

(154) Revisions to Chattanooga/Hamilton County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 11, 1995, and June 26, 1996, regarding nitrogen oxides, prevention of significant deterioration (PSD), lead sources, stack heights, infectious waste incinerators, and volatile organic compound (VOC) reasonably available control technology (RACT) for miscellaneous metal parts coaters and synthesized pharmaceutical products, and PM<sub>10</sub>.

(i) Incorporation by reference.

(A) Chapter 4, Section 4-13 except (b)(6), and Section 4-41, Rules 2.4, 2.6, 2.7; 16.5; 18; 20.4(2)d, 21, 25.2(33), 27; 3.5; 8, Table 1; 9.4, 13.1, and 26.8 of the "Chattanooga Air Pollution Control Ordinance," adopted on August 15, 1995.

(B) Section 13, except (b)(6); Section 41, Rules 2.4, 2.6, 2.7; 16.5; 18; 20.4(2)d; 21; 24.2(33); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8(f)(4) of the regulation known as the "Hamilton County Air Pollution Control Regulation," adopted by Hamilton County on September 6, 1995. The identical regulations were also adopted by the following municipalities as part of their air pollution control ordinances: Signal Mountain, adopted on December 11, 1995; Walden, adopted on December 12, 1995; Lookout Mountain, adopted on November 14, 1995; and Ridgeside, adopted on April 16, 1996.

(C) Chapter 7 for Section 8-713, except (b)(6); Section 8-741, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); to Chapter 3 for Section 8-541, Rule 26; and to Chapter 7, Section 8-741, for Rules 27; 3.5, 8, Table 1, and 13.1; Section 8-708(f)(4) of the "East Ridge City Code," adopted on September 28, 1995.

(D) Chapter 3: Section 8-313, except (b)(6); Section 8-341, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8-308(f)(4) of the "Red Bank Municipal Code," adopted on November 7, 1995.

(E) Chapter 1: Section 8-113, except (b)(6); Section 8-141, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1, and 13.1; and Section 8-108(f)(4) of the "Soddy-Daisy Municipal Code," adopted on October 5, 1995.

(F) Chapter 3: Section 8-513, except (b)(6); Section 8-541, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8-108(f)(4) of the "Collegedale Municipal Code," adopted on October 2, 1995.

(G) Chapter 3, Section 41, Rules 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8(f)(4) of the

"Lakesite Municipal Code" adopted November 16, 1995.

(H) Chapter 4: Section 4-2; Section 4-41, Rules 19; 21, Table 1; 22; 25.2; 25.21(6); and 25.27(3) of the "Chattanooga Air Pollution Control Ordinance," adopted on May 30, 1989.

(I) Section 9, Rules 19; 21, Table 1; 22; 25.2; 25.21(6); and 25.27(3); and Section 16 of the regulation known as the "Hamilton County Air Pollution Control Regulation," adopted on June 7, 1989.

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[FR Doc. 97-21270 Filed 8-11-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH104-3a; FRL-5874-4]

#### Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan

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

**ACTION:** Direct final rule; delay of the effective date.

**SUMMARY:** On May 14, 1997 (62 FR 26396), EPA approved a revision submitted on July 9, 1996, and January 31, 1997, to the ozone maintenance plans for the Dayton-Springfield Area (Miami, Montgomery, Clark, and Greene Counties), Toledo Area (Lucas and Wood Counties), Canton area (Stark County), Ohio portion of the Youngstown-Warren-Sharon Area (Mahoning and Trumbull Counties), Columbus Area (Franklin, Delaware, and Licking Counties), Cleveland-Akron-Lorain Area (Ashtabula, Cuyahoga, Lake, Lorain, Medina, Summit, Portage, and Geauga Counties), Preble County, Jefferson County, Columbiana and Clinton County. The revision was based on a request from the State of Ohio to revise the federally approved maintenance plan for those areas to provide the State and the affected areas with greater flexibility in choosing the appropriate ozone contingency measures for each area in the event such a measure is needed. On June 13, 1997 (62 FR 32204), the EPA delayed the effective date of the May 14, 1997, direct final rule for 60 days, until September 12, 1997, to allow for a 60-day extension of the public comment period. The EPA is postponing the effective date of this rule for an additional 120 days to allow for an additional 120-day extension of the public comment period. In the proposed rules section of this **Federal Register**,

EPA announces an additional 120-day extension of the public comment period on these maintenance plans.

