

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 272**

[FRL-5935-7]

Louisiana: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Immediate final rule.

SUMMARY: Louisiana has revised its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed Louisiana's changes to its program and has made a decision, subject to public review and comment, that Louisiana's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA's decision to approve Louisiana's hazardous waste program revisions will take effect as provided below. Louisiana's program revisions are available for public review and comment.

The EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference EPA's approval of those provisions of the State statutes and regulations that EPA will enforce under RCRA Sections 3008, 3013 and 7003. Thus, EPA intends to codify the Louisiana authorized State program in 40 CFR part 272. The purpose of this action is to incorporate by reference EPA's approval of Louisiana's base hazardous waste program and its revisions to that program.

DATES: Final authorization for Louisiana's program revisions shall be effective March 16, 1998 unless EPA publishes a prior FR action withdrawing this immediate final rule. All comments on Louisiana's program revisions must be received by the close of business February 12, 1998. The incorporation of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1998 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Copies of Louisiana's program revisions and materials EPA used in evaluating the revisions are available for inspection and copying from 8:30 a.m. to 4 p.m. Monday through Friday, at the following

addresses. Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, Phone number: (504) 765-0617; EPA Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-6444. Written comments referring to Docket Number LA97-2 should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533.

SUPPLEMENTARY INFORMATION:**I. Authorization of State Initiated Changes***A. Background*

States with final authorization under Section 3006(b) of the RCRA, 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, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA) allow 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 124, 260 through 266, 268, 270, 273, and 279.

B. Louisiana

Louisiana initially received final authorization to implement its base hazardous waste program on January 24, 1985, effective February 7, 1985 (50 FR 3348). In 1987, Louisiana renumbered the Louisiana Hazardous Waste Regulations (LHWR) and codified them in the Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and

Hazardous Materials. Louisiana received final authorization for revisions to its program on November 28, 1989, effective January 29, 1990 (54 FR 48889), on August 26, 1991, effective October 25, 1991 (56 FR 41958) as corrected October 15, 1991 (56 FR 51762); November 7, 1994, effective January 23, 1995 (59 FR 55368) as corrected April 11, 1995 (60 FR 18360); December 23, 1994, effective March 8, 1995 (59 FR 66200); October 17, 1995, effective January 2, 1996 (60 FR 53704 and 60 FR 53707); and March 28, 1996, effective June 11, 1996 (61 FR 13777).

With respect to today's document, Louisiana has made conforming changes to make its regulations internally consistent relative to the revisions made for the above listed authorizations. Louisiana has also changed its regulations to make them more consistent with the Federal requirements. The EPA has reviewed these changes and has made an immediate final decision subject to public review and comment in accordance with 40 CFR 271.21(b)(3)), that Louisiana's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Louisiana's hazardous waste program. As explained in the Proposed Rule section of today's FR, the public may submit written comments on EPA's immediate final decision until February 12, 1998. Copies of Louisiana's program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of Louisiana's program revision shall become effective in 75 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.

Louisiana will be authorized to carry out, in lieu of the Federal program, the following State-initiated changes to provisions of the State's program, which are analogous to the indicated RCRA provisions found at Title 40 of the Code of Federal Regulations, as of July, 1993, unless otherwise stated. The Louisiana provisions are from the Louisiana Administrative Code (LAC), Title 33, Part V, Hazardous Waste and Hazardous

Materials, as amended through June, 1995, unless otherwise stated.

