

that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Has EPA Made in This Rule?

EPA concludes that Virginia's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Virginia final authorization to operate its hazardous waste program with the changes described in its application for program revisions. Virginia has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those HSWA requirements and prohibitions in Virginia, including issuing HSWA permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Virginia subject to RCRA will now have to comply with the authorized Virginia regulatory revisions instead of the equivalent revised Federal requirements in order to comply with RCRA. Virginia has enforcement responsibilities under its state hazardous waste program for violations of its program, but EPA retains its

authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Perform inspections, and require monitoring, tests, analyses or reports;
- Enforce RCRA requirements and suspend or revoke permits; and
- Take enforcement actions regardless of whether Virginia has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which Virginia is being authorized by today's action are already effective and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize Virginia's program changes. If EPA receives comments which oppose this authorization that document will serve as a proposal to authorize such changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of Virginia's program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

F. What Has Virginia Previously Been Authorized for?

Virginia initially received final authorization on December 4, 1984,

effective December 18, 1984 (49 FR 47391), to implement the RCRA hazardous waste management program. EPA granted authorization for changes to Virginia's regulatory program on July 31, 2000, effective September 29, 2000 (65 FR 46606).

G. What Changes Are We Authorizing With Today's Action?

On September 24, 2002, Virginia submitted a final complete program revision application, seeking authorization of its changes in accordance with 40 CFR 271.21. Virginia's revision application includes changes to the Federal hazardous waste program, as published in the **Federal Register** from December 6, 1994 through June 30, 2001, as well as miscellaneous changes to its previously-authorized program. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Virginia's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, EPA grants Virginia final authorization for the following program changes:

1. Program Revision Changes for Federal Rules Published Between December 20, 1994 and June 30, 2001

Virginia seeks authority to administer the Federal requirements that are listed in Table 1. Except as noted in the Table, Virginia incorporates by reference these Federal provisions, in accordance with the dates specified in Title 9, Virginia Administrative Code (9 VAC 20-60-18). Table 1 lists Virginia's requirements that are being recognized as no less stringent than the analogous Federal requirements. The Virginia Waste Management Act (VWMA), enacted by the 1986 session of the Virginia's General Assembly and recodified in 1988 as Chapter 14, Title 10.1, Code of Virginia, forms the basis of the Virginia program. The regulatory references are to Title 9, Virginia Administrative Code (9 VAC) effective November 21, 2001.

TABLE 1.—VIRGINIA'S ANALOGS TO THE FEDERAL REQUIREMENTS

Description of Federal requirement (Revision checklists ¹)	Federal Register	Analogous Virginia authority
RCRA Cluster V ²		
Universal Treatment Standards and Treatment Standards for Organic Characteristic Wastes and Newly Listed Waste (Revision Checklist 137).	60 FR 242, 1/3/95	Title 9, Virginia Administrative Code (9 VAC) §§ 20-60-18 and 20-60-268 A
Testing and Monitoring Activities Amendment I (Revision Checklist 139).	60 FR 3089, 1/13/95	9 VAC §§ 20-60-18 and 20-60-260 A