

COLORADO—CARBON MONOXIDE—Continued

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
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¹ This date is November 15, 1990, unless otherwise noted.

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BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL 6443-5]

Vermont: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Vermont has applied to EPA for Final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). 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. 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 Vermont's changes to their hazardous waste program will take effect as provided below. If we get comments that oppose this action, EPA will withdraw this immediate final rule and it will not take effect. EPA will then address public comments in a later final rule. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action, must do so at this time.

DATES: This final authorization will become effective on November 23, 1999, without further notice, unless EPA receives adverse comments by October 25, 1999. Should EPA receive such comments, the Agency will publish a timely document in the **Federal Register** withdrawing this rule.

ADDRESSES: Send written comments to Geri Mannion, EPA Region I, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023; Phone

Number: (617) 918-1648. You can view and copy Vermont's application at the following addresses: The Agency of Natural Resources, Vermont Department of Environmental Conservation, Waste Management Division, 103 South Main Street—West Office Building, Waterbury, VT 05671-0404; Phone number: (802) 241-3888; Business Hours: 7:45 A.M. to 4:30 P.M., Monday through Friday and EPA Region I Library, One Congress Street, Suite 1100 (LIB), Boston, MA, 02114-2023; Phone number: (617) 918-1990; Business Hours: 8:30 A.M. to 5:00 P.M., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Geri Mannion, EPA Region I, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023; Phone Number: (617) 918-1648.

SUPPLEMENTARY INFORMATION:

Technical Corrections

In addition to authorizing the changes to Vermont's hazardous waste program, EPA is making technical corrections to provisions referenced in its immediate final rule published in the **Federal Register** on May 3, 1993 (58 FR 26242) and effective August 6, 1993 (58 FR 31911) which authorized the State for other earlier revisions to its hazardous waste program.

A. Why Are Revisions to State Programs Necessary?

States which have received 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 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 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Vermont's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Vermont Final authorization to operate its hazardous waste program with the changes described in the authorization application. Vermont has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) 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 Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. However, when today's approval takes effect, Vermont will be authorized to administer almost all of these HSWA requirements, as well as being authorized for almost all the pre-HSWA requirements.

C. What is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Vermont 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. Vermont 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:

- Do inspections, and require monitoring, tests, analyses or reports
- Full authority to enforce RCRA requirements and suspend or revoke permits

This action does not impose additional requirements on the regulated community because the regulations for which Vermont is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. Vermont has already addressed any comments raised during the State rulemaking public comment period, prior to adopting these rules on September 30, 1998. We are providing an opportunity for public comment now. In the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the state program changes. If we receive comments which oppose this authorization, that document will serve as a proposal to authorize the changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register**. We then will address all public comments in a

Federal Register notice. You may not have another opportunity to comment. If you want to comment on this action, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we may withdraw only that part of today's authorization rule. The authorization of the program changes that are not opposed by any comments may become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Vermont Previously Been Authorized For?

Vermont initially received final authorization on January 7, 1985, effective January 21, 1985 (50 FR 775) to implement its base hazardous waste management program. The Region published an immediate final rule for Vermont's revisions to its program on May 3, 1993 (58 FR 26242) and reopened the comment period for those

revisions June 7, 1993 (58 FR 31911). The authorization became effective August 6, 1993 (58 FR 31911).

G. What Changes Are We Authorizing With Today's Action?

On September 15, 1999 Vermont submitted a final complete program revision application, seeking authorization for their changes in accordance with 40 CFR 271.21. These revisions address federal regulatory provisions promulgated in the following rule clusters ("cluster" is the term used to designate a time frame, usually a year, during which multiple federal regulatory changes occurred): Non-HSWA Cluster V and VI, HSWA Cluster II, RCRA Clusters I through VIII. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Vermont's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant Vermont final authorization for the following program:

Description of Federal requirement	Analogous State authority ¹
Non-HSWA V	
(58) Standards for Generators of Hazardous Waste: 53 FR 45089–45093, 11/8/88.	7–109, Vermont Uniform Hazardous Waste Manifest.
Non-HSWA VI	
(64) Delay of Closure Period for Hazardous Waste Management Facilities: 54 FR 33376–33398, 8/14/89.	7–504, 7–510, 7–507.
(67) Testing and Monitoring Activities: 54 FR 40260–40269, 9/29/89	7–219, 7–210.
(70) Changes to Part 124 Not Accounted for by Present Checklists: 48 FR 14146–14295, 4/1/83, 48 FR 30113–30115, 6/30/83, 53 FR 28118–28157, 7/26/88, 53 FR 37396–37414, 9/26/88, 54 FR 246–258, 1/4/89.	7–504, 7–505, 7–507, 7–508, 7–509, 7–506, 7–506.
(72) Modification of F019 Listing: 55 FR 5340–5342, 2/14/90	7–210
(73) Testing and Monitoring Activities; Technical Corrections: 55 FR 8948–8950, 3/9/90.	7–219.
(76) Criteria for Listing Toxic Wastes; Technical Amendment: 55 FR 18726, 5/4/90.	7–213, 7–216.
(78N) Land Disposal Restrictions for Third Third Scheduled Wastes: 55 FR 22520–22720, 6/1/90.	See Table IV, Special Consolidated Checklist for Land Disposal Restrictions.
HSWA II	
(42) Exception Reporting for Small Quantity Generators of Hazardous Waste: 52 FR 35894–35899, 9/23/87.	7–707.
(44A–G) HSWA Codification Rule 2: 52 FR 45788–45799, 12/1/87:	
44A—Permit Application Requirements Regarding Corrective Action.	7–505.
44B—Corrective Action Beyond Facility Boundary	7–504.
44C—Corrective Action for Injection Wells	13.UIC.23(c).
44D—Permit Modification	Checklist eliminated by Revision Checklist 54.
44E—Permit as a Shield Provision	No State Analog, more stringent.
44F—Permit Conditions to Protect Human Health and the Environment.	10 VSA §6606(b)(9).
44G—Post Closure Permits	7–504.
(47) Identification and Listing of Hazardous Waste; Technical Correction: 53 FR 27162–27163, 7/19/88.	7–306.
(48) Farmer Exemptions; Technical Corrections: 53 FR 27164–27165, 7/19/88.	7–203, 7–502.
(68) Reportable Quantity Adjustment Methyl Bromide Production Wastes: 54 FR 41402–41408, 10/6/89.	7–212, 7–219, Appendix I, Appendix IX.
(69) Reportable Quantity Adjustment: 54 FR 50968–50979, 12/11/89 ...	7–210, Appendix IX, Appendix II.
(75) Listing of 1,1-Dimethylhydrazine Production Wastes: 55 FR 18496–18506, 5/2/90.	7–212, 7–219, Appendix I, Appendix IX.

