

- December 4, 1984, FR—Corrections to Tests Methods Manual, (40 FR 47391);
- December 20, 1984, FR—Satellite Accumulation, (49 FR 49571);
- January 4, 1985, FR—Redefinition of Solid Waste, (50 FR 614);
- January 14, 1985, FR—Dioxin, (50 FR 1978);
- April 23, 1985, FR—Interim Status Standards Landfill Cover Design Standards (50 FR 16044);
- April 30, 1985, FR—Paint Filter Test, (50 FR 18370);
- 3006(f) Availability of Information

On May 22, 1987, July 14, 1987, and September 2, 1987, Illinois submitted supplementary information. EPA has reviewed Illinois' revision application and supplementary information and has made a decision, subject to public review and comment, that Illinois' Hazardous Waste Management program revision meets all of the statutory and regulatory requirements established by RCRA and does reflect the State's equivalency with the Federal program. Consequently, U.S. EPA intends to grant Illinois authorization for this program modification. The public may submit written comments on U.S. EPA's proposed approval of this revision, up until February 4, 1988. Copies of Illinois' program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Illinois' program revision shall become effective 60 days after the date of publication in the **Federal Register** (FR) unless an adverse comment pertaining to the State's revisions, discussed in this notice, is received. If comments pertaining to the revision application or this decision are received, U.S. EPA will publish either: (1) A withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Any RCRA hazardous waste permits, or portions of permits, issued by U.S. EPA under the provisions for which the State is applying for authorization, prior to the effective date of authorization, shall be administered by U.S. EPA. U.S. EPA will suspend issuance of any further permits under the provisions for which the State is authorized on the effective date of authorization. U.S. EPA had previously suspended issuance of permits for other provisions on January 31, 1986, the effective date of Illinois' authorization for the RCRA program. Illinois is not authorized nor seeking to be authorized to operate the Federal program on Indian lands. This authority shall remain with U.S. EPA.

C. Effect of HSWA on Illinois' Authorization

Prior to the Hazardous and Solid Waste Amendments amending RCRA, a State with Final Authorization would have administered its hazardous waste program entirely in lieu of U.S. EPA. The Federal requirements no longer applied in the authorized State, and U.S. EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

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

As a result of the HSWA, there will be a dual State/Federal regulatory program in Illinois. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce these portions of the HSWA in Illinois until the State receives authorization to do so. Among other things, this will entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized.

Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's immediate final determination includes authorization of Illinois' program for one requirement implementing the HSWA: Dioxin, which is found in 50 FR 1978, dated January 14, 1985. Any State requirement that is more stringent than a Federal HSWA provision will also remain in effect; thus, regulated handlers must comply with any more stringent State requirements.

EPA has published a **Federal Register** notice that explains in detail the HSWA

and its effect on authorized States. That notice was published at 50 FR 28702-28755, July 15, 1985.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 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 is for modifications to the State's existing authorized program and is not designed to increase the regulated population. It does not impose any new burdens on small entities.

List of Subjects in 40 CFR Part 272

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of section 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 10, 1987.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 88-50 Filed 1-4-88; 8:45 am]

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40 CFR Part 271

[FRL-3311-8]

Florida; Final Authorization of State Hazardous Waste Program; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of correction of date.

SUMMARY: This notice corrects the date previously published in the **Federal Register** dated December 1, 1987 (52 FR 45634) for the deadline for receipt of public comments and the effective date for final authorization of Florida's hazardous waste program. The public comment period is extended until the close of business February 1, 1988. Final authorization for the federal requirements listed at 52 FR 45635 shall be effective March 1, 1988.

The addresses remain unchanged.

FOR FURTHER INFORMATION CONTACT: Otis Johnson, Jr. (404) 347-3016.

Date: December 23, 1987.

Lee A. DeHihns, III,

Acting Regional Administrator.