State requirement	Federal requirement
105.A	RCRA § 3010(a).
105.D.43 introductory paragraph and D.43.a-e	261.4(a)(1)-(5).
109 "Designated facility", as amended through March 1996	260.10 "Designated facility".
109 "Existing facilities"	260.10 "Existing facility".
109 "Partial Closure"	260.10 "Partial closure".
109 "Solid Waste", as amended through March, 1996	261.2.
111	260.3.
305.A, as amended through March, 1996	270.1(c).
305.D.1.a	264.1(c), 270.60(a).
305.E	270.1(c)(4).
309.L.3.b, as amended through March, 1996	270.30(l)(2)(ii)(A)&(B).
309.L.7	270.30(l)(6).
317.C	260.2(a).
319	270.12.
321.C.2.i, as amended through March, 1996	270.42(b)(iv)(6)(A)(1)&(2).
323.B, as amended through March, 1996	270.41, 124.5.
507.A	270.11(a)(1).
509	270.11(b).
517.T.2.b.vi	270.14(b)(11)(iv)(C)(2).
523, except 523.G	270.16.
532	270.26.
706, as amended through March, 1996	270.29.
903.A	Part 262, Appendix.
903.C	262.22.
905.A.4	264.71(a)(4).
907.B	264.72(b).
909.G	264.76(g).
911	262.20(a).
1101.B	262.10(c).
1105.A	262.12(b).
1105.C	262.12(c).
1107.A&B	Part 262, Appendix.
1107.C	262.22.
1109.E.5 & E.6	262.34(c)(2).
1111.B.2, as amended April 20, 1991	262.41(b).
1501.C.10	264.1(g)(3).
1529.B.1	264.73(b)(1)-(2).
1529.D.6	264.75(g).
1903.A	264.191(a).
1903.B	264.191(b)-(d).
1905.A-G	264.192(a)-(g).
1907	264.193.
1909.A-C	264.194(a)-(c).
1911	264.195(a)-(d).
1913	264.196.
1915.A-C	264.197(a)-(c).
2117	264.178.
2309.A	264.254(a).
2315.A	264.258(a).
2603.F.1	264.553(f)(1).
2719	264.280.
2911.A	264.228(a)(1).
2911.D.2	264.228(c)(2).
3105.A., as amended November 21, 1988	264.340(a)(1)&(2).
3107	264.341.
3111.A	264.343 introductory paragraph and 264.343(a).
3121	264.351.
3301.B	264.90(a)(2).
3315.A introductory paragraph	264.97(a).
3501.C	264.110(b).
3525	264.119.
3707.A.3.b	264.143(a)(3)(ii).
3707.A.5	264.143(a)(5).
3707.B.3.b	264.143(b)(3)(ii).
3707.C.1	264.143(c)(1).
3707.F.1 introductory paragraph	264.143(f)(1) introductory paragraph.
3707.H	264.143(h).
3711 introductory paragraph	264.145 introductory paragraph.
3711.A.3.b	264.145(a)(3)(ii).
3711.A.5	264.145(a)(5).
3711.B.4(b)	264.145(b)(4)(ii).

State requirement	Federal requirement
3711.C.1	264.145(c)(1).
3711.C.5	264.145(c)(5).
3711.D.9	264.145(d)(9).
3711.F.1 introductory paragraph	264.145(f)(1) introductory paragraph.
3711.F.11 introductory paragraph	264.145(f)(11) introductory paragraph.
3711.H	264.145(h).
3715.A.&B	264.147(a)&(b).
3715.F.1 introductory paragraph	264.147(f)(1) introductory paragraph.
3715.F.3.c	264.147(f)(3)(iii).
3715.F.6	264.147(f)(6).
3715.G introductory paragraph	264.147(g)(1).
3715.G.1	264.147(g)(1)(i)&(ii).
3715.H-J	264.147(h)-(j).
3715.K	264.147(k).
3719.A	264.151(a).
3719.C-E	264.151(c)-(e).
4101	261.6(a)(1).
4103	261.6(b)&(c).
4105.A	261.6(a)(1).
4105.B.8-14	261.6(a)(3)(v)-(ix).
4111	261.6(a)(1).
4115.C, as amended through March,	261.6(d).
4137	261.6(a)(2).
4139.A.2, except 4139.A.2.b&c	266.20(b).
4139.B.1	266.21.
4139.B.2, as amended through March, 1996	266.22.
4139.B.3, as amended through March,	266.23(a).
4145	266, Subpart G.
4301.H	270.70(b).
4302	270.71.
4353	265.71.
4355	265.72.
4371.A.4 Comment	265.92(a)(4) Comment.
4375.A.1	265.94(a)(1).
4389.E	265.117(d).
4393	465.119.
4399.A.7	265.141(f).
4401.C	265.142(c).
4403.B.4.b	265.143(b)(4)(ii).
4403.D.5	265.143(d)(5).
4403.E.1, as amended March 20, 1990	265.143(e)(1).
4403.G	265.143(g).
4405	265.144.
4407.C.9	265.143(c)(9).
4407.G	265.145(g).
4411.F.1	265.147(f)(1).
4433	265.191.
4435	265.192.
4437	265.193.
4439.C	265.194(c).
4440	265.195.
4443	265.198.
4445	265.200.
4461	265.230.
4475.B	265.258(b).
4477	265.270.
4479.A	265.272(a).
4489.D	265.280(d).
4501.A	265.310(a).
4501.B.3	265.310(a)(1).
4501.B.4-B.7	265.310(a)(2)-(5).
4501.D.1	265.310(b)(1).
4501.D.4-5	265.310(b)(3) and (4).
4501.D.7	265.310(b)(5).
4503.A.1	265.312(a)(1).
4535	265.400.
4555 through 4557	265.1033 and 265.1034.
4561.A-C	265.1050(a)-(c).
4561.D	265.1050(d).
4563	265.1051.
4565 through 4589	265.1052 through 265.1064.
4591 through 4601	265, Subpart W.
4901.D.3, as amended September 20, 1994	261.33(c).
4901.G, Table 6, as amended through March, 1996	261, Appendix VII.

