ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R10–RCRA–2017–0285; FRL–9963–60–Region 10]

Washington: Proposed Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Washington has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act, as amended, (RCRA). The EPA has reviewed Washington's application, and we have determined that these changes satisfy all requirements needed to qualify for final authorization and are proposing to authorize the State's changes. The EPA seeks public comment prior to taking final action.

DATES: Comments on this proposed rule must be received by August 14, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2017–0285, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Barbara McCullough, U.S. Environmental Protection Agency, Region 10, Office of Air and Waste (OAW–150), 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, phone number: (206) 553–2416, email: *mccullough.barbara@epa.gov* or from the Washington State Department of Ecology, 300 Desmond Drive, Lacey, Washington 98503, contact: Robert Rieck, phone number: (360) 407–6751, email: *rori461@ecy.wa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why are revisions to State programs necessary?

States that have received final authorization from the EPA pursuant to section 3006(b) of RCRA, 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 the 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 the EPA's regulations in Title 40 of the Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273, and 279.

Washington State's hazardous waste management program was initially approved on January 30, 1986 and became effective on January 31, 1986. As explained in Section E below, it has been revised and reauthorized numerous times since then. On January 26, 2017, EPA received the State's most recent authorization revision application. This authorization revision application requests federal authorization for Washington's Rules and Standards for Hazardous Waste, effective as of December 31, 2014, and seeks to revise its federally-authorized hazardous waste management program to include Federal hazardous waste regulations promulgated through July 1, 2013.

B. What decisions are proposed in this action?

The EPA has reviewed Washington's application to revise its authorized program and proposes to determine that it meets all of the statutory and regulatory requirements established by RCRA, as amended. Therefore, with respect to these revisions we are proposing to grant Washington final authorization to operate its hazardous waste program with the changes described in the authorization revision application. Washington will continue to have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian country (18 U.S.C. 1151)) with the exception of the non-trust lands within the exterior boundaries of the Puyallup Indian Reservation (also referred to as the ''1873 Survey Area'' or ''Survey Area'') located in Tacoma, Washington (see section ''J'' below for full description) 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 the EPA promulgates under the authority of HSWA, and which are not less stringent than existing requirements, take effect in authorized states before the states are authorized for the requirements. Thus, the EPA will implement those requirements and prohibitions in Washington, including issuing permits, until the State is granted authorization to do so.

C. What is the effect of this proposed authorization decision?

If Washington is authorized for these changes, a person in Washington subject to RCRA must comply with the authorized State requirements in lieu of the corresponding Federal requirements. Additionally, such persons will have to comply with any applicable Federal requirements, such as, HSWA regulations issued by the EPA for which the State has not received authorization, and RCRA requirements that are not supplanted by authorized State-issued requirements. Washington continues to have enforcement responsibilities under its State hazardous waste management program for violations of this program, but the EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which includes, among others, the authority to:

- Conduct inspections;
- Require monitoring, tests, analyses, or reports;
- Suspend, terminate, modify or revoke permits;
- Abate conditions that may present an imminent and substantial endangerment to human health and the environment; and
- Enforce RCRA requirements and take enforcement actions regardless of whether the State has taken its own actions.

The action to approve these revisions would not impose additional requirements on the regulated community because the regulations for which Washington has requested federal authorization are already effective under State law and are not changed by the act of authorization.

D. What happens if the EPA receives comments on this action?

If the EPA receives comments on this proposed action, we will address those comments in our final action. You may not have another opportunity to comment. If you want to comment on this proposed authorization, you must do so at this time.

E. What has Washington previously been authorized for?

Washington initially received final authorization on January 30, 1986, effective January 31, 1986 (51 FR 3782), to implement the State's hazardous waste management program. The EPA granted authorization for changes to Washington's program on September 22, 1987, effective on November 23, 1987 (52 FR 35556); August 17, 1990, effective October 16, 1990 (55 FR 33695); November 4, 1994, effective November 4, 1994 (59 FR 55322); February 29, 1996, effective April 29, 1996 (61 FR 7736); September 22, 1998, effective October 22, 1998 (63 FR 50531); October 12, 1999, effective January 11, 2000 (64 FR 55142); April 11, 2002, effective April 11, 2002 (67 FR 17636); April 14, 2006, effective June 13, 2006 (71 FR 19442); October 30, 2006 effective December 29, 2006 (71 FR 63253) and June 18, 2010 effective July 28, 2010 (75 FR 44144) .

F. What changes are we proposing?

The EPA is proposing to authorize revisions to Washington's authorized program described in Washington's official program revision application, submitted to the EPA on January 26, 2017 and deemed complete by the EPA on February 23, 2017. The EPA proposes to determine, subject to public review and comment, that Washington's hazardous waste management program revisions as described in the January 23, 2017 State's authorization revision application satisfy the requirements necessary to qualify for final authorization. Regulatory revisions that are less stringent than the Federal program requirements and those regulatory revisions that are broader in scope than the Federal program requirements are not authorized. Washington's authorized hazardous waste management program, as amended by these provisions, remains equivalent to, consistent with, and is no less stringent than the Federal RCRA program. Therefore, we are proposing to authorize the State for the following program changes as identified in Table 1 and Table 2 below.

