

Dated: April 3, 1995.

John C. Wise,

Acting Regional Administrator.

[FR Doc. 95-8878 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

Louisiana; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule; administrative correction.

SUMMARY: This document corrects administrative errors published in a *Federal Register* (FR) document on January 23, 1995. That document contained EPA's response to public comments received during the public review and comment period of an immediate final rule EPA published in the FR on November 7, 1994, and affirmed the Agency's prior decision to grant final authorization to the Louisiana Department of Environmental Quality (LDEQ) effective January 23, 1995.

DATES: This correction of administrative errors in the FR document published by EPA to respond to public comments received regarding LDEQ's final authorization [60 FR 4380, January 23, 1995], affirms the Agency's immediate final rule previously published [59 FR 55368, November 7, 1994], and notifies the public that the final authorization was effective January 23, 1995.

FOR FURTHER INFORMATION CONTACT: Dick Thomas, Region 6 Authorization Coordinator, Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-8528.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1994, EPA published a FR document granting final authorization to LDEQ for most rules referred to by EPA as Hazardous and Solid Waste Amendments of 1984 (HSWA) Cluster I. EPA received adverse written comments during the public review and comment period associated with that document. On January 23, 1995, EPA published a second FR document with its response to the comments, and affirmed its decision to grant authorization to LDEQ for the published rules. After publication, EPA realized it published a draft version of the FR document which contained

language deleted or modified in the final version. To correct this administrative error, and for the convenience of the reader, EPA is hereby publishing corrections to the prior FR document that affirmed the Agency's immediate final rule implementing final authorization to LDEQ, effective January 23, 1995.

Correction of Publication

On page 4380, in the last column, in the first paragraph under **SUMMARY**, the last sentence is corrected to read "As such, EPA published an immediate final rule in the *Federal Register* (FR) on November 7, 1994, with a 45-day public review and comment period, to be effective on January 23, 1995."

On page 4381, in the first column, in the first paragraph under Response to Public Comments, the second sentence is corrected to read "One supplied LDEQ with an independent environmental audit report of conditions at Bayou Steel to support both commentors' claims, and the commentor believed LDEQ's lack of enforcement response to those and other complaints demonstrated the State's inability to take on additional program revisions, and unwillingness to appropriately address complaints."

The third sentence in the same paragraph is corrected to read "Also, the commentors questioned whether LDEQ had adequate resources to enforce the RCRA corrective action provisions in this program revision."

The second paragraph under Response to Public Comments is corrected to read "EPA reviewed the commentors' assertions and LDEQ's actions regarding complaints about Bayou Steel. EPA noted LDEQ's files contained numerous complaints regarding Bayou Steel's activities, including those from the commentors. The files showed LDEQ initiated investigations to address all but one complaint within seven days of receipt, and in that instance the investigation was initiated within seven days of a records review. State records further revealed that LDEQ investigated all Bayou Steel complaints in an appropriate and timely manner. LDEQ's inspection reports were in permanent files and available for public review. Copies of requested portions of the files were available to the public."

In the third paragraph under Response to Public Comments, the first sentence is corrected to read "State records also showed that the various Divisions of LDEQ had conducted 29 inspections at Bayou Steel since 1993."

In the third paragraph under Response to Public Comments, the

second sentence is corrected to read "Some resulted in enforcement actions, including penalties, for the facility's violations of Louisiana's environmental regulations."

The fourth paragraph under Response to Public Comments is corrected to read "EPA determined that LDEQ has adequate resources to take on the additional portions of RCRA included in this program revision. As noted above, various LDEQ Divisions conducted numerous inspections at Bayou Steel since 1993, dedicating significant resources to the inspections. These inspections, covering all media, were in addition to inspections and investigations performed by LDEQ at other facilities in the State. Because of the number and variety of complaints LDEQ received regarding Bayou Steel, LDEQ requested that EPA, with its authority, resources, and experience, perform a complete multi-media facility inspection. EPA considered this an appropriate referral. EPA conducted the Bayou Steel multi-media inspection in June 1994. After EPA completed and analyzed the inspection and sampling reports, it recognized the need for additional information on Bayou Steel's waste management practices. This detailed and thorough investigation is almost complete, and EPA will issue a report of the results in the future. Until the report is complete, EPA will not be able to present any findings regarding the facility."

The fifth paragraph under Response to Public Comments is corrected to read "Additionally, some complaints to the State about Bayou Steel concerned LDEQ's lack of sufficient resources to enforce RCRA's prohibition of unlicensed burial of hazardous waste. The commentor wrote that LDEQ admitted it lacked sufficient resources to enforce RCRA corrective action requirements. At the time of LDEQ's inspections of the facility, EPA had not authorized the State to regulate or address waste subject to Federal corrective action authority under HSWA in lieu of EPA."

