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ACKNOWLEDGEMENT

OUST would like to thank those individuals who helped make these revisions to the original, March 1989 version of Suggested Procedures for Review of State UST Applications. Since the initial publication of this manual, a number of Regional offices have reviewed State Program Approval applications submitted by their States. Their successes, but perhaps more importantly, the difficulties they encountered, have taught us much about the State Program Approval process. With the help of Regional and State UST program staff, as well as representatives of the Office of General Counsel, Offices of Regional Counsel, and the Office of Enforcement, we have been able to produce what we feel is a useful, accurate, and up-to-date document which draws on more than two years of Regional experience in proceeding with State Program Approval. OUST feels that the lessons that have been learned over the past two years are reflected in the current document and should lead to a greater number of States seeking and achieving program approval in the near future.

The policies and procedures set out in this document are intended solely for the guidance of Government personnel. They are not intended, nor can they be relied upon, to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. The Agency reserves the right to act at variance with these policies and procedures and to change them at any time without public notice.

CHAPTER I. INTRODUCTION

This document proposes a set of procedures for review of individual State UST applications. The review processes are designed for both the Regions and Headquarters offices, although the Regions have the prerogative to adopt alternative procedures to suit individual Regional organizations. The procedures that govern the participation of Headquarters offices and their role in the State program approval process are intended to remain more rigid.

The document is organized to explain the general approach of the Office of Underground Storage Tanks (OUST) to State program approval; suggest the roles and responsibilities of the Regions; describe the limited involvement of certain Headquarters offices; suggest a schedule for ensuring that decisions are made on State applications within 180 days, as required by Subtitle I of RCRA; and provide information on codification of approved State programs and administrative records for State program approval decisions.

CHAPTER II. OVERVIEW AND APPROACH

EPA has developed a State program approval process that will ensure that existing and future State programs are approved to operate "in lieu of" the Federal program with as little disruption and controversy as possible. As stated in the final State program approval rule published in the **Federal Register** on September 23, 1988, EPA's goal is to develop a flexible State program approval process that will allow States to explore innovative approaches in program development and implementation, while providing the required level of stringency. A process that gives major responsibility for UST program implementation to the individual States makes sense because the most effective response to UST problems is provided through State or local programs which are closer to the UST facilities than the Federal government. However, concepts, guidance, and training for program implementation are developed by Headquarters and the Regions. The Regions then use these tools to assist individual States in developing approvable UST programs and to ensure that State programs fulfill the statutory requirements.

In the internal EPA process for State application approval, Headquarters is responsible for establishing and maintaining national standards for program consistency and quality. The Regions, who are most knowledgeable about the quality and uniqueness of individual State programs, are responsible for managing the review of applications, and for making the tentative and final decisions to approve State programs. Such decision-making authority was delegated to the Regional Administrators on March 6, 1986, with OUST retaining a limited consultation role. This document suggests some procedures the Regions might use in carrying out this important activity.

The UST State program approval process described here is designed to streamline the formal decision-making process so that States meeting the standard established by EPA will be approved in the shortest possible period of time. The approval process is also designed to maximize interaction between the Region and State. This interactive process should result in faster removal of obstacles to approval because the Region is able to discuss approval issues and public comments with the State early in the process. The process also allows the State Agency Director an opportunity to effectively defend the program, as necessary, before the Regional Administrator.

The following is a list of the steps that EPA is legally obligated to undertake with regard to the review and approval of State UST programs upon State submittal of an application to the Region:

1. Regional Review Team (RRT) Determines if Application is Complete and Reviews Application
2. Regional Administrator Makes Decision
3. Region publishes **Federal Register** Notice of Tentative Approval
4. Public Comment Period and Public Hearing (if held) Occur
5. Region Publishes Final Program Approval Notice

The **State Program Approval Handbook** provides guidance to States on how to prepare applications for program approval. This manual will focus on how the Regions might accomplish the steps listed above.

Pre-Application Phase. One of the most important aspects of the State Program Approval process occurs long before the State submits its final State Program Approval application to the Region for review. This pre-application phase is the time during which the State UST program takes shape through active and

frequent interaction among the State, the Region, including the Regional UST Attorney, and EPA Headquarters. While this document focuses mainly on ways of approaching completed State Program Approval applications, the pre-application phase is crucial to ensuring that States develop the necessary authorities, capabilities, and procedures required to operate the State program in lieu of the Federal program.

Regions have the lead responsibility for State Program Approval. They should work closely with their States, keeping involvement close and congenial and making comments throughout the process, not just at the end. One important Regional program staff duty is to promote and facilitate the concept of State Program Approval to States. Points to stress include the greater credibility that goes along with program approval, the avoidance of dual Federal and State regulation of USTs, and program implementation closest to the source of the problem, which should increase the effectiveness of the program. The Region should work with the State early to build a strong program that will be in a good position to gain approval, providing technical assistance when necessary and responding quickly, thoroughly, and accurately to State questions or requests. The Regional program staff should review the State Program Approval application as it is being developed in order to facilitate the review of it by the Regional UST Attorneys. This will help ensure that the program is approvable even before an official application is submitted. Waiting for the State to provide a formal submittal can result in unnecessary delays in the review process.

There are two discrete phases of the State Program Approval application review process: the pre-application review and the actual (180-day) review. The State legislative and regulatory work that must precede submission of an acceptable State Program Approval application requires a very long time frame, especially in States where legislative sessions may occur as infrequently as every other year. Not establishing the necessary legal authorities and program structures can greatly delay the entire State Program Approval process. This phase of the process is also an excellent opportunity for States and EPA to establish the close working relationship necessary to ensure successful approval and subsequent development and improvement of State programs.

Regional staff who have worked on State Program Approval applications to date indicate that one of the most important actions a State can take early in this process is to submit complete copies of its statutes and regulations, even if no other application components are near completion. Because revising statutes and regulations can be one of the most time-consuming aspects of compiling a State Program Approval application, it is important to complete and submit them for review first, so that if changes are needed, they can be made while other components of the application are being assembled. States that wait until they have a complete application before submitting statutes and regulations for review are taking a great risk; review of those materials may reveal deficiencies that require time-consuming legislative changes that will significantly delay the approval of the State program. There is nothing wrong with submitting an application for review piece-by-piece, especially if the first pieces are the relevant statutes and regulations. An analysis of the State statutes and regulations by a State attorney should be submitted to the Region along with the statutes and regulations, to avoid having EPA do the initial comparison to the State Program Approval requirements. Appendix A contains a "Statutory Checklist" that can be used in reviewing early drafts of State statutes to ensure that they provide sufficient authority to develop regulations that will provide for a "no less stringent" State UST program.

One tool that could be of great potential value to Regions in the pre-application phase is Exhibit 1, a "Diagnostic Checklist for State Program Approval," developed through interviews with Regional staff who have worked on State Program Approval applications with their States. The checklist lists each of the required components of a State Program Approval application, the most commonly encountered barriers to producing them, and several assistance options that Regions can provide to overcome those barriers. By using this checklist, Regions can identify where impediments are encountered by States and determine ways to most efficiently correct them. This should result in a more streamlined application process, thus expediting program approval.

Exhibit 1. Diagnostic Checklist for State Program Approval

The following checklist may be used by Regions assisting their States in the development of State program approval applications. Regional staff can ask State program officials the questions listed below relating to the various components of the application. The boxes below each question identify specific barriers that may prevent the State from obtaining sufficient authorities or developing complete application components. The checklists also outline suggested assistance measures to overcome the identified barriers.

For example, consider the first question, "Does the State have the statutory authority to develop and implement a no less stringent UST program?" The first barrier identified is lack of authority. If the State or Region considers State statutory authority to be inadequate, they would study the assistance measures to determine which would enable the State to obtain sufficient authority. The second barrier identified is lack of interaction with the State Attorney General's Office. If this is also a barrier for the State, the State and Region would again consult the assistance measures to find solutions. Only when all barriers to a given State Program Approval component are determined not to apply to a State should the analysis proceed to the next question on the checklist. The barriers identified in remaining sections of the checklist should be approached in a similar fashion.

This checklist should be viewed as a starting point from which Regions can begin to assess and improve the State program approval status of their States. Even in cases where a particular barrier does not pose a problem for the State, the assistance measures should be reviewed, because they could contribute to improvements in the State program.

1) Does the State have the statutory authority to develop and implement a no less stringent UST program?

BARRIER: Lack of authority

ASSISTANCE:

- Review existing State authority and provide comments on where authority is lacking.
- Review and comment on draft language for statutory amendments.
- Offer to speak to legislators, testify at hearings, or otherwise support amendments to grant or enhance necessary State authorities

BARRIER: Lack of interaction with State Attorney General's Office

ASSISTANCE:

- Offer to meet with Attorney General to encourage greater involvement in UST program.
- Bring Attorney General's Office into the team structure at the beginning of the process.

2) Does the State have regulations that meet the "no less stringent" criteria?

BARRIER: Regulations do not meet "no less stringent" criteria

ASSISTANCE:

- Review existing regulations using SPA objectives and provide comments on how deficient items could be amended to meet no less stringent requirements.
- Review and comment on draft amendments.

BARRIER: Inadequate State resources to develop UST regulations

ASSISTANCE:

- Reaffirm that States may adopt the Federal regulations by reference, which requires considerably less time and money than developing their own.
- Inject Federal resources into State programs, conditioned on completion of an approvable final SPA application by a specified date.
- Encourage and/or provide greater contractor assistance.

BARRIER: Lack of interaction with State Attorney General's Office

ASSISTANCE:

- Offer to meet with Attorney General to encourage greater involvement in UST program.
- Give a grant to Attorney General's Office to assure State attorney time.
- Encourage AG's Office to designate a particular staff attorney to work extensively on UST program issues
- Bring AG's Office into the team structure at the beginning of the process.

BARRIER: No financial responsibility regulations

ASSISTANCE:

- Emphasize that States do not need to have State funds to meet the financial responsibility objective (some States may not develop regulations because they believe they must have a fund in place).
- Help States develop financial responsibility regulations and State funds (if desired), by improving understanding of financial responsibility issues, sharing information from States that have approved regulations and/or funds, and providing one-on-one or contractor assistance.

3) Has the State Attorney General developed his/her statement for inclusion in the final State Program Approval application?

BARRIER: Inadequate State Attorney General preparation and submittal

ASSISTANCE:

- Offer to meet with Attorney General to discuss the purpose of AG Statement and stress its importance.
- Review draft and provide detailed comments on deficient items.
- Suggest that State complete a comparison of its regulations to the SPA objectives, in order to facilitate Attorney General's review and "no less stringent" determination.
- Bring AG's Office into the team structure at the beginning of the process.

4) Does the State have adequate enforcement procedures to implement an effective UST program?

BARRIER: No procedures in place

ASSISTANCE:

- Suggest low-cost methods or approaches to implementation and enforcement activities (i.e., those included in the capabilities matrices).
- Assist State in developing written enforcement procedures or review draft description of enforcement procedures and provide detailed comments.

BARRIER: Inadequate State Attorney General preparation and submittal

ASSISTANCE:

- Offer to meet with Attorney General to encourage greater involvement in the UST program

- Bring AG's Office into the team structure at the beginning of the process.

BARRIER: Lack of interaction with Regional UST Attorney

ASSISTANCE:

- Offer to meet with Regional UST Attorney to encourage greater involvement in the UST program.
- Bring Regional UST Attorney into the team structure at the beginning of the process.

BARRIER: Inadequate State resources to develop procedures

ASSISTANCE:

- Testify to legislature on the importance of funding the UST program; elevate the priority of the program.
- Inject Federal resources into State programs, conditioned on completion of an approvable final SPA application by a specified date.
- Meet with Attorney General to encourage greater and earlier involvement in the UST program.

BARRIER: Inadequate Regional program review

ASSISTANCE:

- RPM should define priorities for Regional program staff.

BARRIER: Lack of enforcement authority

ASSISTANCE:

- Review existing procedures and provide comments on where authority is lacking.
- Suggest statutory amendments or review and comment on draft statutory amendments.

BARRIER: Disagreement among team members on standards for "adequate" enforcement procedures

ASSISTANCE:

- Refer to capabilities matrices for examples of acceptable enforcement procedures.
- Offer to meet with Regional UST Attorney to work out substantive disagreements regarding what is "adequate."

5) Have the State and Region negotiated a Memorandum of Agreement?

BARRIER: Lack of agreement between agencies that share responsibilities

ASSISTANCE:

- Offer to meet with all responsible agencies so agreement can be reached.
- Review draft Memorandum of Agreement and provide detailed comments.

BARRIER: Inadequate State preparation and submittal

ASSISTANCE:

- Refer to boilerplate MOA in SPA Handbook as a model that can be largely copied now and adapted to meet particular State conditions later.
- Inject Federal resources into State programs, conditioned on completion of an approvable final SPA application by a specified date.

6) Has the State produced a program description for inclusion in the final State Program Approval application?

BARRIER: Inadequate State preparation and Submittal ASSISTANCE:

- Provide sample program descriptions completed by other States to be used as models. Refer States to relevant section in SPA Handbook.
- Review a draft program description and provide detailed comments and suggestions for completion.
- Encourage and/or provide greater contractor assistance.

The following are two examples of cases where pre-application review has been utilized effectively. The first case involved a State regulation requiring owner/operators to investigate suspected releases when "there is evidence of a hazardous substance or resulting vapors in the soil, in surface water, or in any underground structure or well in the vicinity of the facility." The Federal requirement states that such an investigation should occur "when required by the implementing agency to determine the source of a release having an impact in the surrounding area." While the State regulation was determined to be sufficiently stringent as written, the Regional UST attorney suggested that the regulation make explicit the requirement "to investigate at the request of the agency." This example illustrates how the Region might use the pre-application review process to suggest options for the State to strengthen or clarify its requirements even if the State Program Approval objective is met.