Description of Federal requirement	Analogous State authority ¹
(77) HSWA Codification Rule, Double Liners, Correction: 55 FR 19262–19264, 5/9/90.	Superseded by Checklist 100 listed below.
(79) Organic Air Emission Standards for Process Vents and Equipment Leaks: 55 FR 25454–25519, 6/21/90.	7–219, 7–502, 7–504, 7–505, 7–510, 7–604, 7–604, 6–605, 6–606, 6–606.
RCRA I	
(81) Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038): 55 FR 46354–46397 11/2/90, as amended on 12/17/90, at 55 FR 51707.	7–210, Appendix IX.
(87) Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment: 56 FR 19290, 4/26/91.	7–504, 7–504, 7–504, 7–510, 7–505.
(88) Administrative Stay for K069 Listing: 56 FR 19951, 5/1/91	7–212, Appendix I.
(89) Revision to the Petroleum Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038): 56 FR 21955–21960, 5/13/91.	7–210.
RCRA II	
(97) Exports of Hazardous Waste; Technical Correction: 56 FR 43704–43705, 9/4/91.	7–705, 7–708.
(99) Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations: 56 FR 66365–66369, 12/23/91.	7–103, 7–504, 7–510, 7–504.
(100) Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units: 57 FR 3462–3497, 1/29/92.	7–103, 7–504, 7–505, 7–507, 7–510.
(104) Used Oil Filter Exclusion: 57 FR 21524–21534, 5/20/92	7–203.
RCRA III	
(107) Used Oil Filter Exclusion; Technical Correction: 57 FR 29220, 7/1/92.	7–203.
(113) Consolidated Liability Requirements: 53 FR 33938–33960, 9/1/88; 56 FR 30200, 7/1/91; 57 FR 42832–42844, 9/16/92.	7–504, 7–510.
(115) Chlorinated Toluene Production Waste Listing: 57 FR 47376–47386, 10/15/92.	7–212, Appendix I, Appendix IX.
(118) Liquids in Landfills II: 57 FR 54452–54461, 11/18/92	7–103, 7–504, 7–504, 7–504, 7–510.
(121) Corrective Action Management Units and Temporary Units: 58 FR 8658–8685, 2/16/93.	7–103, 7–510, 7–504, 7–504, 7–504, 7–510, 7–106, 7–507.
RCRA IV	
(126) Testing and Monitoring Activities: 58 FR 46040–46050, 8/31/93, as amended at 59 FR 47980–47982, 9/19/94.	7–219, 7–217, 7–206, 7–219, 7–206, 7–208, 7–504, 7–504, 7–504, 7–510, 7–106, 7–505, 7–511, 7–511.
(128) Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection: 59 FR 458–469, 1/4/94.	7–219, Appendix II.
(129) Revision of Conditional Exemption for Small Scale Treatability Studies: 59 FR 8362–8366, 2/18/94.	7–203.
(131) Recordkeeping Instructions; Technical Amendment: 59 FR 13891–13893, 3/24/94.	7–504, 7–504, 7–504, 7–510, 7–504.
(132) Wood Surface Protection; Correction: 59 FR 28484, 6/2/94	7–219.
(133) Letter of Credit Revision: 59 FR 29958–29960, 6/10/94	7–504, 7–504.
(134) Correction of Beryllium Powder (P015) Listing: 59 FR 31551–31552, 6/20/94.	7–215, Appendix IV, Appendix II, 7–106.
RCRA V	
(135) Recovered Oil Exclusion: 59 FR 38536–38545, 7/28/94	7–512.
(139) Testing and Monitoring Activities Amendment I: 60 FR 3089–3095, 1/13/95.	7–219.
(141) Testing and Monitoring Activities Amendment II: 60 FR 17001–17004, 4/4/95.	7–219.
(142A) Universal Waste; General Provisions: 60 FR 25492–25551, 5/11/95.	7–103, 7–911, 7–305, 7–204, 7–306, 7–203, 7–202, 7–502, 7–106, 7–901, 7–910, 7–910, 7–305, 7–912, 7–912, 7–912, 7–912, 7–913, 7–914, 7–915, 7–915.
(142B) Universal Waste Rule; Specific Provisions for Batteries: 60 FR 25492–25551, 5/11/95.	7–911, 7–203, 7–502, 7–204, 7–106, 7–901, 7–902.
(142C) Universal Waste Rule; Specific Provisions for Pesticides: 60 FR 25492–25551, 5/11/95.	7–911, 7–203, 7–502, 7–106, 7–901, 7–903, 7–912.
(142D) Universal Waste Rule; Specific Provisions for Thermostats: 60 FR 25492–25551, 5/11/95.	7–911, 7–2030, 7–502, 7–106, 7–901, 7–904, 7–912.
(142E) Universal Waste Rule; Petition Provisions to Add a New Universal Waste: 60 FR 25492–25551, 5/11/95.	7–916.
(144) Removal of Legally Obsolete Rules: 60 FR 33912–33915, 6/29/95.	7–210, 7–512, 7–109, 7–103, 7–510, 7–504, 7–505.
RCRA VI	
(145) Liquids in Landfills III: 60 FR 35703–35706, 7/11/95	7–504, 7–510.
(150) Amendments to the Definition of Solid Waste: 61 FR 13103–13106, 3/26/96.	No State Analog, more stringent.

