

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. 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. 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 the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

#### H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to

perform activities conducive to the use of VCS.

#### I. 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 15, 2000. Filing a petition for reconsideration by the Administrator of this interim 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).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Ozone, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

**Dated:** December 7, 1999.

**Jeanne M. Fox,**

*Regional Administrator, Region 2.*

[FR Doc. 99-32515 Filed 12-16-99; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 62

[IN 109-1a; FRL-6507-5]

#### Approval of Hospital/Medical/ Infectious Waste Incinerator State Plan For Designated Facilities and Pollutants: Indiana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving Indiana's State Plan for Hospital/Medical/ Infectious Waste Incinerators (HMIWI), submitted on September 30, 1999. The State Plan adopts and implements the Emissions Guidelines (EG) applicable to existing HMIWIs. This approval means that EPA finds the State Plan meets Clean Air Act (Act) requirements. Once effective, this approval makes the State Plan federally enforceable.

**DATES:** This rule is effective on February 15, 2000, unless EPA receives adverse written comments by January 18, 2000. If adverse written comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and

inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You can inspect copies of the State Plan submittal at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend you contact Ryan Bahr, Environmental Engineer, at (312) 353-4366 before visiting the Region 5 Office).

**FOR FURTHER INFORMATION CONTACT:** Ryan Bahr, Environmental Engineer, at (312) 353-4366.

#### SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we", "us", or "our", are used we mean EPA. The supplemental information is organized in the following order:

- I. What is EPA approving in this action?
- II. The HMIWI State Plan Requirement.
  - What is an HMIWI State Plan?
  - Why are we requiring Indiana to submit an HMIWI State Plan?
  - Why do we need to regulate HMIWI emissions?
  - What criteria must an HMIWI State Plan meet to be approved?
- III. The Indiana HMIWI State Plan.
  - Where are the Indiana HMIWI requirements codified?
  - Who is affected by the State Plan?
  - Who is exempt from the State Plan?
  - What does the State Plan require?
  - When must the State Plan requirements be met if you plan to continue operation of your HMIWI?
  - What must you do to obtain an extended compliance schedule if you plan to install control equipment or make process changes and continue operation?
  - What must you do if you intend to permanently shut down?
  - What are the permit application deadlines?
  - What else does the State Plan include?
  - What public review opportunities were provided?
- IV. Review and Approval of the Indiana HMIWI State Plan.
  - Why is the Indiana HMIWI State Plan approvable?
- V. EPA Rulemaking Action.
- VI. Administrative Requirements.
  - A. Executive Order 12866
  - B. Executive Orders 13132
  - C. Executive Order 13045
  - D. Executive Order 13084
  - E. Regulatory Flexibility Act
  - F. Unfunded Mandates
  - G. Submission to Congress and the Comptroller General
  - H. National Technology Transfer and Advancement Act
  - I. Petitions for Judicial Review

## I. What is EPA approving in this action?

We are approving the September 30, 1999, Indiana State Plan submission which implements the requirements of sections 111(d) and 129 of the Act for existing HMIWIs. This approval, once effective, will make the Indiana HMIWI rules included in the plan federally enforceable.

## II. The HMIWI State Plan Requirement.

### What Is an HMIWI State Plan?

An HMIWI State Plan is a plan to control air pollutant emissions from existing incinerators which burn hospital waste or medical/infectious waste. The plan also includes source and emission inventories of these incinerators in the State.

### Why Are We Requiring Indiana to Submit an HMIWI State Plan?

Sections 111(d) and 129 of the Act require States to submit State Plans to control emissions from existing HMIWIs in the State. The State Plan requirement was triggered when we published the Emissions Guidelines (EG) for HMIWIs on September 15, 1997 (see 62 FR 48348). The EG is codified at 40 CFR part 60, subpart Ce.

Section 129, we are requires us to promulgate EGs for several types of existing solid waste incinerators. These EGs establish the Maximum Achievable Control Technology (MACT) standards that States must adopt to comply with the Act. The HMIWI EG also establishes requirements for monitoring, operator training, permits, and a waste management plan that must be included in State Plans.

The intent of the State Plan requirement is to reduce several types of air pollutants associated with waste incineration.

