–35–1–6659a; A–1–FRL–6425–4]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Nitrogen Oxide Requirements at Municipal Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Massachusetts. These revisions establish and require the implementation of reasonably available control technology (RACT) at major stationary sources of nitrogen oxides (NO_X). Additionally, Massachusetts has requested SIP approval of NO_X emission limits, monitoring, record keeping, and reporting requirements for municipal waste combustors. The intended effect of this action is to approve regulations and facility-specific requirements in accordance with the Clean Air Act.

DATES: This direct final rule is effective on November 1, 1999 without further notice, unless EPA receives adverse comment by October 4, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Steven A. Rapp, at (617) 918–1048, or by e-mail at: Rapp.Steve@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION: The following questions will be covered in this section:

A. What action is EPA taking?
B. What air pollutants are reduced by the Massachusetts regulation?
C. Who is affected by today's action?
D. When does today's action take effect?
E. What is ''reasonably available control technology'' (RACT) for sources of nitrogen oxides (NO_X)?
F. Where is NO_X RACT required?
G. Why is the Massachusetts submittal approvable as NO_X RACT?
H. Why is EPA approving the municpal waste combustor NO_X requirements as a SIP revision?
I. Where to go for more information on NO_X RACT?
J. What does ''direct final rulemaking'' mean?

A. What Action is EPA Taking?

Today, EPA is approving Massachusetts regulation, 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X),'' as well as facility-specific NO_X RACT emission control plans (ECPs) for Specialty Minerals, Incorporated in Adams, Monsanto Company's Indian Orchard facility in Springfield, Medusa Minerals Company (formerly Lee Lime) in Lee, Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague (Turners Falls). These SIP revisions were submitted in response to the Clean Air Act (CAA) requirement that States require Reasonably Available Control Technology (RACT) at all major stationary sources of NO_X. EPA is taking this approval action under section 110, Implementation Plans, of the CAA. By adding this regulation and ECPs to its SIP, Massachusetts meets the nitrogen oxides (NO_X) reasonably available control technology (RACT) requirements of the Clean Air Act (CAA) found in sections 182(b)(2), Reasonably Available Control Technology; 182(f), NO_X Requirements; and 184(b) Plan Provisions for States in Ozone Transport Regions.

Additionally, EPA is approving the NO_X emission limits, monitoring, record keeping, and reporting requirements for municipal waste combustors (MWCs) that were promulgated under Massachusetts' regulation 310 CMR 7.08(2), ''Municipal Waste Combustors.'' These requirements were developed pursuant to requirements under sections 111 and 129 of the CAA but will reduce NO_X emissions at MWCs and were therefore submitted as a SIP revision under section 110 as well.

B. What Air Pollutants Are Reduced by the Massachusetts Regulation?

Massachusetts' NO_X RACT regulation and facility-specific RACT determinations require certain stationary sources, for example, powerplants and factories with boilers, to limit their daily, or in some cases monthly, airborne emissions of nitrogen oxides. Since June 1995, the regulation has reduced NO_X emissions at major stationary sources by almost 50% each year from a 1990 baseline. The NO_X requirements under 310 CMR 7.08(2) will reduce NO_X emissions at MWC facilities by as much as 45% below RACT emission levels.

Decreases in NO_X emissions help improve the environment in several important ways. First, because NO_X, is an ozone precursor, reducing NO_X reduces concentrations of ground level ozone. Decreases in NO_X emissions also reduce concentrations of nitrogen dioxide, particulate matter, and certain other types of toxic air pollutants. Additionally, decreases in NO_X emissions to the air also decrease acidic rain and snow, nitrates in drinking water, and nitrogen loadings to water and land ecosystems. And, on a global scale, decreases in NO_X emissions help reduce greenhouse gases and stratospheric ozone depletion.

C. Who Is Affected By Today's Action?

All sources that are subject to 310 CMR 7.19, the facility-specific ECPs, and 310 CMR 7.08(2) are affected by this action. EPA's approval today does not change the applicability of 310 CMR 7.19, the facility-specific ECPs, or 310 CMR 7.08(2). But, today's action makes the requirements of 310 CMR 7.19, the facility-specific ECPs, and 310 CMR 7.08(2) enforceable by EPA as well as by the Massachusetts DEP.