[FR Doc. 88-49 Filed 1-4-88; 8:45 am]

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40 CFR Part 271

[FRL-3311-5]

Indiana; Final Determination on a Revision to the State's Authorized Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final agency determination on a revision to Indiana's Authorized Hazardous Waste Management Program.

SUMMARY: On June 29, 1987, Indiana submitted to the United States Environmental Protection Agency (U.S. EPA), a revision to its authorized Hazardous Waste Management Program under the Resource Conservation and Recovery Act, as amended (RCRA).

U.S. EPA published a notice in the *Federal Register* on September 29, 1987, announcing its tentative determination, subject to public review and comment, to grant Indiana authorization for the program modifications contained in its June 29, 1987 program revision. Today, U.S. EPA is announcing its final agency determination to grant Indiana authorization for the program modifications contained in its June 29, 1987 program revision. Today's action is being taken because by the close of business of October 29, 1987, U.S. EPA had received no adverse comment pertaining to the State's revisions discussed in the September 29, 1987, *Federal Register* notice.

EFFECTIVE DATE: Authorization for Indiana's program revision, which was discussed in the September 29, 1987, *Federal Register*, shall become effective January 19, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. George Woods, U.S. EPA, Region V, Waste Management Division, Solid Waste Branch, Program Management Section, 230 South Dearborn Street, 5HS-JCK-13, Chicago, Illinois 60604, (312) 886-6134.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act (RCRA or "the Act") 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste management program

that is equivalent to, consistent with, and no less stringent than the Federal Hazardous Waste Management program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

In accordance with 40 CFR 271.21 (a) and (e), revisions to State hazardous waste management programs are necessary when Federal or State statutory or regulatory authority is modified or upon certain other changes to EPA's regulations in 40 CFR Parts 260-268, 124 and 270.

B. Indiana

Indiana initially received final authorization on January 31, 1986. On June 29, 1987, Indiana submitted a program revision for additional program approval. EPA has reviewed Indiana's revision application and has made a final decision that Indiana's Hazardous Waste Management program revisions does reflect the State's equivalency with the Federal program. Consequently, EPA intends to grant Indiana final authorization for this program modification.

On September 29, 1987, the notice of proposed rulemaking appeared in the *Federal Register* (52 FR 36444-36446). That *Federal Register* notice summarized all issues raised in U.S. EPA's review of the State's complete application; also, the notice listed the Non-HSWA provisions for which Indiana is being authorized. Along with the notice of tentative determination, U.S. EPA announced the availability of Indiana's application for public inspection and copying, the date of the public comment period, and U.S. EPA's tentative determination to grant Indiana final authorization. The public notice ran in 11 newspapers in Indiana and was mailed to all individuals and organizations on the Region V Indiana mailing lists. That September 29, 1987, *Federal Register* Notice appeared in the proposed rules section. Today's action is required so that notice of the Agency's final determination is published in the final rules section of the *Federal Register*.

C. Decision

I conclude that Indiana's application for final authorization meets all statutory and regulatory requirements established by RCRA. Accordingly, Indiana is granted final authorization to operate its hazardous waste program subject to the limitations on its authority imposed by the Hazardous Waste Amendments of 1984, (Pub. L. 98-616, November 8, 1984) (HSWA). Indiana now has the responsibility for permit treatment, storage and disposal facilities within its borders and carrying out other aspects of the RCRA program subject to the HSWA. Indiana also has primary enforcement responsibility, although U.S. retains the right to conduct inspections under section 3005 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA. Indiana is not authorized to operate the RCRA program on Indian lands, and this authority will remain with the U.S. EPA.

As stated above, Indiana's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the November 8, 1984, HSWA amendments to RCRA. Prior to that date a State with Final Authorization administered its hazardous waste program entirely in lieu of the U.S. EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time-frames. New Federal requirements did not take effect in an authorized State until the State adopted those requirements as State law.

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

As a result of HSWA, there will be a dual State/Federal regulatory program in Indiana. To the extent the authorized State program is unaffected by HSWA, the State program is authorized to operate in lieu of the Federal program.