

the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 11, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180 — [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.459, is amended as follows:

- i. By adding a heading to paragraph (a).
- ii. In paragraph (b), by alphabetically adding the commodities to the table in paragraph (a), removing the remaining text, and by reserving and adding a heading.
- iii. By adding heading and reserving paragraphs (c) and (d) to read as follows.

§180.459 Triasulfuron; tolerances for residues

(a) *General.* * * *

Commodity	Parts per million
Cattle, kidney	00.5
Goat, kidney	00.5
Grass, forage	07.0
Grass, hay	02.0
Horses, kidney	00.5
Sheep, kidney	00.5

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 98-22192 Filed 8-17-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6145-2]

Delaware: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Delaware 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 Delaware's application and has determined that Delaware's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received on this action during the review and comment period provided in a companion document in the "Proposed Rules" section of today's **Federal Register**, EPA's decision to approve Delaware's hazardous waste program revision will take effect as provided below. Delaware's application for program revision is available for public review and comment.

DATES: Final authorization for the State of Delaware shall be effective October 19, 1998 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. Any comments on Delaware's program revision application must be filed as provided in the companion document on this action, appearing in the Proposed Rules section of today's **Federal Register**.

ADDRESSES: Copies of Delaware's program revision application are available from 8 a.m. to 4:30 p.m., Monday through Friday, at the following addresses for inspection and copying: Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, DE 19903; and U.S. EPA Region III, Waste & Chemicals Management Division, 10th Floor, 1650 Arch Street, Philadelphia, PA 19103 phone (215) 814-3384. Written comments should be sent to Marie Owens, Mailcode 3WC21, RCRA State Programs Branch, 1650 Arch Street, Philadelphia, PA 19103, phone (215) 814-3384.

FOR FURTHER INFORMATION CONTACT: Marie Owens, Mailcode 3WC21, RCRA State Programs Branch, 1650 Arch

Street, Philadelphia, PA 19103, phone (215) 814-3384.

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 124, 260 through 266, 268, 270, 273 and 279.

B. Delaware

Delaware received final authorization effective June 22, 1984 (see 53 FR 23837, June 8, 1984) to implement its hazardous waste management program in lieu of the Federal program. On January 31, 1986 (see 51 FR 3954), the authorized Delaware program was incorporated by reference into the Code of Federal Regulations (CFR). On April 9, 1996, Delaware submitted a program revision application for additional approval in accordance with the requirements of 40 CFR 271.21(b)(3) (Procedures for Revisions of State Programs). Delaware received final authorization on this program revision application on October 7, 1996 (see 61 FR 41345). On June 15, 1998, Delaware submitted a second program revision application for additional approval in accordance with the requirements of 40 CFR 271.21(b)(3) (Procedures for Revisions of State Programs).

EPA has reviewed Delaware's application, and has made an immediate final decision, subject to review and comment, that Delaware'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 Delaware. As provided in the Proposed Rules section of today's **Federal Register**, the public may submit written comments on EPA's proposed final decision until September 17, 1998. Copies of Delaware's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of Delaware's program revision shall become effective in 60 days from the date this document is published, unless an adverse written 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 document containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Delaware's program revision application includes State regulatory changes that are at least equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260 through 266, and 270 that were published in the **Federal Register** through January 31, 1995. In addition, the State is seeking authorization for a delisting program. The State was not authorized for this optional program at the time of its Base Program authorization. This proposed approval includes the provisions that

are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements. Unless otherwise indicated, the listed Delaware regulatory references are to the Delaware Regulations Governing Hazardous Waste 1996. The statutory references are to 7 Delaware Code Annotated 1991. In addition to the provisions listed in the table, Delaware has adopted provisions analogous to 40 CFR 268.5, 268.6, 268.42(b) and 268.44(a)-(g) and has correctly left the implementation authority with EPA for these non-delegable provisions. In addition, Delaware has an analog to 40 CFR 268.44(h)-(m), but has left the authority with EPA for granting variances from a treatment standard.