Description of Federal requirement	Analogous State authority ¹
(151) Land Disposal Restriction Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners: 61 FR 15566–15660, 4/8/96 as amended 4/8/96 at 61 FR 15660–15668; as amended 4/30/96 at 61 FR 19117; as amended 6/28/96 at 61 FR 33680–33690; as amended 7/10/96 at 61 FR 36419–36421; as amended 8/26/96 at 61 FR 43924–43931; as amended 2/19/97 at 62 FR 7502–7600.	7–106.
RCRA VII	
(153) Conditionally Exempt Small Quantity Generator Disposal Options under Subtitle D: 61 FR 34252–34278, 7/1/96.	7–306.
(154) Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: 59 FR 62896–62953, 12/6/94, as amended by 60 FR 26828–26829, 5/19/95, 60 FR 50426–50430, 9/29/95, 60 FR 56952–56954, 11/13/95, 61 FR 4903–4916, 2/9/96, 61 FR 28508–28511, 6/5/96, 61 FR 59932–59997, 11/25/96.	7–1090, 7–219, 7–604, 7–307, 7–308, 7–504, 7–504, 7–504, 7–510, 7–505(b).
(155) Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance: 62 FR 1992–1997, 1/14/97.	7–106.
(157) Land Disposal Restrictions Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions: 62 FR 25998–26040, 5/12/97.	7–106, 7–204.
(158) Testing and Monitoring Activities Amendment III: 62 FR 32452–32463, 6/13/97.	7–219, 7–504, 7–510, 7–512.
RCRA VIII	
(163) Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment: 62 FR 64636–64671, 12/8/97.	7–109, 7–505, 7–604. VT did not submit a checklist for this because the rules listed therein have been incorporated by reference at 7–505 and 7–604.
Special Consolidated Checklists	
Consolidated Checklist for the Burning of Hazardous Waste in Boilers and Industrial Furnaces as of 6/30/97:	
(85) Burning of Hazardous Wastes in Boilers and Industrial Furnaces: 56 FR 7134, 2/21/91;	7–103, 7–219, 3 Vermont Statutes Annotated (VSA) 801 <i>et seq.</i> , 7–106, 7–216, 7–217, 7–203, 7–204, 7–212, Appendix I, Appendix IX, 7–504, 7–510, 7–512, 7–504, 7–510, 7–505, 7–507, 7–511.
(94) Burning of Hazardous Wastes in Boilers and Industrial Furnaces; Corrections and Technical Amendments: 56 FR 32688, 7/17/91;	
(96) Burning of Hazardous Wastes in Boilers and Industrial Furnaces; Technical Amendments II: 56 FR 42504 8/27/91;	
(98) Coke Ovens Administrative Stay: 56 FR 43874 9/5/91;	
(105) Recycled Coke By-Product Exclusion: 57 FR 27880 6/22/92;	
(110) Coke By-Products Listing: 57 FR 37284 8/18/92;	
(111) Boilers and Industrial Furnaces; Technical Amendment III: 57 FR 38558, 8/25/92;	
(114) Boilers and Industrial Furnaces: Technical Amendment IV: 57 FR 44999, 9/30/92;	
(125) Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations: 58 FR 38816, 7/20/93 and	
(127) Boilers and Industrial Furnaces: Administrative Stay and Interim Standards for Bevill Residues: 58 FR 59598, 11/9/93.	
Consolidated Checklist for the Land Disposal Restrictions as of 6/30/95:	
(34) Land Disposal Restrictions: 51 FR 40572, 11/7/86 as amended on 6/4/87 at 52 FR 21010 (authorized 1993);	1 VSA Ch. 5, Subchapter 3, 7–109, 7–103, 7–106, 3 VSA 801 <i>et seq.</i> , 7–217, 7–218, 1 VSA 316(3), 7–109, 7–219, 7–608, Recycle and Reuse Form/Oct. '97, , 7–201, 7–203, 7–204, 7–306, 7–306, 7–305, 7–202, 7–205, 7–206, 7–207, 7–208, 7–202, 7–210, 7–214, 7–202, Appendix IX, 7–303, 7–204, 7–307, 7–307, 7–311, 7–311, 7–308, 7–308, 7–307, 7–203, 7–404, 7–502, 7–501, 7–504, 7–510, 7–607, 7–512, 7–510.
(39) California List Waste Restrictions: 52 FR 25760, 7/8/87 as amended on 10/27/87 at 52 FR 41295;	
(50) Land Disposal Restrictions for First Third Scheduled Wastes: 53 FR 31138, 8/17/88 as amended on 2/27/89 at 54 FR 8264;	
(62) Land Disposal Restriction Amendments to First Third Scheduled Wastes: 54 FR 18836, 5/2/89;	
(63) Land Disposal Restrictions for Second Third Schedules Wastes: 54 FR 26594, 6/23/89;	
(66) Land Disposal Restrictions: Correction to the First Third Scheduled Wastes: 54 FR 36967, 9/6/89 as amended on 6/13/90 at 55 FR 23935;	
(78H) Land Disposal Restrictions for Third Third Scheduled Wastes: 55 FR 22520, 6/1/90;	
(83) Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment: 56 FR 3864, 1/31/91;	
(95) Land Disposal Restrictions for Electric Arc Furnace Dust (K061): 56 FR 41164, 8/19/91;	
(102) Second Correction to the Third Third Land Disposal Restrictions: 57 FR 8086, 3/6/92	
(103) Hazardous Debris Case-by-Case Capacity Variance: 57 FR 20766, 5/15/92;	