**DATES:** The direct final rule published at 62 FR 26396 becomes effective January 9, 1998 unless substantive written adverse comments not previously addressed by the State or EPA are received by December 10, 1997. If the effective date is further delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), at the address below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Regulation Development Section, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886-6084.

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

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

Dated: August 5, 1997.

**Jo Lynn Traub,**

*Acting Regional Administrator.*

Therefore the effective date of the amendment to 40 CFR part 52 which added § 52.1885(a)(5), published at 62 FR 26396, May 14, 1997, and delayed at 62 FR 32204, June 13, 1997, is further delayed until January 9, 1998.

[FR Doc. 97-21382 Filed 8-11-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 148

[FRL-5873-8]

#### Final Decision To Grant Chemical Waste Management, Inc. a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 Regarding Injection of Hazardous Wastes

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

**ACTION:** Notice of final decision on a request to modify an exemption from the hazardous and solid waste amendments of the Resource Conservation and Recovery Act.

**SUMMARY:** Notice is hereby given by the Environmental Protection Agency (EPA or Agency) that modification of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) has been granted to Chemical Waste Management, Inc. (CWM) of Oakbrook, Illinois. This modification allows CWM to inject RCRA-regulated hazardous wastes which will be banned from land disposal on August 11, 1997, as a result of regulations promulgated on May 12, 1997. Wastes designated by a total of 11 additional RCRA waste codes, may continue to be land disposed through four waste disposal wells at the facility at Vickery, Ohio. As required by 40 CFR part 148, CWM has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone utilized by CWM's waste disposal facility located near Vickery, Ohio, for as long as the newly exempted waste remains hazardous. This decision constitutes a final Agency action for which there is no administrative appeal. **DATES:** This action is effective as of August 12, 1997.

**FOR FURTHER INFORMATION CONTACT:** Harlan Gerrish or Nathan Wiser, Lead Petition Reviewers, Region 5, telephone (312) 886-2939 or (312) 353-9569, respectively. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative record.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

CWM submitted a petition for an exemption from the restrictions on land disposal of hazardous wastes on January 19, 1988. Revised documents were received on December 4, 1989, and several supplemental submittals were

subsequently made. The exemption was granted on August 7, 1990. On September 12, 1994, CWM submitted a petition to modify the exemption to include wastes bearing 23 additional RCRA waste codes. Region 5 reviewed documents supporting the request and granted the modification of the exemption on May 16, 1995. A notice of the modification appeared on June 5, 1995, at 60 FR 29592 et seq. On April 9, 1996, CWM submitted a petition to again modify the exemption to allow 91 additional RCRA waste codes. Region 5 reviewed documents supporting the request and granted the modification on the exemption on June 24, 1996. A notice of the modification appeared on July 15, 1996, at 61 FR 36880 et seq.

On May 13, 1997, in response to the Land Disposal Restrictions Rule published in the **Federal Register** at 62 FR 25998 et seq. on May 12, 1997, which set ban dates for a number of hazardous waste codes, CWM submitted a request to add a total of 11 additional RCRA waste codes to its exemption. Three (3) of these codes (F032, F034 and F035) are banned by the May 12, 1997, rule. The remaining eight (8) codes (F020, F021, F022, F023, F025, F026, F027 and F028) have been banned since 1988, but CWM anticipates a future need for their injection. The underlying chemicals found in all the codes of interest today were already the subject of previous technical consideration during the modeling for the originally-issued exemption. The newly-promulgated rule bans codes F032, F034 and F035 from deep injection after August 11, 1997, unless CWM makes a no-migration demonstration. CWM made a no-migration demonstration in 1990. After careful review of the material submitted, the EPA has determined, as required by 40 CFR part 148.20(f), that there is a reasonable degree of certainty that waste streams containing constituents designated by these codes will behave hydraulically and chemically like wastes for which CWM was granted its original exemption and will not migrate from the injection zone within 10,000 years. The injection zone is the Mt. Simon Sandstone and the Rome, Conasauga, Kerbel, and Knox Formations. The

confining zone is comprised of the Wells Creek and Black River Formations.