Federal citation	Delaware authority
Base Program	
Delisting Requirements (45 FR 33073, 05-19-85).	7 Delaware Code Annotated (7 Del. Code) § 6305(a); Delaware Regulations Governing Hazardous Waste (DRGHW) §§ 260.20 [as amended effective 8/21/97], 260.22 [as amended effective 8/21/97].
HSWA Cluster I	
17B, Delisting (50 FR 28702, 07-15-85)	7 Del. Code § 6305(a), DRGHW §§ 260.22(a)-(e) [as amended effective 8/21/97], 260.22(m) [as amended effective 8/21/97].
Non-HSWA Cluster VI	
CL 65, Mining Waste Exclusion I (54 FR 36592-36642, 09-01-89).	7 Del. Code § 6305(a); DRGHW §§ 261.3(a)(2)(i), 261.3(a)(2)(iii), 261.4(b)(7), 261.4(b)(7)(i), 261.4(b)(7)(ii).
CL 67, Testing and Monitoring Activities (54 FR 40260-40269, 09-29-89).	7 Del. Code §§ 6305(a) and 6306(d); DRGHW § 260.11(a) except "Evaluating Solid Waste Physical/Chemical Methods and List of 47 Analytical Testing Methods; 260.11(a) "Evaluating Solid Waste Physical/Chemical Methods and List of 47 Analytical Testing Methods [as amended effective through 1995]; 261 Appendix III [as amended effective through 1995].
CL 70, Changes to Part 124 Not Accounted for by Present Checklists (48 FR 14146-14295, 04-01-83), (48 FR 30113-30115, 06-30-83), (53 FR 28118-28157, 07-26-88), (53 FR 37396-37414, 09-26-88), (54 FR 246-258, 01-04-89).	7 Del. Code § 6305(a)(16); DRGHW §§ 124.3(a), 124.3(a)(1), 124.3(a)(2), 124.3(a)(3), 124.5(a), 124.5(c)(1)&(3), 124.5(d), 124.6(c)(1)-(4), 124.10(c)(1)(iii), 124.10(c)(1)(iv), 124.10(c)(1)(v), 124.12(a)(2).
CL 71, Mining Waste Exclusion II (55 FR 2322-2354, 01-23-90).	7 Del. Code §§ 6305(a) and 6306; DRGHW §§ 260.10 [as amended effective 8/21/97], 261.4(b)(7), 261.4(b)(7)(i)-(xx), 262.23(e).
CL 72, Modifications of F019 Listing (55 FR 5340-5342, 02-14-90).	7 Del. Code § 6305(a)(1); DRGHW § 261.31(a) [as amended effective 8/21/97].
Non-HSWA Cluster VI	
CL 73, Testing and Monitoring Activities; Technical Corrections (55 FR 8948-8950, 03-09-90).	7 Del. Code §§ 6305(a) and 6306(d); DRGHW § 260.11(a), 261 Appendix III/Table 2&3 [as amended effective through 1995].
CL 76, Criteria for Listing Toxic Wastes; Technical Amendment (55 FR 18726, 05-04-90).	7 Del. Code § 6305(a)(1); DRGHW § 261.11(a)(3).
HSWA Cluster II	
CL 68, Reportable Quantity Adjustment Methyl Bromide Production Wastes (54 FR 41402-41408, 10-06-89).	7 Del. Code § 6305(a)(1); DRGHW §§ 261.32, 261 Appendix III [as amended effective through 1995], 261 Appendix VII.
CL 69, Reportable Quantity Adjustment (54 FR 50968-50979, 12-11-89).	7 Del. Code § 6305(a)(1); DRGHW §§ 261.31(a) [as amended effective 8/21/97], 261 Appendices VII & VIII.
CL 75, Listing of 1,1-Dimethylhydrazine Production Wastes (55 FR 18496-18506, 05-02-90).	7 Del. Code § 6305(a)(1); DRGHW §§ 261.32, 261 Appendix III [as amended effective through 1995], 261 Appendix VII.

Federal citation	Delaware authority
CL 79, Organic Air Emission Standards for Process Vents and Equipment Leaks (55 FR 25454-25519, 06-21-90).	7 Del. Code §§ 6305, 6304(b), and 6304(e); DRGHW §§ 260.11(a), 261.6(c)(1), 261.6(c)(2)(iii), 261.6(d), 264.13(b)(6), 264.15(b)(4), 264.73(b)(3), 264.73(b)(6), 264.77(c), 264.1030(a), 264.1030(b), 264.1030(b)(1), 264.1030(b)(2), 264.1030(c) [as amended effective 8/21/97], 264.1031, 264.1032, 264.1033, 264.1034, 264.1035, 264.1036, 264.1050 except 264.1050(c), 264.1050(c) [as amended effective 8/21/97], 264.1051, 264.1052, 264.1053 through 264.1065, 265.13(b)(6) [as amended effective 8/21/97], 265.15(b)(4), 265.73(b)(3), 265.73(b)(6), 265.77(d), 265.1030, 265.1031, 265.1032, 265.1033, 265.1034, 265.1035, 265.1050, 265.1051 [as amended effective 8/21/97], 265.1052, 265.1053 through 265.1064, 122.14(b)(5), 122.14(b)(8)(iv), 122.14(b)(8)(v), 122.14(b)(8)(vi), 122.24, 122.25.
RCRA Cluster I, Non-HSWA Rule	
CL 86, Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment (56 FR 7567-7568, 02-25-91).	7 Del. Code § 6305(a)(1); DRGHW §§ 261.33(e), 261 Appendix VIII.
CL 90, Mining Waste Exclusion III (56 FR 27300-27330, 06-13-91).	7 Del. Code § 6305(a); DRGHW § 261.4(b)(7).
RCRA Cluster I, HSWA	
CL 87, Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment.	7 Del. Code §§ 6304(b), 6304(e), and 6305(e); DRGHW §§ 264.1030(a)&(b), 264.1033(f)(3), 264.1035(b)(4)(ii), 264.1052(b)(1), 265.13(b)(6) [as amended effective 8/21/97], 265.73(b)(3), 265.1030(b), 265.1034(c)(1)(vi), 265.1035(b)(4)(ii), 265.1035(c)(5), 265.1052(e)(3), 265.1064(c), 122.24(d)(2), 122.25(e)(2).
CL 89, Revision to the Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038) (56 FR 21955-21960, 05-13-91).	7 Del. Code § 6305(a)(1); DRGHW § 261.31(a) [as amended effective 8/21/97].
RCRA Cluster II, Non-HSWA	
CL 99, Amendments to Interim Status Standards for Downgradient Ground Water Monitoring Well Locations (56 FR 66365-66369, 12-23-91).	7 Del. Code § 6305(a)(10); DRGHW §§ 260.10, 265.91(a)(3), 265.91(a)(3)(i), 265.91(a)(3)(ii), 265.91(a)(3)(iii), 265.91(a)(3)(iv).
RCRA Cluster II, HSWA	
CL 97, Exports of Hazardous Waste; Technical Correction (56 FR 43704-43705, 09-04-91).	7 Del. Code §§ 6305(a) and 6306; DRGHW §§ 262.53(b), 262.56(b).
CL 104, Used Oil Exclusion (57 FR 21524-21534, 05-20-92).	7 Del. Code § 6305(a); DRGHW §§ 261.4(b)(13), 261.4(b)(13)(i), 261.4(b)(13)(ii), 261.4(b)(13)(iii), 261.4(b)(13)(iv).
RCRA Cluster III, HSWA	
CL 107, Used Oil Filter Exclusion; Technical Corrections (57 FR 29220, 07-01-92).	7 Del. Code § 6305(a); DRGHW § 261.4(b)(13).
CL 108, Toxicity Characteristic Revisions; Technical Corrections (57 FR 30657-30658, 07-10-92).	7 Del. Code § 6305(a); DRGHW §§ 261.4(b)(6)(ii), 261.4(b)(9).
CL 115, Chlorinated Toluenes Production Waste Listing (57 FR 47376-47386, 10-15-92).	7 Del. Code § 6305(a)(1); DRGHW §§ 261.32, 261 Appendix VII.
CL 117B, Toxicity Characteristic Amendment (57 FR 23062-23063, 06-01-92).	7 Del. Code § 6305(a); DRGHW § 261.3(a)(2)(i).
CL 118, Liquids in Landfills II (57 FR 54452-54461, 11-18-92).	7 Del. Code §§ 6304(b) and 6305(a)(4); DRGHW §§ 260.10, 264.13(c)(3), 264.314(a)(2), 264.314(b), 264.314(d)(1)(ii), 264.314(e), 264.314(e)(1), 264.314(e)(1)(i), 264.314(e)(1)(ii), 264.314(e)(1)(iii), 264.314(e)(2), 264.314(e)(2)(i), 264.314(e)(2)(ii), 264.314(f), 264.314(f)(1), 264.314(f)(2), 264.316(b), 264.316(c), 265.13(c)(3), 265.314(a)(2), 264.314(b), 265.314(c)(1)(ii), 265.314(f), 265.314(f)(1), 265.314(f)(1)(i), 265.314(f)(1)(ii), 265.314(f)(1)(iii), 265.314(f)(2), 265.314(f)(2)(i), 265.314(f)(2)(ii), 265.314(g), 265.314(g)(1), 265.314(g)(2), 265.316(b), 265.316(c).
CL 119, Toxicity Characteristic Revision; TCLP Correction (57 FR 55114-55117, 11-24-92), (58 FR 6854, 02-02-93).	7 Del. Code §§ 6305(a) and 6306; DRGHW §§ 261 Appendix II, 8.2, 8.2.2, 8.2.5, 8.4, 8.4.1, 8.4.2, 8.4.3, 8.4.4, and 8.5 [as amended effective through 1995].