State requirement	Federal requirement
4907 Chapter 49, introductory paragraph to Appendix A, as amended through March, 1996 Chapter 49, Appendix D, as amended through March, 1996	261, subpart B. Part 261, Appendix III introductory paragraph. Part 261, Appendix I—Representative Sampling Methods.

In addition to the above listed changes, EPA is authorizing changes to the following State provisions. These provisions do not have a direct analog in the Federal RCRA regulations. However, none of these provisions are considered broader in scope than the Federal program. This is so because these provisions were either previously authorized as part of Louisiana's base

authorization or have been added to make the State's regulations internally consistent with changes made for the other authorizations listed in the first paragraph of this section. EPA has reviewed these provisions and has determined that they are consistent with and no less stringent than the Federal requirements. Additionally, this authorization does not affect the status

of State permits and those permits issued by EPA because no new substantive requirements are a part of these revisions. The Louisiana provisions are from LAC, Title 33, part V, Hazardous Waste and Hazardous Materials, as amended through June 1995.

STATE REQUIREMENT

105.J.1	305.C.10	913.A-D	919	923
1519.B.5	1521	2305	2309.B.4	2503.K.3
4029.C	4029.D	4109	4373.K.4	

Louisiana is not authorized to operate the Federal program on Indian lands. This authority remains with EPA.

C. Decision

I conclude that Louisiana's program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Louisiana is granted final authorization to operate its hazardous waste program as revised assuming no adverse comments are received, as discussed above.

Louisiana 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. Louisiana also will have 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.

II. Incorporation by Reference

A. Background

The EPA provides both, notice of its approval of State programs in 40 CFR part 272 and incorporates by reference therein the State statutes and regulations that EPA will enforce under sections 3008, 3013 and 7003 of RCRA. This effort will provide clearer notice to the public of the scope of the authorized program in Louisiana. Such notice is particularly important in light of HSWA, (PL 98-616). Revisions to State hazardous waste programs are necessary when Federal statutory or regulatory

authority is modified. Because HSWA extensively amended RCRA, State programs must be modified to reflect those amendments. By incorporating by reference the authorized Louisiana program and by amending the CFR whenever a new or different set of requirements is authorized in Louisiana, the status of Federally approved requirements of the Louisiana program will be readily discernible.

The Agency will only enforce those provisions of the Louisiana hazardous waste management program for which authorization approval has been granted by EPA which, by that approval, now act in lieu of similar federal regulations under RCRA section 3006 (b). This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the authorized and Federally enforceable program. Concerning HSWA, some State requirements may be similar to HSWA requirements that are in effect under Federal statutory authority in that State. However, a State's HSWA-type requirements are not authorized and will not be codified into the CFR until the Regional Administrator publishes his final decision to authorize the State for specific HSWA requirements. Until such time, EPA will enforce the HSWA requirements and not the State analogues.

B. Louisiana Authorized Hazardous Waste Program

To incorporate by reference the Louisiana authorized hazardous waste program, EPA intends to add subpart T

to 40 CFR part 272. The State statutes and regulations are incorporated by reference at 40 CFR 272.951(b)(1) and the Memorandum of Agreement, the Attorney General's Statement and the Program Description are referenced at 40 CFR 272.951(b)(5), (b)(6) and (b)(7), respectively.

The Agency retains the authority under sections 3007, 3008, 3013 and 7003 of RCRA to undertake enforcement actions in authorized States. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and the Federal Administrative Procedure Act rather than the authorized State analogues to these requirements. Therefore, the Agency does not intend to incorporate by reference for purposes of enforcement such particular, authorized Louisiana enforcement authorities. Section 272.951(b)(2) of 40 CFR lists those authorized Louisiana authorities that are part of the authorized program but are not incorporated by reference.