The second case involved a State regulation requiring that temporarily out-of-service UST systems maintain cathodic protection systems, while no other specific requirements were explicitly imposed upon them. "Temporarily out-of-service," furthermore, was not defined. Although arguably such tanks might still have met the definition of either new or existing USTs, and been subject to the other requirements generally applicable to those classes of USTs, this interpretation seemed a bit strained, because one requirement (cathodic protection) **was** expressly applicable to temporarily out-of-service USTs. Thus, it seemed as though the State intended to require cathodic protection **only** on these UST systems. In review, therefore, the State regulation was found to be insufficiently stringent, as it failed to specify the other requirements that the tank systems in question were required to meet. This is a case where reviewing components of a State application prior to submittal for approval led to the discovery of a deficiency in a State program in sufficient time to correct it without delaying approval.

Another tool that can be used during the pre-application phase to ensure that all required components of the State application are developed and reviewed in the proper sequence and by the correct personnel can be seen in Exhibit 2, the "State Program Approval Pre-Application Checklist." Use of the checklist can help States move toward completion of an approvable State Program Approval application in an efficient manner and will ensure that there will be no surprises when a complete application is submitted for review.

Exhibit 2. State Program Approval Pre-Application Checklist

STATE ACTIVITIES

____ State drafts UST statutes; State Attorney General
1) conducts analysis of how they meet the requirements

____ a. State revises UST statutes

____ State drafts UST regulations; State Attorney
2) General conducts analysis of how they meet the requirements

____ a. State revises UST regulations

____ State develops funding sources for UST program
3)

____ State develops enforcement procedures for UST
4) program

____ a. Procedures acceptable to State Attorney
General's Office

____ State drafts program description
5)

____ Attorney General drafts certification that program
6) requirements are "no less "stringent"

____ Governor drafts transmittal letter
7)

____ Draft application sent to Region for review
8)

REGIONAL ACTIVITIES

____ Regional UST program reviews draft UST statutes

____ Regional UST Attorney reviews draft UST statutes

____ Regional UST program reviews revised UST
statutes

____ Regional UST Attorney reviews revised UST
statutes

____ Regional UST program reviews draft UST
regulations

____ Regional UST Attorney reviews draft UST
regulations

____ Regional UST program reviews revised UST
regulations

____ Regional UST Attorney reviews revised UST
regulations

____ Regional UST program reviews procedures

____ Regional UST Attorney reviews procedures

____ Regional UST program conducts capability
assessment

____ Regional UST program reviews certification to
verify its accuracy

____ Regional UST Attorney reviews certification to
verify its accuracy

____ Regional UST program reviews letter for accuracy
and completeness

CHAPTER III. ROLES AND RESPONSIBILITIES

Overview

The Regional Review Team, which includes the UST Program Manager, staff representatives from UST program, and a Regional UST Attorney, is responsible for reviewing State program approval applications, working with the State to reach agreement on any outstanding issues, and recommending approval decisions to the Regional Administrator, through the appropriate Regional Division Director. Regions are not required to consult with OUST on recommended decisions **unless** the Region is planning **not** to approve a State program.

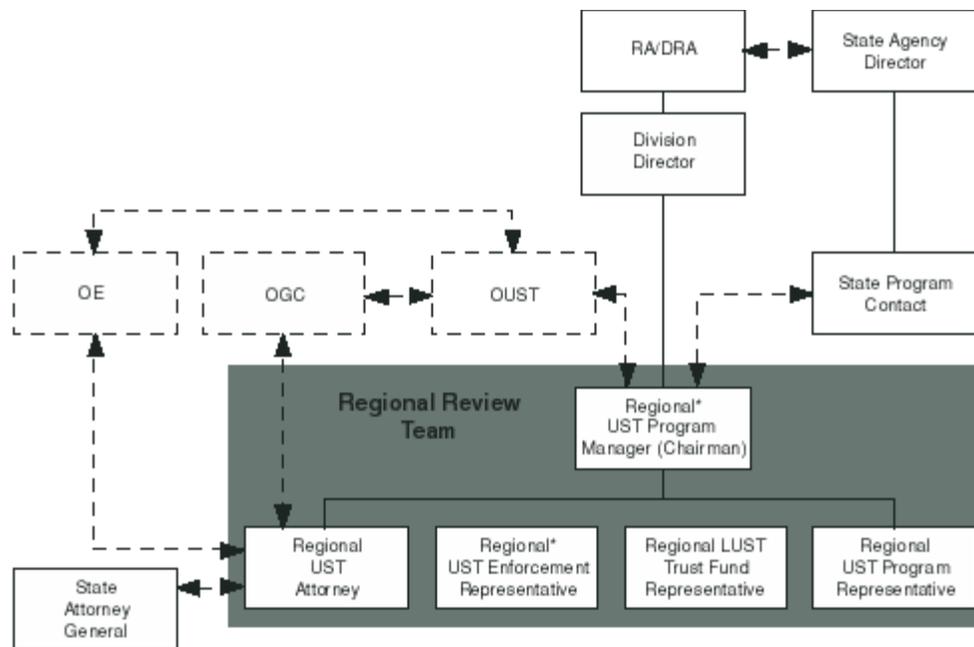
Review and discussion of States' laws regarding underground storage tanks should begin as the State is developing its application. The Regional Review Team will identify deficiencies in State laws as soon as possible so that States will have adequate time to make necessary legislative modifications and still receive timely program approval. As the first step in program approval, statutory and regulatory review assures the States of being able to develop an official program approval application with confidence. After review of the statutes and regulations the Region, following consultation with the Regional UST Attorney, should conduct a meeting with the States' Attorney General (or staff) to discuss any deficiencies found in the law. Some Regions may wish to have the Regional UST Attorneys take the lead in setting up such a meeting; this can be a Regional determination. Following this meeting, the Regions should inform the State of the Agency's concerns regarding unresolved issues.

As States proceed toward program approval, the Regions must provide on-going assistance, working closely with the States to ensure adequacy and completeness of the various components of the State's draft application for program approval. A thorough review of the various components of the draft application should begin in the Regions as soon as each is completed by the State. These pre-application reviews should be timely, with written comments forwarded to the State within three weeks from date of receipt. This process alerts the State very early to issues which could later cause a delay in review and approval of the official application.

Before the State application process began, OUST was responsible for determining national decision-making criteria for "no less stringent" and "adequate enforcement". Other Headquarters offices, such as the Office of General Counsel (OGC), the Office of Enforcement (OE), and the Office of Waste Programs Enforcement (OWPE), were also responsible for assisting OUST in this task. During the application review process, OUST, OGC, and OE serve as resources for the Regions to assist them upon request. Headquarters offices may make comments on applications but do not have a formal concurrence role with respect to the Regional Review Team recommendation.

Exhibit 3 displays the interaction between the Regional Review Team and the other participants in the review process. The following sections more fully describe the roles suggested for each of the participants.

Exhibit 3. Participants in the State Program Approval Process



*In many Regions the enforcement representative works directly for the UST RPM, rather than in a separate enforcement office.

Regional Review Team Members

Composition of the Regional Review Team will likely vary from Region to Region. Team members will necessarily reflect the UST staffing levels and Regional needs and priorities. We suggest that the team be comprised, for example, as follows: Regional UST Program Manager (Chairperson); Regional person representing UST enforcement; Regional person representing LUST Trust Fund policies; Regional person representing the UST program; and a Regional UST Attorney. Please note that in practice, one Regional person may be wearing several hats, e.g., UST enforcement, LUST Trust Fund, and UST program. In many Regions, the UST staff is responsible for UST enforcement. Some Regions may also wish to have a technical standards expert on the Review Team.

The following elaboration of the roles of the Regional Review Team members is meant to suggest one possible way in which the review process might be handled. The Regional Review Team should adopt specific procedures which best suits its particular organization.

- **The Regional UST Program Manager**

- Conducts pre-application activities such as selling State Program Approval to key State managers and Attorney General's Office. Provides any necessary testimony before State Legislature to support new legislation or amendments relevant to the UST program.
- Attempts to resolve any issues before the State application is formally submitted. Manages the initial review to determine if the State application is complete. If necessary, staff works with the State to supply information missing from the application. Notifies the State Program Contact when the application is declared complete. Transmits complete application to Regional Review Team and tracks review cycle.
- Chairs the Regional Review Team meetings. Responsible for negotiating and resolving remaining issues with the State Program Contact. Recommends an approval decision (tentative and final) to the Regional Division Director and the Regional Administrator.

Documents the final position of each member of the Review Team, especially any reasons to support a recommendation for disapproval, if any.

- Manages the public comment process, and conducts a public hearing if necessary. Sends copies of all public comments to the Review Team and the State Program Contact. Works with the State Program Contact to respond to any issues raised by the commenters.
- **Regional UST Attorney**
 - Responsible for conducting pre-application review activities, including review of State statutes and early drafts of State regulations. However, it is not the Regional UST Attorney's role to review these documents independently. They should first be reviewed by the State UST Attorney, State program officials, and Regional program officials. Potential problems should be highlighted and discussed prior to eliciting Regional UST Attorney involvement.
 - Regional UST Attorney should keep in mind that all reviews should proceed using a "no less stringent" approach, as opposed to the "equivalent and consistent" approach more common to RCRA Subtitle C-type reviews.
 - While the ultimate decision on the approvability of the program rests with the Regional Administrator, the Regional UST Attorney is responsible for advising him/her on that decision.
 - The Regional UST Attorney will be most heavily involved in reviewing the Attorney General's Statement to determine the adequacy of the State's legal authorities.
 - Determination of a State's capabilities will largely be left to the Regional UST Program Manager, who should consult with the Regional UST Attorney in assessing State capabilities, particularly capabilities dependent upon legal authorities. The Regional UST Attorney may need to meet with a representative from the State Attorney General's Office to resolve outstanding issues.
- **Other Regional Team Members**
 - Responsible for conducting pre-application review activities, including review of State statutes and early drafts of State regulations. The review of State statutes and regulations should be done after the state has had an opportunity to involve its attorney in the process, and should be done prior to (or at least in conjunction with) an EPA attorney's review.
 - Responsible for reviewing the substance of the State application and making approval recommendations to the Regional UST Program Manager. Participate in all Review Team meetings and also attend the briefing for the Regional Administrator. Review public comments and advise Regional UST Program Manager in responding to any issues raised by the commenters.
 - Highlight issues for review by Regional UST Attorneys.

State Applicant

- **State Program Contact**
 - Submits early drafts of application components for pre-application review so that any problems may be identified and rectified as quickly as possible.
 - Submits an official application, preferably using the standard form developed by OUST. (The standard application form is optional; States may tailor the application format to suit

their needs.) Responds to requests from the Regional UST Program Manager for missing components or additional information needed to complete the application. Discusses all potential issues with the Regional UST Program Manager as they arise during the review of the application. Attends the briefing for the Regional Administrator on any outstanding issues, along with the State Agency Director. Receives copies of any written public comments from the UST Program Manager and works with the Program Manager to respond to any issues raised by the commenters.

- **State Agency Director**
 - Meets with the Regional Division Director or Regional Administrator/Deputy Regional Administrator to pursue negotiation of problems if the State Program Contact cannot resolve major issues with the Regional UST Program Manager.
- **State Attorney General**
 - State Attorney General involvement is essential from the preapplication stage through final program approval. The Attorney General must work with the State program in developing State laws and regulations that will ultimately meet EPA standards. Regional UST Attorneys generally will not review proposed or draft State statutes and regulations until a State attorney has reviewed them with an eye toward meeting the State Program Approval requirements.

Headquarters Offices

As described earlier, Headquarters offices have a major role to play in developing national decision criteria (i.e., the criteria Regions apply when evaluating State applications), but only a relatively minor role in implementation of these decision criteria during the review of individual State program applications.

- **Office of Underground Storage Tanks**
 - OUST will be available during the pre-application phase for consultation and will review State program applications when referred by the Regions.
 - OUST must be consulted if the Regional Administrator expects to make a negative determination on a State's application. (This consultation procedure is required by the terms of the existing delegation of authority from the Administrator to the Regional Administrator.)

OUST formed a project team to conduct a study on the State Program Approval process after the first complete State Program Approval applications were received, and to determine how improvements to the State Program Approval process could most effectively be made. The team concluded that there was little need to change the performance objectives; that major improvements could be realized by training Regional staff in procedures for developing State Program Approval applications with States and procedures for application review, and improving the lines of communication between OUST Headquarters and the Regional UST offices. Therefore,

- OUST will continue to stress that program and application decisions should be made at the Regional level, wherever possible. Consultation between OUST Headquarters and the Regions should be kept informal; while Headquarters is always available to discuss issues

and provide further information and guidance, decisions regarding State programs must ultimately be made by the Regions.

- OUST will stress that the "no less stringent" objectives are the bottom line in the review of State Program Approval applications. Flexibility has already been built into these objectives; they are less specific than the Federal technical regulations and thus allow States a degree of latitude in structuring their programs. However, the objectives are performance standards that must be met fully for a State program to be approved. Flexibility is encouraged, but programs that do not meet the objectives cannot be approved.
- OUST will identify a Headquarters contact person to act as a "clearinghouse" of information and advice who will process queries and requests for information from Regions using a consistent set of answers, procedures, and informational materials. This contact will ensure the accuracy and consistency of all information reaching the Regions from Headquarters, and document all discussions and information transmittals in order to keep track of what has been requested and what has been provided.
- **Office of General Counsel**
 - OGC is available during the pre-application phase for consultation and will review State program applications when referred by the Regions through OUST.
 - The Regional UST Attorney on the Regional Review Team may choose to consult with OGC as necessary on any State application.
 - OUST will consult with OGC on an "exceptions" basis as specific legal issues arise that affect more than one State or Region.
- **Office of Enforcement**
 - OE is available during the pre-application phase and the formal review process for consultation on the adequacy of State enforcement procedures.

CHAPTER IV. REVIEW PROCESS

The process we suggest for review of State applications is displayed in Exhibit 4. Each step on the flow chart is numbered and explained below. As stated earlier, these steps can be modified to meet Regional needs.