Federal citation	Delaware authority
RCRA Cluster III, Non-HSWA	
CL 113, Consolidated Liability Requirements (53 FR 33938–33960, 09–01–88), (56 FR 30200, 07–01–91), (57 FR 42832–42844, 09–16–92).	7 Del. Code §§ 6305(a)(11) and 6307(h); DRGHW §§ 264.141(h), 264.143(f)(10), 264.145(f)(11), 264.147(a), 264.147(a)(2), 264.147(a)(3), 264.147(a)(4), 264.147(a)(5), 264.147(a)(6), 264.147(a)(7), 264.147(a)(7)(i), 264.147(a)(7)(ii), 264.147(a)(7)(iii), 264.147(b), 264.147(b)(2), 264.147(b)(3), 264.147(b)(4), 264.147(b)(5), 264.147(b)(6), 264.147(b)(7), 264.147(b)(7)(i), 264.147(b)(7)(ii), 264.147(b)(7)(iii), 264.147(f)(6), 264.147(g), 264.147(g)(1), 264.147(g)(1)(ii), 264.147(g)(2)(i), 264.147(g)(2)(ii), 264.147(h), 264.147(h)(1), 264.147(h)(2), 264.147(h)(3), 264.147(h)(4), 264.147(h)(5), 264.147(i), 264.147(i)(1), 264.147(i)(2), 264.147(i)(3), 264.147(i)(4), 264.147(i)(4)(i), 264.147(i)(4)(ii), 264.147(j), 264.147(j)(1), 264.147(j)(2), 264.147(j)(3), 264.147(j)(4), 264.147(k), 264.151(b), 264.151(f) [as amended effective 8/21/97], 264.151(g) [as amended effective 8/21/97], 264.151(h)(1) [as amended effective 8/21/97], 264.151(h)(2) [as amended effective 8/21/97], 264.151(i)(2)(d), 264.151(j)(2)(d), 264.151(k), 264.151(l), 264.151(m)(1) [as amended effective 8/21/97], 264.151(m)(2), 264.151(n)(1) [as amended effective 8/21/97], 264.151(n)(2), 265.141(h), 265.143(e)(10), 265.145(e)(11), 265.147(a), 265.147(a)(2), 265.147(a)(3), 265.147(a)(4), 265.147(a)(5), 265.147(a)(6), 265.147(a)(7), 265.147(a)(7)(i), 265.147(a)(7)(ii), 265.147(a)(7)(iii), 265.147(b), 265.147(b)(2), 265.147(b)(3), 265.147(b)(4), 265.147(b)(5), 265.147(b)(6), 265.147(b)(7), 265.147(b)(7)(i), 265.147(b)(7)(ii), 265.147(b)(7)(iii), 265.147(f)(6), 265.147(g), 265.147(g)(1), 265.147(g)(1)(iii), 265.147(g)(2)(i), 265.147(g)(2)(ii), 265.147(h), 265.147(h)(1), 265.147(h)(2), 265.147(h)(3), 265.147(h)(4), 265.147(h)(5), 265.147(i), 265.147(i)(1), 265.147(i)(2), 265.147(i)(3), 265.147(i)(4), 265.147(i)(4)(i), 265.147(i)(4)(iii), 265.147(j), 265.147(j)(1), 265.147(j)(2), 265.147(j)(3), 265.147(j)(4), 265.147(k).
RCRA Cluster IV, Non-HSWA	
CL 129, Revision of Conditional Exemption for Small Scale Treatability Studies (59 FR 8362–8366, 02–18–94).	7 Del. Code § 6305(a), DRGHW §§ 261.4(e)(2)(i), 261.4(e)(2)(ii), 261.4(e)(3), 261.4(e)(3)(i), 261.4(e)(3)(ii), 261.4(e)(3)(iii), 261.4(e)(3)(iii)(A), 261.4(e)(3)(iii)(B), 261.4(e)(3)(iii)(C), 261.4(e)(3)(iii)(D), 261.4(e)(3)(iii)(E), 261.4(f)(3), 261.4(f)(4), 261.4(f)(5).
RCRA Cluster V, HSWA and Non-HSWA	
CL 137, Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes (59 FR 47982–48110, 09–19–94), (60 FR 242–302, 01–03–95).	7 Del. Code §§ 6304(a), 6304(b), 6305, 6307, and 6314, DRGHW §§ 260.30 intro, 260.30(b), 260.31(a), 260.31(b), 260.32 intro, 260.33 intro, 260.33(a), 260.33(b), 261.2(e)(1)(iii), 264.1(g)(6), 265.1(c)(10), 266.23(a), 266.100(c)(1), 266.100(c)(3), 266.100(e)(i) through (e)(ii)(C), 266 Appendix XIII, 268.1(c)(3)(ii), 268.1(c)(3)(iii), 268.1(e)(4), 268.1(e)(5), 268.2(g), 268.2(i), 268.7(a), 268.7(a)(1) intro [as amended effective 8/21/97], 268.7(a)(1)(i), 268.7(a)(1)(ii), 268.7(a)(1)(iii), 268.7(a)(1)(iv), 268.7(a)(1)(v), 268.7(a)(1)(vi), 268.7(a)(2), 268.7(a)(2)(i), 268.7(a)(2)(i)(A), 268.7(a)(2)(i)(B) [as amended effective 8/21/97], 268.7(a)(2)(i)(C), 268.7(a)(2)(i)(D), 268.7(a)(2)(ii) [as amended effective 8/21/97], 268.7(a)(3), 268.7(a)(3)(i), 268.7(a)(3)(ii), 268.7(a)(3)(iii), 268.7(a)(3)(iv), 268.7(a)(3)(v), 268.7(a)(3)(v)(A), 268.7(a)(3)(v)(B), 268.7(a)(3)(vi), 268.7(a)(3)(vii), 268.7(a)(4), 268.7(a)(4)(i), 268.7(a)(4)(ii) [as amended effective 8/21/97], 268.7(a)(4)(iii), 268.7(a)(5), 268.7(a)(6), 268.7(a)(7), 268.7(a)(8), 268.7(a)(9), 268.7(a)(10) [as amended effective 8/21/97], 268.7(b)(4)(ii), 268.7(b)(5)(iv), 268.7(d), 268.7(d)(1), 268.9(a), 268.9(d) intro [as amended effective 8/21/97], 268.9(d)(1)(i) [as amended effective 8/21/97], 268.9(d)(1)(ii), 268.9(d)(2)(i), 268.9(d)(2)(ii), 268.38(a), 268.38(b), 268.38(c), 268.38(d), 268.38(d)(1), 268.38(d)(2), 268.38(d)(3), 268.38(d)(4), 268.38(e), 268.40(a), 268.40(a)(1), 268.40(a)(2), 268.40(a)(3), 268.40(b) [as amended effective 8/21/97], 268.40(c), 268.40(d), 268.40(d)(1), 268.40(d)(2), 268.40(d)(3), 268.40(e), 268.40(f), 268.40/Table, 268.41 and Table CCWE, 268.42 note, 268.42(a), 268.42(a)/Table 1, 268.42(a)/Table 2, 268.42(a)/Table 3, 268.42(c)(2), 268.42(d), 268.43, 268.43/Table CCW, 268.45(b)(2), 268.46, 268.48(a), 268.48/Table UTS, 268 Appendix IV, 268 Appendix V, 268 Appendix X.