The public also needs to be aware that some provisions of the State's hazardous waste management program are not part of the Federally authorized State program. These nonauthorized provisions include: (1) Provisions that are not part of the RCRA Subtitle C program because they are "broader in scope" than RCRA Subtitle C (40 CFR 271.1(i)); (2) Unauthorized amendments to State provisions previously reviewed and approved by EPA.

State provisions which are "broader in scope" than the Federal program are not incorporated by reference for purposes of enforcement in 40 CFR part

272. Section 272.951(b)(3) of 40 CFR lists for reference and clarity the Louisiana statutory and regulatory provisions which are "broader in scope" than the Federal program and which are not, therefore, part of the authorized program being incorporated by reference. "Broader in scope" provisions will not be enforced by EPA; the State, however, will continue to enforce such provisions.

Louisiana's hazardous waste regulations include amendments which have not been approved by EPA. Since EPA cannot enforce a State's requirements which have not been reviewed and approved according to the Agency's authorization standards, it is important that EPA clarify any limitations on the scope of a State's approved hazardous waste program. Thus, in those instances where a State has made unauthorized amendments to previously authorized sections of State code, EPA will provide this clarification by: (1) Incorporating by reference the relevant State legal authorities according to the requirements of the Office of Federal Register; and (2) subsequently identifying in 272.951(b)(4) any requirements which while adopted and incorporated by reference, are not authorized by EPA, and therefore are not Federally enforceable. Thus, notwithstanding the language in the Louisiana hazardous waste regulations incorporated by reference at 272.951(b)(1), EPA would only enforce the State provisions that are actually authorized by EPA. For the convenience of the regulated community, the actual State regulatory text authorized by EPA for the citations listed at 272.951(b)(4) are compiled as a separate document, Addendum to the EPA-Approved Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, June 1997. This document is available from U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533. With respect to HSWA requirements for which the State has not yet been authorized, EPA will continue to enforce the Federal HSWA standards until the State receives specific HSWA authorization from EPA.

C. HSWA Provisions

As noted above, the Agency is not amending 40 CFR part 272 to include HSWA requirements and prohibitions that are immediately effective in Louisiana and other States. Section 3006(g) of RCRA provides that any requirement or prohibition of HSWA (including implementing regulations) takes effect in authorized States at the

same time that it takes effect in non-authorized States. Thus, EPA has immediate authority to implement a HSWA requirement or prohibition once it is effective. A HSWA requirement or prohibition supercedes any less stringent or inconsistent State provision which may have been previously authorized by EPA (50 FR 28702, July 15, 1985).

Because of the vast number of HSWA statutory and regulatory requirements taking effect over the next few years, EPA expects that many previously authorized and incorporated by reference State provisions will be affected. The States are required to revise their programs to adopt the HSWA requirements and prohibitions by the deadlines set forth in 40 CFR 271.21, and then to seek authorization for those revisions pursuant to 40 CFR part 271. EPA expects that the States will be modifying their programs substantially and repeatedly. Instead of amending the 40 CFR part 272 every time a new HSWA provision takes effect under the authority of RCRA section 3006(g), EPA will wait until the State receives authorization for its analog to the new HSWA provision before amending the State's 40 CFR part 272 incorporation by reference. In the interim, persons wanting to know whether a HSWA requirement or prohibition is in effect should refer to 40 CFR 271.1(j), as amended, which lists each such provision.

The incorporation by reference of State authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. This will be particularly true as more State program revisions to adopt HSWA provisions are authorized.

III. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, 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. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and

because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because it merely makes federally enforceable existing requirements with which regulated entities must already comply under State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. The requirements being authorized and codified today are the result of Louisiana's voluntary participation in accordance with RCRA Subtitle C.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector because today's action merely codifies an existing State program that EPA previously authorized. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate Treatment, storage, and Disposal Facilities (TSDFs), this codification incorporates into the CFR Louisiana's requirements which have already been authorized by EPA under 40 CFR part 271 and, thus, small governments are not subject to any additional significant or unique requirements by virtue of this authorization and codification.

IV. Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization and codification 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 state requirements authorized by EPA under 40 CFR part 271. The EPA's authorization and

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

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this codification will not have a significant economic impact on a substantial number of small entities. This codification incorporates Louisiana's requirements which have been authorized by EPA under 40 CFR Part 271 into the CFR. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

V. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office 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).

VI. 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.

VII. 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 information requirements upon the regulated community.

List of Subjects in 40 CFR Part 272

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

Authority

This document 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, 6974(b).