Description of Federal requirement	Analogous State authority ¹
(106) Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance: 57 FR 28628, 6/26/92; (109) Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris: 57 FR 37194, 8/18/92; (116) Hazardous Soil Case-by-Case Capacity Variance: 57 FR 47772, 10/20/92; (123) Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance: 58 FR 28506, 5/14/93; (124) Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated: 58 FR 29860, 5/24/93; (136) Removal of the Conditional Exemption for Certain Slag Residues: 59 FR 43496, 8/24/94.	
Consolidated Checklist for the Bevill Exclusion for Mining Wastes as of 6/30/97: (53) Identification and Listing of Hazardous Waste: and Designation, Reportable Quantities, and Notification: 53 FR 35412, 9/13/88 (authorized 1993); (65) Mining Waste Exclusion I: 54 FR 36592, 9/1/89; (71) Mining Waste Exclusion II: 55 FR 2322, 1/23/90; and (90) Mining Exclusion III: 56 FR 27300, 6/13/91.	7-103, 7-202, 7-203, 7-203, 7-212, Appendix I, Appendix IX, 7-202.
Consolidated Checklist for the Toxicity Characteristics Revisions as of 6/30/97: (74) Toxicity Characteristic Revisions: 55 FR 11748, 3/29/90 as amended on 6/29/90 at 55 FR 26986 (authorized 1993); (80) Toxicity characteristic; Hydrocarbon: 55 FR 40834 10/5/90, 56 FR 3978 as amended on 2/1/91 at 56 FR 13406, 4/2/91; (84) Toxicity Characteristic; Chlorofluorocarbon Refrigerants: 56 FR 5910, 2/13/91; (108) Toxicity Characteristic Revisions: 57 FR 30657, 7/10/92; (117 B) Toxicity Characteristic Amendment: 57 FR 23062, 6/1/92; and (119) Toxicity Characteristic Revision; TCLP Correction: 57 FR 55114, 11/24/92.	7-202, 7-203, 7-204, 7-208, 7-209, 7-208, 7-219, 7-504, 7-510, 7-106.
Consolidated Checklist for Recycled Used Oil Management Standards as of 6/30/97: (112) Recycled Used Oil Management Standards: 57 FR 41566, 9/10/92; (122) Recycled Used Oil Management Standards; Technical Amendments and Corrections: 58 FR 26420, 5/3/93 as amended on 6/17/93 at 58 FR 33341; and (130) Recycled Used Oil Management Standards; Technical Amendments and Corrections II: 59 FR 10550, 3/4/94.	7-103, 7-802, 7-805, 7-203, 7-204, 7-502, 7-512, 7-801, 7-803, 7-805, 7-804, 7-812, 7-807, 7-806, 7-810, 7-808, 7-809, 7-811, 7-813, 7-812.
Consolidated Checklist for the Wood Preserving Listings as of 6/30/97: (82) Wood Preserving Listings: 55 FR 50450, 12/6/90; (91) Wood Preserving Listings: 56 FR 27332, 6/13/91; (92) Wood Preserving Listings; Technical Corrections: 56 FR 30192, 7/1/91; (101) Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable: 57 FR 5859, 2/18/92; (120) Wood Preserving; Revisions to Listings and Technical Requirements: 57 FR 61492, 12/24/92.	7-103, 7-204, 7-210, 7-219, Appendix IX, Appendix II, 7-307, 7-308, 7-311, 7-504, 7-510, 7-505.

¹ Hazardous Waste Management Regulations, effective 9/30/98; Water Pollution Control Regulations, Subchapter 13, effective 6/21/84; Vermont Statutes Annotated 1998.

EPA cannot delegate the Federal requirements at 40 CFR 268.5, 268.6, and 268.42(b). At 7-106 Vermont's rules stipulate that these sections are not incorporated by reference and that authority for implementing these requirements remains with EPA.

