

action, which can be obtained from the EPA Region 5 office listed above.

### III. EPA Rulemaking Action

The EPA is approving, through direct final rulemaking action, Illinois' section 111(d)/129 plan for large MWCs. The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should specified written adverse or critical comments be filed. This action will be effective on February 27, 1998 unless, by January 28, 1998, such adverse or critical comments are received on the approval.

If the EPA receives such adverse comments, the approval will be withdrawn before the effective date by publishing a subsequent rulemaking that withdraws the final action. Comments will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on February 27, 1998.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

### IV. Administrative Requirements

#### A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

#### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this rule will not have a significant

economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under federal, State or local law, and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

#### C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. 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 the private sector, result from this action.

#### D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(a), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### E. 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 February 27, 1998. 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), 42 U.S.C. 7607(b)(2)).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Municipal waste combustors,

Reporting and recordkeeping requirements.

Dated: December 11, 1997.

**Gail A. Ginsberg,**

*Acting Regional Administrator, Region V.*

40 CFR Part 62 is amended as follows:

### PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7642.

#### Subpart O—Illinois

2. Part 62 is amended by adding § 62.3350 and an undesignated heading to subpart O to read as follows:

#### **Metals, Acid Gases, Organic Compounds and Nitrogen Oxide Emissions From Existing Municipal Waste Combustors with the Capacity to Combust Greater Than 250 Tons Per Day of Municipal Solid Waste**

##### **§ 62.3350 Identification of plan.**

Illinois submitted "State Plan to Implement Emission Guidelines for Large Municipal Waste Combustors" on June 23, 1997. The plan applies specifically to Robbins Resource Recovery Center (RRRC), located in Robbins, Illinois. The enforceable mechanism for this source is special condition 18(c) of operating permit number 88120055, issued to RRRC by Illinois on June 2, 1997.

[FR Doc. 97–33765 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 271

[FRL–5937–2]

#### **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 authorization to revise its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Louisiana's revisions consist of regulations which specifically govern hazardous waste combustion at Boilers and Industrial Furnaces (BIF's). Louisiana requirements are listed on the chart included in this document. Upon approval, Louisiana will be authorized to regulate air emissions from the BIFs.

Currently, such waste is regulated by EPA. Louisiana will be authorized to issue BIF permits and to ensure that all permits issued to hazardous waste combustion facilities are protective of human health and the environment. Louisiana agrees to ensure compliance with all terms of the trial burn plans and schedules that are approved by EPA prior to authorization. The EPA has reviewed Louisiana's application and determined that its hazardous waste program revision satisfies all the requirements necessary to qualify for final authorization. Unless adverse written comments are received on this action during the review and comment period provided in a companion document in the "Proposed Rules" section of today's **Federal Register**, EPA's decision to approve Louisiana's hazardous waste program revision will take effect as provided below. Louisiana's application for the program revision is available for public review and comment.

**DATES:** This authorization for Louisiana shall be effective March 16, 1998 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. Any comments on Louisiana's program revision application must be filed as provided in the companion document on this action, appearing in the Proposed Rules section of today's **Federal Register**.

**ADDRESSES:** 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, phone (504) 765-0617 and EPA, Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, phone (214) 665-6444. Written comments, referring to Docket Number LA-97-1, should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533.

**FOR FURTHER INFORMATION CONTACT:** Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533.

## SUPPLEMENTARY INFORMATION:

### A. Background

States authorized under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. 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 Code of Federal Regulations (CFR) parts 124, 260-266, 268, 270, and 279.

### B. Louisiana

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), October 25, 1991 (56 FR 41958), and Corrections at (56 FR 51762), effective January 23, 1995 (59 FR 55368-55371), and Corrections at (60 FR 18360), March 8, 1995 (59 FR 66200), January 2, 1996 (60 FR 53707) and June 11, 1996 (61 FR 13777-13782). On December 4, 1996, Louisiana submitted a final complete program revision application for additional program approvals. Today, Louisiana is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In 1983, the Louisiana legislature adopted Act 97, which amended and reenacted Louisiana Revised Statutes 30:1051 *et seq.*, the Environmental Affairs Act. This Act created the Louisiana Department of Environmental Quality (LDEQ), which has lead agency jurisdictional authority for administering the RCRA Subtitle C program in the State.