Dated: December 10, 1997.

Lynda F. Carroll,

Acting Regional Administrator, Region, VI.

40 CFR part 272 is amended as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

The authority citation for part 272 continues to read as follows:

Authority: Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

2. Subpart T is amended by adding § 272.951 to read as follows:

§ 272.951 Louisiana State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Louisiana has final authorization for the following elements as submitted to EPA in Louisiana's base program application for final authorizations which was approved by EPA effective on February 7, 1985. Subsequent program revision applications were approved effective on January 29, 1990, October 25, 1991, January 23, 1995, March 8, 1995, January 2, 1996, June 11, 1996 and March 16, 1998.

State Statutes and Regulations

(1) The Louisiana statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Louisiana Statutory Requirements Applicable to the Hazardous Waste Management Program, dated June, 1997.

(ii) EPA Approved Louisiana Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated June, 1997.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 2, Sections 2011.A(1)&(2), 2011.B, 2011.C (except 2011.C(1)(a)),

2011.D (introductory paragraph), 2011.D(1)–(3), 2011.D(5)–(9), 2011.D(13)–(15), 2011.D(17)&(18), 2011.D(21) (except 2011.D(21)(e)), 2011.D(22), 2011.E–G, 2012 (except 2012.F(4) and 2012.G), 2013, 2014.A, 2019.A&B, 2020 through 2021, 2023, 2024.B–C, 2025.A–D, 2025.E(2)–(5), 2025.F (introductory paragraph), 2025.F(1)–(4), 2025.G–I, 2026, 2027.C, 2028, 2029, 2033, 2037; Chapter 3, Sections 2054.B(1), 2054.B(2)(a); Chapter 9, sections 2174, 2175, 2180.A (introductory paragraph), 2180.A(2)–(8), 2180.B–C, 2181–2182, 2183.C, 2183.F, 2183.G (except 2183.G(3)), 2183.H, 2186, 2187, 2188.A, 2188.C, 2189, 2190.A–D, 2191.A–C, 2192.A, 2192.B (except 2192.B(4)), 2192.C, 2196, 2199 through 2200, 2203.B–C, 2204.A(2), and 2204.B.

(ii) Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 2, section 2011.C(1)(a), 2011.D(21)(e), 2012.F(4), 2012.G, 2018, 2019.C, 2022 (except the first sentence of 2022.A), 2024.A&D, 2025.E(1), 2025.J, 2027.A&B; Chapter 9, sections 2180.A(1), 2183.G(3), 2192.B(4).

(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: Chapter 1, sections 101, 107.A–C; Chapter 3, Sections 301.A&B, 311.A, 311.C, 315 (introductory paragraph), 323.B.3; Chapter 5, Section 503; Chapter 7, Sections 703, 705 and 707 through 721.

(iv) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments for July 1995–March 1996: Chapter 3, Section 323.B.4.d. & e.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 2, sections 2014.B–D.

(ii) Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Sections 2178 and 2197.

(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: 327, 1313, and Chapter 51.

(4) Unauthorized State Amendments. The following authorized provisions of

the Louisiana regulations include amendments published in the Louisiana Register that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. Thus, notwithstanding the language in the Louisiana hazardous

waste regulations incorporated by reference at § 272.951(b)(1), EPA will only enforce the authorized State provisions with the effective dates indicated in the table below. The actual State regulatory text authorized by EPA for the listed provisions are available as a separate document, Addendum to the

EPA-Approved Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, June, 1997. Copies of the document can be obtained from EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533.