This process assumes substantial pre-application consultation and cooperation with the State. Prior to the State application being formally submitted, the Regional UST Program Manager works and negotiates with the State Program Contact to resolve, wherever possible, outstanding issues. Codification of State laws should be initiated during this pre-application phase.

Phase 1: Acceptance of Application

1. The State submits an official application. (The standard form developed by OUST is optional.)
2. Regional UST staff review the State's standard application form or other application materials using a checklist or similar tool to determine if the application is complete. This review is conducted as quickly as possible after receipt of the State's application.
3. The UST Program Manager contacts the State Program Contact to request missing components or additional information necessary to review the application.
4. Once the application is declared complete and logged-in, Regional staff make copies of the official application and distribute it to the Regional Review Team. The Regional UST Program Manager notifies the State Program Contact in writing that the application has been declared complete and that the 180-day review process has begun. (See Appendix E, "Checklist for Complete State Applications," for components of a complete application.)

a written record of this step.) At the same time, the Regional UST Attorney may wish to meet with a representative from the State Attorney General's Office.

8. The State Program Contact submits additional information and interacts with the Regional UST Program Manager to respond to questions raised by the Regional Review Team.
9. The Regional UST Program Manager sends the revised State information to the Review Team. The final review stage begins, which we recommend take three weeks.
10. The Regional Review Team meets to discuss its recommendation for a tentative determination. The function of this meeting is similar to a workgroup closure meeting in the regulatory development process. Each member of the Regional Review Team is given an opportunity to discuss issues with the team and to state his or her recommendation for the tentative decision. Review Team members should focus their comments on issues that are "stoppers". "Stopper" issues are legal or policy issues that the Regional Administrator would agree require disapproval of the State's application. The Regional UST Program Manager is responsible for formulating an overall recommendation for the Division Director and the Regional Administrator. This recommendation should be accompanied by a discussion of any issues raised by the Regional Review Team that are unresolved at the conclusion of its review.
11. The Regional UST Program Manager decides if there are any outstanding issues regarding the State's application for program approval.
12. The Regional UST Program Manager briefs the Division Director and the Regional Administrator or Deputy Regional Administrator on the outstanding issues.
13. The Regional UST Program Manager notifies the State Program Contact of the outstanding issues if upper management cannot resolve the issues.
14. The Regional UST Program Manager, Regional UST Attorney, State Agency Director, State Program Contact, Regional Administrator, and Division Director meet to resolve any remaining issues. Regional Review Team Members are present at this briefing in order to provide additional explanation of the issues, if needed. In the event the Regional Administrator intends to make a negative determination following this meeting, OUST should be contacted prior to the official notification of the State Agency Director in step 16.
15. If there are no outstanding issues at step 11, the Regional UST Program Manager briefs the Division Director and the Regional Administrator or Deputy Regional Administrator on an affirmative recommendation.
16. The Regional Administrator makes a tentative determination on the application and notifies the Division Director, the Regional UST Program Manager, the Regional UST Attorney, and the State Agency Director of his or her decision. (See Appendix C, Approval Determinations.)
17. The Regional UST staff draft the **Federal Register** notice of tentative decision. (Model **Federal Register** notices are provided as examples in Appendices B and C to this document.) The Regional UST Program Manager obtains the Regional Administrator's signature on the **Federal Register** notice and the **Federal Register** notice is published.
18. If this is a notice of tentative decision, the process continues on to step 19. If this is a notice of final determination, the process skips to step 23 and ends with program approval, as described below.
19. The public comment period begins. A public hearing may be held at the conclusion of the 30-day public comment period if requested or if there are significant unfavorable comments. The notice of the public hearing may be combined with notice of tentative decision.

Phase 3: Review of Public Comments and Final Determination

20. As soon as possible after the close of the public comment period, the Regional UST Program Manager, together with the Regional UST Attorney, ascertains if any of the public comments are unfavorable or raise significant issues. The Regional UST Attorney should have the opportunity to review all comments and make sure that we respond to all significant issues.
21. If unfavorable comments have been received, the Regional UST Program Manager sends copies of the public comments to the Regional Review Team. The Regional UST Program Manager notifies the State Program Contact of the adverse public comments.
 - The Regional Review Team meets to discuss the public comments and recommend an Agency response. The State Program Contact is consulted as necessary to provide the Agency with the additional information it needs to respond to the public comments.
 - The Regional UST Program Manager is responsible for making an overall recommendation to the Division Director and the Regional Administrator regarding the Agency's response to the public comments. The Regional UST Program Manager prepares a briefing for the Regional Administrator to present his or her recommendations for final determination on the State's application.
 - The Division Director, Regional Review Team, the State Agency Director, and the State Program Contact attend a meeting with the Regional Administrator if there are unresolved issues. The Regional UST Program Manager presents his or her recommendation and addresses outstanding issues regarding the recommended final determination.
 - The Regional Administrator makes a decision on the final determination and directs the Regional UST Program Manager to prepare the **Federal Register** notice of final Agency decision. The Region must consult with OUST prior to making a negative determination.
22. If no adverse public comments are received, the Regional UST Program Manager briefs Regional management and makes a recommendation. The Regional Administrator makes a final determination on the application and notifies the Division Director, the Regional UST Program Manager and the State Agency Director of his decision. Regional UST staff prepare the **Federal Register** notice of final determination which responds to all significant public comments, obtain the Regional Administrator's signature on the notice, and submit it to the Office of the Federal Register. (See Appendices B and C.)
23. The Office of the Federal Register publishes the **Federal Register** notice, and the Agency's decision is final.

CHAPTER V. SCHEDULE FOR APPLICATION REVIEW PROCESS

Subtitle I requires that the Regional Administrator make a final determination on the application within 180 days from receipt of a complete application (Section 9004(d)). This section presents two proposed schedules for getting final approval: one for a streamlined process; and one for a more extended process within the allowable time period of 180 days. Note that even a streamlined schedule is estimated to take about 140 days. **The dates in the schedules provided here are suggestions to the Regions for meeting the 180-day deadline.** Regions are encouraged to shorten this schedule whenever possible.

A streamlined schedule for program approval is shown on pages 27 and 28. This schedule assumes that:

- The State has submitted its statute and regulations for optional pre-application review. The Region has generally determined that State requirements are "no less stringent" than the Federal objectives.
- The Review Team does not require any additional information in order to evaluate the State's application. There are no major issues to be resolved with the State prior to approval.
- There is no request for a public hearing.
- There are no public comments, or the comments are minor and unrelated to substantive issues in the State's program.
- The Region makes an affirmative determination; therefore no consultation with OUST is required.

A second schedule, provided on pages 28-30, displays the approval process over a longer period of time as a result of outstanding issues and public comments. This schedule still meets the 180-day deadline.

STREAMLINED PROGRAM APPROVAL SCHEDULE

Calendar Days	Approval Activities
1	Log and Transmit Complete Application
32	Review Team Completes Initial Review of Application
34	Review Team Closure Meeting To Discuss Recommendations on the Application
41	UST Program Manager Formulates An Overall Recommendation and Prepares Briefing For the Regional Administrator and Division Director
43	UST Program Manager Briefs Regional Administrator and Division Director on Approval Issues
44	UST Program Manager Notifies the State Program Contact of Outstanding Issues
45	UST Program Manager Meets With the Regional Administrator and the Division Director Regarding the Tentative Determination; Meets with the State Agency Director and State Program Contact As Necessary
52	Regional Administrator Makes Tentative Determination and Notifies UST Program Manager and State Agency Director
62	Regional Staff Complete Federal Register Notice of Tentative Decision and Obtain Regional Administrator's Concurrence
69	Publish Federal Register Notice and Public Comment Period Begins
99	Public Comment Period Closes
107	UST Program Manager Distributes Public Comments To the Review Team and State Program Contact
115	Review Team Meets To Discuss Response To Public Comments
122	UST Program Manager Briefs Regional Administrator and Division Director On Issues and Meets With the State Agency Director and State Program Contact If Necessary
129	Regional Administrator Makes Final Determination and Notifies Division Director, UST Program Manager and State Agency Director
139	Regional Staff Complete Final Action Memo and Federal Register Notice of Final Determination, Obtain Regional Administrator's Signature
143	Publish Federal Register Notice of Final Determination

EXTENDED APPROVAL SCHEDULE

Calendar Days	Approval Activities
1	Log and Transmit Complete Application To Review Team
21	Review Team Completes Initial Review of Application
24	Regional Review Team Meets with UST Program Manager To Ascertain Need For Any Additional Information From the State
25	UST Program Manager Contacts State Program Contact To Discuss Additional Information (If Necessary)
39	State Program Contact Submits Additional Information (If Necessary)
53	Review Team Completes Final Review
58	Review Team Closure Meeting To Discuss Recommendations on the Application
65	UST Program Manager Formulates An Overall Recommendation and Prepares Briefing For the Regional Administrator and Division Director
67	UST Program Manager Briefs the Regional Administrator and Division Director on Approval Issues
68	UST Program Manager Notifies the State Program Contact of Outstanding Issues
69	UST Program Manager Briefs the Regional Administrator and the Division Director Regarding Issues on the Tentative Determination; Meets with the State Agency Director and the State Program Contact As Necessary
76	Regional Administrator Makes Tentative Determination and Notifies UST Program Manager and State Agency Director
86	Regional Staff Complete Federal Register Notice of Tentative Decision, and Obtain Regional Administrator's Signature
93	Publish Federal Register Notice and Public Comment Period Begins
123	Public Comment Period Closes
124	Public Hearing (If Necessary)
131	UST Program Manager Distributes Public Comments To the Review Team and the State Program Contact
138	UST Program Manager Meets With State Program Contact To Discuss Additional Information Needed to Respond To Public Comments
145	Review Team Meets To Discuss and Draft Agency Response To Public Comments
148	UST Program Manager Briefs Regional Administrator and Division Director On Issues and Recommendations For Final Determination; Meets With the State Agency Director and State Program Contact As Necessary
156	Regional Administrator Makes Final Determination and Notifies Division Director, UST Program Manager, and State Agency Director
162	Regional Staff Complete Final Action Memo and Federal Register Notice of Final Determination, and Obtain Regional Administrator's Signature
169	Publish Federal Register Notice of Final Determination

CHAPTER VI. CODIFICATION OF APPROVED STATE PROGRAMS

Codification is the process that identifies the elements of approved State programs by placing them in the **Code of Federal Regulations** (CFR). The codification of State programs is designed to enhance the public's ability to discern the current status of the approved State program and alert the public to the specific State regulations that the Federal government can enforce if necessary. This process will be particularly helpful as States adopt additional Federal requirements or revise their approved UST programs.

The codified elements of the approved State program are:

- State statute;
- State regulations;
- Attorney General's Statement;
- Memorandum of Agreement; and
- Program Description.

The Attorney General's Statement, Memorandum of Agreement, and Program Description are codified by listing the title and date of signature in the codification notice. The State's statutory and regulatory authorities, however, are actually incorporated by reference into the Code of Federal Regulations (CFR). The effect of incorporation by reference is that the incorporated material has the same legal effect as if it were published in full in the CFR. State enforcement authorities contained in statutes and regulations are identified in the codification notice but not incorporated by reference since EPA uses its own authorities to enforce approved State requirements.

EPA enforces State regulations that are more stringent than the Federal requirements, but not those that are broader in scope. For example, EPA will enforce State regulations that require reporting of all suspected releases, even though Federal regulations require only that releases of greater than 25 gallons be reported. However, EPA cannot enforce State regulations against farm tanks excluded from regulations at the Federal level. Therefore, the codification notice, which is published in the Federal Register, must identify where the State is more stringent and where it is broader in scope so that the public as well as the regulated community can ascertain which level of government (State or Federal) will be enforcing the various program requirements.

Appendix D contains two model codification notices. Model A is applicable to tentative and final determinations on initial State program approval decisions. Model B is an immediate final rulemaking notice applicable to revisions to approved State programs.

Headquarters has submitted a **Federal Register** notice to reserve Part 282 for codification of approved State UST programs. Appendix D also contains a list of the sections within Part 282 that have been specifically reserved for each of the 56 States and Territories. The Regions should use this list to identify the sections of Part 282 that should be included in their codification notices.

CHAPTER VII. ADMINISTRATIVE RECORDS FOR STATE PROGRAM APPROVAL DECISIONS

Purpose of the Record. The Regions must maintain an administrative record for each State program approval decision. The administrative record is simply a compilation of materials considered or relied upon by the Agency in making an administrative decision, for example, a tentative or final state program approval decision. The purpose of an administrative record is to assist the Agency decision makers in considering the basis for proposed Agency action, and to provide a basis upon which the Agency can defend, and a court can review, the final administrative decision. The record also provides the public with background information regarding the Agency's rulemaking.

Content of the Record. Internal communications, (for example, comments received from within the Region, other Regional offices, or Headquarters), are generally not part of the administrative record. However, formal guidance documents or policy directives from Headquarters or memoranda providing factual information upon which a decision is based may be part of the record. Note that when EPA-generated information is part of the record, it generally must be made available to the public as part of the tentative decision in order to avoid notice-and-comment problems. Note that communications between the State and EPA are not internal deliberations and should be treated as any non-EPA comments. Draft documents are also generally not part of the record unless they contain information that formed a basis for the state program approval decision and are not superseded by a final document.

The administrative record for state program approval decisions should contain all non-EPA comments received during the public comment period. In addition, the Regions should document any significant non-EPA comments, whether or not received during the comment period, if they provide information upon which state program approval decisions are based.

The following list of documents is provided as guidance in establishing the administrative record:

- Pre-application materials: including correspondence between EPA and the State relevant to the tentative decision, and significant EPA comments to the State on pre-application materials.
- The State program approval application and any subsequent State submission for consideration in the approval process.
- The **Federal Register** notice setting forth the tentative decision and any supporting materials.

The items listed above constitute the administrative record for the tentative decision and form the basis for public comment on the proposed approval. The following documents should be added to the Docket because they are part of the Agency's administrative record on the State program approval.