### Why Do We Need to Regulate HMIWI Emissions?

The State Plan establishes control requirements which reduce the following emissions from HMIWIs: particulate matter, sulfur dioxide, hydrogen chloride, nitrogen oxides, carbon monoxide, lead, cadmium, mercury, dioxin, and dibenzofurans.

These pollutants can cause adverse effects to the public health and the environment. Dioxin, lead, and mercury bioaccumulate through the food web. Serious developmental and adult effects in humans, primarily damage to the nervous system, have been associated with exposures to mercury. Exposure to dioxin and furans can cause skin disorders, cancer, and reproductive effects such as endometriosis. Dioxin and furans can also affect the immune

system. Acid gases affect the respiratory tract, as well as contribute to the acid rain that damages lakes and harms forests and buildings. Exposure to particulate matter has been linked with adverse health effects, including aggravation of existing respiratory and cardiovascular disease and increased risk of premature death. Nitrogen oxide emissions contribute to the formation of ground level ozone, which is associated with a number of adverse health and environmental effects.

### What Criteria Must an HMIWI State Plan Meet To be Approved?

The following Table summarizes the criteria for approving an HMIWI State Plan:

Requirement	Elements
Sections 111(d) and 129: State Plan must be at least as protective as the EG.	—Applicability. —Emission Limits. —Compliance Schedules. —Performance Testing. —Monitoring/Inspection. —Operator Training/Certification. —Waste Management Plan. —Recordkeeping/Reporting.
40 CFR part 60, subpart B: Criteria for an approvable section 111(d) plan.	—Demonstration of Legal Authority —Enforceable Mechanism. —Evidence of public hearing. —Source and Emission Inventories. —State Progress Report Commitment.
Section 129(e): Title V permit requirement.	State Plans must ensure that affected HMIWI facilities submit Title V permit applications to the State by September 15, 2000.

We issued a guidance document describing in more detail the requirements for an approvable HMIWI State Plan, entitled "Hospital/Medical/Infectious Waste Incinerator Emission Guidelines: Summary of the Requirements for Section 111(d)/129 State Plans," published November 1997. Indiana used this document to develop its State Plan.

## III. The Indiana HMIWI State Plan

### Where Are the Indiana HMIWI Requirements Codified?

Indiana's State Plan requirements for HMIWIs are codified at 326 Indiana Administrative Code (IAC) 11-6. Indiana adopted the rule on September

2, 1998. Indiana published the rule in the Indiana Register on March 1, 1999, and it became effective on March 11, 1999.

### Who Is Affected By the State Plan?

Consistent with the EG, Indiana's HMIWI rules cover existing HMIWIs, with the exception of certain exempt HMIWIs, which only need to meet certain recordkeeping and certification requirements. The table below summarizes the Indiana HMIWI applicability criteria and associated requirements:

Category	Requirements
HMIWI for which construction commenced on or before June 20, 1996. Co-fired combustor ...	Subject to control requirements specified in the EG.  Not subject to control requirements specified in the EG but: Must have an enforceable requirement (e.g. a permit condition) limiting operation to co-fired combustor status; and, Must keep records on weight of wastes and fuels burned on a calendar quarter basis.
HMIWIs which combust only these wastes: —pathological ....  —low-level radioactive. —chemotherapeutic.	Not subject to control requirements specified in the EG but: Must keep records on a calendar quarter basis demonstrating that only exempt wastes are burned; and,  Must provide State and EPA certification that the HMIWI burns only these wastes.
Hospitals that send waste to an off-site HMIWI.	Not subject to control requirements specified in the EG.

For an HMIWI to be considered a "co-fired combustor," it must be subject to an enforceable condition limiting combustion of hospital or medical infectious waste to 10% or less of total waste burned, by weight, on a calendar quarter basis. For purposes of the co-fired combustor exemption, pathological waste, chemotherapeutic waste, and low-level radioactive wastes are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

HMIWIs which combust pathological wastes, low-level radioactive waste, or

chemotherapeutic wastes part of the time can be exempt from control requirements during those periods if they notify Indiana pursuant to this operating scenario.

#### *Who is exempt from the State Plan?*

Incinerators that would otherwise meet the HMIWI definition are completely exempt from the rule if they meet any of the following criteria:

You are exempt if:

You are a combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act, 42 U.S.C. 6925;

You are a municipal waste combustor subject to 40 CFR part 60, subparts Cb, Ea or Eb;

You are a pyrolysis unit (i.e., a unit that uses endothermic gasification to treat hospital waste or medical/infectious waste in order to render such waste harmless);

You are a cement kiln firing hospital waste or medical/infectious waste; or,

You are an HMIWI subject to the New Source Performance Standards (NSPS) for HMIWIs, 40 CFR part 60, subpart Ec.