Federal citation	Delaware authority
Consolidated	
<p>BIF—Consolidated Checklist for the Burning of Hazardous Waste in Boilers and Industrial Furnaces CLs 85, 94, 96, 98, 105, 110, 111, 114, 125, 127, (56 FR 7134, 02–21–91), (56 FR 32688, 07–17–91), (56 FR 42504, 08–27–91), (56 FR 43874, 09–05–91), (57 FR 27880, 06–22–92), (57 FR 37284, 08–18–92), (57 FR 38558, 08–25–92), (57 FR 44999, 09–30–92), (58 FR 38816, 07–20–93), (58 FR 59598, 11–09–93).</p>	<p>7 Del. Code §§ 6305(a) and 6307, DRGHW §§ 260.10, 260.11(a), 260.20(a) [as amended effective 8/21/97], 261.2(d)(2), 261.2(d)(2)(i)–(iii), 261.2(d)(3) introductory paragraph [as amended effective 8/21/97], 261.2(d)(3)(i)&(ii), 261.2(e)(2)(iv), 261.3(c)(2)(ii)(B), 261.4(a)(10), 261.4(b)(4), 261.4(b)(7), 261.4(b)(8), 261.6(a)(2), 261.6(a)(2)(ii), 261.6(a)(3)(vii), 261.32, 261 Appendix VII, 264.1(g)(2) [as amended effective 8/21/97], 264.112(d)(1), 264.340(a), 265.1(c)(6), 265.112(a), 265.112(d)(1), 265.112(d)(2), 265.112(d)(2)(i)&(ii), 265.113(a)&(b), 265.340(a), 265.370, 266 Subpart D, 266.100 (a) through (e) intro, 266.100(e)(i) through (e)(ii)(C) [as amended effective through 1996], 266.100(f), 266.101, 266.102, 266.103(a) except 266.103(a)(4)(vii), 266.103(a)(4)(vii) [as amended effective 8/21/97], 266.103(b) except 266.103(b)(6)(viii)(B), 266.103(b)(6)(viii)(B) [as amended effective 8/21/97], 266.103(c) introductory paragraph, 266.103(c)(1), 266.103(c)(2) except 266.103(c)(2)(ii)(D)(3), 266.103(c)(2)(ii)(D)(3) [as amended effective 8/21/97], 266.103(c)(3) except 266.103(c)(3)(i), 266.103(c)(3)(i) [as amended effective 8/21/97], 266.103(c)(4)–(8), 266.104 through 266.111, 266.112 except 266.112(b)(2)(i), 266.112(b)(2)(i) [as amended effective 8/21/97], 266 Appendix I/Table I–A through I–E, Appendix II–VIII, Appendix IX [as amended effective 8/21/97], Appendix X & XI, Appendix XII [as amended effective 8/21/97], 122.22, 122.42(c)(1)(iv), 122.42(g), 122.42(g)(1), 122.42(g)(1)(i)–(v), 122.42 Appendix I, 122.66 (a)&(b), 122.66(c) intro, 122.66(c)(1)&(2) intro, 122.66(c)(2)(i)&(ii) [as amended effective through 1995], 122.66(c)(3) through (c)(9), 122.66(d)–(g), 122.72(a)(6), 122.72(b)(7), 122.73(f)&(g).</p>
<p>Wood Preserving—Consolidated Checklist for the Wood Preserving Listings, CLs 82, 91, 92, 101, 120 (55 FR 50450, 12–06–90), (56 FR 27332, 06–13–91), (56 FR 30192, 07–01–91), (57 FR 5859, 02–18–92), (57 FR 61492, 12–24–92).</p>	<p>7 Del. Code § 6305(a), DRGHW §§ 260.10, 261.4(a)(9)(i)&(ii), 261.31(a) [as amended effective 8/21/97], 261.35(a)–(c), 261 Appendix III Table 1 [as amended effective through 1995], 261 Appendices VII & VIII, 262.34(a)(1), 262.34(a)(1)(i)–(iii), 262.34(a)(1)(iii)(A)&(B), 262.34(a)(2), 264.190, 264.190(c), 264.570, 264.571, 264.572, 264.573(a) except 264.573(a)(4)(i), 264.573(a)(4)(i) [as amended effective 8/21/97], 264.573(b) intro [as amended effective 8/21/97], 264.573(b)(1) intro [as amended effective 8/21/97], 264.573(b)(1)(i)–(iii), 264.573(b)(2)&(3), 264.573(c)–(l), 264.573(m) except 264.573(m)(1)(iv), 264.573(m)(1)(iv) [as amended effective 8/21/97], 264.574, 264.575, 265.190, 265.190(c), 265.440, 265.441, 265.442, 265.443(a) except 265.443(a)(4)(i), 265.443(a)(4)(i) [as amended effective 8/21/97], 265.443(b) [as amended effective 8/21/97], 265.443(c)–(n), 265.444, 265.445, 122.26.</p>