The provisions listed in Table 1 and Table 2 are from the Washington Administrative Code (WAC) and are analogous to the RCRA regulations as indicated in the Tables. The RCRA regulations that the State incorporated by reference are those as published in 40 CFR parts 260 through 265, 268, 270, and 279, as of July 1, 2013, unless otherwise noted. Table 1 identifies new State rules that the EPA is authorizing as equivalent or more stringent than the Federal program. Table 2 identifies State-initiated changes to previously authorized State provisions. (Note: in Table 2 some State provisions have no direct Federal analog but are related to particular paragraphs, sections, or parts of the Federal hazardous waste regulations) The referenced analogous State authorities were State adopted and effective as of December 31, 2014.

TABLE 1—EQUIVALENT AND MORE STRINGENT ANALOGUES TO THE FEDERAL PROGRAM

Checklist [1]	Federal requirements	**Federal Register**	Analogous State authority (WAC 173–303– * * *)
12 [2]	Satellite Accumulation	49 FR 49568, 12/20/1984	200(2).
174	Post-Closure Permit Requirement and Closure Process.	63 FR 56710, 10/22/1998	645(1)(e); 800(12); 610(3)(a)(ix); 620(1)(d)(i); 610(3)(b)(ii)(D); 610(8)(d)(ii)(D); 045(1); 400(3)(a); IBR 045(1); 800(2); 806(4)(a); 806(4)(o).
206	Nonwastewaters from Dyes and Pigments.	70 FR 9138, 2/24/2005	071(3)(kk), 071(3)(kk)(i), 071(3)(kk)(ii), 071(3)(kk)(iii), 071(3)(kk)(iv), 071(3)(kk)(v); 9904, 9904(1), 9904(2), 9904(3), 9904(4), 9904(4)(a), 9904(4)(b), 9904(4)(b)(i), 9904(4)(b)(ii), 9904(4)(b)(iii), 9904(4)(b)(iv), 9904(4)(b)(iv)(A), 9904(4)(b)(iv)(B), 9904(4)(b)(iv)(C), 9904(4)(c), 9904(4)(c)(i), 9904(4)(c)(ii), 9904(4)(c)(iii), 9904(4)(c)(iii)(A), 9904(4)(c)(iii)(B), 9904(4)(c)(iii)(C), 9904(4)(c)(iii)(D), 9904(4)(c)(iv), 9904(4)(c)(iv)(A), 9904(4)(c)(iv)(B), 9904(4)(c)(v), 9904(4)(c)(vi), 9904(4)(c)(vii), 9904(4)(c)(viii), 9904(4)(c)(ix), 9904(4)(c)(x), 9904(4)(c)(x)(A), 9904(4)(c)(x)(B), 9904(4)(c)(x)(C), 9904(4)(c)(x)(D), 9904(4)(c)(xi), 9904(4)(c)(xi)(A), 9904(4)(c)(xi)(B), 9904(4)(c)(xi)(C), 9904(4)(d), 9904(4)(e); 082(4); 045(1); 9905; 140(2)(a) IBR; 045(1).
220 [2]	Academic Laboratories Generator Standards.	73 FR 72912, 12/1/2008	070(7)(c)(vi), 070(7)(c)(vii); 170(7), 170(7)(a), 170(7)(b); 235, 235(1), 235(1)(a), 235(1)(b), 235(1)(c), 235(1)(d), 235(1)(e), 235(1)(f), 235(1)(g), 235(1)(h), 235(1)(i), 235(1)(j) and (k), 235(1)(l), 235(1)(m), 235(1)(n), 235(2), 235(2)(a), 235(2)(b); 225(3), 225(3)(a), 225(3)(b); 235(4), 235(4)(a), 235(4)(b), 235(4)(b)(i), 235(4)(b)(ii), 235(4)(b)(iii), 235(4)(b)(iv), 235(4)(b)(v), 235(4)(b)(vi), 235(4)(b)(vii), 235(4)(b)(viii), 235(4)(b)(ix), 235(4)(b)(x), 235(4)(b)(xi), 235(4)(c), 235(4)(d), 235(4)(e), 235(5)(a), 235(5)(b), 235(5)(b)(i), 235(5)(b)(ii), 235(5)(b)(iii), 235(5)(b)(iv), 235(5)(b)(v), 235(5)(b)(vi), 235(5)(b)(vii), 235(5)(b)(viii), 235(5)(b)(ix), 235(5)(b)(x), 235(5)(b)(xi), 235(5)(c), 235(6), 235(6), 235(7), 235(7), 235(7)(a), 235(7)(a)(i), 235(7)(a)(i)(A), 235(7)(a)(i)(C), 235(7)(a)(i)(B), 235(7)(a)(i)(C)(I), 235(7)(a)(i)(C)(II), 235(7)(a)(ii), 235(7)(a)(ii), 235(7)(a)(ii)(A), 235(7)(a)(ii)(B), 235(7)(a)(ii)(C), 235(7)(b), 235(7)(b)(i), 235(7)(b)(ii), 235(7)(b)(iii), 235(7)(b)(iii)(A), 235(7)(b)(iii)(B), 235(7)(b)(iii)(C), 235(7)(b)(iii)(C)(I), 235(7)(b)(iii)(C)(II), 235(8), 235(8), 235(8)(a), 235(8)(b), 235(8)(b)(i), 235(8)(b)(ii), 235(8)(b)(iii), 235(8)(b)(iv), 235(8)(b)(v), 235(8)(c), 235(8)(c)(i), 235(8)(c)(ii), 235(8)(c)(iii), 235(8)(c)(iv), 235(8)(d), 235(8)(d)(i), 235(8)(d)(ii), 235(9), 235(9)(a), 235(9)(a)(i), 235(9)(a)(ii), 235(9)(b), 235(9)(c), 235(9)(d), 235(9)(d)(i), 235(9)(d)(i)(A), 235(9)(d)(i)(B), 235(9)(d)(ii), 235(9)(d)(ii)(A), 235(9)(d)(ii)(B), 235(10), 235(10)(a), 235(10)(a)(i), 235(10)(a)(ii), 235(10)(a)(iii), 235(10)(b), 235(11), 235(11), 235(11)(a), 235(11)(b), 235(11)(b)(i), 235(11)(b)(ii), 235(11)(b)(iii), 235(11)(c), 235(11)(d), 235(11)(d)(i), 235(11)(d)(ii), 235(11)(e), 235(12), 235(12), 235(12)(a), 235(12)(b), 235(12)(c) except for "WAC 173–303–200(1)(b)(i)" citation, 235(12)(d), 235(12)(e), 235(12)(e)(i), 235(12)(e)(ii), 235(12)(e)(iii), 235(12)(e)(iv), 235(13), 235(13), 235(13)(a), 235(13)(b), 235(13)(c), 235(13)(d), 235(13)(e), 235(13)(e)(i), 235(13)(e)(ii), 235(13)(e)(iii), 235(13)(e)(iv), 235(14), 235(14)(a), 235(14)(a)(i), 235(14)(a)(ii), 235(14)(a)(iii) except for the phrase ", more than 2.2 pounds of WT01 EHW", 235(14)(a)(iv), 235(14)(b), 235(14)(b)(i), 235(14)(b)(ii), 235(15),