#### *What does the State Plan require?*

If you are an HMIWI subject to control requirements under the Indiana HMIWI rule, you must comply with the requirements summarized below:

Summary of the Indiana HMIWI Control Requirements	
Emission Limitations	—dioxins/furans.
Separate limits are established for three categories of HMIWIs:	—hydrogen chloride.
—small	—sulfur dioxide.
—medium	—oxides of nitrogen.
—large	—lead.
	—cadmium.
	—mercury.
	—particulate matter.
	—opacity.
	—carbon monoxide.
Compliance provisions.	—performance testing.
	—operating parameter monitoring.
	—operating parameter compliance.
	—recordkeeping and reporting.
Operator provisions	—Training.
	—Certification.
	—On-site Operator Manual.
Permit .....	—Must apply for a Part 70 permit.

#### Waste Management Plan Requirements

Facilities Incinerating Hospital, Medical or Infectious Waste.	Prepare a plan that identifies ways to reduce the amount and toxicity of incinerated waste, and provides an implementation schedule where feasible.
	Submit the plan at the same time the initial performance test results are reported.
	Submit annual waste management progress reports.

If you would like to know the emission limit applicable to small, medium and large HMIWIs, please reference 326 IAC 11-6-4.

The Indiana rule also prescribes various criteria and considerations in developing the plan, and specifies the components which the plan must include.

#### *When must the State Plan requirements be met if you plan to continue operation of your HMIWI?*

Under the Indiana HMIWI rule, a subject HMIWI must be in compliance with the rule requirements by March 11, 2000, unless the source meets the requirements for an extended compliance schedule. HMIWIs who plan to install air pollution control equipment and who comply with the requirements to obtain an extended schedule must comply by March 31, 2002.

However, even if a source has an extended schedule, the Indiana rule requires compliance with the rule's operator training and certification provisions by March 11, 2000.

#### *What must you do to obtain an extended compliance schedule if you plan to install control equipment or make process changes and continue operation?*

HMIWIs seeking an extended compliance schedule must have submitted a control plan on or before June 30, 1999, which contained a plan for the HMIWI to meet the rule's increments of progress. Indiana's rule requires compliance with the following measurable and enforceable increments of progress:

Increments of progress	Due date
Submit a final control plan to the Indiana Department of Environmental Management.	June 30, 1999.
Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications.	March 31, 2000.
Initiate on-site construction or installation of emission control equipment or process change.	March 31, 2001.
Complete on-site construction or installation of emission control equipment or process change.	September 30, 2001.
Be in final compliance .....	March 31, 2002.

#### *What must you do if you intend to permanently shut down?*

For all HMIWIs that intend to permanently shut down, the source must shut down by March 11, 2000, unless the source is installing alternative control technology and the State approves its petition for an extension. If a source petitions the State for an extension, the source must submit its petition by November 11, 1999. The petition must include an analysis that:

- (1) Demonstrates that additional time is needed,
- (2) considers the option of transporting the waste off-site, and
- (3) includes a detailed compliance plan with measurable and enforceable increments of progress that assure final compliance by March 31, 2002.

#### *What are the permit application deadlines?*

The Indiana HMIWI rule requires all HMIWIs subject to the rule's emission limits to submit a part 70 permit application by March 11, 2000. Each source's application needs to address the provisions of 326 IAC 11-6. This means that all HMIWI that have not previously applied for a part 70 permit must submit their application by March 11, 2000. For those HMIWI whose original application did not address the provisions of 326 IAC 11-6, they must now update their application by March 11, 2000, to include Indiana's rule 326 IAC 11-6.

#### *What else does the State Plan include?*

The State Plan includes: a demonstration of legal authority to implement the EG, documentation of public hearing, comments and responses, a source and emissions inventory, and a provision for State progress reports to EPA. These materials were submitted to satisfy the section

111(d) requirements under 40 CFR part 60, subpart B.