- Public comments on the tentative decision, both written and oral. Oral communications should be documented for the record.
- EPA responses to public comments on the tentative decision.
- The **Federal Register** notice setting forth the final State program approval decision and any supporting materials.

The Regional UST Attorney can answer questions concerning what materials should be included in the record for state program approval decisions. Additional guidance on establishing an administrative record, also known as a docket, can be found in the UST Regulatory Docket Procedures Manual.

APPENDIX A: STATUTORY CHECKLIST

State: _____

Statutory Element	Subtitle I Cite	State Cite	Coverage Y/N	Comments
A. Definitions				
1. Underground Storage Tank - States must have jurisdiction over the following tank universe:	9001(1)			
<ul style="list-style-type: none"> a. (tank) any stationary device constructed primarily of nonearthen materials which provide structural support, b. (used to contain an accumulation of regulated substances) which contains any amount of a regulated substance for any period of time, c. (connected piping) and all piping connected to the tank through which regulated substances flow, d. (beneath the surface of the ground) with 10% or more of the volume (tank and piping) either below grade or beneath ground material. 				
2. Optional Exclusions - States may exclude from their jurisdiction one or more of the following types of tanks, in whole or in part:	9001(1)			
<ul style="list-style-type: none"> a. farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes, b. tank used for storing heating oil for on-site consumption c. septic tank d. pipeline facility regulated under the Natural Gas Pipeline Safety Act, the Hazardous Liquid Pipeline Safety Act or comparable state law, e. surface impoundment, pit, pond, or lagoon f. stormwater or wastewater collection system g. flow through tank integral to a manufacturing process h. liquid-trap and gathering lines directly related to oil and gas production and gathering operations i. storage tank located on or above the floor in an underground room 				
*3. Regulated Substance				
a. petroleum - State must include all petroleum substances which are liquid at standard temperature and pressure, including waste oil,	9001(2)			
b. hazardous substances - State must include all substances on the CERCLA list, 40 CFR 302.4, but may exclude any substance subject to regulation under Subtitle C as a hazardous waste.	9001(2)			

Statutory Element	Subtitle I Cite	State Cite	Coverage Y/N	Comments
4. Operator - State must include any person in control of or having responsibility for, the daily operation of an underground storage tank	9001(4)			
5. Release - State must include any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into groundwater, surface water, or subsurface soils.	9001(5)			
6. Person - State must include any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, consortium, joint venture, commercial entity, association, State, municipality, commission, political subdivision or a State, interstate body, and the United States Government.	9001(6)			
B. Leak Detection Requirements State must have authority to establish requirements for maintaining a leak detection system, inventory control system together with tank testing, or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment.	9004(a)(1)			
C. Recordkeeping Requirements State must have authority to establish requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing system.	9004(a)(2)			
D. Reporting Requirements 1. Releases - State must have authority to establish requirements for reporting any release from an underground storage tank	9004(a)(3)			
2. Corrective action - State must have authority to establish requirements for reporting any corrective action taken in response to a release from an underground storage tank.	9004(a)(3)			
E. Corrective Action Requirements State must have authority to establish requirements for taking corrective action in response to a release from an underground storage tank.	9004(a)(4)			
F. Closure Requirements State must have authority to establish requirements for the closure of underground storage tanks to prevent future releases of regulated substances into the environment.	9004(a)(5)			

Statutory Element	Subtitle I Cite	State Cite	Coverage Y/N	Comments
<p>G. Financial Responsibility State must have authority to establish requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of an underground storage tank. A State may establish this financial responsibility authority if it has the authority to develop and administer a corrective action and compensation program financed by fees on tank owners and operators.</p>	9004(a)(6), 9004(c)			
<p>H. New Tank Standards States must have the authority to establish performance standards for new underground storage tanks, including but not limited to the following</p> <ul style="list-style-type: none"> a. design b. construction c. installation d. release detection e. compatibility 	9004(a)(7)			
<p>I. Notification Requirements States must have the authority to establish the notification requirements specified in 9002(a) for any operational and non-operational underground storage tank and requirements for submitting this information to the Agency designated in 9002(b).</p>	9004(a)(8), 9002			
<p>J. Inspection and Entry Authority</p> <p>1. States must have the authority to obtain from any owner or operator of an underground storage tank, upon request, information relating to such tanks, their associated equipment, and their contents; to require monitoring or testing; to enter at reasonable times any place where an underground storage tank is located; to inspect and obtain from any person samples of regulated substances contained in the tank; to conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding environment; and to have access to at all reasonable times, or to copy, all records relating to such tanks, for the purpose of enforcing the provisions of this program.</p> <p>2. States must have authority to make the information obtained under the above authority available without restriction, upon request, to the US EPA and to any duly authorized committee of Congress.</p>	9005			

* State program may cover petroleum or hazardous substances or both

APPENDIX B: GUIDANCE ON PREPARING FEDERAL REGISTER NOTICES

This appendix provides guidance on publishing a document in the Federal Register. In addition, the appendix contains model Federal Register notices for State program approval. These models have been prepared in Federal Register format for your convenience.

In preparing a document for publication in the Federal Register, the author(s) must observe several important formatting and editing specifications. The following sections outline and explain the most important of these document guidelines.

I. Federal Register Checklist

Each Federal Register package must include a completed Federal Register checklist. This two-page form consists of "yes" or "no" questions concerning the document's compliance with the following format and content requirements:

- Billing code information;
- Headings (e.g., Agency name, CFR Part, subject);
- Preamble requirements (e.g., summary of proposed action, addresses for public comment, supplementary analysis);
- Words of issuance;
- Regulatory text;
- Signature; and
- Consecutive page numbers.

All submissions to the Federal Register must also fulfill the following lay-out specifications:

- Bond paper or legible photocopy (8-1/2" x 11");
- Single-sided copies;
- One-inch margins from top, bottom, and right sides; 1-1/2- inch margin from left side;
- Double-spaced text;
- Typed name and title of signing official, ink signature;
- Deliver three originals with ink signatures; the signature may not appear on a page by itself; and
- Page numbers must be consecutive and appear at the bottom of the page.

A sample Federal Register checklist is included in this appendix.

II. Typesetting Request

This one-page form (EPA Form 2340-15) includes the financial data and the approximate cost of typesetting a document submitted for publication in the Federal Register. The Management Division Director may require certain signatures on this form. Data on the following items are also required:

- Title of rule;
- Number of manuscript pages;
- Number of columns;

- Estimated cost; and
- Financial data.

The approximate cost is \$125.00 per column and \$375.00 per page in the Federal Register. A sample typesetting request form is included in this appendix along with instructions for completing the form.

III. Expedited Printing Request

If a document must be published promptly in order to meet statutory deadlines, the author(s) may submit an expedited printing request. This form is a letter requesting publication of the document at the earliest possible date or prior to a certain date, and must also justify the reason for the request. The workgroup chairman should submit the letter to the Director of the Executive Agencies Division at the Office of the Federal Register (Attn: Martha Girard; The Office of the Federal Register; National Archives and Records Services, GSA; Washington, D.C. 20408; (202) 523-5240).

FEDERAL REGISTER CHECKLIST FOR NOTICES, PROPOSED AND FINAL RULE DOCUMENTS

(Attach to all documents that are to be published in the Federal Register. Only complete the section that applies to the document to be published. all of these questions can be answered through the Federal Register Document Drafting Handbook[DDH])

Section One: Notice Documents

(This section applies to Notice of public hearings, meeting, and/or workshops, Correction Notices, Notices extending comment periods, and Notices of Availability)

	YES	NO
1. Is your document classified correctly? If it is rule related, or a technical amendment it may be considered a proposed or final rule. (DDH 5-7)		
2. Does your document include the required preamble elements (optional for notices): Agency Action; Summary; Dates; Addresses; For Further Information Contact; Supplementary Information? (DDH 51-55)		
3. Does your summary answer the three required questions: What you're doing, Why you're doing it, and the Intended Effect of your action? (DDH 53)		
4. Is the signers name and title printed below the signature? (DDH 61)		
5. Are the pages numbered consecutively?		
6. Are the copies sharp, clear and legible, especially illustrations?		
7. Are you submitting the original plus 3 copies? Do your copies match? (DDH 62)		

SIGNED _____

Section Two: Proposed and Final Rules

	YES	NO
1. Does your document include the required preamble elements: AGENCY, ACTION SUMMARY, DATES, ADDRESSES, FOR FURTHER INFORMATION CONTACT, SUPPLEMENTARY INFORMATION? (DDH 12-18)		
2. Does your summary answer the three required questions: What you're doing, Why you're doing it, and the Intended Effect of your action? (DDH 14)		
3. Have you included your List of Subjects (Thesaurus Terms) at the end of Supplementary Information? (DDH 18)		
4. Is your Amendatory language clear and correctly worded? (DDH 25-26)		
5. Is your Authority Citation your first amendment? (DDH 19)		
6. Did you use the most recent version of the CFR and LSA? (DDH 26)		
7. Have you included the Table of Contents for each entire CFR part of subpart that you are adding or amending? Do heading in the regulatory text match those in the table of contents? (DDH 36)		
8. Are all CFR paragraphs given a letter or number in correct sequence? (a), (1), (i), (A) (DDH 30)		
9. Is text of regulation displayed correctly (include all section headings, and place the asertisks appropriately)? (DDH 30)		
10. Are the pages numbered consecutively?		
11. Are your copies sharp, clear and legible, especially illustrations?		
12. Is there a new OMB control number? If so, is it mentioned in the amendatory language and set out correctly? (DDH 36)		
13. Is the signer's name and title printed below the signature? (DDH 61)		
14. Are you preparing a proposed and final rule? They cannot be prepared in the same document, they must be separate documents. (DDH 7)		
15. Are your submitting the original plus 3 copies? do your copies match? (DDH 62)		

SIGNED _____

TYPESETTING REQUEST FORM

- Item 1 - Fill in the title of the Federal Register submission.
- Item 2 - Include the type of submission (e.g., proposed rule, final rule).
- Item 3 - Obtain number from the Agency Printing Officer. The number is supplied by the Government Printing Office.
- Item 4 - To be completed by the Office of the Federal Register.
- Item 5 - To be completed by the Office of the Federal Register.
- Item 6 - To be completed by the Office of the Federal Register.
- Item 7 - Fill in the number of pages of your regulatory document.
- Item 8 - To estimate the columns: two pages of double spaced text yields one Federal Register column.
- Item 9 - To estimate the cost:
 - \$125.00 per Federal Register column;
 - \$375.00 per Federal Register page;
 - A table or graph is considered as one page.
- Item 10 - Financial data should be supplied by the commitment clerk in OUST. This data must include the document control number; the account code; the object class code; and the dollar amount.
- Item 11 - The program manager's signature.
- Item 12 - The Federal Register designee's signature. The Federal Register designee is located in the Office of the Assistant Administrator for OSWER.
- Item 13 - The commitment clerk for OUST (or the commitment clerk for the office paying for the publication) should sign here.

OSWER Requirements:

The Office Director and the Assistant Administrator are also required to sign all Federal Register typesetting requests.

Sample Federal Register Notices

"Cancellation Notice of Scheduled Public Hearings" -- Federal Register/Vol.55, No.63/Monday, April 2, 1990/Proposed Rules/p.12205