TABLE 1—EQUIVALENT AND MORE STRINGENT ANALOGUES TO THE FEDERAL PROGRAM—Continued

Checklist [1]	Federal requirements	Federal Register	Analogous State authority (WAC 173–303– * * *)
			235(15)(a), 235(15)(a)(i), 235(15)(a)(i)(A), 235(15)(a)(i)(B), 235(15)(a)(ii), 235(15)(b), 235(15)(b)(i), 235(15)(b)(ii), 235(15)(b)(iii), 235(15)(b)(iv), 235(15)(b)(iv)(A), 235(15)(b)(iv)(B), 235(15)(b)(iv)(B)(I), 235(15)(b)(iv)(B)(II), 235(15)(b)(v), 235(15)(b)(vi), 235(15)(b)(vi)(A), 235(15)(b)(vi)(B), 235(15)(b)(vii), 235(15)(b)(vii)(A), 235(15)(b)(vii)(B), 235(15)(b)(vii)(C), 235(15)(b)(vii)(D), 235(15)(c), 235(15)(d), 235(16), 235(16)(a), 235(16)(b), 235(17), 235(17)(a), 235(17)(b).
222	OECD Requirements; Export Shipments of Spent Lead-Acid Batteries.	75 FR 1236, 1/8/2010	170(6); 230(1) IBR; 045(1); 240(11); 290(1)(b); 370(3), 370(7); 290(1)(b); 370(3), 370(7); 520(1)(a) and (b).
223 [2]	Hazardous Waste Technical Corrections and Clarifications.	75 FR 12989, 1/18/2010	040 ''New TSD facility'' definition; 040 ''Processed scrap metal'' definition; 016 Table 1; 070(8)(a)(iii); 120(3), 120(3)(d); 090(7)(a)(viii); 9904; 9903; 082(4) IBR; 045(1); 180(3)(f), 180(3)(f)(i), 180(3)(f)(i)(A), 180(3)(f)(i)(B), 180(3)(f)(ii), 180(3)(f)(iii), 180(3)(f)(iv); 200(1)(b)(iv)(B), 200(1)(f), 200(1)(g) , 200(2)(a), 200(2)(b); 220(2)(e), 220(2)(e)(i), 220(2)(e)(ii) 220(2)(e)(ii) Note; 230(2); 350(2); 370(5)(e)(vi), 370(5)(f)(i), 370(5)(f)(vii), 370(5)(f)(viii); 350(2); 360(2)(d)(ii); 370(5)(e)(vi), 370(5)(f)(i), 370(5)(f)(vii), 370(5)(f)(viii); 400(3)(a) IBR and 045(1); 505(1)(b)(i); 140(2)(a) IBR; 045(1); 810(8)(b).
226 [2]	Academic Laboratories Generator Standards Technical Corrections.	75 FR 79304, 12/20/2010	235(1), 235(1)(b), 235(7)(b)(iii)(A), 235(13)(e)(i), 235(15)(a)(i), 235(15)(b)(i).
227	Revision of the Land Disposal Treatment Standards for Carbamate Wastes.	76 FR 34147, 6/13/2011	140(2)(a) IBR; 045(1).
228 [2]	Hazardous Waste Technical Corrections and Clarifications Rule.	77 FR 22229, 4/13/2012	9904; 505(1)(b)(i).