*What public review opportunities were provided?*

The Indiana Department of Environmental Management held public hearings on the HMIWI rule on May 6, 1998, and September 2, 1998. IDEM did not receive any comments on the rule. IDEM published public notices on June 30, 1999, in newspapers throughout the state opening a comment period on the State Plan and providing the opportunity for a public hearing. IDEM did not receive a request for a hearing nor any comments on the plan materials.

#### **IV. Review and Approval of the Indiana HMIWI State Plan.**

*Why is the Indiana HMIWI State Plan approvable?*

We compared the Indiana HMIWI rule 326 IAC 11-6 to our HMIWI EG. We find the Indiana rule to be at least as stringent as the EG. Also, the Indiana State Plan satisfies the requirements for an approvable section 111(d) plan under subparts B and C of 40 CFR part 60. For these reasons, we are approving the Indiana HMIWI State Plan.

#### **V. EPA Rulemaking Action.**

We are approving, through direct final rulemaking action, Indiana's sections 111(d) and 129 State Plan for HMIWIs. The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the state plan revision should adverse written comments be filed. This action will be effective February 15, 2000 without further notice unless EPA receives relevant adverse written comment by January 18, 2000. Should the Agency receive such comments, it will publish a final rule informing the public that this action will not take effect. 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 15, 2000.

#### **VI. Administrative Requirements.**

##### *A. Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

##### *B. Executive Order 13132*

Federalism (64 FR 43255, August 10, 1999) revokes and replaces E.O. 12612 (Federalism) and E.O. 12875 (Enhancing the Intergovernmental Partnership). E.O. 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the E.O. to include regulations that have "substantial direct effects on the 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." Under E.O. 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final rule will not have substantial direct effects on the 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 E.O. 13132. Thus, the requirements of section 6 of the E.O. do not apply to this rule.

##### *C. Executive Order 13045*

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 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 E.O. 13045 because it does not involve decisions

intended to mitigate environmental health or safety risks.

##### *D. Executive Order 13084*

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. If the mandate is unfunded, EPA must 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, E.O. 13084 requires EPA to develop an effective process permitting elected 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." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

##### *E. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because approvals under section 111(d) of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal

inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning state plans on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

#### *F. Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. 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 to the private sector, result from this action.

#### *G. 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. 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 the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a “major” rule as defined by 5 U.S.C. 804(2).

#### *H. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act

(NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS.

#### *I. 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 15, 2000. 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).)

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

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Hospital/medical/infectious waste incinerators, Reporting and recordkeeping requirements.

Dated: November 30, 1999.

**Francis X. Lyons,**  
*Regional Administrator, Region 5.*

40 CFR part 62 of the Code of Federal Regulations is amended as follows:

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

**Authority:** 42 U.S.C. 7401–7642.

#### **Subpart P—Indiana**

2. A new center heading and sections 62.3640, 62.3641, and 62.3642 are added to subpart P to read as follows:

#### **Metals, Acid Gases, Organic Compounds and Nitrogen Oxide Emissions From Existing Hospital/Medical Infectious Waste Incinerators**

##### **§ 62.3640 Identification of plan.**

Indiana submitted, September 30, 1999, a State Plan for implementing the Emission Guidelines affecting Hospital/Medical Infectious Waste Incinerators (HMIWI). The enforceable mechanism for this plan is 326 Indiana Administrative Code 11–6. The rule was

adopted by the Indiana Pollution Control Board on September 2, 1998. The rule was published in the Indiana Register on March 1, 1999, and became effective on March 11, 1999.

##### **§ 62.3641 Identification of sources.**

The Indiana State Plan for existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) applies to all HMIWIs for which construction commenced either on or before June 20, 1996.

##### **§ 62.3642 Effective Date.**

The Federal effective date of the Indiana State Plan for existing Hospital/Medical/Infectious Waste Incinerators is February 15, 2000.

[FR Doc. 99–32176 Filed 12–16–99; 8:45 am]

**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 180**

[OPP–300955; FRL–6395–5]

**RIN 2070–AB78**

### **Bifenthrin; Extension of Tolerance for Emergency Exemptions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation extends a time-limited tolerance for residues of the insecticide bifenthrin and its metabolites in or on raspberries at 3.0 part per million (ppm) for an additional 1-year period. This tolerance will expire and is revoked on December 31, 2000. This action is in response to EPA’s granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on raspberries. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

**DATES:** This regulation is effective December 17, 1999. Objections and requests for hearings, identified by docket control number OPP–300955,