State provision	Effective date of authorized provision	Unauthorized state amendments	
		State reference	Effective date
LAC § 109 "Industrial furnace" introductory paragraph	November 20, 1988	LR 18:1375	December 20, 1992.
LAC § 303.K.1 (previously LHWR § 3.2(k)(1))	July 20, 1984	LR 14:790	November 20, 1988.
LAC § 901 (LHWR § 6.1)	March 20, 1984	LR 20:1000	September 20, 1994.
LAC § 1111.B.1.c (previously LHWR § 7.6(b)(1))	March 20, 1984	LR 16:220	March 20, 1990.
LAC § 1113 (previously LHWR § 7.7)	March 20, 1984	LR 16:220	March 20, 1990.
		LR 20:1000	September 20, 1994.
		LR 20:1109	October 20, 1994.
LAC § 2511.B (previously LHWR § 14.6(b))	March 20, 1984	LR 16:1057	December 20, 1990.
LAC § 3105.A	November 21, 1988	LR 18:1256	November 20, 1992.
		LR 18:1375	December 20, 1992.
		LR 20:1000	September 20, 1994.
LAC § 3309 (previously LHWR § 18.5)	July 20, 1984	LR 16:614	July 20, 1990.
LAC § 3707.F.1 (previously LHWR 20.4(f)(1))	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 3707.F.2 (previously LHWR 20.4(f)(2))	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 3711.F.1	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 3711.F.2	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 3711.G (previously LHWR 20.4(g))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 3715.F.1 (previously LHWR § 20.8(f)(1))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4141	March 20, 1992	LR 18:1375	December 20, 1992.
LAC § 4307 (previously LHWR § 23.4)	March 20, 1984	LR 21:944	September 20, 1995.
LAC § 4397.B	August 20, 1987	LR 21:266	March 20, 1995.
LAC § 4403.E.1	March 20, 1990	LR 18:723	July 20, 1992.
LAC § 4403.E.2	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 4403.F (previously LHWR § 23.52(f))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4407.A.12 (previously LHWR § 23.54(a)(12))	March 20, 1984	LR 13:433	August 20, 1987.
		LR 18:723	July 20, 1992.
LAC § 4407.E.1&2	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 4407.F (previously LHWR § 23.54(f))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4503.B introductory paragraph (previously LHWR § 23.102(b)).	March 20, 1984	LR 16:1057	December 20, 1990.
LAC § 4513.A	March 20, 1990	LR 18:1375	December 20, 1992.
		LR 20:1000	September 20, 1994.
LAC § 4901.D.3	September 20, 1994	LR 21:266	March 20, 1995.

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the Louisiana Department of Environmental Quality—Hazardous Waste Division, signed by the EPA Regional Administrator on December 18, 1995, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Statement of Legal Authority. "Attorney General's Statement for Final Authorization", signed by the Attorney General of Louisiana on May 10, 1989 and revisions, supplements and addenda to that Statement dated May 13, 1991, May 3, 1994, December 2, 1994, May 31, 1995, July 24, 1995, and November 30, 1995, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) Program Description. The Program Description and any other materials

submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

3. Appendix A to Part 272 is amended by adding in alphabetical order, "Louisiana" and its listing to read as follows:

Appendix A to Part 272—State Requirements

Louisiana

The statutory provisions include: Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 1, sections 2002, 2003, 2004 introductory paragraph, 2004(1)–(8), 2004(10), 2004(13), 2004(14) introductory paragraph, 2004(14)(a)&(e), 2004(15); Chapter 9, sections 2172, 2173 (except 2173(2), 2173(9) and 2173(11) introductory

paragraph), 2183.A,B,D&E, 2183.I, 2188.B, 2201, 2202, 2203.A, 2204.A(1) and 2204.C.

Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 1, Section 2004(9); Chapter 2, Section 2022.A first sentence, Chapter 8, Section 2153(1); Chapter 9, Sections 2173(2) and 2173(11); Chapter 18, Section 2417.E(5).

Copies of the Louisiana statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-0526.

The regulatory provisions include: Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: Chapter 1, Sections 103, 105 introductory paragraph, 105.A–C, 105.D.2–.12, 105.D.13 (except the phrase "except as * * * process hazardous waste"), 105.D.14–.17, 105.D.18 (except the phrase "except as * * * process hazardous waste"), 105.D.19–.32, 105.D.33 (except 105.D.33.c), 105.D.34, 105.D.35, 105.D.37–.42, 105.D.43 (except 105.D.43.f),