Federal Register / Vol. 55, No. 63 / Monday, April 2, 1990 / Proposed Rules		12205
<p>prior to the effective date of 30 CFR part 7 subpart D." This would enable mine operators to continue to safely use blasting units already accepted for use by the Agency. This acceptance could have been granted under an interim criteria issued for a large capacity blasting unit or through an evaluation which determined a particular unit to be as safe for use as an approved unit.</p> <p>Executive Order 12291 and the Regulatory Flexibility Act</p> <p>This proposed rule would revise previously issued methane standards to allow mine operators to use any MSHA approved multiple-shot blasting unit without regard to the specific approval part under which it was issued and deletes certain performance requirements which are the same as those required for approval of blasting units by part 7 subpart D. There is no cost impact of this proposed revision on mine operators. The cost impact of the testing and approval requirements has been analyzed in the context of subpart D of part 7 in which the Agency has determined that the rule would not result in a major cost increase or have an incremental effect of \$100 million or more on the economy. Therefore, a regulatory impact analysis is not required. The Agency has also determined that the final rule would not have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.</p> <p>Paperwork Reduction Act</p> <p>The proposal does not contain any information collection requirements subject to the Paperwork Reduction Act of 1980.</p> <p>List of Subjects in 30 CFR Part 57</p> <p>Mine safety and health, metal and nonmetal mining, safety standards for methane.</p> <p>Dated: March 25, 1990. John B. Howerton, Deputy Assistant Secretary for Mine Safety and Health.</p> <p>Accordingly, subpart T, part 57, subchapter N, chapter 1, title 30 of the Code of Federal Regulations is proposed to be amended as follows:</p> <p>PART 57—[AMENDED]</p> <p>The authority citation for subpart T of part 57 continues to read as follows:</p> <p>Authority: 30 U.S.C. 811.</p> <p>2. Section 57.22006 is proposed to be amended by revising paragraphs (a) and (g) to read as follows:</p>	<p>§ 57.22006 Explosive materials and blasting units (M mines).</p> <p>(a) Mine operators shall notify the appropriate MSHA District Manager of all nonapproved explosive materials to be used prior to their use. Explosive materials used for blasting shall be approved by MSHA under 30 CFR part 15 or nonapproved explosive materials shall be evaluated and determined by the District Manager to be safe for blasting in a potentially gassy environment. The notice shall also include the millisecond-delay interval between successive shots and between the first and last shot in the round.</p> <p>• • • • •</p> <p>(g) Blasting units shall be:</p> <p>(1) Approved by MSHA; or</p> <p>(2) Accepted by MSHA prior to the effective date of 30 CFR part 7 subpart D.</p> <p>[FR Doc. 90-7385 Filed 3-30-90; 8:45 am] BILLING CODE 4510-45-M</p> <hr/> <p style="text-align: center;">ENVIRONMENTAL PROTECTION AGENCY</p> <p>40 CFR Part 261</p> <p>[FRL-3751-3]</p> <p>Cancellation Notice of Scheduled Public Hearings Concerning EPA's Tentative Approval of Mississippi's Underground Storage Tank Program</p> <p>AGENCY: Environmental Protection Agency.</p> <p>ACTION: Notice of cancellation of public hearings concerning approval of Mississippi's underground storage tank (UST) program.</p> <p>SUMMARY: The purpose of this notice is to announce the cancellation of two public hearings concerning EPA's approval of Mississippi's UST program. On February 20, 1990, EPA published a tentative decision announcing its intent to grant Mississippi final approval of its program and to hold two public hearings to allow all interested persons to testify on any aspect of Mississippi's underground storage tank program approval application. The two hearings were to be held on April 12, 1990, in the Embassy I Room, Metro Ramada Inn, Ellis Avenue and Interstate 20 West in Jackson, Mississippi, from 10 a.m. to 1 p.m. and from 7 p.m. until the end of testimony or 10 p.m. EPA had reserved the right to cancel these hearings in the event of no significant public interest. Since no public requests to testify on any aspect of Mississippi's UST program application for final approval were</p>	<p>made, EPA is cancelling the previously scheduled public hearings.</p> <p>Further background on EPA's tentative decision to grant final approval of Mississippi's UST program appears at 55 FR 5862, February 20, 1990. Any further information regarding EPA's final approval of Mississippi's underground storage tank program can be obtained from Mr. John K. Mason, (404) 347-2886, 345 Courtland Street, N.E., Atlanta, Georgia 30365.</p> <p>Dated: March 22, 1990. Lee A. DeHibas III, Acting Regional Administrator. [FR Doc. 90-7452 Filed 3-30-90; 8:45 am] BILLING CODE 6810-05-M</p> <hr/> <p style="text-align: center;">DEPARTMENT OF HEALTH AND HUMAN SERVICES</p> <p>Office of the Secretary</p> <p>Office of the Inspector General</p> <p>42 CFR Parts 1900, 3001, 1002, 1003, 1004, 1005, 1006, and 1007</p> <p>RIN 0951-AA47</p> <p>Health Care Programs: Fraud and Abuse; Amendments to OIG Exclusion and CMP Authorities Resulting From Public Law 100-63</p> <p>AGENCY: Office of the Secretary, Office of Inspector General (OIG), HHS.</p> <p>ACTION: Proposed rule.</p> <hr/> <p>SUMMARY: This proposed rule would implement the OIG sanction and civil money penalty provisions established through section 2 and other conforming amendments in Public Law 100-63, the Medicare and Medicaid Patient and Program Protection Act of 1987, along with certain additional provisions contained in Public Law 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985 and Public Law 100-369, the Medicare Catastrophic Coverage Act of 1988. Specifically, these regulations are designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions of the Department's health care programs under titles V, XVIII, XIX, and XX of the Act.</p> <p>DATES: To assure consideration, comments must be mailed and delivered to the address provided below by June 1, 1990.</p> <p>ADDRESSES: Address comments in writing to: Office of Inspector General, Department of Health and Human Services, Attention: LRR-18-P, Room 5248, 330 Independence Avenue SW., Washington, DC 20201.</p>

action is consistent with the letter and spirit of the SIP, when read in conjunction with the Clean Air Act and EPA's regulations. EPA believes that the language in question in the September 1, 1989, notice, as clarified here, accurately describes the legal relationship between EPA and the Commonwealth of Kentucky with respect to the NSR program.

Under 5 U.S.C. 605(b), I certify that this notice will not have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control.
Intergovernmental relations.

Authority: 42 U.S.C. 7401-7642.

Dated: May 31, 1990.

F. Henry Habicht,

Acting Administrator.

[FR Doc. 90-13432 Filed 6-8-90; 8:45 am]

BILLING CODE 6560-50-02

40 CFR Part 281

(FRL-3765-8)

Mississippi; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Mississippi's application for final approval.

SUMMARY: The State of Mississippi has applied for final approval of its underground storage tank program under Subtitle I of the Resource and Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Mississippi's application and has reached a final determination that Mississippi's underground storage tank program satisfies all the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to the State of Mississippi to operate its program.

EFFECTIVE DATE: Final approval for Mississippi shall be effective July 11, 1990.

FOR FURTHER INFORMATION CONTACT: John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA, Region IV, 345 Courtland Street NE, Atlanta, Georgia 30365. 404/347-3866.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of RCRA enables EPA to approve state underground storage tank programs to operate in a state in lieu of the federal underground storage tank program. To qualify for final authorization, a state's program must: (1) Be "no less stringent" than the federal program, and (2) provide for adequate enforcement (section 9004(a) of RCRA, 42 U.S.C. 6922(B)).

On October 2, 1989, EPA acknowledged receiving from the State of Mississippi a completed official application to obtain final approval to administer its underground storage tank program. On February 20, 1990, EPA published a tentative decision announcing its intent to grant Mississippi final approval of its program. Further background on the tentative decision to grant approval appears at 53 FR 5861, February 20, 1990.

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. EPA requested advance notice for testimony and reserved the right to cancel for lack of public interest. Since there was no public request, the public hearing was cancelled. No public comments were received regarding EPA's approval of Mississippi's underground storage tank program.

B. Decision

I conclude that the State of Mississippi's application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Mississippi is granted final approval to operate its underground storage tank program. The State of Mississippi now has the responsibility for managing all regulated underground storage tank facilities within its borders and carrying out all aspects of the federal underground storage tank program except with regard to Indian lands where EPA will have regulatory authority. Mississippi also has primary enforcement responsibility, although EPA retains the right to conduct enforcement actions under section 9006 of RCRA.

Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval

will not have a significant economic impact on a substantial number of small entities. This approval effectively suspends the applicability of certain federal regulations in favor of the State of Mississippi's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks within the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative practice and procedure. Hazardous materials. State program approval and underground storage tanks.

Authority: section 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6981(c).

Dated: April 27, 1990.

Greer C. Tidwell,

Regional Administrator.

[FR Doc. 90-13440 Filed 6-8-90; 8:45 am]

BILLING CODE 6560-50-02

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Refuge Specific Fishing Regulations

CFR Correction

In title 50 of the Code of Federal Regulations, parts 1 to 199, revised as of October 1, 1989, on page 481 paragraphs (a)(1) and (2) and (b) were incorrectly removed from § 33.53. Section 33.53 was added at 50 FR 29684, July 23, 1985, and amended at 53 FR 1491, January 20, 1988. The entire text of paragraphs (a) and (b) of § 33.53 reads as follows:

§ 33.53 Wisconsin.

(a) *Horicon National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 15 through September 15.

(2) Only bank fishing is permitted.

(b) *Necedah National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only in Sprague and Goose Pools including the outlets as far south as Sprague-Mather Road.

Rulemaking Review Committee on January 23, 1990, and submitted to OSM on February 7, 1990 (Administrative Record No. WV 821). OSM is seeking comments on whether the revised proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If approved, the amendment will become part of the West Virginia permanent regulatory program.

Written comments should be specific, pertain only to the issues proposed in this rulemaking and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the OSM Charleston Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

List of Subjects in 30 CFR Part 948

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 13, 1990.

Carl C. Cross,

Assistant Director, Eastern Field Operations.
[FR Doc. 90-3819 Filed 2-16-90; 8:45 am]

BILLING CODE 4310-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 152

[OPP-36173; FRL 3713-4]

Notification to Secretary of Agriculture of a Proposed Regulation on Criteria for Classifying Pesticides for Restricted-Use Due to Ground Water Concerns

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a proposed regulation under section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The proposed rule would add new criteria in 40 CFR 152.170 for selection of pesticide products as candidates for restricted-use classification. Pesticide products classified for restricted-use under authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(d) may be purchased and used only by certified pesticide applicators or individuals under their supervision. This

action is required by section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT:

By mail: David Alexander, Attorney Advisor, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1120A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-0592).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the Federal Register. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall issue for publication in the Federal Register, with the proposed regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the proposed regulation for publication in the Federal Register anytime after the 30-day period. As required by FIFRA section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. As required by FIFRA section 25(d), a copy of this proposed regulation has also been forwarded to the Scientific Advisory Panel.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 12, 1990.

Douglas D. Camp,

Director, Office of Pesticide Programs.

[FR Doc. 90-3813 Filed 2-16-90; 8:45 am]

BILLING CODE 6960-60-G

40 CFR Part 281

[FRL 3725-5]

Mississippi; Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on Mississippi's application for final approval, public hearing, and public comment period.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental

Protection Agency (EPA) has received a complete application from the State of Mississippi requesting final approval of its underground storage tank (UST) program under subtitle I of the Resource Conservation and Recovery Act (RCRA); (2) EPA has reviewed Mississippi's application and has made the tentative decision that Mississippi's UST program satisfies all of the requirements necessary to qualify for final approval; (3) Mississippi's application for final approval is now available for public review and copying; (4) public comments are requested; and (5) a public hearing will be held.

DATES: Requests to present oral testimony should be filed by March 16, 1990. Public hearings will be held on April 3, 1990. Mississippi will participate in the public hearing held by EPA. The 10:00 a.m. hearing will end at 1:00 p.m. The 7:00 p.m. hearing will continue until the end of testimony or 10:00 p.m., whichever comes first. Written comments must be received by April 13, 1990. EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify should be mailed to John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365. Copies of Mississippi's final approval application are available between 8:00 a.m.-5:00 p.m., Monday through Friday, at the following locations for inspection and copying: Mississippi Department of Environment Quality, 2380 Hwy. 60 West, Jackson, MS 39209, Phone: (601) 961-5142; U.S. EPA Headquarters, Library, PM 211A, 401 M Street, SW., Washington, DC 20460, Phone: (202) 382-5926; U.S. EPA Region IV, Library, 1st Floor, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Phone (404) 347-4218.

Two hearings will be held in the Embassy I Room, Metro Ramada Inn, Ellis Avenue and Interstate 20 West, Jackson, Mississippi. The first hearing will begin at 10:00 a.m. and end at 1:00 p.m. The second hearing will begin at 7:00 p.m. and continue until all testimony ends or until 10:00 p.m., whichever comes first.

FOR FURTHER INFORMATION CONTACT: John Mason, Chief, Underground Storage Tank Section, U.S. EPA Region IV, 345 Courtland St., N.E., Atlanta, Ga. 30265. Comments should be sent to this address. Phone (404) 347-3886.

5862

Federal Register / Vol. 55, No. 34 / Tuesday, February 20, 1990 / Proposed Rules

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of RCRA authorizes EPA to approve state UST programs to operate in the State in lieu of the Federal UST program. Two types of approval may be granted. The first type, known as "interim approval", is a temporary approval which is granted if EPA determines that the state UST program is "no less stringent" than the Federal program (section 9004(b), 42 U.S.C. 6926(c)) in the following elements: corrective action, financial responsibility, and new tank standards. While operating under interim approval, the State may complete the development of "no less stringent" standards for the following elements: release detection, release detection recordkeeping, release reporting, corrective action, and tank closure.

The second type of approval is a "final approval" that is granted if EPA determines that the State program: (1) Is "no less stringent" than the Federal UST program in all the following elements: corrective action, financial responsibility, new tank standards, release detection, release detection record reporting, tank closure, notification requirements of section 9004(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6926(b)). EPA will consider all public comments on its tentative determination received at the hearing or during public comment period.

Issues raised by those comments may be the basis for a decision to deny final approval to Mississippi. EPA expects to make a final decision on whether or not to approve Mississippi's program within sixty (60) days after the date of the public hearing and will give notice of it in the *Federal Register*. The notice will include a summary of the reasons for the final determination and a response to all major comments.

B. Mississippi

EPA has reviewed Mississippi's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for final approval. Consequently, EPA intends to grant final approval to Mississippi to operate its program.

The Mississippi Department of Environmental Quality, through the Groundwater Division of the Bureau of Pollution Control, is dedicating a substantial effort to remediate, prevent, and control UST-related groundwater contamination under the Mississippi UST (MUST) Act of 1988. The MUST Act provided for the following:

(1) The Mississippi Groundwater Protection Trust Fund, to provide for contaminated site investigation, assessment, rehabilitation, and potable water supply restoration or replacement. An environmental protection fee of two tenths of one cent per gallon levied on every bonded distributor who sells or delivers motor fuels to a retailer in the State is the source of the trust fund.

(2) State authority to promulgate UST rules and regulations. The Federal UST technical and financial responsibility regulation of 40 CFR part 280 were adopted by reference.

(3) The assessment of a tank registration fee. The tank registration fee is the funding source for the administrative part of the State UST program.

(4) State authority to conduct UST-related compliance monitoring and enforcement activities.

(5) A provision to allow the State to take timely and effective corrective action.

(6) The authority for the State to access the Mississippi Pollution Emergency Fund to aid the State in taking timely and effective corrective action.

(7) A requirement to certify all tank installers, removers and repairers active within the State.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. Approval of Mississippi's UST program effectively suspends the applicability of the Federal UST regulations, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. Consequently, it does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative practice and procedure, Hazardous material, State program approval, and Underground storage tanks.

Authority: This notice is issued under the authority of section 9004 of the Solid Waste

Disposal Waste Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Joseph R. Fraunmattbes,

Acting Regional Administrator

[FR Doc. 90-3815 Filed 2-16-90; 8:45 am]

BILLING CODE 5540-90-0

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 29

[OST Docket No. 62; Notice 90-5]

RIN 2105-AA00

Consolidation of Grants to United States Insular Areas

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: This action withdraws a proposal of the Department of Transportation (DOT) to consolidate six grant programs that currently provide financial assistance to United States insular areas. The change would have implemented title V of Public Law 95-134. The Department has concluded that the proposed rule would not necessarily increase the efficiency of the grant-making procedures at the Federal and local levels and is, therefore, withdrawing the proposal.

EFFECTIVE DATE: February 20, 1990.

FOR FURTHER INFORMATION CONTACT: Christopher Bertram, Office of Programs and Budget, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. (202) 366-9669.