### C. BIF Revisions

The State of Louisiana has applied for authorization to revise its RCRA hazardous waste program to include regulations which specifically govern hazardous waste combustion at Boilers and Industrial Furnaces (BIFs). Hazardous waste combustion is a form of hazardous waste treatment under RCRA regulations. The regulatory form for combustion is defined as "the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste." 40 Code of

Federal Regulations (CFR) section 260.10. Hazardous waste combustion occurs at a variety of facilities including incinerators, boilers, and industrial furnaces. Louisiana requirements are listed on the chart included in this document. Upon approval, Louisiana will be authorized to regulate air emissions from the BIFs. Currently, such waste is regulated by EPA. Louisiana will be authorized to issue BIF permits and to ensure that all permits issued to hazardous waste combustion facilities are protective of human health and the environment. Louisiana has also agreed to ensure compliance with all terms of the trial burn plans and schedules that are approved by EPA prior to authorization.

The EPA reviewed Louisiana's application and is today making an immediate final decision, subject to review and comment, that Louisiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, the EPA intends to grant authorization for the additional program modifications to Louisiana. As provided in the Proposed Rules section of today's **Federal Register**, the public may submit written comments on EPA's proposed final decision until January 28, 1998. Copies of LDEQ's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of LDEQ's program revision shall become effective 75 days from the date this document is published, unless an adverse written comment pertaining to the State's revision discussed in this document is received by the end of the comment period. If a adverse written comment is received, EPA will publish either a withdrawal of the immediate final decision or a document containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Louisiana's 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, 260-266, 268, and 270 that were published in the FR from July 1, 1993, through June 30, 1994. 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.

Federal citation	State analog
1. Burning of Hazardous Waste in Boilers and Industrial Furnaces, [56 FR 7134] February 1991. (Checklist 85).	Louisiana Revised Statutes (LRS) 30: § 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) §§ 105.D.13, 17, & 18, as amended September 20, 1994, effective September 20, 1994; 4105.B.13, as amended September 20, 1996, effective September 1996; 109, as amended September 20, 1995, effective September 20, 1995; 109.Solid Wst.b-4.b.iii & 5.d, as amended September 20, 1994, effective September 20, 1994; 1501.C.2, 3001.A, 3001.F.1.c, as amended March 20, 1995, effective March 29, 1995; 3001.C.1-C.1.b, 3001.C.2.a-C.3.b.iii, as amended September 20, 1996, effective September 20, 1996; 4307, as amended March 20, 1996, effective March 20, 1996; 321.C.a.iv, as amended September 20, 1995, effective September 20, 1995; 321.C.7-C.a.v, 321.C.a.i-iv, 322, 535.A-F, 537.A-C, as amended March 30, 1995, effective March 20, 1995; 3115.B.12-B.12.a, as amended September 20, 1996, effective September 20, 1996; 4303.A.6, & B.7, as amended December 20, 1992, effective December 20, 1992; 4305.C & D, as amended October 20, 1994, effective October 20, 1992; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001.A-E, 3001.F, 3003.A-C.2, 3005.A-I, as amended September 20, 1995, effective September 20, 1995; 3007.A-L, 3007B.b.2ii.c 3009.A-, 3013.A-I, 3015.A-H, 3017.A-E, 3019.A-B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F, 1-3, 3023.A-E.6, 3025, 3025 A, A 1-3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a, 3025.C, 3025.C.1-2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A-L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2-D.2.b, 4383.A-B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.
2. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I, [56 FR 32688] July 17, 1991. (Checklist 94).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 321.C.7-C.a.v, 321.C.a.i-iv, 322, 535.A-F, 537.A-C, as amended March 30, 1995, effective March 20, 1995; 3115.B.12-B.12.a, as amended September 20, 1996, effective September 20, 1996; 4303.A.6, & B.7, as amended December 20, 1992, effective December 20, 1992; 4305.C & D, as amended October 20, 1994, effective October 20, 1992; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A-E, 3001.F, 3001.B.2-3, 3003.A-C.2, 3005.A-I, 3005.B.1, 3005.D.4.d, 3005.E.3.a.iii, 3005.E.6.b, 3005.E.6.b.ii(b), 3005.E.d.ii, as amended September 20, 1995, effective September 20, 1995; 3007.A-L, 3007.A.1.b, 3007.B.2.b.i-ii, iv, 3007.B.2.d, 3007.B.2.e.i(e), 3007.B.2.f, 3007.B.3.b-ii, 3007.B.5.b.ii(b), 3007.B.6, 3009.A-I, 3011.A-C, 3013.A-I, 3015.A-H, 3017.A-E, 3019.A-B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.3-4, 3021.F., 1-3, 3023.A-E.6, 3025, 3025 A, A 1-3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a, 3025.C, 3025.C.1-2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A-L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2-D.2.b, 4383.A-B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.