[1] The Checklist is a document that addresses the specific changes made to the Federal regulations by one or more related final rules published in the FEDERAL REGISTER. The EPA develops these checklists as tools to assist states in developing their authorization application and in documenting specific state regulations analogous to the Federal regulations. For more information, see the EPA's RCRA State Authorization Web site at *https://www.epa.gov/rcra/state-authorization-under-resource-conservation-and-recovery-act-rcra#about.*

[2] State rule contains more stringent provisions. For identification of the more stringent State provisions refer to the authorization revision application's Attorney General Statement and Checklists found in the docket for this proposed rule. Some of the more stringent state provisions are discussed in Section G of this rule.

TABLE 2—STATE INITIATED CHANGES

State Citation WAC 173–303– * * *	Reason for Change:	Analogous Federal 40 CFR Citation
040	''Enforceable document'' definition internal citations corrected: WAC 173–303–610(1)(e); WAC 173–303–620(1)(d).	270.1(c)(7).
040	''Facility'' definition internal citation corrected: RCW 70.105D.020(8) ..	260.10.
040	''Performance track member facility'' obsolete definition deleted	260.10.
040	''Release'' definition internal citation corrected: RCW 70.105D.020(32).	280.12 related.
045(1)	Date of incorporation by reference updated	No direct analog.
070(1)(b)	Language revised for equivalence with federal rule	262.11.
072(1)(b)	Internal citation corrected: ''described in subsections (3) and (4) of this section.''.	260.20.
110(3)(a)	SW–846 reference information updated	260.11(c).
110(3)(c), 110(7)	Updated Chemical Test Methods guidance and publication date	Related to 260.11 and 40 CFR Appendix IX.
110(3)(g)(ix), 110(3)(h)(i), 110(3)(h)(vii).	References to industry standards and codes updated	260.11(d) and (e).
170(3)	Clarification that final facility standards are found in WAC 173–303–600.	264.1(g)(3) related.
180(3)(c)	Redundant manifest instructions deleted (Previous (d), (e) and (f) are renumbered to (c), (d) and (e)).	262.23 related.
200(1)(b)(iv)	Requirement for independent qualified registered professional engineer (IQRPE).	262.34(a)(1)(iv)—more stringent State requirement.
200(1)(b)(iv)(B)	Second sentence of this citation was relocated to new 200(1)(g) to clarify applicability to all generators.	262.34(a)(1)(iv)(B).
200(2)(b), 200(3)(c)	''Per waste stream'' deleted for equivalence with federal rule	262.34(c).
200(4)(a)(iv)(A)(III)	Reminder added that facilities use an IQRPE to certify containment building design.	262.34(g)(4)(i)(C)—more stringent State requirement.
200(5)	Requirements for National Environmental Performance Track Program deleted (Previous (6) is renumbered to (5)).	262.34(j), (k) and (l).
240(6)	Editing correction	263.12 related—more stringent State requirement.
330(1)(d)	Editing correction. The second sentence of previous (c)(ii) is changed to (d), and (d) renumbered to (e).	264.16(b).
370(1)	''Owners and operators'' clarified to mean the phrase applies only to permitted facilities and dangerous waste recyclers.	264.70(a).
380(1)(r)	New sub-section: Certificates of major tank system repair added for equivalence with federal rule.	264.73(b)(19).

