

SCAQMD \$6,670,831, which represented approximately 6% of the SCAQMD's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that "[n]o agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year. In order for [EPA] to award grants under this section in a timely manner each fiscal year, [EPA] shall compare an agency's prospective expenditure level to that of its second preceding year." EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, "after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government." CAA section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY-94 section 105 application, which EPA reviewed in early 1994, the SCAQMD projected expenditures of non-Federal funds for recurrent expenditures (or its maintenance of effort (MOE)) of \$92,365,069. This MOE would have been sufficient to meet the MOE requirements of the CAA. In January of 1995, however, the SCAQMD submitted to EPA documentation which shows that its actual FY-94 MOE was \$80,505,495. This amount represents a shortfall of \$11,228,569 from the MOE of \$91,734,064 for the preceding fiscal year (FY-93). In order for the SCAQMD to be eligible to keep its FY-94 grant, EPA must make a determination under section 105(c)(2).

The SCAQMD is a single-purpose agency whose primary source of funding is emission fee revenue. It is the "unit of Government" for section 105(c)(2) purposes. The SCAQMD submitted documentation to EPA which shows that over the last three years emission reductions brought on by a combination of economic recession and more restrictive emission rules have reduced fee revenues from stationary sources from a high of \$74,433,331 in 1990-1991 to \$64,923,181 in 1993-1994. As a result of this revenue loss, the SCAQMD has instituted hiring/salary freezes, furloughs, and layoffs, has reduced its equipment purchases and contract expenditures, and has instituted new programs to reduce costs such as permit streamlining, computer-assisted permit processing, and privatization efforts.

The SCAQMD's MOE reductions resulted from a loss of fee revenues due to circumstances beyond its control. The SCAQMD did not, on its own authority, reduce its operating budget. EPA proposes to determine that the SCAQMD's lower FY-94 MOE level meets the section 105(c)(2) criteria as resulting from a non-selective reduction of expenditures. Pursuant to 40 CFR 35.210, this determination will allow the SCAQMD to keep the funds received from EPA for FY-94.

This notice constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by March 16, 1995 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by March 16, 1995. If no written request for a hearing is received, EPA will proceed to a final determination.

Dated: February 6, 1995.

Felicia Marcus,

Regional Administrator.

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[FRL-5153-8]

Public Water System Supervision Program Revision for the State of Indiana

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the provisions of section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq., and 40 CFR part 142, subpart B, the National Primary Drinking Water Regulations (NPDWR), that the State of Indiana is revising its approved Public Water System Supervision (PWSS) primacy program. The Indiana Department of Environmental Management (IDEM) adopted drinking water regulations for Lead and Copper, 44 synthetic organic chemicals (SOCs), 12 inorganic chemicals (IOCs), and 8 volatile organic chemicals (VOCs) that correspond to the NPDWR for Lead and Copper, SOCs, IOCs, and VOCs, promulgated by the U.S. Environmental Protection Agency (U.S. EPA) on June 7, 1991 (56 FR 26460-26564), on January 30, 1991 (56 FR 3526-3597), as amended on July 1, 1991 (56 FR 30266-30281), and on July 17, 1992 (57 FR 31776-31849). The U.S. EPA has completed its review of Indiana's PWSS primacy program revision and has

determined that these sets of state program revisions are not less stringent than the corresponding Federal regulations.

The U.S. EPA has determined that the Indiana rule revisions meet the requirements of the Federal rule. Therefore, the U.S. EPA is proposing to approve the IDEM's rule revisions. All interested parties are invited to submit written comments on these proposed determinations, and may request a public hearing on or before March 16, 1995. If a public hearing is requested and granted, the corresponding determination shall not become effective until such time following the hearing, at which the Regional Administrator issues an order affirming or rescinding this action. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

Requests for public hearing should be addressed to: Miguel A. Del Toral, (WD-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determinations and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of Indiana. A notice will be sent to the person(s) requesting the hearing as well as to the State of Indiana. The hearing notice will include a statement of purpose, information regarding the time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and should the Regional Administrator not elect to hold a hearing on his own

motion, these determinations shall become effective on March 16, 1995. Please bring this notice to the attention of any persons known by you to have an interest in these determinations.

All documents related to these determinations are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Indiana Department of Environmental Management, Drinking Water Branch, 100 North Senate Avenue, Indianapolis, Indiana 46206

State Docket Officer: Mr. T.P. Chang, (317) 232-8435

Safe Drinking Water Branch, Drinking Water Section, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590

FOR FURTHER INFORMATION CONTACT:

Miguel A. Del Toral, Region 5, Drinking Water Section at the Chicago address given above, telephone 312/886-5253.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Signed this 31st day of January, 1995.