Federal citation	Delaware authority
LDR—Consolidated Checklist for the Land Disposal Restrictions, CLs 34, 39, 50, 62, 63, 66, 78, 83, 95, 102, 103, 106, 109, 116, 123, 124 (51 FR 40572, 11–07–86), (52 FR 21010, 06–04–87), (52 FR 25760, 07–08–87), (52 FR 41295, 10–27–87), (53 FR 31138, 08–17–88), (54 FR 8264, 02–27–89), (54 FR 18836, 05–02–89), (54 FR 26594, 06–23–89), (54 FR 36967, 09–06–89), (55 FR 23935, 06–13–90), (55 FR 22520, 06–01–90), (56 FR 3864, 01–31–91), (56 FR 41164, 08–19–91), (57 FR 8086, 03–06–92), (57 FR 20766, 05–15–92), (57 FR 28628, 06–26–92), (57 FR 37194, 08–18–92), (57 FR 47772, 10–20–92), (58 FR 28506, 05–14–93), (58 FR 29860, 05–24–93) CLs 34, 39, 50, 62, 63, 66, 78, 83, 95, 102, 103, 106, 109, 116, 123, 124.	7 Del. Code §§ 6304, 6305, and 6314, DRGHW §§ 260.1 through 260.3, 260.10, 260.11(a), 260.20(a) [as amended effective 8/21/97], 261.1(a), 261.1(a)(1), 261.3(a)(2)(iii), 261.3(c)(2)(ii)(C)(1), 261.3(c)(2)(ii)(C)(2) [as amended effective 8/21/97], 261.3(d)(1), 261.3(f), 261.3(f)(1)&(2), 261.4(a)(11), 261.4(c), 261.4(d)(1), 261.5(b), 261.5(c) intro [as amended effective through 1995], 261.5(c)(1)–(6), 261.5(e), 261.5(f)(2), 261.5(g)(2), 261.6(a)(3), 261.6(c)(1), 261.7(a)(1), 261.7(a)(2), 261.20(b), 261.21(b), 261.22(b), 261.23(b), 261.24(b), 261.30(c), 261.31(a) [as amended effective 8/21/97], 261.33(c) [as amended effective 8/21/97], 261 Appendix VII, 262.11(c)&(d), 262.34(a)(1)(iii), 262.34(a)(1)(iii)(B), 262.34(a)(1)(iv), 262.34(a)(1)(iv)(A)&(B), 262.34(a)(2), 262.34(a)(4), 262.34(d)(4), 262.70, 263.12, 264.1(g)(6), 264.1(h), 264.13(a)(1)&(2), 264.13(b)(6)&(7), 264.13(b)(7)(i)–(iii), 264.13(b)(7)(iii)(A)&(B), 264.13(b)(7)(iii)(B)(1)&(2), 264.73(b)(3), 264.73(b)(10)–(12), 264.73(b)(13) [as amended effective 8/21/97], 264.73(b)(14)–(16), 264.110(b)(1)–(4), 264.111(c), 264.112(a)(2), 264.140(b)(1) [as amended effective 8/21/97], 264.140(b)(2)–(4), 264.142(a), 264.229, 264.256, 264.281, 264.312(a)&(b), 264.316(f), 264.1100, 264.1101, 264.1102, 265.1(c)(10), 265.1(e), 265.13(a)(1)&(2), 265.13(b)(6) [as amended effective 8/21/97], 265.13(b)(7), 265.13(b)(7)(i)–(iii), 265.13(b)(7)(iii)(A)&(B), 265.13(b)(7)(iii)(B)(1)&(2), 265.73(b)(3), 265.73(b)(8)–(14), 265.110(b)(1)–(4), 265.111(c), 265.112(d)(4), 265.140(b), 265.140(b)(1)–(3), 265.142(a), 265.221(h), 265.229, 265.256, 265.281, 265.312(a)&(b), 265.316(f), 265.1100, 265.1101, 265.1102, 266.20(b), 268.1&(b), 268.1(c) except 268.1(c)(2) and 268.1(c)(3)(i), 268.1(c)(2) [as amended effective 8/21/97], 268.1(c)(3)(i) [as amended effective 8/21/97], 268.1(d), 268.1(e) except 268.1(e)(3), 268.1(e)(3) [as amended effective 8/21/97], 268.2, 268.3, 268.4 except 268.4(a)(2)(i), 268.4(a)(2)(i) [as amended effective 8/21/97], 268.7(a) introductory paragraph, 268.7(a)(1) introductory paragraph [as amended effective 8/21/97], 268.7(a)(1)(i)–(v), 268.7(a)(2) except 268.7(a)(2)(i)(B) and 268.7(a)(2)(ii), 268.7(a)(2)(i)(B) [as amended effective 8/21/97], 268.7(a)(2)(ii) [as amended effective 8/21/97], 268.7(a)(3), 268.7(a)(4) except 268.7(a)(4)(ii), 268.7(a)(4)(ii) [as amended effective 8/21/97], 268.7(a)(5)–(8), 268.7(a)(10) [as amended effective 8/21/97], 268.7(b), 268.8(a) intro, 268.8(a)(1), 268.8(a)(2) intro, 268.8(a)(2)(i)&(ii) [as amended effective 8/21/97], 268.8(a)(3) except 268.8(a)(3)(ii), 268.8(a)(3)(ii) [as amended effective 8/21/97], 268.8(a)(4) [as amended effective 8/21/97], 268.8(b) except 268.8(b)(1)&(2), 268.8(b)(1)&(2) [as amended effective 8/21/97], 268.8(c)–(e), 268.9 except 268.9(d) intro and 268.9(d)(1)(i), 268.9(d) intro [as amended effective 8/21/97], 268.9(d)(1)(i) [as amended effective 8/21/97], 268.13 [as amended effective 8/21/97], 268.14, 268.30 except 268.30(d)(3), 268.30(d)(3) [as amended effective 8/21/97], 268.31, 268.32(a)–(f), 268.32(g) except 268.32(g)(3), 268.32(g)(3) [as amended effective 8/21/97], 268.32(h), 268.32(i) [as amended effective 8/21/97], 268.32(j) [as amended effective 8/21/97], 268.33 except 268.33(f), 268.33(f) [as amended effective 8/21/97], 268.34(a), 268.34(b) [as amended effective 8/21/97], 268.34(c) except 268.34(c)(1) intro, 268.34(c)(1) intro [as amended effective 8/21/97], 268.34(d)–(g), 268.34(h) [as amended effective 8/21/97], 268.35(a)–(c), 268.35(d) [as amended effective 8/21/97], 268.35(e) intro, 268.35(e)(1)&(2) [as amended effective 8/21/97], 268.35(e)(3), 268.35(e)(4) [as amended effective 8/21/97], 268.35(e)(5) except 268.35(e)(5)(ii)(G), 268.35(e)(5)(ii)(G) [as amended effective 8/21/97], 268.35(f)–(i), 268.35(j) [as amended effective 8/21/97], 268.35(k) [as amended effective 8/21/97], 268.36, 268.37, 268.40(a) intro, 268.40(b) [as amended effective 8/21/97], 268.40(c), 268.40(d), 268.41 (see CL 137), 268.42(a), 268.42(a)(1)–(4), 268.42(a)/Table 1, 268.42(a)/Table 2, 268.42(a)/Table 3, 268.45(a), 268.45(a)(1), 268.45(a)(2), 268.45(a)(3), 268.45(a)(4), 268.45(a)(5), 268.45(b), 268.45(b)(1), 268.45(b)(2), 268.45(b)(3), 268.45(c), 268.45(d)(1), 268.45(d)(1)(i), 268.45(d)(1)(ii), 268.45(d)(2), 268.45(d)(3), 268.45(d)(4), 268.45(d)(5), 268.45/Table 1, 268.46, 268.46/Table 1, 268.50, 268 Appendices I–VI, Appendix VII [as amended effective 8/21/97], Appendix VIII, Appendix IX [as amended effective 8/21/97], 122.13(n), 122.14(b)(2), 122.14(b)(21), 122.32(b)(1) [as amended effective 8/21/97], 122.42(e)(3)(ii)(B), 122.42 Appendix I B(1)(b), 122.42 Appendix I B(1)(c), 122.42 Appendix I B(1)(d), 122.42 Appendix I I(6), 122.42 Appendix I M, 122.72(b)(6).

