

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 Proposed Rule?**

We conclude that South Dakota's applications to revise its authorized program meet all of the statutory and regulatory requirements established by RCRA. Therefore, we propose to grant South Dakota final authorization to operate its hazardous waste program with the changes described in the authorization applications. South Dakota 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 South Dakota, including issuing permits, until South Dakota is authorized to do so.

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

This decision means that a facility in South Dakota subject to RCRA will have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. South Dakota 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:

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

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

### **D. What Happens if EPA Receives Comments That Oppose This Action?**

If EPA receives comments that oppose this authorization, we will address all public comments in a later **Federal Register**. You will not have another opportunity to comment, therefore, if you want to comment on this action, you must do so at this time.

### **E. What Has South Dakota Previously Been Authorized for?**

South Dakota initially received Final authorization on October 19, 1984, effective November 2, 1984 (49 FR 41038) to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on April 17, 1991, effective June 17, 1991 (56 FR 15503); September 8, 1993, effective November 8, 1993 (FR 47216); January 10, 1994, effective March 11, 1994 (59 FR 01275); July 24, 1996, effective September 23, 1996 (61 FR 38392); and May 9, 2000, effective June 8, 2000 (65 FR 26755).

### **F. What Changes Are We Proposing To Authorize With Today's Action?**

South Dakota submitted a final complete program revision applications on August 16, 2002 and February 14, 2003, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make an final decision, subject to receipt of written comments that oppose this action, that South Dakota's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, we propose to grant South Dakota final authorization for the following program changes (the Federal Citation followed by the analog from the Administrative Rules of South Dakota (ARSD 74:28), revised August 28, 2002): *Carbamate Production Identification and Listing of Hazardous Waste* [60 FR 07824, 2/9/95; 60 FR 19165, 4/17/95; and 60 FR 25619, 5/12/95] (Checklist 140)/74:28:22:01; *Conditionally Exempt Small Quantity Generator Disposal Options under Subtitle D* [61 FR 34252, 7/1/96] (Checklist 153)/74:28:22:01; *Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance* [62 FR 01992, 1/14/97] (Checklist 155)/74:28:30:01; *Military Munitions Rule* [62 FR 06622, 2/12/97] (Checklist 156)/78:28:21:02, 78:28:22:01, 78:28:23:01, 78:28:24:01, 78:28:25:01, 78:28:26:01, 78:28:27:01, and 78:28:28:01; *Land Disposal Restrictions Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain*

*Processed Materials, and Miscellaneous Hazardous Waste Provisions* [62 FR 25998, 5/12/97] (Checklist 157)/78:28:22:01 and 78:28:30:01; *Testing & Monitoring Activities Amendment III* [62 FR 32452, 6/13/97] (Checklist 158)/78:28:21:02, 78:28:25:01, 78:28:27:01, and 78:28:28:01; *Conformance with the Carbamate Vacatur* [62 FR 32974, 6/17/97] (Checklist 159)/78:28:22:01 and 78:28:30:01; *Land Disposal Restrictions Phase III—Emergency Extension of the K088 National Capacity Variance, Amendment* [62 FR 37694, 7/14/97] (Checklist 160)/78:28:30:01; *Emergency Revision of the Carbamate Land Disposal Restrictions* [62 FR 45568, 8/28/97] (Checklist 161)/78:28:30:01; *Kraft Mill Steam Stripper Condensate Exclusion* [63 FR 18504, 4/15/98] (Checklist 164)/78:28:22:01; *Recycled Used Oil Management Standards—Technical Correction & Clarification* [63 FR 24963, 5/6/98 and 63 FR 37780, 7/14/98] (Checklist 166)/78:28:22:01 and 78:28:27:01; *Land Disposal Restrictions Phase IV—Treatment Standards for Metal Wastes & Mineral Processing Wastes* [63 FR 28556, 5/26/98] (Checklist 167A)/78:28:30:01; *Land Disposal Restrictions Phase IV—Hazardous Soils Treatment Standards & Exclusions* [63 FR 28556, 5/26/98] (Checklist 167B)/78:28:30:01; *Land Disposal Restrictions Phase IV—Corrections* [63 FR 28556, 5/26/98 and 63 FR 31266, 6/8/98] (Checklist 167C)/78:28:30:01; *Bevill Exclusion Revisions & Clarifications* [63 FR 28556, 5/26/98] (Checklist 167E)/78:28:22:01; *Exclusion of Recycled Wood Preserving Wastewaters* [63 FR 28556, 5/26/98] (Checklist 167F)/78:28:22:01; *Hazardous Waste Combusters—Revised Standards* [63 FR 6/19/98] (Checklist 168)/78:28:22:01 and 78:28:26:01; *Petroleum Refining Process Wastes* [63 FR 42110, 8/6/98] (Checklist 169)/78:28:22:01, 78:28:27:01, 78:28:30:01; *Land Disposal Restrictions Phase IV—Zinc Micronutrient Fertilizers, Amendment* [63 FR 46332, 8/31/98] (Checklist 170)/78:28:30:01; *Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production* [63 FR 47410, 09/04/98] (Checklist 171)/78:28:30:01; *Land Disposal Restrictions Phase IV—Extension of Compliance Date for Characteristic Slags* [63 FR 48124, 9/9/98] (Checklist 172)/78:28:30:01; *Land Disposal Restrictions—Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088)—Final Rule* [63 FR 51254, 9/24/98] (Checklist 173)/78:28:30:01; *Post-Closure Permit Requirement & Closure*