D. When Does Today's Action Take Effect?

If EPA receives no adverse comments during the 30-day public comment period that follows the publication of this document, EPA approval action will be effective 60 days after the date of publication.

E. What Is ''Reasonably Available Control Technology'' (RACT) for Sources of Nitrogen Oxides (NO_X)?

EPA defines RACT as the lowest emission limit that a polluting source is capable of meeting if it uses pollution control equipment and/or material or process changes that are reasonably available considering costs and current technology. In general, EPA considers a 30 to 50% reduction in NO_X from a 1990 baseline emission level to be reasonable. EPA believes such a reduction is available at a cost between $250 to $1,300 per ton of NO_X reduced. EPA allows States to require the reduction from each and every piece of equipment or as an average among sources or categories of sources.

F. Where Is NO_X RACT Required?

The CAA required certain States to develop RACT regulations for major stationary sources of NO_X. Section 182(b)(2) requires States with areas that were classified as ''moderate,'' ''serious,'' ''severe,'' and ''extreme'' nonattainment of the ozone NAAQS, subsequent to the passage of the 1990 Clean Air Act Amendments, to impose RACT requirements on major sources of volatile organic compounds (VOCs). Section 182(f) of the CAA extends the RACT requirement of section 182(b)(2) to major stationary sources of NO_X as well. Under the CAA, the definition of major stationary source is based on the tons per year of air pollution a source emits and the quality of the air in the area of the source. In ''serious'' non-attainment areas, a major stationary source is defined as a source with the potential to emit 50 tons per year.

The entire Commonwealth of Massachusetts was classified as serious nonattainment when it developed its NO_X RACT regulations. The reader should refer to the November 6, 1991, **Federal Register** document at 56 FR 56694 for more information regarding nonattainment classifications. The NO_X RACT requirements approved today apply the 50 tons per year threshold to the entire Commonwealth. Thus, any stationary source with the potential to emit 50 tons or more per year of NO_X must install and operate NO_X RACT.

G. Why is the Massachusetts Submittal Approvable as NO_X RACT?

EPA considers an aggregate reduction in NO_X of 30% to 50% from a 1990 baseline emission level to be RACT. Since June 1995, the emission limits and requirements in regulation 310 CMR 7.19 and facility-specific ECPs have reduced NO_X by almost 50% each year from the major stationary sources in Massachusetts. Therefore, EPA considers the regulation and ECPs to meet the CAA NO_X RACT requirements.

H. Why Is EPA Approving the Municipal Waste Combustor NO_X Requirements as a SIP Revision?

On July 3, 1999, EPA approved all of the requirements for municipal waste combustors (MWCs) in 310 CMR 7.08(2) as meeting sections 111(d) and 129 of the Clean Air Act. However, because NO_X is a ground level ozone precursor and 310 CMR 7.08(2) will reduce NO_X from 1995 levels, Massachusetts requested that EPA approve the NO_X related requirements of 310 CMR 7.08(2) into the State implementation plan (SIP) to reduce ozone pursuant to section 110 as well.

I. Where To Go for More Information on NO_X RACT?

EPA provides additional guidance on determining NO_X RACT in a **Federal Register** document entitled, ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' published November 25, 1992 (57 FR 55620). The November 25, 1992 notice is also known as ''The NO_X Supplement.'' EPA also published additional NO_X RACT guidance memoranda in the ''NO_X Policy Document for the Clean Air Act of 1990,'' also known as ''The NO_X Policy Document,'' (EPA–452/R–96–005, March 1996). You can refer to The NO_X Supplement and The NO_X Policy Document for more information on NO_X RACT.

Additionally, for a more detailed discussion of Massachusetts' NO_X RACT regulation and EPA's proposed action, you can refer to the Technical Support Document, entitled, ''Technical Support Document for Massachusetts' Regulation 310 CMR 7.19, Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X),'' dated April 1999. For copies of the Technical Support Document, contact the EPA or Massachusetts Department of Environmental Protection at the addresses listed in the **ADDRESSES** section of this notice.

J. What Does ''Direct Final Rulemaking'' Mean?

Essentially, direct final rulemaking means that the EPA is publishing this rule without prior proposal. EPA is doing so because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective November 1, 1999 without further notice unless the Agency receives adverse comments by October 4, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 1, 1999 and no further action will be taken on the proposed rule.