Federal citation	Delaware authority
Recycled Used Oil—Consolidated Checklist for Recycled Used Oil Management Standards, Cls 112, 122, 130, (57 FR 41566, 09–10–92), (58 FR 26420, 05–03–93), (58 FR 33341, 06–17–93), (59 FR 10550, 03–04–94).	7 Del. Code §§ 6304(a), 6304(b), 6304(e) and 6305, DRGHW §§ 260.10, 261.3(a)(2)(v), 261.3(a)(2)(v)(A)&(B), 261.4(b)(13), 261.4(b)(14), 261.5(j) [as amended effective 8/21/97], 261.6(a)(2)(iii), 261.6(a)(2)(iv) [as amended effective 8/21/97], 261.6(a)(3)(ii)–(vii) [as amended effective through 1995], 261.6(a)(4), 264.1(g)(2) [as amended effective 8/21/97], 265.1(c)(6), 266 Subpart E, 266.100(b)(1), 279.1, 279.10 except 279.10(b)(1)(ii)(A) and 279.10(b)(2)&(3), 279.10(b)(1)(ii)(A) [as amended effective 8/21/97], 279.10(b)(2)&(3) [as amended effective 8/21/97], 279.11, 279.12, 279.20, 279.21(a) [as amended effective 8/21/97], 279.21(b), 279.22 except 279.22(d) intro, 279.22(d) intro [as amended effective 8/21/97], 279.23, 279.24 except 279.24(c), 279.24(c) [as amended effective 8/21/97], 279.30, 279.31 except 279.31(b)(2), 279.31(b)(2) [as amended effective 8/21/97], 279.32, 279.40 except 279.40(d)(5), 279.40(d)(5) [as amended effective 8/21/97], 279.41, 279.42, 279.43, 279.44, 279.45 except 279.45(h) intro, 279.45(h) intro [as amended effective 8/21/97], 279.46, 279.47, 279.50, 279.51, 279.52 except 279.52(b)(6)(iv)(B), 279.52(b)(6)(iv)(B) [as amended effective 8/21/97], 279.53 except 279.53(c)(1), 279.53(c)(1) [as amended effective 8/21/97], 279.54 except 279.54(g) intro, 279.54(g) intro [as amended effective 8/21/97], 279.55 through 279.59, 279.60 except 279.60(b)(5), 279.60(b)(5) [as amended effective 8/21/97], 279.61, 279.62, 279.63 except 279.63(c)(1), 279.63(c)(1) [as amended effective 8/21/97], 279.64 except 279.64(g) intro, 279.64(g) intro [as amended effective 8/21/97], 279.65 through 279.67, 279.70 through 279.72, 279.73(a) [as amended effective 8/21/97], 279.73(b), 279.74, 279.75, 279.80 through 279.82.

