

**40 CFR Part 271**

[FRL-5222-8]

**Oregon; Final Authorization of State Hazardous Waste Management Program Revisions****AGENCY:** Environmental Protection Agency.**ACTION:** Immediate final rule.

**SUMMARY:** The State of Oregon has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Oregon's application and has made a decision, subject to public review and comment, that Oregon's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Oregon's hazardous waste program revisions. Oregon's application for program revision is available for public review and comment.

**DATES:** Final authorization for Oregon shall be effective August 15, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Oregon's program revision application must be received by the close of business July 17, 1995.

**ADDRESSES:** Copies of Oregon's program revision application are available Monday through Friday, 8 a.m. to 5 p.m., at the following addresses for inspection and copying: Oregon Department of Environmental Quality, Executive Building, 811 SW. Sixth Avenue, Portland, OR 97204; phone: (503) 229-5072; U.S. EPA Region 10, Library, 10th Floor, 1200 Sixth Avenue, Seattle, WA 98101; phone: (206) 553-4763. Written comments should be sent to Michael Le, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101; phone: (206) 553-1099.

**FOR FURTHER INFORMATION CONTACT:** Michael Le, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101; phone: (206) 553-1099.

**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 program that is equivalent to, consistent with, and no less stringent than the Federal

hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 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.

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 CFR parts 260-266, 268, 124 and 270.

**B. Oregon**

Effective on January 31, 1986, Oregon received final authorization for the base program. Today, Oregon is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Oregon's application, and has made an immediate final decision that Oregon's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Oregon. The public may submit written comments on EPA's immediate final decision up until July 17, 1995. Copies of Oregon's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Oregon's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received 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.

Oregon's revision application includes those RCRA federal provisions promulgated on September 19, 1994 and January 3, 1995. These regulations pertain to Land Disposal Restrictions Phase II—Universal Treatment Standards for Organic Toxicity characteristic Wastes and Newly Listed Wastes. Oregon Environmental Quality Commission incorporated by reference

these federal regulations. Accordingly, the State rules (Oregon Administrative Rule, OAR 340-100-002(1)) are equivalent to the federal regulations and became effective in the State of Oregon on May 18, 1995.

This program revision will not authorize the State to operate the RCRA program over any Indian lands; this authority remains with EPA.

**C. Decision**

I conclude that Oregon's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Oregon is granted final authorization to operate its hazardous waste program as revised.

Oregon now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Oregon also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013 and 7003 of RCRA.

**Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

**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 effectively suspends the applicability of certain Federal regulations in favor of Oregon'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.

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

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 Sections 2002(a), 3006 and