TABLE 2—STATE INITIATED CHANGES—Continued

State Citation WAC 173–303– * * *	Reason for Change:	Analogous Federal 40 CFR Citation
400(3)(c)(ii)(G)	Enforceable documents in lieu of a post closure permit adopted	265.110(c), 265.118(c)(4) and 265.121.
400(3)(c)(xxii)(B)	Reference to Performance Track member facilities deleted	265.1101(c)(4).
400(3)(c)(xxii)(B)	Rule is modified to add IQRPE requirement.	265.1101(c)(3)(iii)—more stringent State requirement.
573(9)(b)(ii)(A)	Corrected for equivalence with federal rule	273.13(c)(2)(i).
573(19)(b)(iv) and (v)	References to thermostat universal waste are removed, including in the example calculation.	273.32(b)(4) and (5)—more stringent State requirement
600(1)	Edit to clarify which rules are the final facility standards	264.1(a).
600(2)	Clarification on what types of facilities can accept dangerous waste from off-site sources.	264.1(b).
610(4)(c)	Internal citations corrected for equivalence with federal rule	264.113(c).
610(3)(a)(ix), 610(3)(b)(ii)(D), 610(8)(d)(ii)(D).	Internal citation corrected	264.112(b)(8), 264.112(c)(2)(iv), 264.118(d)(2)(iv).
610(12)(f)	Editing correction	No direct analog.
620(1)(d)(i)	Internal citation corrected	264.140(d)(1).
620(3)(a)(ii), 620(6)(a), 620(9)(a)	Revise wording to be gender neutral	264.142(a)(2), 264.145, 264.148(a).
620(3)(a)(ii), 620(5)(a)	Clarify that financial assurance cost estimates are performed by a third party.	264.142(a)(2), 264.144(a)(1).
620(3)(a)(v), 620(4)(g), 620(6)(c)	Clarify that net present value adjustments are not allowed	262.142(a), 264.142(a), 264.144(a).
620(4)(a)(vi), 620(4)(d)(iv), 620(6)(a)(vi).	Clarify that financial test and the corporate guarantee are two separate but related options.	264.143(f), 264.143(f), 264.145(f).
620(4)(d)(iv), 620(6)(a)(vi), 620(8)(a)(iv).	Minimum tangible net worth raised to $25M	264.143(f)—more stringent State requirement. 264.145(f)—more stringent State requirement. 264.147(f)—more stringent State requirement.
620(4)(d)(v), 620(6)(a)(vii)	''Agreed upon Procedures'' report can be used in place of a ''Negative Assurance'' report.	264.143(f)(3)(iii), 264.143(f)(3)(iii).
620(8)(a)(i)	Minimum financial assurance liability amounts increased. (Previous (i), (ii) and (iii) are renumbered to (ii), (iii) and (iv)).	264.147(a) and 264.147(b)—more stringent State requirements.
630(7)(d)	Clarify that rule applies to TSD owners and operators, not generators	264.175(d)—more stringent State requirement.
640(2)(c)(v)(B) Note, 640(4)(i)(iii) Note, 640(9)(b).	References to industry standards and codes updated	264.191(b)(5)(ii) Note, 264.193(i)(3) Note.
645(1)(e)	Rule for enforceable documents in lieu of a post closure permit, (previous (e) became (f)).	264.90(e).
645(8)(c)	Clarify rule applicability	264.97(c)—more stringent State requirement.
64620(5)	New rules for corrective action financial assurance	264.101 related—more stringent State requirement.
64690	Facilities must use an IQRPE for staging pile design	264.554 IBR, 045(1)—more stringent State requirement.
650(4)(c)	Facilities must use an IQRPE to certify dike integrity	254.226(c)—more stringent State requirement.
650(5)(d)(ii)(B)	Facilities must use an IQRPE for impoundment design	254.227(d)(2)(ii)—more stringent State requirement.
650(6)(b)(ii)	Internal citation corrected	264.228(b)(2).
665(2)(a)(i)	Facilities must use an IQRPE to certify report on basis for landfill liner selection.	264.301(a)(1)—more stringent State requirement.
800(2), 800(12), 806(4)(a), 806(4)(o).	Rules for enforceable documents in lieu of a post closure permit	270.1(c) intro, 270.1(c)(7), 270.14(a), 270.28.
806(4)(d)(v)	Facilities must use an IQRPE for certifying dike integrity	270.17(d)—more stringent State requirement.
806(4)(e)(iii)(A)(I)	Reference to IQRPE requirement to certify waste pile liner selection	270.18(c)(1)(i)—more stringent State requirement.
806(4)(h)(ii)(A)(I)	Reference to IQRPE requirement to certify landfill liner selection	270.21(b)(1)(i)—more stringent State requirement.
806(4)(j)(iv)(C), 806(4)(k)(v)(C)	The word ''design'' is deleted after ''basic control device'' for equivalence with federal rule.	270.24(d)(3), 270.25(e)(3).
806(4)(n)	New facilities added to list of those able to burn hazardous waste	270.22 intro.
811	New Boiler and Industrial Furnace (BIF) facility types added to list	270.66 IBR 045(1).
830 Appendix I Permit modifications table.	New entry for ''Burden Reduction'' added	270.42 Appendix I—more stringent State requirement.
830 Appendix I, (F)(1)(c), (F)(4)(a), (G)(1)(e), (G)(5)(c), (H)(5)(C).	Note added acknowledging non-existent RCRA section	270.42 Appendix I.
841	New Boiler and Industrial Furnace (BIF) facility types added to list	270.235(a)(1) intro IBR 045(1).
9903	Numerical P list	261.33.