Some portions of Delaware’s program are broader in scope than the federal program, and thus are not federally enforceable. The broader in scope provisions address transporter requirements at DRGHW sections 263.100–263.106. In addition, sections 261.6(a)(2) and 261.6(a)(3) are broader in scope to the extent that they relate to transporter permits. Also broader in scope are the Delaware provisions at DRGHW section 6.00 which relate to fees.

In addition, Delaware 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 equivalent and analogous to the indicated Resource Conservation and Recovery Act (RCRA) provisions found at Title 40 of the Code of Federal Regulations.

State requirement	Federal requirement
DRGHW 260.10 “EPA identification number”, as amended effective August 21, 1997.	40 CFR 260.10 “EPA identification number.”
DRGHW 260.10 “Existing tank system” or “existing component”, as amended effective August 21, 1997.	40 CFR 260.10 “existing tank system” or “existing component.”
DRGHW 260.10 “New tank system” or “new tank component”, as amended effective August 21, 1997.	40 CFR 260.10 “new tank system” or “new tank component.”
DRGHW 260.10 “Regional Administrator”, as amended effective August 21, 1997.	40 CFR 260.10 “Regional Administrator.”
DRGHW 260.32 (a)–(e), as published 1996	40 CFR 260.32 (a)–(e).
DRGHW 261.5(f)(3) introductory paragraph, as published 1996	40 CFR 261.5(f)(3) introductory paragraph.
DRGHW 261.5(g)(3) introductory paragraph, as published 1996	40 CFR 261.5(g)(3) introductory paragraph.
DRGHW 261.6(a)(3)(i) (A)&(B), as amended effective August 21, 1997	40 CFR 261.6(a)(3)(i) (A)&(B).
DRGHW Part 261, Appendix IX, as amended effective August 21, 1997	40 CFR part 261, Appendix IX.
DRGHW 262.10(d), as published 1996	40 CFR 262.10(d).
DRGHW 262.34(d)(5), as published 1996	40 CFR 262.34(d)(5).
DRGHW 262.41(a) (1)&(2), as published 1992	40 CFR 262.41(a) (1)&(2).
DRGHW 262.42(b), as published 1996	40 CFR 262.42(b).
DRGHW 262.53(b), as published 1996	40 CFR 262.53(b).
DRGHW 262.55 introductory paragraph, as published 1996	40 CFR 262.55 introductory paragraph.
DRGHW 262.56(a) introductory paragraph, as published 1996	40 CFR 262.56(a) introductory paragraph.
DRGHW 262.56(a)(4), as published 1996	40 CFR 262.56(a)(4).
DRGHW 262.57(b), as published 1996	40 CFR 262.57(b).
DRGHW Part 262, Appendix II, as amended effective August 21, 1997	40 CFR part 262, Appendix II.
DRGHW 263.30(c)(1), as published 1996	40 CFR 263.30(c)(1).
DRGHW 264.1(c)&(d), as published 1996	40 CFR 264.1 (c)&(d).
DRGHW 264.1(g)(7), as published 1996	40 CFR 264.1(g)(7).
DRGHW 264.12(a), as published 1996	40 CFR 264.12(a).
DRGHW 264.56(d)(2), as published 1996	40 CFR 264.56(d)(2).
DRGHW 264.91(a) (1)&(2), as published 1996	40 CFR 264.91(a) (1)&(2).
DRGHW 264.95(a), as published 1996	40 CFR 264.95(a).
DRGHW 264.98(g)(5)(ii)(A), as published 1996	40 CFR 264.98(g)(5)(ii)(A).
DRGHW 264.143(f)(1)(i)(A), as published 1996	40 CFR 264.143(f)(1)(i)(A).
DRGHW 264.145(c)(7), as published 1996	40 CFR 264.145(c)(7).
DRGHW 264.151(a), as published 1996	40 CFR 264.151(a).
DRGHW 264.151(i), except 264.151(i)(2)(d), as published 1996	40 CFR 264.151(i), except 264.151(i)(2)(d).
DRGHW 264.151(j), except 264.151(j)(2)(d), as published 1996	40 CFR 264.151(j), except 264.151(j)(2)(d).
DRGHW 264.340(b) introductory paragraph, as published 1996	40 CFR 264.340(b) introductory paragraph.
DRGHW 264.340(d), as published 1996	40 CFR 264.340(d).
DRGHW Part 264, Appendix I, as published 1992	40 CFR part 264, Appendix I.
DRGHW Part 264, Appendix VI, as amended effective August 21, 1997	40 CFR part 264, Appendix VI.
DRGHW Part 264, Appendix IX, as published 1996	40 CFR part 264, Appendix IX.
DRGHW 265.11(a), as published 1996	40 CFR 265.11.