David A. Ullrich,

Acting Regional Administrator, U.S. EPA, Region 5.

[FR Doc. 95-3609 Filed 2-13-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5154-3]

Notice of Intent to Grant Chemical Waste Management, Inc. a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) Regarding Injection of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to grant Chemical Waste Management, Inc. (CWM), of Oak Brook, Illinois, a modification of an exemption for the injection of certain hazardous wastes.

SUMMARY: The United States Environmental Protection Agency (EPA or Agency) is today proposing to grant a modification to the exemption from the ban on disposal of certain hazardous wastes through injection wells to CWM for its site at Vickery, Ohio. If granted, this modification would allow CWM to inject additional Resource Conservation and Recovery Act (RCRA) regulated wastes, identified by codes: F037, F038, K086, K107, K108, K109, K110, K117, K118, K123, K124, K125, K126, K141, K142, K143, K144, K145, K147, K148,

K149, K150, and K151 through four waste disposal wells (WDWs) numbered: 2, 4, 5, and 6. Wastes codes F037, F038, K086, K107, K108, K109, K110, K123, K124, K125, and K126 were inadvertently omitted from the list for which CWM originally requested exemptions. Waste codes K141, K142, K143, K144, K145, K147, K148, K149, K150 and K151 became newly listed waste codes on September 19, 1994, and were banned from waste injection effective December 19, 1994. If granted, this modification would allow CWM to inject RCRA wastes with these codes after that ban date. The Agency has established June 30, 1995, as ban date for waste codes K131, and K132, after which, disposal by injection would be prohibited. If granted, this modification would allow CWM to continue to inject RCRA wastes with these codes beyond that ban date. On August 8, 1990, the Agency issued CWM an exemption for injection of certain hazardous wastes after determining that there is a reasonable degree of certainty that CWM's injected wastes will not migrate out of the injection zone within the next 10,000 years.

DATES: The EPA is requesting public comments on its proposed decision to exempt the wastes listed above. Comments will be accepted until March 31, 1995. Comments postmarked after the close of the comment period will be stamped "Late". A public information meeting and a public hearing to allow comment on this action may be scheduled if significant comments are received, and notice of these meetings will be given in a local paper and to all people on a mailing list developed by the Agency. If you wish to request that a public hearing be held, or to be notified of the date and location of any public hearing held, please contact the lead petition reviewers listed below.

ADDRESSES: Submit written comments, by mail, to: United States Environmental Protection Agency, Region 5, Underground Injection Control Section (WD-17J), 77 West Jackson Street, Chicago, Illinois 60604, Attention: Richard J. Zdanowicz, Chief.

FOR FURTHER INFORMATION CONTACT: Harlan Gerrish or Nathan Wiser, Lead Petition Reviewers, UIC Section, Water Division; Office Telephone Numbers: (312) 886-2939 and (312) 353-9569, respectively; 17th Floor Metcalfe Building, 77 West Jackson Street, Chicago, Illinois.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the waste remains hazardous (RCRA Sections 3004(d)(1), (e)(1), (f)(2), (g)(5)). The statute specifically defined land disposal to include any placement of hazardous waste in an injection well (RCRA Section 3004(k)). After the effective date of prohibition, hazardous waste can be injected only under two circumstances:

(1) When the waste has been treated in accordance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR) Part 268 pursuant to Section 3004(m) of RCRA, (the EPA has adopted the same treatment standards for injected wastes in 40 CFR Part 148, Subpart B); or

(2) When the owner/operator has demonstrated that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. Applicants seeking an exemption from the ban must demonstrate to a reasonable degree of certainty that hazardous waste will not leave the injection zone until:

(a) The waste undergoes a chemical transformation within the injection zone through attenuation, transformation, or immobilization of hazardous constituents so as to no longer pose a threat to human health and the environment; or

(b) That fluid flow is such that injected fluids will not migrate vertically upward out of the injection zone to a point of discharge for a period of 10,000 years.

The EPA promulgated final regulations on July 26, 1988, (53 FR 28118) which govern the submission of petitions for exemption from the disposal prohibition (40 CFR Part 148). Most companies seeking exemption have opted to demonstrate waste confinement (option (a) above, rather than waste transformation (option (b) above). A time frame of 10,000 years was specified for the confinement demonstration not because migration after that time is of no concern, but because a demonstration which can meet a 10,000 year time frame will likely provide containment for a substantially longer time period, and