TABLE 2—STATE INITIATED CHANGES—Continued

State Citation WAC 173–303– * * *	Reason for Change:	Analogous Federal 40 CFR Citation
	• P108 CAS number corrected (2 entries). • P114 *Tetraethydithiopyrophosphate* is replaced with *Thallium(I) selinite*. • P115 *Thiodiphosphoric acid, tetraethyl ester* is replaced with *Sulfuric acid, dithallium(1+) salt*. • P115 *Plumbane, tetraethyl* is replaced with *Thallium(I) sulfate*. • P116 *Tetraethyl lead* is replaced with *Hydrazinecarbothioamide*. • Correct errors with waste codes, CAS numbers and chemical names. • P128 *Mexacarbate* CAS number corrected. Alphabetical U list. • U202 *1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts* deleted *. • U202 *Saccharin, & salts* deleted *. • U227 waste code for *1,1,1-Trichloroethane* is replaced with U226.. Numerical U list. • U202 *1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts* deleted *. • U202 *Saccharin, & salts* deleted *. * These entries were deleted as part of State adoption of the December 17, 2010 75 FR 78918 EPA rule removing saccharin from the discarded chemicals list. Although these changes are not State-initiated, they are listed here because an EPA checklist was not available.	
9904(1) K181	K181 listing code codified	261.32(a) K181.
9904 K181 entry, 9904(1) K181(iv), 9904(4)(b), 9904(4)(c), 9904(4)(c)(i) and (ii).	Four internal citations corrected	261.32(a) K181, 261.32(d)(2), 261.32(d)(3), 261.32(d)(3)(i) and (ii).
9904 K069	Administrative stay note added	261.32 K069.

G. Where are the revised state rules different from the Federal rules?

Under RCRA section 3009, the EPA may not authorize State rules that are less stringent than the Federal program. Any state rules that are less stringent do not supplant the Federal regulations. State rules that are broader in scope than the Federal program requirements are allowed but are not authorized. State rules that are equivalent to, and State rules that are more stringent than the Federal program may be authorized, in which case they are enforceable by the EPA.

This section does not discuss all the program differences, because in most instances Washington writes its own version of the Federal hazardous waste rules. Persons must consult Tables 1 and 2, in Section F, for the specific State regulations that the EPA is proposing to authorize. This section discusses rules of particular interest where the EPA proposes to find that the State program is more stringent and will be authorized. Table 2 above indicates all the rules that the EPA determined to be more stringent than the federal rules. The section below also discusses an example of a rule where the State program is broader in scope and cannot be authorized. Certain portions of the Federal program are not delegable to the states because of the Federal government's special role in foreign policy matters and because of national concerns that arise with certain decisions. The EPA does not delegate import/export functions. Under RCRA regulations found in 40 CFR part 262, the EPA will continue to implement requirements for import/export functions. However, the State rules (WAC 173–303–230) reference the EPA's export and import requirements, and the State has amended these references to include those changes promulgated in the Federal Rule on Corrections to Errors in the Code of Federal Regulations (71 FR 40254, July, 7, 2006). Additional information regarding the EPA's analysis concerning the State's rules that are more stringent and/or broader in scope than the federal rules can be found in the docket.

1. More Stringent

States are allowed to seek authorization for state requirements that are more stringent than Federal requirements. The EPA has authority to authorize and enforce those parts of a state's program the EPA finds to be more stringent than the Federal program. This section does not discuss each more stringent finding made by the EPA, but persons can locate such findings by consulting Table 1 in Section F, and by reviewing the docket for these rules. This action proposes to authorize the State program for each more stringent requirement.

a. Satellite Accumulation—On December 20, 1984 (49 FR 49568), the Federal Satellite Accumulation rule was promulgated. The State adopted a satellite accumulation rule in 1986 and adopted a revised rule on December 8, 1993. On December 18, 2014, the State adopted another revision to WAC 173–303–200(2) with all instances of ''per waste stream'' removed for consistency with the Federal rule at 40 CFR 262.34(c). The State rule has an additional provision for satellite accumulation requirements whereby the State can require additional management requirements on a case-by-case basis, which renders the State rule more stringent than the Federal rule. Additional details regarding the State's adoption of the revised satellite accumulation rule are available in the docket.

b. Academic Laboratory Generator Standards—The State's Academic Laboratories Generator Standards contain more stringent requirements than the corresponding Federal rules (73 FR 72912, December 1, 2008).

i. WAC 173–303–235(4)(a), (4)(b)(ii), (5)(a), and (5)(b)(ii), are more stringent because the State requires small quantity generators to obtain EPA/state identification numbers, whereas the Federal rules at 40 CFR 262.203(a) and (b)(ii) and 40 CFR 262.204(a) and (b)(2) exempt the comparable Conditionally