Federal citation	State analog
3. Burning of Hazardous Waste in Boilers and Industrial Furnaces, Technical Amendment II, [56 FR 42504-42517] August 27, 1991. (Checklist 96).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHW 109.Solid Wst.b-4.b.i-iii & 5.d, as amended September 20, 1994, effective September 20, 1994; 1501.C.2, 3001.A, 3001.F.1.c, as amended March 20, 1995, effective March 29, 1995; 3001.C.1-C.1.b, 3001.C.2.a-C.3.b.iii, as amended September 20, 1996, effective September 20, 1996; 4307, as amended March 20, 1996, effective March 20, 1996; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A-E, 3001.F, 3003.A-C.2, 3005.A-I, as amended September 20, 1995, effective September 20, 1995; 3007.A-L, 3009.A-I, 3011.A-C, 3013.A-I, 3015.A-H, 3017.A-E, 3019.A-B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F., 1-3, 3023.A-E.6, 3023.D.2, 3025, 3025 A, A 1-3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a,c, 3025.C, 3025.C.1-2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A-L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2 4381.D.2.a-2.b, 4383.A-B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments III, [57 FR 38558-38566] August 25, 1992. (Checklist 111).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHW 109.Solid Wst.b-4.b.i-iii & 5.d, as amended September 20, 1994, effective September 20, 1994; 1501.C.2, 3001.A, 3001.F.1.c, as amended March 20, 1995, effective March 29, 1995; 3001.C.1-C.1.b, 3001.C.2.a-C.3.b.iii, as amended September 20, 1996, effective September 20, 1996; 4307, as amended March 20, 1996, effective March 20, 1996; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A-E, 3001.F, 3003.C.1, 3003.A-C.2, 3005.A-I, as amended September 20, 1995, effective September 20, 1995; 3007.A-L, 3009.A-I, 3011.A-C, 3013.A-I, 3015.A-H, 3017.A-E, 3019.A-B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F., 1-3, 3023.A-E.6, 3023.D.2, 3025, 3025 A, A 1-3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a,c, 3025.C, 3025.C.1-2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A-L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2 4381.D.2.a-2.b, 4383.A-B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.
5. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV, [57 FR 44999-45001] September 30, 1992. (Checklist 114).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHW 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A-E, 3001.F, 3003.C.1, 3003.A-C.2, 3005.A-I, as amended September 20, 1995, effective September 20, 1995; 3007.A-L, 3009.A-I, 3011.A-C, 3013.A-I, 3015.A-H, 3017.A-E, 3019.A-B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F., 1-3, 3023.A-E.6, 3023.D.2, 3025, 3025 A, A 1-3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a,c, 3025.C, 3025.C.1-2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A-L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2 4381.D.2.a-2.b, 4383.A-B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.

