

KENTUCKY-OZONE—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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40 CFR Part 271

[FRL-5249-2]

New York: Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: New York has applied for final authorization of certain revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed New York's application and has made a decision, subject to EPA's receipt and evaluation of public comment, that New York's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve New York's hazardous waste program revisions, which are described later in this Notice. New York's application for program revision is available for public review and comment.

DATES: Final authorization for New York shall be effective August 28, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final

rule. All comments on New York's program revision application must be received by the close of business July 31, 1995.

ADDRESSES: Copies of New York's program revision application are available during the business hours of 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, Room 204, Albany, New York 12233-7253, (518) 457-3273; U.S. EPA Library (PM 211A), 401 M Street, SW., Washington, DC 20460, 202/382-5926. U.S. EPA Region II Library, 16th Floor, 290 Broadway, New York, New York 10007-1866, Phone (212) 264-2881. Written comments should be sent to: Mr. Conrad Simon, Director, Air and Waste Management Division, U.S. EPA, Region II, 290 Broadway, New York, New York 10007-1866, (212) 637-4218. **FOR FURTHER INFORMATION CONTACT:** Stephen Venezia (212) 637-4218.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under § 3006(b) of the Resource Conservation and Recovery Act (RCRA or the Act), 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. In addition, 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 equivalent to RCRA requirements promulgated under HSWA authority. 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.

New York

New York initially received final authorization on May 29, 1986. New York received authorization for revisions to its program on July 3, 1989, May 7, 1990, October 29, 1991, and May 22, 1992. On December 10, 1993, New York submitted a program revision application for additional program approvals. Today, EPA is proposing approval of New York's program revision in accordance with 40 CFR 271.21(b)(3).

In order to obtain Final Authorization, the State of New York has demonstrated and certified that its authority to regulate the following is equivalent to the Federal RCRA authority, including the requirements promulgated under HSWA authority:

Provision	Federal authority	State authority
Delay of Closure Period for Hazardous Waste Management Facilities (54 FR 33376; 08/14/89).	RCRA § 1006, 2002(a), 3004, 3005 and 3006; 40 CFR 264.13, 264.112, 264.113, 264.142, 265.13, 265.112, 265.113, 265.142, 270.42.	ECL § 27-0900, 0911, 0912, 0913; 6NYCRR 373-1.7(c), 373-2.2(e), 373-2.7(c), (d), 373-2.8(c), 373-3.2(d), 373-3.7(c), (d), 373-3.8(c), and Part 621.
Mining Waste Exclusion I (54 FR 36592; 09/01/89).	RCRA § 3001(b); 40 CFR 261.3 and 261.4	ECL § 27-0903; 6NYCRR 371-1.1(d) and (e).
Testing and Monitoring Activities (54 FR 40260; 09/29/89).	RCRA § 3001, 3004, 3005, 3006; 40 CFR 260.11 and Part 261 Appendix III.	ECL § 27-0903, 0911 and 0913; 6NYCRR 370.1(e)(8) and Appendix.
Testing and Monitoring Activities (54 FR 40260; 09/29/89).	RCRA § 3001, 3004, 3005, 3006; 40 CFR 260.11 and Part 261 Appendix III.	ECL § 27-0903; 0911 and 0913; 6NYCRR 370.1(e)(8) and Appendix.
Changes to Part 124 Not Accounted for by Present Checklists (54 FR 246; 01/04/89).	RCRA § 1006, 3005; 40 CFR 124.3, 124.5, 124.6, 124.10, 124.12.	ECL § 3-0301, 27-0703, 0913, and 70-0107; 6NYCRR 373-1.4, 373-1.6, 373-1.7, 621.2, 621.3, 621.4, 621.6, 621.7, 621.13, 621.14.
Mining Waste Exclusion II (55 FR 2322; 01/23/90).	RCRA § 3001(b)(3)-(A)(ii); 40 CFR 260.10, 261.4(b)(7).	ECL § 27-0903; 6NYCRR 370.2(b), 371.1(e)(2)(vi).
Modifications of F019 Listing (55 FR 5340; 02/14/90).	RCRA § 3001(b); 40 CFR 261.31	ECL § 27-0903; 6NYCRR 371.4(b), (c), Appendices 21 and 22.
Testing and Monitoring Activities (Technical Correction to Checklist 67).	RCRA § 3001, 3004, 3005, 3006; 40 CFR 260.11 and Part 261 Appendix III.	ECL § 27-0903, 0911 and 0913; 6NYCRR 370.1(e)(8) and Appendix 21.