The ninth paragraph under Response to Public Comments is corrected to read "EPA considered Louisiana's 'de novo review' provision not to be the same as 'trial de novo' (new trial) recognized and defined in the Pardue Court, but that under the de novo review provisions the reviewing court can exercise only appellate jurisdiction (review of the record). The Louisiana legislature enacted laws that authorize only the Secretary of LDEQ to grant or deny permits, not the judiciary. Louisiana Revised Statutes, (R.S.) § 30:2011(D)(2). Additionally, R.S.

§ 30:2014(A) provides, in part, that the Secretary shall act as the primary public trustee of the environment, and shall consider and follow the will and intent of the Louisiana Constitution and Louisiana statutory law in making any determination relative to the granting or denying of permits. This matter is also clarified in LDEQ's revised Program Description, which refers to the review as a 'de novo review of the record.'

In the tenth paragraph under Response to Public Comments, the third sentence is corrected to read "The commentor alleged LDEQ argued that the courts have jurisdiction to review its decisions only when the decision resulted from an LDEQ mandatory adjudicatory hearing."

In the tenth paragraph under Response to Public Comments, the fifth sentence is corrected to read "Thus, none of LDEQ's hazardous waste permitting decisions, with the possible exception of commercial treatment, storage, or disposal facility permits, would be subject to judicial review."

In the tenth paragraph under Response to Public Comments, the sixth sentence is corrected to read "However, EPA considered this issue resolved by the Louisiana Supreme Court in Matter of American Waste and Pollution Control Co., 642 So.2d 1258 (La 1994), where the Court ruled that LDEQ decisions are appealable whether or not they result from a mandatory adjudicatory hearing."

On page 4382, in the twelfth paragraph under Response to Public Comments, the third sentence is corrected to read "In addition, EPA retains Federal enforcement authority under RCRA §§ 3008(h) and 7003."

In the fourteenth paragraph under Response to Public Comments, the second sentence is corrected to read "Even then, EPA will retain the authority to enforce against violators, even in an authorized State, under RCRA §§ 3008(h) and 7003."

In the fifteenth paragraph under Response to Public Comments, the first sentence is corrected to read "EPA has reevaluated its decision to approve this final authorization for revision to the State's hazardous waste program, and revisited all pertinent documentation, including the authorization application with revised Program Description, and several EPA mid-year and end-of-year evaluation reports on LDEQ."

Finally, in the fifteenth paragraph under Response to Public Comments, the third sentence is corrected to read "EPA hereby affirms its decision to approve this final authorization, which was effective January 23, 1995."

Dated: March 29, 1995.

Jane N. Saginaw,

Regional Administrator.

[FR Doc. 95-8876 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 372

[OPPTS-400085A; FRL-4929-3]

RIN 2070-AC00

Copper Phthalocyanine Compounds; Toxic Chemical Release Reporting; Community Right-To-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is deleting copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine from the "copper compounds" category on the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). This action is based on EPA's conclusion that copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine meet the deletion criteria of EPCRA section 313(d)(3). By promulgating this rule, EPA is relieving facilities of their obligation to report releases of copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine that occurred during the 1994 reporting year, and releases that will occur in the future.

EFFECTIVE DATE: This rule is effective April 11, 1995.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, 202-260-9592, for specific information on this final rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This action is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and

Reauthorization Act of 1986 (SARA) (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (PPA) 42 U.S.C. 13106. When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Section 313(d) authorizes EPA to add or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has, from time to time, added and deleted chemicals from the original statutory list.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 compound categories. EPA has also published a statement clarifying its interpretation of the section 313(d)(2) criteria for adding and deleting chemicals from the section 313 list (59 FR 61439; November 30, 1994).

II. Description of Petition and Proposed Action

On March 5, 1993, the Agency received a petition from the Color Pigments Manufacturers Association (CPMA) to delete Color Index (C.I.) Pigment Blue 15:1 from the chemical category "copper compounds" subject to EPCRA reporting requirements. C.I. Pigment Blue 15:1 is a mixture of C.I. Pigment Blue 15 (copper phthalocyanine) and copper monochlorophthalocyanine. Because C.I. Pigment Blue 15 had already been deleted from the chemical category "copper compounds" (56 FR 23650; May 23, 1991), the Agency treated this petition as a request to remove copper monochlorophthalocyanine from the chemical category "copper compounds."

Following a review of the petition, EPA issued a proposed rule in the **Federal Register** of June 6, 1994 (59 FR 29252), proposing to delete copper