Exempt Small Quantity Generators (CESQGs).

ii. WAC 173–303–235(4)(b) and (5)(b) are more stringent than 40 CFR 262.203(b) and 262.204(b) introductory paragraphs due to the State requirement for small quantity generators to complete the entire Washington State Dangerous Waste Site Identification form, whereas the Federal rules exempt CESQGs from filling in a site identification number.

iii. WAC 173–303–235(7)(a)(i), 235(9)(d)(i)(A) and 235(9)(d)(ii)(A) require accumulation start dates and full container dates to be attached to the containers rather than, at a minimum, be associated with them as required by 40 CFR 262.206(a)(1) and 262.208(d)(1)(i).

iv. WAC 173–303–235(14)(a)(iv) requires eligible academic entities to maintain records for five years after laboratory cleanouts rather than three years as required in 40 CFR 262.213(a)(4).

On December 12, 2010 (75 FR 79304), the Federal Academic Laboratories Generator Standards Technical Corrections rules were promulgated. The State's rules at WAC 173–303–235(15)(a)(i) and (b)(i) are more stringent than the Federal rules because they require the accumulation date to appear on the container label, whereas the Federal rules at 40 CFR 262.214(a)(1) and (b)(1) allow the information to be associated with, but not necessarily placed on, the container. Additional details regarding the more stringent State provisions associated with the State's adoption of the Federal Academic Laboratories Generator Standards are available in the docket.

c. Characteristic of Reactivity—On January 31, 1986 (51 FR 3782), the State received authorization for its dangerous waste identification rules including WAC 173–303–090(7) Characteristic of reactivity. On January 18, 2010 (75 FR 12989), the Federal rule at 40 CFR 261.23(a)(8) was revised to update the forbidden explosives regulation under 40 CFR 261.23 Characteristic of reactivity. The State revised the corresponding WAC 173–303–090(7)(a)(viii), but included Division 1.5 explosives (refer to the US Department of Transportation Hazardous Materials Class 1 explosives chart) not included in the Federal rule. As a result, the State's rule is more stringent than the Federal rule. Additional details regarding the more stringent State provisions associated with forbidden explosives under the characteristic of reactivity rule are available in the docket.

d. Exception Reporting—On January 18, 2010 (75 FR 12989), the Federal Hazardous Waste Technical Corrections and Clarifications rules were promulgated. Under 40 CFR 262.42(c)(2), the 35/45/60 day timeframes for exception reporting begin the date the waste was accepted by the initial transporter forwarding the hazardous waste from the designated facility to the alternate facility. The State rule at WAC 173–303–220(2)(e)(ii) is more stringent because it does not have a 60-day window for Medium Quantity Generators (equivalent to Federal Small Quantity Generators) to submit exception reports to the Washington State Department of Ecology. Additional details regarding the more stringent State provisions associated with Exception reports are available in the docket.

e. Independent Qualified Registered Professional Engineers—On December 18, 2014, the State adopted rule changes to require Independent Qualified Registered Professional Engineers (IQRPEs) to certify certain activities. The revised State rules at WAC 173–303–200(1)(b)(iv), 200(4)(a)(iv)(A)(III), 400(3)(c)(xxii)(B), 64690, 650(4)(c), 650(5)(d)(ii)(B), 665(2)(a)(i), 806(4)(d)(v), 806(4)(e)(iii)(A)(I), and 806(4)(h)(ii)(A)(I) are more stringent than corresponding Federal rules at 40 CFR 262.34(a)(1)(iv), 262.34(g)(4)(i)(C), 265.1101(c)(3)(iii), 264.554 (IBR, 045(1)), 264.226(c), 264.227(d)(2)(ii), 264.301(a)(1), 270.17(d), 270.18(c)(1)(i), and 270.21(b)(1)(i). Additional details regarding the more stringent State provisions associated with IQRPE requirements are available in the docket.

2. Broader in Scope

The State has added a time limit for special wastes that are stored at transfer stations under WAC 173–303–073(2)(e)(v) in this rule proposal. The federal rules do not regulate these special wastes which are state only wastes and defined at WAC 173–303–040; therefore, the regulation of these wastes is broader in scope than the federal rules. As noted above, broader in scope rules are not authorized by the EPA.

H. Who issues permits after the authorization takes effect?

Washington will continue to issue permits for all the provisions for which it is authorized and will administer the permits it issues. Permits issued by EPA prior to authorizing Washington for these revisions would continue in force until the effective date of the State's issuance or denial of a State hazardous waste management permit, at which time, the EPA would modify the existing EPA permit to expire at an earlier date, terminate the existing EPA permit, or allow the existing EPA permit to otherwise expire by its terms, except for those facilities located in Indian Country. The EPA will not issue new permits or new portions of permits for provisions for which Washington is authorized after the effective date of this authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Washington is not yet authorized.