In addition to updating its program, Vermont has reformatted and renumbered its Waste Management Regulations and, therefore, some rule numbers for previously authorized rules have been changed. As part of this application, Vermont submitted

updated base program checklists and revision checklists for which the State received authorization in 1993. These checklists list the current state analogs to federal base program requirements and are available for inspection and copying at the locations listed above.

H. Where Are the Revised State Rules Different From the Federal Rules?

The State rules are more stringent than the minimum requirements set forth in the federal regulations in various respects including those

discussed below. Vermont also has some requirements which are different from the federal requirements, but which we have determined are equally stringent.

We consider the following updated State requirements to be more stringent than the Federal requirements: Vermont does not permit disposal in underground injection wells, therefore it does not have analogous provisions to 40 CFR 144.1(h), 144.31(g)(1), (2), and (3); 40 CFR 265.2(c)(2) and 40 CFR 270.60(b)(3)(i) and (ii) which are the

requirements for Corrective Action for Injection Wells listed in Revision checklist 44C. Vermont does not permit the use of a permit as shield, therefore it does not have an analog for 40 CFR 260.4(a) listed in Revision Checklist 44E. Vermont does not grant the exclusion at 40 CFR 261.4(a)(12) for recovered used oil listed on revision checklist 150. Vermont used Checklist 153 to restate that it does not allow the wastes generated by conditionally exempt small quantity generators to be disposed of in Subtitle D landfills. These requirements are part of Vermont's authorized program and are federally enforceable.

In this revision Vermont modified its regulations for satellite accumulation and for storage prior to the recycling of recyclable materials. EPA's Satellite Accumulation rule promulgated on December 20, 1984 (40 FR 49571) allows generators to accumulate up to 55 gallons of hazardous waste or one quart of acutely hazardous waste in a satellite area at or near the point of generation, so long as specified requirements are met. The Vermont program allows one 55-gallon drum or one quart of acutely hazardous waste per waste stream to be accumulated in central storage areas subject to full hazardous waste requirements, or at the point of generation. Although this is not identical to the EPA regulation, EPA has determined that these rules for managing wastes are protective of human health and the environment and are equivalent to the federal regulation.

Vermont modified its recycling regulations in Subchapter 6. Specifically, their rule will allow recyclers to temporarily place incoming recyclable materials in a staging area for up to three days without a storage permit. In case-by-case instances EPA has previously agreed that States administering the RCRA program have some discretion to determine that short periods of accumulation by recyclers of incoming material do not constitute storage and thus would not trigger the RCRA storage permitting requirements. Following these precedents, the Region has determined that Vermont's staging regulation is equivalent to the federal program and thus federally approvable.

I. Who Handles Permits After This Authorization Takes Effect?

Vermont will issue permits for all the provisions for which it is authorized and will administer the permits it issues. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to

implement and issue permits for any HSWA requirements for which Vermont is not yet authorized.

J. What Technical Corrections Is EPA Making Today?

At 58 FR 26243, May 3, 1993, Region 1 noted in the preamble that Vermont was not seeking to delist federally listed wastes since Section 7-216(3) (now at 7-217(c)) provides that any delisting of a hazardous waste which is listed as hazardous under 40 CFR Part 261 shall be conducted by EPA. However, the crosswalk at 58 FR 26250 (May 3, 1993) incorrectly listed this rule on checklist 17B as authorized. The Region is correcting this error today to note that Vermont did not seek authorization for this rule. Also, on that crosswalk in the **Federal Register** the titles for the rules addressed by checklists 19 and 34 were incomplete. These omissions are being corrected today and the complete titles are as listed below. The title information for Checklist 19 is: Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, 50 FR 49164-49211, November 29, 1985 as amended on April 13, 1987, at 52 FR 11819-11822. The title information for Checklist 34 is: Land Disposal Restrictions, 51 FR 40572-40654, November 7, 1986 as amended on June 4, 1987, at 52 FR 21010-21018. Finally, in 1993 Vermont sought authorization for four rules for which EPA does not use checklists. Inadvertently, these rules were omitted from the May 3, 1993 (58 FR 2642) crosswalk. The rules SR1, concerning existing and newly regulated surface impoundments regulated under HSWA § 3005(j)(1) & (6); SR2, concerning variances under § 3005(j)(2)-(9) and (13) regulated under HSWA § 3005(j)(2)-(9); CP, concerning hazardous and used oil fuel criminal penalties regulated under HSWA § 3006(h), 3008(d), and 3014 and SI, concerning sharing of information with the Agency for Toxic Substances and Disease Registry were addressed in Vermont's Attorney General Statement dated October 4, 1990. These omissions are being corrected today to state that Vermont is authorized for these rules.