State requirement	Federal requirement
DRGHW 265.12(a), as amended effective August 21, 1997	40 CFR 265.12(a).
DRGHW 265.52(f), as amended effective August 21, 1997	40 CFR 265.52(f).
DRGHW 265.53(b), as published 1996	40 CFR 265.53(b).
DRGHW 265.56, as published 1996	40 CFR 265.56.
DRGHW 265.71(b)(4), as published 1996	40 CFR 265.71(b)(4).
DRGHW 265.141(f), as published 1996	40 CFR 265.141(f).
DRGHW 265.201(c), as published 1996	40 CFR 265.201(c).
DRGHW 122.10(e) (2)–(6), as amended effective August 21, 1997	40 CFR 270.10(e) (2)–(6).
DRGHW 122.14(b)(20), as published 1996	40 CFR 270.14(b)(20).
DRGHW 122.14(c)(8) introductory paragraph, as published 1996	40 CFR 270.14(c)(8) introductory paragraph.
DRGHW 122.15, as published 1996	40 CFR 270.15.
DRGHW 122.18(b), as published 1996	40 CFR 270.18(b).
DRGHW 122.18(d), as published 1992	40 CFR 270.18(d).
DRGHW 122.19(c)(1)(iii), as published 1995	40 CFR 270.19(c)(1)(iii).
DRGHW 122.32(c), as amended effective August 21, 1997	40 CFR 270.32(c).
DRGHW 122.33(a)(3), as published 1996	40 CFR 270.33(a)(3).
DRGHW 122.60(a), as published 1996	40 CFR 270.60(a).
DRGHW 122.61(a), as published 1996	40 CFR 270.61(a).
DRGHW 122.72(a)(5), as amended effective August 21, 1997	40 CFR 270.72(a)(5).
DRGHW 122.72(b)(5), as amended effective August 21, 1997	40 CFR 270.72(b)(5).
DRGHW 124.1(a), as amended effective August 21, 1997	40 CFR 124.1(a).
DRGHW 124.10(a)(2)&(3), as amended effective August 21, 1997	40 CFR 124.10(a) (2)&(3).
DRGHW 124.10(b)(1), as published 1996	40 CFR 124.10(b)(1).
DRGHW 124.10(c)(1)(ii), as amended effective August 21, 1997	40 CFR 124.10(c)(1)(ii).
DRGHW 124.10(d)(1)(iii), as amended effective August 21, 1997	40 CFR 124.10(d)(1)(iii).
DRGHW 124.15, as amended effective August 21, 1997	40 CFR 124.15.

In addition to the above listed State-initiated 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 is considered broader in scope than the Federal program. This is so because these provisions were either previously authorized as part of Delaware'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.

State requirement
DRGHW 260.10 "Commingling", as published 1996.
DRGHW 260.10 "Consolidation", as published 1996.
DRGHW 260.10 "Division", as amended published 1996.
DRGHW 260.10 "HWSA tank", as amended effective August 21, 1997.
DRGHW 260.10 "Non-HWSA tank", as amended effective August 21, 1997.
DRGHW 262.12(d), as published 1996.
DRGHW 263.11(c), as published 1996.
DRGHW 264.11(b), as published 1996.
DRGHW 265.11(b), as published 1996.

State requirement
DRGHW 122.3(a)(3), as amended effective August 21, 1997.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon Federal program provisions for which the State is applying for authorization and which are issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Delaware is not seeking authority over Indian Lands since there are no Federally recognized Indian Lands in the State at this time.

C. Decision

I conclude that the State of Delaware's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Delaware is granted final authorization to operate its hazardous waste program as revised, assuming no adverse written comments are received as discussed above.

Upon effective final approval, Delaware will be responsible 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. Delaware also has primary enforcement

responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

D. Codification in Part 272

EPA uses part 272 for codification of the decision to authorize Delaware's program and for incorporation by reference of those provisions of Delaware's statutes and regulations that EPA will enforce under sections 3008, 3013 and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart I until a later date.

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.

Compliance With Executive Order 13045

Executive Order 13045 applies to any rule that the Office of Management and Budget determines is "economically significant" as defined under Executive Order 12866, and that EPA determines that the environmental health or safety risk addressed by the rule has 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.

The Agency has determined that the final rule is not a covered regulatory action as defined in the Executive Order because it is not economically significant and does not address environmental health and safety risks. As such, the final rule is not subject to the requirements of Executive Order 13045.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. 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 the requirements of the Delaware program are already imposed by the State and subject to 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. Delaware's participation in an authorized hazardous waste program is voluntary.

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. Costs to State, local and/or tribal governments already exist under the Delaware program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

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, section 203 of the 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 TSDFs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization 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 regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these 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 authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

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 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 United States 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).

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub L. No. 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

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 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste 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 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 7, 1998.

W. Michael McCabe,

Regional Administrator, Region 3.

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