105.D.45–47, 105.E through 105.I, 105.J.1, 105.K, 105.L; 109 Definitions (except for “Carbon Regeneration Unit”, “Commercial Boiler”, “Commercial Industrial Furnace”, “Consignee”, “Containment Building”, “Designated Facility”, “EPA Acknowledgement of Consent”, Item 7 of “Hazardous Waste”, Item 2 of “Incinerator”, Item 12 of “Industrial Furnace”, “Infrared Incinerator”, the phrase “containment building” in “Miscellaneous Unit”, “Partial Closure”, the phrase “and that is not a containment building” in “Pile”, “Plasma Arc Incinerator”, “Primary Exporter”, “Receiving Country”, “Sludge Dryer”, “Solid Waste”, “Transit Country” and “Waste Reduction”), 111; Chapter 3, Sections 303, 305.B–E, 307, 309 (except 309.L.3.b), 311.B&E, 313, 315.A–D, 317, 319, 321 (except 321.C.2.i), 322, 323.A, 323.B introductory paragraph, 323.B.1, 323.B.2 (except 323.B.2.e), 323.B.4, 325 and 329; Chapter 5, Sections 501, 505, 507 through 513, 515 (except for 515.25), 516, 517 (except 517.V), 519, 520, 521 through 532, 533 (except 533.B), 534 and 536; Chapter 7, Section 701; Chapter 9, Sections 901 through 923; Chapter 11, Sections 1101 (except 1101.B&F), 1103 introductory paragraph, 1103.B (except the phrase “For the purposes of compliance with LAC 33:V.Chapter 22, or”), 1105, 1107 (except 1107.A.4 and 1107.D.5), 1108, 1109 (except 1109.E.1.d, E.8 and E.9), 1111.A, 1111.B.1 introductory paragraph (except the phrase “to a treatment, storage, or disposal facility within the United States”), 1111.B.1.a–c, 1111.B.1.d (except the phrase “within the United States”), 1111.B.1.e (except the phrase “within the United States”), 1111.B.1.f, 1111.B.2 (except the phrase “for a period of at least three years from the date of the report” and the third and fourth sentences), 1111.C–D, 1113, 1115 through 1121; Chapter 13, Sections 1301 through 1305, 1307.A introductory paragraph (except last sentence), 1307.B, 1307.C (except last sentence), 1307.D, 1307.E (except the phrase “and, for exports, an EPA Acknowledgement of Consent” at 1307.E.2), 1307.F (except the phrase “and, for exports, an EPA Acknowledgement of Consent” at 1307.F.2), 1307.G (except 1307.G.4), 1307.H, 1309, 1311, 1315 through 1323; Chapter 15, Sections 1501 through 1517, 1519 (except 1519.B.8 and 1519.D), 1521 through 1527, 1529 (except 1529.B.12–19), 1531; Chapter 17, Sections 1701 through 1745; Chapter 19, Sections 1901 (except 1901.C&D), 1903, 1905.A–G, 1907, 1909.A–C, 1911, 1913, 1915.A–C, 1917 and 1919; Chapter 21, Sections 2101 (except 2101.D), 2103 through 2117; Chapter 23, Sections 2301, 2303 (except 2303.K), 2304 through 2309, 2311 (except the phrase “the waste and the pile satisfy all applicable requirements of LAC 33:V.Chapter 22, and” at 2311.A), 2313, 2315 and 2317; Chapter 25, Sections 2501, 2503.A through 2503.J, 2503.K (except 2503.K.1.o), 2503.L–N, 2504 through 2509, 2511.A introductory paragraph (except the phrase “the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and”), 2511.A.2 (except the phrase “or LAC 33:V.4321 for interim status facilities”), 2511.B, 2513 through 2517, 2519 (except 2519.F), 2521 (except 2521.B.2) and 2523;