II. Final Action

EPA is approving Massachusetts' regulation, 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X),'' as well as facility-specific NO_X RACT emission control plans (ECPs) for Specialty Minerals, Incorporated in Adams, Monsanto Company's Indian Orchard facility in Springfield, Medusa Minerals Company (formerly Lee Lime) in Lee, Turners Falls Limited Partnership/ Indeck Energy Services Turners Falls, Inc., in Montague (Turners Falls). Additionally, EPA is approving the NO_X emission limits, monitoring, recordkeeping, and reporting requirements for municipal waste combustors (MWCs) that were promulgated under Massachusetts' regulation 310 CMR 7.08(2), ''Municipal Waste Combustors.''

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of

section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the promulgated approval action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 1, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the Commonwealth of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: August 10, 1999.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(119) to read as follows:

§ 52.1120 Identification of plan

* * * * * *

(c) * * *

(119) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 15, 1994, October 4, 1996, December 2, 1996, January 11, 1999, and April 16, 1999.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated July 15, 1994, October 4, 1996, December 2, 1996, January 11, 1999, and April 16, 1999 submitting revisions to the Massachusetts State Implementation Plan.

(B) Regulation, 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_X)'' as adopted by the Commonwealth of Massachusetts on June 29, 1994 and effective on July 1, 1994.

(C) Emission Control Plan for Specialty Minerals, Incorporated, in Adams, issued by Massachusetts and effective on June 16, 1995.

(D) Emission Control Plan for Monsanto Company's Indian Orchard facility in Springfield, issued by Massachusetts and effective on October 28, 1996.

(E) Emission Control Plan for Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague, issued by Massachusetts and effective on March 10, 1998.

(F) Emission Control Plan for Medusa Minerals Company in Lee, issued by Massachusetts and effective on April 17, 1998.

(G) Regulation 310 CMR 7.08(2), ''Municipal Waste Combustors, adopted on July 24, 1998 and effective on August 21, 1998, excluding the following sections which were not submitted as part of the SIP revision: (a); the definition of ''Material Separation Plan'' in (c); (d)1; (d)2; (d)3; (d)4; (d)5; (d)6; (d)8; (f)1; (f)2; (f)5; (f)6; (f)7; (g)1; (g)2; (g)3; (g)4; (h)2.a; (h)2.b; (h)2.d; (h)2.e; (h)2.g; (h)2.h; (h)4; (h)5.a; (h)5.c; (h)5.d; (h)9; (h)10; (h)13; (i)1.b; (i)1.g; (i)2.c; (i)2.d; (i)2.e; and (k)3.

(H) Amendments to regulation 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_X)'' as adopted by the Commonwealth of Massachusetts on January 5, 1999 and effective on January 22, 1999.

For the State of Massachusetts:

3. In § 52.1167, Table 52.1167 is amended by adding new entries to existing state citations for 310 CMR 7.08 and 310 CMR 7.19 to read as follows:

§ 52.1167 EPA-approved Massachusetts State regulations.

* * * * *

TABLE 52.1167—EPA—APPROVED MASSACHUSETTS REGULATIONS

State citation	Title/Subject	Date submitted by state	Date approved by EPA	Federal Register citation	52.1120(c)	Explanations/unapproved sections
*	*	*	*	*	*	*
310 CMR 7.08(2), except sections: (a); the definition of ''Material Separation Plan'' in (c); (d)1; (d)2; (d)3; (d)4; (d)5; (d)6; (d)8; (f)1; (f)2; (f)5; (f)6; (f)7; (g)1; (g)2; (g)3; (g)4; (h)2.a; (h)2.b; (h)2.d; (h)2.e; (h)2.g; (h)2.h; (h)4; (h)5.a; (h)5.c; (h)5.d; (h)9; (h)10; (h)13; (i)1.b; (i)1.g; (i)2.c; (i)2.d; (i)2.e; and (k)3..	MWC NO_X requirements.	1/11/99	9/2/99	[Insert *FR* citation from published date].	119	Only approved NO_X related requirements of state plan for MWCs. The following sections were not submitted as part of the SIP: (a), the definition of ''Material Separation Plan'' in (c), (d)1, (d)2, (d)3, (d)4, (d)5, (d)6, (d)8, (f)1, (f)2, (f)5, (f)6, (f)7, (g)1, (g)2, (g)3, (g)4, (h)2.a, (h)2.b, (h)2.d, (h)2.e, (h)2.g, (h)2.h, (h)4, (h)5.a, (h)5.c, (h)5.d, (h)9, (h)10, (h)13, (i)1.b, (i)1.g, (i)2.c, (i)2.d, (i)2.e, and (k)3.
*	*	*	*	*	*	*
310 CMR 7.19	NO_X RACT	7/15/94	9/2/99	[Insert *FR* citation from published date].	119	NO_X RACT regulations.
310 CMR 7.19	NO_X RACT	10/4/96	9/2/99	[Insert *FR* citation from published date].	119	Facility specific NO_X RACT for Specialty Minerals, Incorporated.
310 CMR 7.19	NO_X RACT	12/2/96	9/2/99	[Insert *FR* citation from published date].	119	Facility specific NO_X RACT for Monsanto Company's Indian Orchard facility.
310 CMR 7.19	NO_X RACT	4/16/99	9/2/99	[Insert *FR* citation from published date].	119	Facility specific NO_X RACT for Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague.