K. What Is Codification and Is EPA Codifying Vermont's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations, as federal regulations. We do this by referencing the authorized State rules in 40 CFR Part 272. EPA is authorizing but not codifying Vermont's updated program at

this time. We reserve the amendment of 40 CFR Part 272, Subpart UU for this authorization of Vermont's program until a later date.

L. Regulatory Analysis and Notices

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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, 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 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 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 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 EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that section 202 and 205 requirements do not apply to today's action because this rule does not contain a Federal mandate that may result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Vermont program, and today's action does not impose any additional obligations on regulated entities. In fact,

EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector. Further, as it applies to the State, this action does not impose a Federal intergovernmental mandate because UMRA does not include duties arising from participation in a voluntary federal program.

The requirements of section 203 of UMRA also do not apply to today's action because this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under the existing State laws that are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under the existing State laws that are now being authorized by EPA.

The EPA's authorization does not impose any significant additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Pursuant to the provision at 5 U.S.C. 605(b), the Agency hereby certifies that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory

requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

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. The 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 today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

Compliance With Executive Order 12875

Under Executive Order 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 with 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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."

This rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. The

State administers its hazardous waste program voluntarily, and any duties on other State, local or tribal governmental entities arise from that program, not from this action. Accordingly, the requirements of Executive Order 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612 (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612 because this rule affects only one State. In addition, this rule simply approves the State's proposal to be authorized for updated requirements in the hazardous waste program that the state has voluntarily chosen to operate. Finally, as a result of this action, for provisions enacted pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), those newly authorized provisions of the State's program now apply in Vermont in lieu of the equivalent Federal program provisions. Affected parties are subject only to those authorized state program provisions, as opposed to being subject both to the Federal and State program provisions.

Compliance With Executive Order 13045

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks," applies to any rule that: (1) The Office of Management and Budget determines is "economically significant" as defined under Executive Order 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 Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve federal decisions based on environmental health or safety risks, but rather involves approval of a state program.

Compliance With Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly 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 with 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."

This rule is not subject to Executive Order 13084 because it does not significantly or uniquely affect the communities of Indian tribal governments as there are no Federally recognized Indian Tribes in Vermont.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any additional information requirements upon the regulated community, as the State regulations being approved already are in effect under State law.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus

standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve adopting new federal technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements, Water pollution control, Water supply.

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, and 6974(b).

Dated: September 17, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99-24908 Filed 9-23-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300**

[FRL-6442-1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of Munisport Landfill Superfund site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces the deletion of the Munisport Landfill Superfund (Site) in North Miami, Dade County, Florida, from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that all appropriate response actions under CERCLA have been implemented by the Potentially Responsible Party, the City of North Miami, and that no further response

actions under CERCLA are needed. Moreover, EPA and the FDEP have determined that the remedial actions conducted at the Site to date are protective of human health and the environment, such that further federal response under CERCLA is not warranted.

EFFECTIVE DATE: September 24, 1999.

FOR FURTHER INFORMATION CONTACT:

Kevin Misenheimer, Remedial Project Manager, EPA Region IV, 61 Forsyth St. SW, Atlanta, Georgia, 30303, (404) 562-8922. Comprehensive information on this Site is available through the EPA Region IV public docket located at two locations. Locations and phone numbers are: USEPA Region IV Record Center, 61 Forsyth St. SW, Atlanta, Georgia, 30303, (404) 562-8862 and Florida International University, North Campus Library, 3000 NE 151st St., North Miami, Florida, 33181-3601, (305) 919-5726.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Munisport Landfill, North Miami, Dade County, Florida.

A Notice of Intent to Delete for this site was published on June 25, 1999 (64 FR 34180). The closing date for comments on the Notice of Intent to Delete was July 27, 1999. EPA addressed significant comments in a Responsiveness Summary which is included in the public docket.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-financed) remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.