Effective May 29, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated 24 RCRA waste codes that had been previously listed. These 24 RCRA waste codes therefore are not banned from injection under Federal law as they no longer exist as Federally-defined RCRA waste codes. Notwithstanding the effect of the Court's action at the Federal level, the Ohio Environmental Protection Agency rules governing these 24 RCRA waste codes prohibit injection of these coded wastes without a Federal exemption from the Land Disposal Restrictions. Hence, the action taken by modifying the exemption issued to CWM remains effective for these RCRA waste codes since without the inclusion of these codes, CWM would be barred from injecting them under State law. CWM's modified exemption therefore contains these 24 RCRA waste codes. The effect of this exemption is limited to those wastes coded as K160, U277, U366, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U390, U391, U392, U393, U396, U400, U401, U402, U403 and U407, effective the date that these 24 RCRA waste codes were originally promulgated. If these particular codes should be re-promulgated as RCRA wastes, different in chemical character from the originally-promulgated RCRA waste codes, the burden will be incumbent on CWM to show that the injection of such newly-promulgated RCRA waste codes will result in a reasonable degree of certainty that there will be no migration from the injection zone within 10,000 years, and a modification of CWM's exemption will be required to inject them.

As a result of this action, CWM may continue to inject the wastes bearing the codes:

F020, F021, F022, F023, F025, F026, F027, F028, F032, F034, and F035, after wastes denoted by these codes are banned from land disposal on August 11, 1997. These waste codes are added to the waste codes which have been previously exempted and the current total approved listing of codes follows.

#### **List of Approved RCRA Waste Codes for Injection**

D001	D043	K015	K071	K142	P030	P078	P190	U031	U076	U120	U162	U208	U366
D002	F001	K016	K073	K143	P031	P081	P191	U032	U077	U121	U163	U209	U367
D003	F002	K017	K083	K144	P033	P082	P192	U033	U078	U122	U164	U210	U372
D004	F003	K018	K084	K145	P034	P084	P194	U034	U079	U123	U165	U211	U373
D005	F004	K019	K085	K147	P036	P085	P196	U035	U080	U124	U166	U213	U375
D006	F005	K020	K086	K148	P037	P087	P197	U036	U081	U125	U167	U214	U376
D007	F006	K021	K087	K149	P038	P088	P198	U037	U082	U126	U168	U215	U377
D008	F007	K022	K088	K150	P039	P089	P199	U038	U083	U127	U169	U216	U378
D009	F008	K023	K093	K151	P040	P092	P201	U039	U084	U128	U170	U217	U379

