

States Court of Appeals for the District of Columbia Circuit.

List of Subjects in 40 CFR Part 89

Environmental protection,
Administrative practice and procedure,
Motor vehicle pollution.

Dated: April 7, 2003.

Christine Todd Whitman,
Administrator.

■ For the reasons set forth in the pre-
amble, chapter I, title 40 of the Code of
Federal Regulations is amended as fol-
lows:

PART 89—CONTROL OF EMISSIONS FROM NEW AND IN-USE NONROAD COMPRESSION—IGNITION ENGINES

■ 1. The authority for part 89 continues
to read as follows:

Authority: 42 U.S.C. 7521, 7522, 7523,
7524, 7527, 7541, 7542, 7543, 7545, 7547,
7549, 7550 and 7601(a).

Subpart A—[Amended]

■ 2. Section 89.2 is amended by adding
paragraph (1)(iv) to the definition for
“nonroad engine” to read as follows:

§ 89.2 Definitions.

* * * * *

Nonroad engine means:

(1) * * *

(iv) That is a compression-ignition
engine included in an engine family
certified to meet applicable nonroad
emission requirements of this part if: the
engine is used in agricultural operations
in the growing of crops or raising of
fowl or animals in the State of
California; and any other engines in the
certified engine family otherwise meet
the definition of nonroad engine.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-7478-5]

Tennessee: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Tennessee has applied to EPA
for Final authorization of the changes to
its hazardous waste program under the
Resource Conservation and Recovery
Act (RCRA). EPA has determined that

these changes satisfy all requirements
needed to qualify for Final
authorization, and is authorizing the
State's changes through this immediate
final action. EPA is publishing this rule
to authorize the changes without a prior
proposal because we believe this action
is not controversial and do not expect
comments that oppose it. Unless we get
written comments which oppose this
authorization during the comment
period, the decision to authorize
Tennessee's changes to their hazardous
waste program will take effect. If we get
comments that oppose this action, we
will publish a document in the **Federal
Register** withdrawing this rule before it
takes effect and a separate document in
the proposed rules section of this
Federal Register will serve as a proposal
to authorize the changes.

DATES: This Final authorization will
become effective on June 10, 2003
unless EPA receives adverse written
comment by May 12, 2003. If EPA
receives such comment, it will publish
a timely withdrawal of this immediate
final rule in the **Federal Register** and
inform the public that this authorization
will not take effect.

ADDRESSES: Send written comments to
Narindar M. Kumar, Chief, RCRA
Programs Branch, Waste Management
Division, U.S. Environmental Protection
Agency, The Sam Nunn Atlanta Federal
Center, 61 Forsyth Street, SW., Atlanta,
Georgia 30303-3104; (404) 562-8440.
We must receive your comments by May
12, 2003. You can view and copy
Tennessee's application from 8 a.m. to
4:30 p.m. at the following addresses:
Tennessee Department of Environment
and Conservation, Division of Solid
Waste Management, 5th Floor, L & C
Tower, 401 Church Street, Nashville,
Tennessee 37243-1535, Phone Number:
(615) 532-0850; and EPA Region,
Region 4, Library, 61 Forsyth Street,
SW., Atlanta, Georgia 30303-3104; (404)
562-8190.

FOR FURTHER INFORMATION CONTACT:
Gwendolyn Gleaton, RCRA Services
Section, RCRA Programs Branch, Waste
Management Division, U.S.
Environmental Protection Agency, The
Sam Nunn Atlanta Federal Center, 61
Forsyth Street, SW., Atlanta, Georgia
30303-3104; (404) 562-8500.

SUPPLEMENTARY INFORMATION:

A. Why are Revisions to State Programs Necessary?

States which have received final
authorization from EPA under RCRA
section 3006(b), 42 U.S.C. 6926(b), must
maintain a hazardous waste program
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 Have We Made in This Rule?

We conclude that Tennessee's
application to revise its authorized
program meets all of the statutory and
regulatory requirements established by
RCRA. Therefore, we grant Tennessee
Final authorization to operate its
hazardous waste program with the
changes described in the authorization
application. Tennessee has
responsibility for permitting Treatment,
Storage, and Disposal Facilities (TSDFs)
within its borders (except in Indian
Country) and for carrying out the
aspects of the RCRA program described
in its revised program 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 requirements and
prohibitions in Tennessee, including
issuing 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 Tennessee subject to RCRA
will now have to comply with the
authorized State requirements instead of
the equivalent Federal requirements in
order to comply with RCRA. Tennessee
has enforcement responsibilities under
its State hazardous waste program for
violations of such program, but EPA
retains its authority under RCRA
sections 3007, 3008, 3013, and 7003,
which include, among others, authority
to:

- Do inspections, and require
monitoring, tests, analyses or reports
- Enforce RCRA requirements and
suspend or revoke permits
- Take enforcement actions regardless
of whether the State has taken its own
actions

This action does not impose
additional requirements on the
regulated community because the