TABLE 52.1167—EPA—APPROVED MASSACHUSETTS REGULATIONS—Continued

State citation	Title/Subject	Date submitted by state	Date approved by EPA	Federal Register citation	52.1120(c)	Explanations/unapproved sections
310 CMR 7.19	NO_X RACT	4/16/99	9/2/99	[Insert *FR* citation from published date].	119	Facility specific NO_X RACT for Medusa Minerals Company in Lee.
310 CMR 7.19	NO_X RACT	4/16/99	9/2/99	[Insert *FR* citation from published date].	119	Approval of the replacement of section 310 CMR 7.19(1)(c)1, (1)(c)8, (2)(b), (3)(a), (3)(c)2, (4)(a)3.b, (7)(a)4, (9), (13)(a), (13)(a)3, (13)(a)9, and (13)(a)13.
*	*	*	*	*	*	*

[FR Doc. 99–22185 Filed 9–1–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6431–2]

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 to revise 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. The EPA reviewed Louisiana's application, and now makes an immediate final decision, subject to receipt of adverse written comment, that Louisiana's Hazardous Waste Program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Louisiana final authorization for the program modifications contained in the revision.

DATES: This action is effective on November 1, 1999 without further notice, unless the EPA receives relevant adverse comments by October 4, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the immediate final rule or identify the issues raised, respond to the comments, and affirm that the immediate final rule will take effect as scheduled.

ADDRESSES: Mail written comments to Alima Patterson, Region 6, Regional Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, at the address shown below. You can examine copies of the materials submitted by the State of Louisiana during normal business hours at the following locations: EPA Region 6, 1445 Ross Avenue, Dallas Texas 75202–2733, (214) 665–8533: or Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810,(504) 765–0617.

FOR FURTHER INFORMATION CONTACT: Alima Patterson (214) 665–8533.

SUPPLEMENTARY INFORMATION:

A. What Is Resource Conservation and Recovery Act State Authorization?

RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), provides for authorization of State hazardous waste programs under subtitle C. Under RCRA section 3006, EPA may authorize a State to administer and enforce the RCRA hazardous waste program. See 40 CFR part 271. In fact, Congress designed RCRA so that the entire subtitle C program would eventually be administered by the States in lieu of the Federal Government. This is because the States are closer to, and more familiar with, the regulated community and therefore are in a better position to administer the programs and respond to local needs effectively.

After receiving authorization, the State administers the program in lieu of the Federal government, although EPA retains enforcement authority under RCRA sections 3008, 3013, and 7003. Authorized States must revise their programs when EPA promulgates Federal Standards that are more stringent or broader in scope than existing federal standards. States are not required to modify their programs when Federal changes that are less stringent than the existing Federal program or when changes reduce the scope of the existing Federal program. These changes are optional and are noted as such in the **Federal Register** (FR) documents. However, EPA encourages States to adopt optional rules because they provide benefit to environmental protection.

B. Why Are Revisions to State Programs Necessary?

States that receives 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.

What Is the Effect of This Authorization?

This authorization should not have little impact because the State's requirements are already effective. However, upon approval of the revisions, Louisiana will have authority to regulate the rules pertaining to RCRA Cluster VII. Currently, the EPA regulates this waste. Louisiana will have authority to issue permits in RCRA Cluster VII rules and to ensure that all permits issued to hazardous waste facilities protect of human health and the environment.

D. 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