I. What is codification and is the EPA codifying Washington's hazardous waste program as authorized in this proposed rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. This is done by referencing the authorized State rules in 40 CFR part 272. The EPA is reserving the amendment of 40 CFR part 272, subpart WW for this authorization of Washington's program revisions until a later date.

J. How does today's action affect Indian Country (18 U.S.C. 1151) in Washington?

The EPA's proposed decision to authorize the Washington hazardous waste management program does not include any land that is, or becomes after the date of this authorization, ''Indian Country,'' as defined in 18 U.S.C. 1151, with the exception of the non-trust lands within the exterior boundaries of the Puyallup Indian Reservation (also referred to as the ''1873 Survey Area'' or ''Survey Area'') located in Tacoma, Washington. The EPA retains jurisdiction over ''Indian Country''. Effective October 22, 1998 (63 FR 50531, September 22, 1998) the State of Washington was authorized to implement the State's federally-authorized hazardous waste management program on the non-trust lands within the 1873 Survey Area of the Puyallup Indian Reservation. The authorization did not extend to trust lands within the reservation. The EPA retains its authority to implement RCRA on trust lands and over Indians and Indian activities within the 1873 Survey Area.

K. Statutory and Executive Order Reviews

This proposed rule seeks to revise the State of Washington's authorized hazardous waste management program pursuant to section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. This proposed rule complies with

applicable executive orders and statutory provisions as follows:

1. Executive Order 12866

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'', and therefore subject to OMB review and the requirements of the EO. The EO defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the EO. The EPA has determined that this proposed rule is not a ''significant regulatory action'' under the terms of EO 12866 and is therefore not subject to OMB review.

2. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* because this proposed rule does not establish or modify any information or recordkeeping requirements for the regulated community and only seeks to authorize the pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing, and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in Title 40 of the CFR are listed in 40 CFR part 9.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) A small business defined by the Small Business Administration's size regulations at 13 CFR part 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities because the proposed rule will only have the effect of authorizing pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law. The EPA continues to be interested in the potential impacts of the proposed rule on small entities and welcomes comments on issues related to such impacts.

4. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, Section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the rule an explanation why the alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under Section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. Today's proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. It imposes no new enforceable duty on any State, local or tribal governments or the private sector. Similarly, the EPA has also determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, today's proposed rule is not subject to the requirements of Sections 202 and 203 of the UMRA.

5. Executive Order 13132: Federalism

This proposed rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among various levels of government, as specified in EO 13132 (64 FR 43255, August 10, 1999). This rule proposes to authorize pre-existing State rules. Thus, EO 13132 does not apply to this proposed rule. In the spirit of EO 13132, and consistent with the EPA policy to promote communications between the EPA and State and local governments, the EPA specifically solicits comment on this proposed rule from State and local officials.

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 9, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed rule does not have tribal implications, as specified in EO 13175 because the EPA retains its authority over Indian Country. Thus, EO 13175 does not apply to this proposed rule. The EPA specifically solicits additional comment on this proposed rule from tribal officials.

7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it proposes to approve a state program.

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under EO 12866.

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), (Pub. L. 104–113, 12(d)) (15 U.S.C. 272), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This proposed rule does not affect the level of protection provided to human health or the environment because this rule proposes to authorize pre-existing State rules which are equivalent to, and no less stringent than existing federal requirements.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This proposed action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: May 31, 2017.

Michelle Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2017–14733 Filed 7–12–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 88

[NIOSH Docket 094]

World Trade Center Health Program; Petitions 016 and 017—Parkinson's Disease and Parkinsonism, Including Manganese-Induced Parkinsonism; Finding of Insufficient Evidence

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Denial of petitions for addition of health conditions.

SUMMARY: On February 22, 2017, the Administrator of the World Trade Center (WTC) Health Program received a petition (Petition 016) to add Parkinson's disease and parkinsonism, including manganese-induced parkinsonism, to the List of WTC-Related Health Conditions (List). On May 10, 2017, the Administrator received a second petition (Petition 017) to add the same health conditions to the List. Upon reviewing the scientific and medical literature, including information provided by the two petitioners, the Administrator has determined that the available evidence does not have the potential to provide a basis for a decision on whether to add Parkinson's disease and/or parkinsonism, including manganese-induced parkinsonism, to the List. The Administrator also finds that insufficient evidence exists to request a recommendation of the WTC Health Program Scientific/Technical Advisory Committee (STAC), to publish a proposed rule, or to publish a determination not to publish a proposed rule.

DATES: The Administrator of the WTC Health Program is denying these petitions for the addition of health conditions as of July 13, 2017.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C–46, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

SUPPLEMENTARY INFORMATION:

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A. WTC Health Program Statutory Authority

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347, as amended by Pub. L. 114–113), added Title XXXIII to the Public Health Service (PHS) Act,[1]

[1] Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm-61. Those portions of the James Zadroga 9/11 Health and Compensation Act of 2010 found in Titles II and III of Public Law 111–