SUPPLEMENTARY INFORMATION: On January 8, 1979, the Office of the Secretary of the Department of Transportation (DOT) published a Notice of Proposed Rulemaking (44 FR 1765) proposing to implement title V of Public Law 95-134, which permits Departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. The Department received two comments in response to the NPRM. These were from the Mariana Island Airport Authority and the Guam Airport Authority. Both comments responded negatively to the NPRM. The comments mainly criticized the NPRM for consolidating the Airport Development Aid Program (ADAP) administered by the Federal Aviation Administration (FAA) within the six programs proposed and making the Federal Highway Administration the responsible agency. The comments

38064 Federal Register / Vol. 55, No. 180 / Monday, September 17, 1990 / Rules and Regulations

Dated: August 28, 1990.
Don. R. Clay,
Assistant Administrator, Office of Solid
Waste and Emergency Response.
[FR Doc. 90-21894 Filed 9-14-90; 8:45 am]
BILLING CODE 6560-60-00

40 CFR Part 281

[FR-2831-3]

**New Mexico: Final Approval of State
Underground Storage Tank Program**

AGENCY: Environmental Protection
Agency.

ACTION: Notice of final determination of
State of New Mexico Application for
Final Approval.

SUMMARY: The State of New Mexico has
applied for final approval of its
underground storage tank program
under subtitle I of the Resource
Conservation and Recovery Act
(RCRA). The Environmental Protection
Agency (EPA) has reviewed the New
Mexico application and determined,
subject to public review and comment,
that the New Mexico underground
storage tank program satisfies all of the
requirements necessary to qualify for
final approval. Thus, EPA is granting
approval to the State to operate its
program unless adverse public comment
shows the need for further review. The
New Mexico application for final
approval is available for public review
and comment.

DATES: Final authorization for the New
Mexico underground storage tank
program shall be effective at 1 p.m. on
November 18, 1990 unless EPA publishes
a prior Federal Register action
withdrawing this final rule. All
comments on the New Mexico final
approval application must be received
by the close of business on October 17,
1990.

ADDRESSES: Copies of the New Mexico
final approval application are available
during the hours between 8 a.m. and 5
p.m. at the following addresses for
inspection and copying: Environmental
Improvement Division, Harold Runnels
Building, 1190 St. Francis Drive, Santa
Fe, New Mexico 87503. Phone: 505/827-
3992; U.S. EPA Headquarters Library,
PM211A, 401 M Street SW., Washington,
DC 20460. Phone: 202/382-5926; and U.S.
EPA Region 6 Library, 1445 Ross
Avenue, Dallas, Texas 75202. Phone:
214/855-6755. Written comments should
be sent to Program Manager,
Underground Storage Tank Program,
Attention William Rhea, Region 6, 1445
Ross Avenue, Dallas, Texas 75202.
Phone: 214/ 655-6755.

FOR FURTHER INFORMATION CONTACT:
New Mexico State Program Officer,
Underground Storage Tank Program,
Attention James Duck, U.S. EPA Region
6, Dallas, Texas 75202, Phone: 214/855-
6755.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource
Conservation and Recovery Act (RCRA)
enables EPA to approve State
underground storage tank programs to
operate in the State in lieu of the Federal
underground storage tank (UST)
program. To qualify for final
authorization, a State's program must:
(1) Be "no less stringent" than the
Federal program; and (2) provide for
adequate enforcement (sections 9004(a)
and 9004(b) of RCRA, 42 U.S.C.
6991c(b)).

On September 25, 1989, the State of
New Mexico submitted an official
application for final approval. Prior to
its submission, the State of New Mexico
provided an opportunity for public
notice and comment in the development
of its underground storage tank program
as required under § 281.500(b). The EPA
review of the application determined
that existing State regulations
establishing June 1, 2008, as the
regulatory deadline for upgrading of
existing underground storage tanks
could not be found to be no less
stringent than the Federal requirements
found at 40 CFR 281.31. Subsequent to
notification of this finding, on March 8,
1990, the State, following a public
comment period and a public hearing on
the proposal, repealed all State UST
regulations pertaining to new tank
standards, general operating
requirements, release detection, release
reporting, response and corrective
action, tank closure and financial
responsibility. The State then adopted
by reference the corresponding Federal
UST regulations which became fully
effective on July 28, 1990. On July 2,
1990, EPA received an amended
application from the State reflecting the
adoption of the Federal regulations by
reference as State regulations.

B. Decision

After reviewing the amended New
Mexico application, I conclude that the
State's program meets all of the
requirements necessary to qualify for
final approval. Accordingly, the State of
New Mexico is granted final approval to
operate its underground storage tank
program. The State of New Mexico now
has the responsibility for managing
underground storage tank facilities
within its borders and carrying out all

aspects of the UST program. The State
of New Mexico also has primary
enforcement responsibility, although
EPA retains the right to conduct
inspections under section 9005 of RCRA
U.S.C. 6991d and to take enforcement
actions under section 9008 of RCRA
U.S.C. 6991e.

The State of New Mexico is not
authorized to operate the UST program
on Indian lands and this authority will
remain with EPA.

Compliance With Executive Order 12291

The Office of Management and Budget
has exempted this rule from the
requirements of section 3 of Executive
Order 12291.

**Certification Under the Regulatory
Flexibility Act**

Pursuant to the provisions of 5 U.S.C.
605(b), I hereby certify that this approval
will not have a significant economic
impact on a substantial number of small
entities. The approval effectively
suspends the applicability of certain
Federal regulations.

List of Subjects in 40 CFR Part 281

Administrative practice and
procedure, Hazardous materials, State
program approval, Underground storage
Tanks.

Authority: This notice is issued under the
authority of secs. 2082(a), 7004(b), and 8004
of the Solid Waste Disposal Act as amended 42
U.S.C. 6912(a), 6925, 6974(b).

Dated: August 21, 1990.

Joe D. Winkle,
Acting Regional Administrator.
[FR Doc. 90-21895 Filed 9-14-90; 8:45 am]
BILLING CODE 6560-60-00

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 1

[Gen. Inv. 90-285]

Fee Collection Program; Correction

AGENCY: Federal Communications
Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a
final rule (55 FR 19148, May 6, 1990)
relating to the procedures for
implementation of a fee collection
program under 47 U.S.C. 158 (1989). The
final rules were adopted to implement
changes in that program under the
Omnibus Budget Reconciliation Act of
1989.

EFFECTIVE DATE: September 17, 1990.

Today's Action

The EPA is, by this notice, identifying for the public those PM-10, SO₂, and lead areas for which EPA has notified the affected States that EPA believes the area should be designated or the designation should be revised to nonattainment or unclassifiable. Upon receipt of responses by the governors of the affected States, EPA will review the submitted information and conduct appropriate rulemaking, at which time the public will have additional opportunity for review and comment.¹

List of Subjects in 40 CFR Part 81

Air pollution control, Lead, Participate matter, Sulfur dioxide.

Authority: Sections 107(d), 110 and 301(a) of the Clean Air Act as amended.

Dated: April 15, 1991.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

Table I.—PM-10 Designations

[Areas for which EPA has recently notified the affected State that EPA believes the area should be redesignated as nonattainment for PM-10.]

Arizona	Payson
	Bullhead City.
California	Sacramento County.
	San Bernardino County.
Colorado	Steamboat Springs.
Idaho	Kootenai County.
Illinois	Edgar County, Hunter and Stratten Twp.
	La Salle County, Twp. 32N/ Range 2E/Section 36.
Michigan	Bay County.
Missouri	St. Louis County.
Montana	Thompson Falls.
New Mexico	Bernalillo County.
New York	New York County.
Oregon	Oakridge.
Washington	Benton County.
West Virginia	City of Wirtton.

¹ Based on PM-10 NAAQS violations measured on or after January 1, 1988.

TABLE II

[Areas for which EPA has recently notified the affected States that EPA believes the area should be redesignated as nonattainment for SO₂.]

State and counties	Primary standard exceeded	Secondary standard exceeded
Iowa:		
Clinton Co.	X	X
Illinois:		
Madison Co.	X	X
St. Clair Co.	X	X

¹ Pursuant to section 107(d)(2)(B) of the Act, the promulgation of the lead designations is not subject to the Administrative Procedure Act requirements for notice-and-comment rulemaking (51 U.S.C. 552-557). However, as a matter of public policy, EPA may choose to provide such notice and comment at other opportunity for public review.

TABLE II—Continued

[Areas for which EPA has recently notified the affected States that EPA believes the area should be redesignated as nonattainment for SO₂.]

State and counties	Primary standard exceeded	Secondary standard exceeded
Michigan:		
Wayne Co.	X	X
Ohio:		
Butler Co.	X	X
Hamilton Co.	X	X
Oklahoma:		
Kay Co.	X	
Pennsylvania:		
Allegheny Co.	X	
Warren Co.	X	
Texas:		
Harris Co.		X
Jefferson Co.		X
Wisconsin:		
Douglas Co.	X	
District of Columbia	X	X

TABLE III.—LEAD DESIGNATIONS

[Areas EPA believes should be designated nonattainment and unclassifiable for lead.]

State and counties	Primary & secondary standards exceeded	Cannot be classified
Alabama:		
Pike Co.	X	
Jefferson Co.	X	
California:		
Los Angeles Co.		X
Florida:		
Hillsborough Co.		X
Georgia:		
Muscogee Co.		X
Indiana:		
Marion Co.	X	
Louisiana:		
East Baton Rouge Parish		X
Missouri:		
Jefferson Co.	X	
Hell Co.		X
Iron Co.	X	
Deer Co.		X
Minnesota:		
DeKola Co.	X	
Montana:		
Lewis & Clark Co.	X	
Nebraska:		
Douglas Co.	X	
New York:		
Orange Co.	X	
Ontonago Co.		X
Ohio:		
Cuyahoga Co.		X
Pennsylvania:		
Becke Co.	X	
Tennessee:		
Shelby Co.	X	
Fayette Co.		X
Williamson Co.	X	
Texas:		
Collin Co.	X	
Bexar Co.		X

[FR Doc. 91-9389 Filed 4-19-91; 8:45 am] BILLING CODE 5600-50-M

40 CFR Part 281

[FRL-3923-7]

New Hampshire; Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of New Hampshire for Final Approval, Public Hearing, and Public Comment Period.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the State of New Hampshire requesting final approval of its underground storage tank (UST) program under subtitle I of the Resource Conservation and Recovery Act (RCRA); (2) EPA has reviewed New Hampshire's application and has made the tentative decision that New Hampshire's UST program satisfies all of the requirements necessary to qualify for final approval; (3) New Hampshire's application for final approval is now available for public review and copying; (4) public comments are requested; and (5) a public hearing will be held to solicit comments on the application, if requested.

DATE: A public hearing is scheduled for May 23, 1991. The State of New Hampshire will participate in the public hearing held by EPA. The hearing will begin at 10 a.m. and will continue until the end of testimony or 1 p.m., whichever comes first. Requests to present oral testimony must be filed by May 17, 1991. Written consent must be received by May 23, 1991. EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify should be mailed to Susan Hanamoto, Underground Storage Tank Program, HPU-1, U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203. Copies of New Hampshire's final application for program approval are available 9 a.m.-4 p.m. Monday through Friday, at the following locations for review.

New Hampshire Department of Environmental Services, 6 Hazen Drive, Concord, NH 03302. Phone: (603) 271-3644;

U.S. EPA Headquarters, Library, room 211A, 401 M Street, Washington, DC 20460. Phone: (202) 382-5826.

U.S. EPA, Region I, Library 11th Floor, 1 Congress Street, Boston, MA 02203. Phone: (617) 565-3300.

EPA and New Hampshire will hold the public hearing on May 23, 1991 in room 112, Health & Welfare Building, 8 Hazen Drive, Concord, NH. The hearing will begin at 10 a.m. and will continue until the end of testimony or 1 p.m., whichever comes first.

FOR FURTHER INFORMATION CONTACT: Susan L. Hanamoto HPU-1, Underground Storage Tank Program, U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203. Comments should be sent to this address. Phone: (617) 573-5748.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of RCRA authorizes EPA to approve state UST programs to operate in the State in lieu of the Federal UST program. Two types of approval may be granted. The first type, known as "interim approval" is a temporary approval which is granted if EPA determines that the state UST program is "no less stringent" than the Federal program (section 9004(b), 42 U.S.C. 6991c(b)) in the following elements: corrective action, financial responsibility, and new tank standards. While operating under interim approval, the State may complete the development of "no less stringent" standards for the following elements: Release detection, release detection recordkeeping, release reporting, corrective action, and tank closure.

The second type of approval is a "final approval" that is granted if EPA determines that the State program: (1) is "no less stringent" than the Federal UST program in all the following elements: corrective action, financial responsibility, new tank standards; release detection, release detection recordkeeping, release reporting, corrective action, tank closure, and notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

B. New Hampshire

On December 29, 1989, the State of New Hampshire submitted a draft application for program approval. The State decided to further amend their UST rules and to also include rules implementing administrative fines for violations of the UST rules. The public notice requested comments on the amendments and administrative fine rules, stated the date for the public hearing, and included the State's intent

for seeking final program approval. The public hearing was held on February 8, 1990, and the amended UST rules became effective on November 2, 1990.

On December 19, 1990, New Hampshire submitted an official application for final approval. Prior to its submission, New Hampshire provided an opportunity for public notice and comment in the development of its underground storage tank program. This is required under 40 CFR 281.50(b). EPA has reviewed New Hampshire's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for final approval. Consequently, EPA intends to grant final approval to New Hampshire to operate its program.

In accordance with section 9004 of RCRA, 42 U.S.C. 6991c and 40 CFR 281.50(e), the Agency will hold a public hearing on its tentative decision on May 23, 1991, in Concord, New Hampshire, from 10 a.m.-1 p.m. The public may also submit written comments on EPA's tentative determination until May 23, 1991. Copies of New Hampshire's application are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

The New Hampshire Department of Environmental Services, through the Water Supply and Pollution Control Division is dedicating a substantial effort to prevent, remediate, and manage UST-related groundwater contamination under chapter 146-C, the Underground Storage Facilities statute and chapter 146-D, the Oil Discharge and Disposal Cleanup Fund statute.

