

from the Federal regulations and do not meet particular requirements for State authorization currently set forth in the EPA's regulations, the EPA has determined that the State regulations meet the RCRA statutory test of protecting human health and the environment. These Massachusetts regulations are at least as environmentally protective overall as the Federal program. Accordingly, the EPA is proposing to make a State-specific modification to the Federal hazardous waste regulations to enable the EPA to authorize these Massachusetts regulations, pursuant to a proposal for flexibility submitted by the Massachusetts Department of Environmental Protection (MADEP) under the program established by the Joint EPA/State Agreement to Pursue Regulatory Innovation between the EPA and the Environmental Council of States (ECOS program). The EPA is also proposing (as part of this same rulemaking) to then authorize these Massachusetts hazardous waste recyclable materials regulations.

Third, the EPA is proposing to extend the expiration date of site-specific regulations previously adopted by the EPA under the eXcellence and Leadership program (Project XL) allowing alternative RCRA generator requirements to be followed for laboratories at certain universities in Massachusetts (and Vermont). The EPA is also proposing (as part of this same rulemaking) to then authorize the Massachusetts regulations which track these EPA regulations. The EPA already has authorized the Vermont regulations which track these EPA regulations and expects to extend the authorization of the Vermont regulations through a separate rulemaking.

DATES: Comments on the proposed rule must be received on or before November 20, 2003. Comments submitted electronically will be considered timely submitted if they are received by 11:59 p.m. (Eastern time) on the deadline date. Commenters may request a public hearing by November 4, 2003. See **SUPPLEMENTARY INFORMATION** below for additional details.

ADDRESSES: Written comments (including requests for hearings) should be mailed to Robin Biscia, Hazardous Waste Unit, EPA Region I, One Congress St., Suite 1100 (CHW), Boston, MA 02114-2023, or e-mailed to: biscia.robin@epa.gov.

Dockets containing copies of the Commonwealth of Massachusetts' revision application, the materials which the EPA used in evaluating the revision, and materials relating to the

proposed State-specific and site-specific Federal regulation changes, have been established at the following two locations: (i) Massachusetts Department of Environmental Protection Library, One Winter Street—2nd Floor, Boston, MA 02108, business hours Monday through Friday 9 a.m. to 5 p.m., tel: (617) 292-5802; and (ii) EPA Region I Library, One Congress Street—11th Floor, Boston, MA 02114-2023, business hours Monday through Thursday 10 a.m.—3 p.m., tel: (617) 918-1990. Records in these dockets are available for inspection and copying during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Robin Biscia, Hazardous Waste Unit, EPA Region I, One Congress St., Suite 1100 (CHW), Boston, MA 02114-2023, tel: (617) 918-1642, e-mail: biscia.robin@epa.gov.

SUPPLEMENTARY INFORMATION:

Additional comment and hearing information. Unless a hearing is scheduled, all comments must be submitted in writing, and must be received by the deadline set above. Commenters requesting a public hearing should specify the basis for their request. If the EPA determines pursuant to 40 CFR 25.4(d) that there is a sufficient reason to hold a public hearing, it will hold such a hearing prior to the close of the public comment period. The public comment period may then be extended to allow sufficient time to schedule and hold a hearing. If a public hearing is scheduled, the date, time and location will be available through a **Federal Register** notice, by contacting Ms. Robin Biscia at the Region I office, and by individual notice to those persons on the mailing list of those interested in this matter. Persons wishing to be added to this mailing list should contact Ms. Robin Biscia.

Introduction. In part I, below, this document will discuss the updated State RCRA regulations which are proposed to be authorized as a standard authorization under the current EPA regulations. In part II, below, this document will discuss the ECOS program proposal to make a State-specific change to the Federal regulations to allow authorization of the Massachusetts hazardous waste recyclable materials regulations, and the proposed resulting authorization of the recyclable materials regulations. In part III, below, this document will discuss the proposal to extend the expiration date of the New England Universities' Laboratories project XL regulations, and the proposed authorization of the Massachusetts project XL regulations. In part IV, below, this document will

assess the effects of the proposed decisions, in accordance with various statutes and executive orders.

I. Proposed Final Authorization of State Hazardous Waste Management Program Revisions; Standard Authorization

A. Why Are Revisions to State Programs Necessary?

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. As the Federal hazardous waste program changes, the States must revise their programs and apply for authorization of the revisions. Revisions to State hazardous waste programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must revise 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 Has Massachusetts Previously Been Authorized for Under RCRA?

The Commonwealth of Massachusetts initially received Final Authorization on January 24, 1985, effective February 7, 1985 (50 FR 3344), to implement its base hazardous waste management program. The authorized base program State regulations currently remain in effect and generally track Federal hazardous waste requirements through at least July 1, 1984. In addition, the EPA previously has authorized particular Massachusetts regulations which address several of the EPA requirements adopted after July 1, 1984. Specifically, on September 30, 1998, the EPA authorized Massachusetts to administer the Satellite Accumulation rule, effective November 30, 1998 (63 FR 52180). Also, on October 12, 1999, the EPA authorized Massachusetts to administer the Toxicity Characteristics rule (except with respect to Cathode Ray Tubes), and the Universal Waste rule, effective immediately (64 FR 55153). Finally, on November 15, 2000, the EPA granted interim authorization for Massachusetts to regulate Cathode Ray Tubes under the Toxicity Characteristics rule through January 1, 2003, effective immediately (65 FR 68915). This interim authorization subsequently was extended to run through January 1, 2006 (67 FR 66338, October 31, 2002).