Chapter 26, Sections 2601, 2602 and 2603 (except 2603.F.1); Chapter 27, Sections 2701, 2703 (except for 2703.I&J), 2705 through 2713, 2715 introductory paragraph (except the phrase “the waste and the treatment zone meet all applicable requirements of LAC 33:V.Chapter 22, and”), 2715.A&B, 2717 through 2723; Chapter 29, Sections 2901, 2903 (except 2903.I), 2904 through 2911, 2913 introductory paragraph (except the phrase “the waste and impoundment satisfy all applicable requirements of LAC 33:V.Chapter 22, and”), 2913.A.1, 2913.A.2 (except the phrase “or for interim status facilities”), 2915 and 2917; Chapter 31, Sections 3101, 3103, 3105 (except 3105.D), 3107 through 3121; Chapter 32, sections 3201 through 3207; Chapter 33, Sections 3301, 3303 (except 3303.C&D), 3305 through 3313, 3315 (except for 3315.K), 3317 through 3322, 3323 (except the phrase “or its successor agency” at 3323.D) and 3325; Chapter 35, Sections 3501 through 3505, 3507 (except the phrase “1803, 1911” at 3507.C), 3509 through 3527; Chapter 37, Sections 3701, 3703, 3705 (except the last sentence of 3705.D), 3707.A–F, 3707.G (except the phrase “and financial test and guarantee, except that the financial test and guarantee may not be combined” in the second sentence), 3707.H, 3707.I (except the phrase “, and for facilities subject to LAC 33:V.3525 * * * LAC 33:V.3525.B.2”, and the two occurrences of the phrase “or that the owner or operator has failed * * * LAC 33:V.3525”), 3709 through 3713, 3715 (except 3715.F.8), 3717 through 3719; Chapter 40, Sections 4001 through 4025, 4027 (except 4027.C), 4029 through 4093; Chapter 41, Sections 4101, 4103, 4105 introductory paragraph, 4105.A, 4105.B (introductory paragraph), 4105.B.1 introductory paragraph (except the phrase “except that”), 4105.B.1 (except 4105.B.1.a&b), 4105.B.2, 4105.B.4–14, 4105.C, 4105.E, 4107 through 4113, 4115.A (except the reference “22,”), 4115.B, 4137, 4139.A.1, 4139.A.2 (except 4139.A.2.b&c), 4139.B.1, 4139.B.4, 4143, 4145; Chapter 43, Sections 4301 (except the last sentence of 4301.E), 4302, 4303 through 4305, 4307 through 4335, 4337 through 4349, 4351 through 4355, 4357 (except 4357.B.8–14), 4359 through 4365, 4367 through 4375, 4377 (except 4377.B.4), 4379 (except the phrase “and LAC 33:V.4705” at 4379.C), 4381 through 4395, 4397, 4399 (except 4399.A.6.i), 4401, 4403 (except for the phrase “and after receiving the certification required under LAC 33:V.4393.B.2 for facilities subject to LAC 33:V.4393” and the two occurrences of the phrase “or that the owner or operator has failed * * * LAC 33:4393” in 4403.H), 4405 through 4411, 4413, 4417 through 4429, 4431 through 4445, 4447 through 4455, 4457.A, 4457.B (except the first occurrence of 4457.B.2), 4459 (except the phrase “the waste and impoundment satisfy all applicable requirements of LAC 33:V.Chapter 22.” at 4459.A), 4461, 4462 (except 4462.H), 4463 through 4470, 4471 (except the phrase “the waste and pile satisfy all applicable requirements of LAC 33:V.Chapter 22 and”), 4472 through 4476, 4477 through 4493, 4495 through 4499, 4501 (except 4501.D.3), 4502, 4503 (except the phrase “and landfill meet all applicable requirements of LAC

33:V.Chapter 22, and the waste” at 4503.A introductory paragraph), 4505 through 4509, 4511 introductory paragraph, 4511.A–D, 4511.E (except the two occurrences of the reference “and F”), 4512, 4513 through 4522, 4523 (except the phrase “and LAC 33:V.Chapter 30 * * * LAC 33:V.109” at the end of the paragraph), 4525 through 4534, 4535 through 4547, 4549 through 4559, 4561 through 4589, 4591 through 4601; Chapter 49, Sections 4901.A through 4901.F, 4901.G (except the entries for EPA Hazardous Waste Numbers K042 and 151 in Table 6), 4903 through 4907, Appendices A through D.

Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments for July 1995—March 1996; Chapter 1, Sections 109 “Designated facility”, 109 “Partial Closure”, 109 “Solid Waste”; Chapter 3, Sections 305.A, 309.L.3.b, 321.C.2.i, 323.B.2.e, 323.B.4.c, Chapter 5, Section 533.B; Chapter 7, Section 706; Chapter 11, Section 1101.B; Chapter 25, Section 2521.B.2; Chapter 26, Section 2603.F.1; Chapter 28, Sections 2801 through 2809; Chapter 41, Sections 4115.C, 4139.B.2&3; Chapter 49, Sections 4901.G Table 6 (entries for EPA Hazardous Waste Numbers K042 and 151 only), Appendix A (entry for 2,6-Toluenedine only) and Appendix B (paragraphs 8.2 and 8.2.5 through 8.2.5.4).

Copies of the Louisiana regulations that are incorporated by reference are available from Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804-9095.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

[Docket No. 971128280-7280-01; I.D. 090997C]

Inspection and Certification Fees and Charges

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of inspection fees.

SUMMARY: NMFS announces changes in its fees and charges for voluntary fishery products inspection, grading, and certification services. NMFS increased the basic fee for full-time in-plant inspection services by \$1.95, making the hourly rate \$44.40. This fee reflects increases in salary and includes a 3-percent base salary increase and varying locality pay increases effective January 1998. NMFS is continuing its separate fee structure for facilities with less than full-time contract services.

DATES: These fee changes are effective on December 29, 1997.