## List of Approved RCRA Waste Codes for Injection—Continued

D010	F009	K024	K094	K156	P041	P093	P202	U041	U085	U129	U171	U218	U381
D011	F010	K025	K095	K157	P042	P094	P203	U042	U086	U130	U172	U219	U382
D012	F011	K026	K096	K158	P043	P095	P204	U043	U087	U131	U173	U220	U383
D013	F012	K027	K097	K159	P044	P096	P205	U044	U088	U132	U174	U221	U384
D014	F019	K028	K098	K160	P045	P097	U001	U045	U089	U133	U176	U222	U385
D015	F020	K029	K099	K161	P046	P098	U002	U046	U090	U134	U177	U223	U386
D016	F021	K030	K100	P001	P047	P099	U003	U047	U091	U135	U178	U225	U387
D017	F022	K031	K101	P002	P048	P101	U004	U048	U092	U136	U179	U226	U389
D018	F023	K032	K102	P003	P049	P102	U005	U049	U093	U137	U180	U227	U390
D019	F024	K033	K103	P004	P050	P103	U006	U050	U094	U138	U181	U228	U391
D020	F025	K034	K104	P005	P051	P104	U007	U051	U095	U139	U182	U234	U392
D021	F026	K035	K105	P006	P054	P105	U008	U052	U096	U140	U183	U235	U393
D022	F027	K036	K106	P007	P056	P106	U009	U053	U097	U141	U184	U236	U394
D023	F028	K037	K107	P008	P057	P108	U010	U055	U098	U142	U185	U237	U395
D024	F032	K038	K108	P009	P058	P109	U011	U056	U099	U143	U186	U238	U396
D025	F034	K039	K109	P010	P059	P110	U012	U057	U101	U144	U187	U239	U400
D026	F035	K040	K110	P011	P060	P111	U014	U058	U102	U145	U188	U240	U401
D027	F037	K041	K111	P012	P062	P112	U015	U059	U103	U146	U189	U243	U402
D028	F038	K042	K112	P013	P063	P113	U016	U060	U105	U147	U190	U244	U403
D029	F039	K043	K113	P014	P064	P114	U017	U061	U106	U148	U191	U246	U404
D030	K001	K044	K114	P015	P065	P115	U018	U062	U107	U149	U192	U247	U407
D031	K002	K045	K115	P016	P066	P116	U019	U063	U108	U150	U193	U248	U408
D032	K003	K046	K116	P017	P067	P118	U020	U064	U109	U151	U194	U249	U409
D033	K004	K047	K117	P018	P068	P119	U021	U066	U110	U152	U196	U271	U410
D034	K005	K048	K118	P020	P069	P120	U022	U067	U111	U153	U197	U277	U411
D035	K006	K049	K123	P021	P070	P121	U023	U068	U112	U154	U200	U278	
D036	K007	K050	K124	P022	P071	P122	U024	U069	U113	U155	U201	U279	
D037	K008	K051	K125	P023	P072	P123	U025	U070	U114	U156	U202	U280	
D038	K009	K052	K126	P024	P073	P127	U026	U071	U115	U157	U203	U328	
D039	K010	K060	K131	P026	P074	P128	U027	U072	U116	U158	U204	U353	
D040	K011	K561	K132	P027	P075	P185	U028	U073	U117	U159	U205	U359	
D041	K013	K062	K136	P028	P076	P188	U029	U074	U118	U160	U206	U364	
D042	K014	K069	K141	P029	P077	P189	U030	U075	U119	U161	U207	U365	

**Conditions**

General conditions of this exemption are found at 40 CFR part 148. The exemption granted to CWM on August 7, 1990, included a number of specific conditions. Conditions numbered (1), (2), (3), (4), and (9) remain in force. Monitoring under condition 5, which called for construction and operation of a deep monitoring well, will continue through the life of the facility. Conditions numbered (5), (6), (7), and (8) have been satisfied. The results of the work carried out under these conditions confirms that the model used to simulate fluid movement within the injection zone for the next 10,000 years is valid and results of the simulation bound the region of the injection zone within which the waste will be contained.

**Rebecca L. Harvey,**

*Acting Director, Water Division.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 271**

[FRL-5870-8]

**New York: Final Authorization of State Hazardous Waste Program Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

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

**DATES:** Final authorization for New York shall be effective October 14, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this

immediate final rule. All comments on New York's program revision application must be received by the close of business September 11, 1997.

**ADDRESSES:** Copies of New York's program revision application are available during the business hours of 9 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, Room 204, Albany, New York 12233-7253, (518) 457-3273; U.S. EPA Library (M2904), 401 M Street, S.W., Washington, DC 20460, 202/260-5922. U.S. EPA Region II Library, 16th Floor, 290 Broadway, New York, New York 10007-1866, Phone (212) 637-3185. Written comments should be sent to: Ms. Kathleen Callahan, Director, Division of Environmental Planning and Protection, U.S. EPA, Region II, 290 Broadway, New York, New York 10007-1866, (212) 637-3726.

**FOR FURTHER INFORMATION CONTACT:** Steven Venezia, (212) 637-4218.

**SUPPLEMENTARY INFORMATION:****A. Background**

States with final authorization under section 3006(b) of 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