Chapter 146-C provides for the following:

- (1) Authority to adopt UST rules. Existing UST rules were amended to become "no less stringent" than the Federal UST regulations of 40 CFR part 280.
- (2) The assessment of a tank permit fee (RSA 146-C:4).
- (3) Authority to impose administrative fines for violations of any provision of the statute (RSA 146-C:10-a).
- (4) Authority to conduct UST related compliance monitoring and enforcement activities (RSA 146-C:10).
- (5) Strict liability for owners and operators for corrective action (RSA 146-C:11).

Chapter 146-D provides for the following:

- (1) Financial responsibility for the cleanup of oil discharge and disposal (RSA 146-D:6).
- (2) Financial assistance to owners of underground storage tanks through reimbursement for cleanup of oil

discharge and disposal and third party damages (RSA 146-D:6).

EPA will consider all public comments on its tentative determination received during the public comment period or at the hearing. Issues raised by those comments may be the basis for a decision to deny final approval to New Hampshire. EPA expects to make a final decision on whether or not to approve New Hampshire's program within sixty (60) days after the date of the public hearing and will give notice of it in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. Approval of New Hampshire's UST program effectively suspends the applicability of the Federal UST regulations, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. Consequently, it does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative practice and procedure, Hazardous material, State program approval, Underground storage tanks.

Authority: This notice is issued under the authority of section 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6991c.

Stephen S. Peekias,
Acting Regional Administrator.

[FR Doc. 91-0368 Filed 4-19-91; 8:45 am]

BILLING CODE 6820-06-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6848

[CA-940-4214-10; CALA 015742WR]

Revocation of Public Land Order No. 1655; California

AGENCY: Bureau of Land Management, Interior.

APPENDIX C: APPROVAL DETERMINATIONS

Tentative Determination To Approve

(Model Federal Register Notice)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

(Insert name of State); Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency

ACTION: Notice of Tentative Determination on Application of State X for Final Approval, Public Hearing and Public Comment Period.

SUMMARY: State X has applied for final approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed State X's application and has made the tentative decision that State X's underground storage tank program satisfies all of the requirements necessary to qualify for final approval. Thus, EPA intends to grant final approval to the State to operate its program in lieu of the Federal program. State X's application for final approval is available for public review and comment and a public hearing will be held to solicit comments on the application, if requested.

DATES: A public hearing is scheduled for (insert date of hearing, at least 30 calendar days after date of publication in FR). State X will participate in the public hearing held by EPA on this subject. All comments on State X's final approval application must be received by the close of business on (insert date at least 30 calendar days after date of publication in FR).

ADDRESSES: Copies of State X's final approval application are available during (insert business hours) at the following addresses for inspection and copying: (insert appropriate State addresses); U.S. EPA Headquarters Library, PM 211A, 401 M Street, S.W., Washington, D.C. 20460, Phone: 202/382-5926; and U.S. EPA Region (insert Region number), Library, (insert the address, phone number, and contact). Written comments should be sent to (insert name, address, and phone number of Regional contact). EPA will hold the public hearing on (insert date, time, and location of hearing).

FOR FURTHER INFORMATION CONTACT: (Insert name, address, and phone number of the appropriate Regional contact.)

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. Program approval is granted by EPA if the Agency finds that the State program: (1) is "no less stringent" than the Federal program in all seven elements, and includes notification requirements

of section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (Section 9004(a), 42 U.S.C. 6991c(a)).

B. State X

(Insert paragraph briefly describing the State's approval history prior to submission of the "official" application.)

On _____, State X submitted an official application for final approval. Prior to its submission, State X provided an opportunity for public notice and comment in the development of its underground storage tank program. This is required under §281.50(b). EPA has reviewed State X's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for final approval. Consequently, EPA intends to grant final approval to State X to operate its program in lieu of the Federal program.

In accordance with Section 9004 of RCRA 42 U.S.C. 6991c and 40 CFR 281.50(e), the Agency will hold a public hearing on its tentative decision on (insert date of hearing, at least 30 calendar days after date of publication in FR) at (insert time and location of hearing). The public may also submit written comments on EPA's tentative determination until (insert date at least 30 calendar days after date of publication in FR). Copies of State X's application are available for inspection and copying at the location indicated in the "Addresses" section of this notice.

(You may wish to insert a paragraph here that directs the public's attention to certain issues.)

EPA will consider all public comments on its tentative determination received at the hearing or during the public comment period. Issues raised by those comments may be the basis for a decision to deny final approval to State X. EPA expects to make a final decision on whether or not to approve State X's program by [insert date 90 calendar days after date of publication in FR] and will give notice of it in the **FEDERAL REGISTER**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

COMPLIANCE WITH EXECUTIVE ORDER 12291: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

CERTIFICATION UNDER THE REGULATORY FLEXIBILITY ACT: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations in favor of State X's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

LIST OF SUBJECTS IN 40 CFR PART 281: Administrative Practice and Procedure, Hazardous Materials, State Program Approval, and Underground Storage Tanks.

AUTHORITY: This notice is issued under the authority of Section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6991c.

Dated:

Regional Administrator

Final Determination To Approve

(Model Federal Register Notice)

ENVIRONMENTAL PROTECTION AGENCY 40 CFR PART 281

(Insert name of State); Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency

ACTION: Notice of Final Determination on State X's Application for Final Approval.

SUMMARY: State X has applied for final approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). Environmental Protection Agency (EPA) has reviewed State X's application and has reached a final determination that State X's underground storage tank program satisfies all of the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to State X to operate its program.

EFFECTIVE DATE: Final approval for State X shall be effective at 1:00 pm Eastern Time on [insert date 30 days after the date of publication in the **FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT: (Insert name, address, and phone number of the appropriate Regional contact.)

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables the Environmental Protection Agency (EPA) to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank program. To qualify for final authorization, a State's program must: (1) be "no less stringent" than the Federal program; and (2) provide for adequate enforcement (Sections 9004(a) and 9004(b) of RCRA, 42 U.S.C. 6991c(b)).

On (insert date), State X submitted an official application to obtain final approval to administer the underground storage tank program. On (insert date), EPA published a tentative decision announcing its intent to grant State X final approval. Further background on the tentative decision to grant approval appears at _____ FR _____, (insert date).

Along with the tentative determination EPA announced the availability of the application for public comment and the date of a public hearing on the application. The public hearing was held on (insert date of public hearing).

(Insert discussion on public comments received and the response to those comments. Additionally, in the case of a tentative decision requiring a State to make changes in order to be approved, insert discussion of the needed changes for approval and what the State agreed to do to be approved.)

(Insert discussion of any different or additional procedural steps during the approval process. For example, the State may have held an additional public hearing on a portion of its program which was substantially modified subsequent to the initial State public hearing.)(Insert discussion which describes any major portions of the State's program which are not part of the underground storage tank program; e.g., any major State requirements that are broader in scope than Federal requirements.)

(Insert a discussion of any portion of the UST program that will continue to be regulated by EPA as a result of partial program approval or unregulated segments of the tank universe.)

(Insert a statement as to whether or not the State is being approved to operate the underground storage tank program on Indian lands.)

B. Decision

After reviewing the public comments and the changes the State has made to its application and program since the tentative decision, I conclude that State X's application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, State X is granted final approval to operate its underground storage tank program. State X now has the responsibility for managing underground storage tank facilities within its borders and carrying out all aspects of the UST program except [note any areas where EPA will have continued regulatory authority]. State X also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 9005 of RCRA 42 U.S.C. 6991d and to take enforcement actions under Section 9006 of RCRA 42 U.S.C. 6991e.

COMPLIANCE WITH EXECUTIVE ORDER 12291: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

CERTIFICATION UNDER THE REGULATORY FLEXIBILITY ACT: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This approval effectively suspends the applicability of certain Federal regulations in favor of State X's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

LIST OF SUBJECTS IN 40 CFR PART 281: Administrative Practice and Procedure, Hazardous Materials, State Program Approval and Underground Storage Tanks.

AUTHORITY: This notice is issued under the authority of Section 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6974(b), and 6991c.

Dated:

Regional Administrator

APPENDIX D: CODIFICATION OF APPROVED STATE PROGRAMS

Proposed/Final Codification Notice Codifying Initial Program Approvals

(Model Federal Register Notice)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

UNDERGROUND STORAGE TANK PROGRAM: CODIFICATION OF APPROVED STATE UNDERGROUND STORAGE TANK PROGRAM FOR [insert name of State]

AGENCY: Environmental Protection Agency

ACTION: Proposed/Final Rule

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the U.S. Environmental Protection Agency (EPA) to grant approval to States to operate their underground storage tank programs in lieu of the Federal program. 40 CFR Part 282 codifies EPA's prior approval of State programs and incorporates by reference those provisions of the State statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of RCRA, 42 U.S.C. 6991d and 6991e. This [[proposal is to codify] or [rule codifies]] in Part 282 the approved underground storage tank program of [insert name of State], which EPA approved on [insert date approval was granted in **Federal Register**].

DATES: [For proposed rule: Comments on the proposed codification of [insert State name] approved underground storage tank program must be received by the close of business [insert date 30 days after publication]]. [For final rule: The codification is effective [insert date 30 days after publication]. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of ____, in accordance with 5 U.S.C. 552(a). Copies may be inspected at [insert the name of the agency and address] or at the Office of the **Federal Register**, 1100 L Street, NW., Room 8401, Washington, DC.

ADDRESSES: [For proposed rule: Written comments should be sent to [insert name, address, and telephone number of the appropriate Regional contact]].

FOR FURTHER INFORMATION CONTACT: [Insert name, address, and telephone number of the appropriate Regional contact].

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6991c, allows the U.S. Environmental Protection Agency (EPA) to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank program. On [insert date of final determination], EPA published a Federal Register notice announcing its decision to grant approval to [insert State name]. See _____ FR _____. Approval was effective on _____.

EPA codifies its approval of State programs in Part 282 of Title 40, Code of Federal Regulations (CFR) and incorporates by reference therein the State statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of RCRA, 42 U.S.C. 6991d and 6991e. Today's [proposed] codification reflects the State program in effect at the time EPA granted [insert State name] approval under Section 9004(a), 42 U.S.C. 6991c(a) for its underground storage tank program.

This effort provides clear notice to the public of the scope of the approved program in each State. Revisions to State underground storage tank programs are necessary when Federal statutory or regulatory authority is modified. By codifying the approved [insert State name] program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in [insert State name], the status of Federally approved requirements of the [insert State name] program will be readily discernible.

The Agency will only codify for enforcement purposes those provisions of the [insert State name] underground storage tank program for which approval has been granted by EPA.

To codify the [insert State name] approved underground storage tank program, EPA [[proposes to add] or [has added]] Subpart [] to Part 282 of Title 40 of the CFR. Subpart [] has previously been reserved for [insert State name]. [[As proposed, section, **or** [Section]] 282 _____. [[will codify for enforcement purposes **or** [codifies for enforcement purposes]] the State statutes and regulations. Section, **or** [Section] 282 _____. [[will codify or [codifies]] the Memorandum of Agreement, the Attorney General's Statement and the Program Description which are approved as part of the underground storage tank program under Subtitle I of RCRA.]

The Agency retains the authority under Sections 9005 and 9006 of RCRA, 42 U.S.C. 6991d and 6991e, to undertake inspections and enforcement actions in approved States. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities and Federal procedures, rather than the State authorized analogs to these provisions. Therefore, the Agency will not codify for purposes of enforcement such particular, approved [insert State name] enforcement authorities. [S]ection 282 _____ lists those approved [insert State name] authorities that would fall into this category.

The public also needs to be aware that some provisions of the State's underground storage tank program are not part of the Federally approved State program. These non-approved provisions are not part of the RCRA Subtitle I program because they are "broader in scope" than Subtitle I of RCRA. See 40 CFR §281.12(a)(3)(ii). As a result, State provisions which are "broader in scope" than the Federal program are not codified for purposes of enforcement in Part 282. Section 282. of the [proposed] codification simply lists for reference and clarity the [insert State name] statutory and regulatory provisions which are "broader in scope" than the Federal program and which are not, therefore, part of the approved program [[proposed for codification] or [being codified today]]. "Broader in scope" provisions cannot be enforced by EPA; the State, however, will continue to enforce such provisions.

[If the State is approved for a partial program, or does not have authority to implement requirements for certain segments of the tank universe (as discussed in the MOA), please add language here to indicate that fact and state that EPA is responsible for those portions of the program that have not been approved.]

The codification of approved State programs in the CFR should substantially enhance the public's ability to discern the current status of the approved State program and clarify the extent of Federal enforcement authority. This will be particularly true as States revise their approved programs or incorporate additional Federal requirements.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. It [[proposes to codify] or [codifies]] the decision already made to approve the [insert State name] underground storage program and has no separate effect on owners and operators of underground storage tanks or upon small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

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 or final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects In 40 CFR Part 282

Administrative practice and procedure, Hazardous materials, Incorporation by reference, Petroleum, State program approval, and Underground storage tanks.

Dated:

Regional Administrator

For the reasons set forth in the preamble, 40 CFR Part 282 is [proposed] as follows:

PART 282 - APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority for Part 282 continues to read as follows:

Authority: Sections 2002, 9004, 9005, and 9006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

2. The table of contents for Part 282 is as follows:

SUBPART [insert appropriate letter(s) and appropriate numbers] - State name

282._____ State Approval

282._____ State-Administered Program

282._____ - 282._____ [Reserved]

3. 40 CFR Part 282, Subpart [insert appropriate letter and appropriate numbers] is as follows:

282._____ State Approval

(a) The State of [insert State name] is approved to administer and enforce an underground storage tank program in lieu of the Federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6991 et. seq., subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (P.L. 98-616, November 8, 1984), 42 U.S.C. 6991c, 6991d, and 6991e). The Federal program for which a State may receive approval is defined in 40 CFR Part 281. The State's program, as administered by the [insert State lead agency] was approved by EPA pursuant to 42 U.S.C. 6991c and Part 281 of this Chapter. EPA's approval was effective on [insert date]. See [insert appropriate **Federal Register** reference].