Federal citation	State analog
6. Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations, [58 FR 3881–38884] July 20, 1993. (Checklist 125).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 110, as amended September 20, 1996, effective September 20, 1996; 3009.E.3, as amended May 20, 1996, effective May 20, 1996; 3013.H, as amended May 20, 1995, effective May 20, 1995; and Chapter 30.App J, as amended May 20, 1996, effective May 20, 1996.
7. Testing and Monitoring Activities, [58 FR 46040–46051] August 31, 1993. (Checklist 126).	LRS 30: § 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) §§ 110, 105.M.3.a.i, 537.B.2.b.ii(a)–(b), 529.C.1.c–d, 1901.A, 2223.A, 2515.D, 4431.A.1, 4507.D, 4903.c.1–2, 4903.E.1, Ch.49.App.A, Ch.49.App.B, Ch. 49.App.C, Chap 49 App A.Tbl 8–10, as amended September 20, 1996; effective September 20, 1996; § 3115.B.1.c–d, as amended March 20, 1995; effective March 20, 1995.
8. Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues, [58 FR 59598–59603] November 9, 1993. (Checklist 127).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 3025.B.2.a, as amended September 20, 1996, effective September 20, 1996; Chap 30 App G, as amended May 20, 1996.
9. Hazardous Waste Management System; Identification and Listing of Hazardous Wastes from Wood Surface Protection, [59 FR 458–469] January 4, 1994. (Checklist 128)	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 110, and 3105.Tbl.1, as amended September, 20, 1996; effective September 20, 1996.
10. Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Treatability Studies Sample Exclusion, [59 FR 8362–8366] February 18, 1994. (Checklist 129).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 105.D.37.b.i–ii, 105.D.37.c, 105.D.37.c.i–iii, 105.D.37.c.iii.(a)–(e), 105.D.38.c, 105.D.38.d, 105.D.38.e, as amended September 20, 1996; effective September 20, 1996.
11. Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards; [59 FR 10550–10560] March 4, 1994. (Checklist 130).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 4001, 4003.B.1.b, 4003.B.2.c, 4003.G, 4003.G.1–6, 4009.B.2, 4009.B.2.a, 4009.B.b, 4009.B.2.c–e, 4027.C, 4033.C, 4037.A.5, 4037.B.5, 4047.C, 4067.C, as amended March 20, 1995; effective March 20, 1995, § 4003.G, 4003.G.1–6, 4009.B.2.c–e, as amended September 20, 1996; effective September 20, 1996.
12. Recordkeeping Instructions; Technical Amendment, [59 FR 13891–13893] March 24, 1994. (Checklist 131).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 1529.B.3.Tbl.1, 1529.B.4.Tbl.2, 4357.B.3.Tbl.1, and 4357.B.4.Tbl.2, as amended September 20, 1996; effective September 20, 1996.
13. Hazardous Waste Management System; Identification and Listing of Hazardous Wastes; Waste from Wood Surface Protection; Correction, [59 FR 28484] June 2, 1994. (Checklist 132).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR § 110, as amended September 20, 1996; effective September 20, 1996.
14. Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, and Underground Injection Control Systems; Financial Assurance; Letter of Credit, [59 FR 29958–29960] June 10, 1994. (Checklist 133).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR §§ 3719.D, and 3719.K, as amended September 20, 1996; effective September 20, 1996.
15. Hazardous Waste Management System; Correction of Listing of P015–Beryllium Powder, [59 FR 31551] June 20 1994. (Checklist 134).	LRS 30: 2180 <i>et seq.</i> , as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.E.Tbl.3, as amended September 20, 1996; effective September 20, 1996, § Ch.22.Tbl.2, as amended January 20, 1996; effective January 20, 1996.

Louisiana is not authorized to operate the Federal program on Indian lands, this authority remains with EPA.

#### D. Decision

I conclude that Louisiana's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Louisiana is granted final authorization to operate its hazardous waste program as revised, assuming no adverse comments are received as discussed above. Upon effective final approval Louisiana will be responsible 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. Louisiana also will have 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.

#### E. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize Louisiana's program and for incorporation by reference of those provisions of Louisiana's statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart T until a later date.

#### F. Compliance with Executive Order 12866

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12866.

#### G. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA

to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. The EPA does not anticipate that the approval of Louisiana's hazardous waste program referenced in today's document will result in annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector. The Act excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program, except in certain cases where a "Federal intergovernmental mandate" affects an annual federal entitlement program of \$500 million or more that are not applicable here. Louisiana's request for approval of a hazardous waste program is voluntary; if a state chooses not to seek authorization for administration of a hazardous waste program under RCRA subtitle C, RCRA regulation is left to the EPA.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures \$100 million or more for state, local, and tribal governments in the aggregate, or the private sector in any one year. The EPA

does not anticipate that the approval of Louisiana's hazardous waste program referenced in today's document will result in annual costs of \$100 million or more. The EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of the EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual federal and state compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265, and 270 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once EPA authorizes a State to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs and underground storage tanks under the approved State program, in lieu of the Federal program.

#### **H. Certification Under the Regulatory Flexibility Act**

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. The EPA recognizes that small entities may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, since such small entities which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265 and 270, this authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would result in an administrative change (i.e., whether the EPA or the state administers the RCRA subtitle C program in that state), rather than result in a change in the substantive requirements imposed on small entities. Once EPA authorizes a

state to administer its own hazardous waste program and any revisions to that program, these same small entities will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of TSDFs in that particular state.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provisions of 5 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 Louisiana'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.

#### **I. Submission to Congress and the General Accounting Office**

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### **List of Subjects in 40 CFR Part 271**

Environmental protections, 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 document 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 11, 1997.

**Lynda F. Carroll,**

*Acting Regional Administrator, Region VI.*

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