(b) [Insert State name] has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its enforcement authorities under Sections 9005 and 9006 of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other Federal laws and regulations.

(c) [Insert State name] must revise its approved program to adopt new changes to the Federal Subtitle I program in accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR Part 281, Subpart E. If [insert State name] obtains approval for the revised requirements pursuant to Section

9004 of RCRA, 42 U.S.C. 6991c, the newly approved provisions will be listed in §281._____ of this Subpart.

282._____ State-Administered Program: Final Approval Pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c.

[Insert State name] has final approval for the following elements submitted to EPA in [insert State name] program application for final approval and approved by EPA on [insert **Federal Register** date of final approval.]

(a) **State Statute and Regulations.** (1) The requirements in the [insert State name] statutes and regulations cited in this paragraph are incorporated by reference and codified as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et. seq.** This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552 (a).

(i) [Insert reference for statutory authorities that are part of the approved program under Subtitle I of RCRA.]

(ii) [Insert reference for underground storage tank rules that are part of the approved program under Subtitle I of RCRA.]

(2) The following statutes and regulations, although not codified herein for enforcement purposes, are part of the approved State program.

(i) [Insert reference for statutory authorities that are not to be incorporated by reference but are part of the approved program.]

(ii) [Insert reference for regulations that are not to be incorporated by reference but are part of the approved program under Subtitle I of RCRA.]

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the approved program, and are not codified herein for enforcement purposes.

(i) [Insert statutory provisions, if any, that are broader in scope.]

(ii) [Insert regulatory provisions, if any, that are broader in scope.]

(b) **Memorandum of Agreement.** The Memorandum of Agreement between EPA Region ____ and the [insert State lead agency], signed by the EPA Regional Administrator on [insert appropriate date] is codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42

U.S.C. 6991 et seq. [Insert language describing any portions of the program which EPA will retain authority, e.g., partial program or uncovered segment of the tank universe.]

(c) **Statement of Legal Authority.** (1) "Attorney General's Statement for Final Approval", signed by the Attorney General of [insert State name] on [insert appropriate date] is codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et. seq.**

(2) Letter from the Attorney General of [insert State name] to EPA, [insert appropriate date] is codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et. seq.**

(d) **Program Description.** The program description and any other material submitted as part of the original application or as supplements thereto are codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et. seq.**

282._____ - 282._____ Reserved

Immediate Final Codification Notice for Program Revisions Codifying Program Revisions

(Model Federal Register Notice)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

**UNDERGROUND STORAGE TANK PROGRAM: CODIFICATION OF APPROVED STATE
UNDERGROUND STORAGE TANK PROGRAM FOR [insert name of State]**

AGENCY: Environmental Protection Agency

ACTION: Immediate Final Rule

SUMMARY: The Resource Conservation and Recovery Act of 1976 as amended (RCRA) authorizes the U.S. Environmental Protection Agency (EPA) to grant approval to States to operate their underground storage tank programs in lieu of the Federal program. 40 CFR Part 282 codifies EPA's prior approval of State programs and incorporates by reference those provisions of the State statutes and regulations that EPA will enforce under Sections 9005 and 9006 of RCRA 42 U.S.C. 6991d and 6991e. Thus, EPA intends to codify the approved underground storage tank program of [insert name of State] in Part 282.

DATES: The codification of [insert State name] approved underground storage tank program shall be effective [insert date 60 days after publication] unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on the codification of approved program of [insert State name] must be received by the close of business [insert date 30 days after publication]. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of _____, in accordance with 5 U.S.C. 552(a). Copies may be inspected at [insert the name of the agency and address] or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC.

ADDRESSES: Written comments should be sent to [insert name, address, and telephone number of the appropriate Regional contact].

FOR FURTHER INFORMATION CONTACT: [Insert name, address, and telephone number of the appropriate Regional contact].

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6991, allows the U.S. Environmental Protection Agency (EPA) to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank program. On [insert date of final determination], EPA published a Federal Register notice announcing its decision to grant approval to [insert State name]. (See _____ FR _____).

EPA codifies its approval of State programs in Part 282 of Title 40, Code of Federal Regulations (CFR) and incorporates by reference therein the State statutes and regulations that EPA will enforce under Sections 9005 and 9006 of RCRA 42 U.S.C. 6973, 6991d, and 6991e. The intended codification reflects the State program in effect at the time EPA grants [insert State name] approval under Section 9004(a) 42 U.S.C. 6991c(a) for its underground storage tank programs.

This effort provides clear notice to the public of the scope of the approved program in each State. Revisions to State underground storage tank programs are necessary when Federal statutory or regulatory authority is modified. By codifying the approved [insert State name] program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in [insert State name], the status of Federally approved requirements of the [insert State name] program will be readily discernible.

The Agency will only codify for enforcement purposes those provisions of the [insert State name] underground storage tank program for which approval has been granted by EPA.

To codify the [insert State name] approved underground storage tank program, EPA intends to add Subpart [] to Part 282 of Title 40 of the CFR. Subpart [] has previously been reserved for [insert State name]. Section 282 _____. intends to codify for enforcement purposes the State statutes and regulations. Section 282 _____. codifies the Memorandum of Agreement, the Attorney General's Statement and the Program Description which are part of the approved underground storage tank program under Subtitle I of RCRA.

The Agency retains the authority under Sections 9005 and 9006 of RCRA, 42 U.S.C. 6973, 6991d, and 6991e, to undertake enforcement actions in approved 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 State authorized analogs to these requirements. Therefore, the Agency does not intend to codify for purposes of enforcement such particular, approved [insert State name] enforcement authorities. [Proposed] [S]ection 282 _____ lists those approved [insert State name] authorities that would fall into this category.

The public also needs to be aware that some provisions of the State's underground storage tank program are not part of the Federally approved State program. These non-approved provisions are not part of the RCRA Subtitle I program because they are "broader in scope" than Subtitle I of RCRA. See 40 CFR §281.12(a)(3)(ii). As a result, State provisions which are "broader in scope" than the Federal program are not codified for purposes of enforcement in Part 282. Section 282 _____ of the intended codification simply lists for reference and clarity the [insert State name] statutory and regulatory provisions which are "broader in scope" than the Federal program and which are not, therefore, part of the approved program being codified. "Broader in scope" provisions cannot be enforced by EPA; the State, however, will continue to enforce such provisions.

The codification of approved State programs in the CFR should substantially enhance the public's ability to discern the current status of the approved State program and clarify the extent of Federal enforcement authority. This will be particularly true as States revise their approved programs or adopt additional Federal requirements.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. It intends to codify the decision already made to authorize the [insert State name] program and has no separate effect on owners and operators of underground storage tanks or upon small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

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 or final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects In 40 CFR Part 282

Administrative practice and procedure, Hazardous materials, Incorporation by reference, Petroleum, State program approval, and Underground storage tanks.

Dated:

Regional Administrator

For the reasons set forth in the preamble, 40 CFR Part 282 is [proposed to be] revised as follows:

PART 282 - APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority for Part 282 continues to read as follows:

Authority: Sections 2002, 9004, 9005, and 9006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912, 6991(c), (d), and (e).

2. The table of contents for Part 282 is revised to read as follows:

SUBPART [insert appropriate letter(s) and appropriate numbers] - State name

282._____ State Approval

282._____ State-Administered Program

282._____ - 282._____ [Reserved]

3. 40 CFR Part 282, Subpart [insert appropriate letter and appropriate numbers] is amended to read as follows:

282._____ State Approval

(a) The State of [insert State name] is approved to administer and enforce an underground storage tank program in lieu of the Federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6991 et seq., subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (P.L. 98-616, November 8, 1984), 42 U.S.C. 6991 (c), (d), and (e). The Federal program for which a State may receive approval is defined in 40 CFR Part 281. The State's program, as administered by the [insert State lead agency] was approved by EPA pursuant to 42 U.S.C. 6991 (c) and Part 281 of this Chapter. EPA's approval was effective on [insert appropriate **Federal Register** reference].

(b) [Insert State name] has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its enforcement authorities under Sections 9005 and 9006 of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other Federal laws and regulations.

(c) [Insert State name] must revise its approved program to adopt new changes to the Federal Subtitle I program in accordance with Section 9004 of RCRA 42 U.S.C. 6991c and 40 CFR Part 281, Subpart E. If [insert State name] obtains approval for the revised requirements pursuant to Section 9004 42 U.S.C. 6991c, the newly approved provisions will be listed in §281._____ of this Subpart.

282. _____ State-Administered Program: Final Approval Pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c.

[Insert State name] has final approval for the following elements submitted to EPA in [insert State name] program application for final approval and approved by EPA on [insert Federal Register date of final approval.]

(a) **State Statute and Regulations.** (1) The requirements in the [insert State name] statutes and regulations cited in this paragraph are incorporated by reference and codified as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et seq.** This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552 (a).

(i) [Insert reference for statutory authorities that are part of the approved program under Subtitle I of RCRA.]

(ii) [Insert reference for underground storage tank rules that are part of the approved program under Subtitle I of RCRA.]

(2) The following statutes and regulations, although not codified herein for enforcement purposes, are part of the approved State program.

(i) [Insert reference for statutory authorities that are not to be incorporated by reference but are part of the approved program.]

(ii) [Insert reference for regulations that are not to be incorporated by reference but are part of the approved program under Subtitle I of RCRA.]

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the approved program, and are not codified herein for enforcement purposes.

(i) [Insert statutory provisions, if any, that are broader in scope.]

(ii) [Insert regulatory provisions, if any, that are broader in scope.]

(b) **Memorandum of Agreement.** The Memorandum of Agreement between EPA Region ____ and the [insert State lead agency], signed by the EPA Regional Administrator on [insert appropriate date] is codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et seq.**

(c) **Statement of Legal Authority.** (1) "Attorney General's Statement for Final Approval", signed by the Attorney General of [insert State name] on [insert appropriate date] is codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et seq.**

(2) Letter from the Attorney General of [insert State name] to EPA, [insert appropriate date] is codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et seq.**

(d) **Program Description.** The program description and any other material submitted as part of the original application or as supplements thereto are codified as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 **et seq.**

282._____ - 282._____ Reserved

CFR REFERENCE FOR CODIFICATION OF STATE UST PROGRAMS

PART 282

Subpart B - Alabama
282.59-282.99

Subpart DD - Nevada
282.1450-282.1499

Subpart C - Alaska
282.100-282.149

Subpart EE - New Hampshire
282.1500-282.1549

Subpart D - Arizona
282.150-282.199

Subpart FF - New Jersey
282.1550-282.1599

Subpart E - Arkansas
282.200-282.249

Subpart GG - New Mexico
282.1600-282.1649

Subpart F - California
282.250-282.299

Subpart HH - New York
282.1650-282.1699

Subpart G - Colorado
282.300-282.349

Subpart II - North Carolina
282.7000-282.1749

Subpart H - Connecticut
282.350-282.399

Subpart JJ - North Dakota
282.1750-282.1799

Subpart I - Delaware
282.400-282.449

Subpart KK - Ohio
282.1800-282.1849

Subpart J - District of Columbia
282.450-282.499

Subpart LL - Oklahoma
282.1850-282.1899

Subpart K - Florida
282.500-282.549

Subpart MM - Oregon
282.1900-282.1949

Subpart L - Georgia
282.550-282.599

Subpart NN - Pennsylvania
282.1950-282.1999

Subpart M - Hawaii
282.600-282.649

Subpart OO - Rhode Island
282.2000-282.2049

Subpart N - Idaho 282.650-282.699	Subpart PP - South Carolina 282.2050-282.2099
Subpart O - Illinois 282.700-282.749	Subpart QQ - South Dakota 282.2100-282.2149
Subpart P - Indiana 282.750-282.799	Subpart RR - Tennessee 282.2150-282.2199
Subpart Q - Iowa 282.800-282.849	Subpart SS - Texas 282.2200-282.2249
Subpart R - Kansas 282.850-282.899	Subpart TT - Utah 282.2250-282.2299
Subpart S - Kentucky 282.900-282.949	Subpart UU - Vermont 282.2300-282.2349
Subpart T - Louisiana 282.950-282.999	Subpart VV - Virginia 282.2350-282.2399
Subpart U - Maine 282.1000-282.1049	Subpart WW - Washington 282-2400-282.2449
Subpart V - Maryland 282.1050-282.1099	Subpart XX - West Virginia 282.2450-282.2499
Subpart W - Massachusetts 282.1100-282.1149	Subpart YY - Wisconsin 282.2500-282.2549
Subpart X - Michigan 282.1150-282.1199	Subpart ZZ - Wyoming 282.2550-282.2599
Subpart Y - Minnesota 282.1200-282.1249	Subpart AAA - Guam 282.2600-282.2649
Subpart Z - Mississippi 282.1250-282.1299	Subpart BBB - Puerto Rico 282.2650-282.2699

Subpart AA - Missouri
282.1300-282.1349

Subpart CCC - Virgin Islands
282.2700-282.2749

Subpart BB - Montana
282.1350-282.1399

Subpart DDD - American Samoa
282.2750-282.2799

Subpart CC - Nebraska
282.1400-282.1449

Subpart EEE - Commonwealth of the Northern Mariana Islands
282.2800-282.2849

APPENDIX E: CHECKLIST FOR COMPLETE STATE APPLICATIONS

Complete Application Checklist

1. Governor's Letter
2. Attorney's General Certification
3. Attorney's General Statement (Demonstration of No Less Stringent Objectives and Adequate Enforcement Authorities)
4. Demonstration of Adequate Enforcement Procedures
5. Program Description
6. Memorandum of Agreement
7. State Statutes
8. State Regulations
9. Schedule for Interim Approval (If Applying for Interim Approval)