

EFFECTIVE DATE: April 17, 1995.

ADDRESSES: Copies of the evaluation reports are available for public inspection at the EPA's Region VII Air, RCRA, and Toxics Division; 726 Minnesota Avenue; Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Carol LeValley at (913) 551-7610.

Dated: March 22, 1995.

Michael J. Richardson,

Acting Regional Administrator.

[FR Doc. 95-9377 Filed 4-14-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5192-8]

Notice of Open Meetings of the Environmental Financial Advisory Board on June 12-14, 1995

The Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) will hold an open meeting of the full Board in Washington, D.C. on June 13-14, 1995. The meeting will be held at The Madison Hotel located at 1177 15th Street, N.W., Washington, D.C. The Board will meet on June 13 from 1 p.m. to 5 p.m. and on June 14 from 8:30 a.m. to 4 p.m.

EFAB is chartered with providing authoritative analysis and advice to the EPA Administrator on environmental finance. This will be a working meeting to review and comment on ongoing EFAB advisories and reports. These advisories and reports address important environmental financing issues including the redevelopment of urban brownfields, state revolving loan funds for water and wastewater, fee systems and ecosystem management.

Prior to the meeting of the entire Board, EFAB's Environmental State Revolving Fund Workgroup will meet at The Madison Hotel on June 12, 1995, from 9:00 a.m. to 4:00 p.m. This Workgroup will discuss the development of an advisory on the benefits of establishing Environmental State Revolving Funds.

Both meetings are open to the public, but seating is limited. For further information, please contact Joanne Lynch, U.S. EPA on (202) 260-1459.

Dated: April 7, 1995.

George Ames,

Acting Director, Resource Management Division.

[FR Doc. 95-9382 Filed 4-14-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5192-6]

Science Advisory Board Dioxin Reassessment Review Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that the Dioxin Reassessment Review Committee of the Science Advisory Board (SAB) will meet on May 15 and 16, 1995 at the Herndon Renaissance Hotel, 13869 Park Center Road, (adjacent to the Dulles International Airport), Herndon VA 22071. The hotel telephone is 703-478-2900.

The meeting, which is open to the public, will start at 9 am on May 15, and 8:30 am on May 16. The meeting will adjourn no later than 7 pm on both days. A preliminary announcement of this meeting and solicitation for those individuals or organizations wishing to register to address the Committee when it met appeared in the **Federal Register** (60 FR 8233) for February 13, 1995. This preliminary notice set a closing date of March 10, 1995 for registration. No additional requests to make oral presentation to the Committee can be accepted, but written materials (provide 50 copies) for distribution to the Committee will be accepted until May 15, 1995 (see below for contacts).

The Committee, which is composed of a Health Panel and an Exposure Panel, will review EPA's reassessment of 2,3,7,8-TCDD, dioxin. Information on the relevant review documents may be found in the **Federal Register** (59 FR 46980) for September 13, 1994, which announced the availability of the documents and provided ordering information. The documents are not available from the Science Advisory Board.

There is a detailed Charge for the review, identifying some 43 discrete issues concerning exposure and human health effects associated with dioxin. In broad terms, the health-related issues address the overall health assessment document, deposition and pharmacokinetics, mechanisms, toxic effects, chloracne, cancer, developmental toxicity, immunotoxicity, dose-response, toxicity equivalent factors, and animal/human responses. The exposure issues address the overall exposure assessment, sources, food/media levels, body burdens, background exposures, and site-specific assessment procedures.

Copies of the complete Charge or the Agenda for the meeting may be requested from Ms. Mary Winston by facsimile to (202) 260-7118 or by phone at (202) 260-6552. If you are requesting a copy of the Charge, please include a

complete mailing address; the Charge is too lengthy to transmit by facsimile.

Members of the public desiring additional technical information about the health section of the reassessment document should contact Dr. William Farland, Office of Research and Development (8601), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington D.C. 20460. Dr. Farland may be called at (202) 260-7315. For technical information about the exposure sections, contact Dr. John Schaum (8603), Office of Research and Development (8603), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington D.C. 20460. Dr. Schaum may be called at (202) 260-5988.

Members of the public desiring additional information about the conduct of the SAB meeting should contact Mr. Samuel Rondberg, Designated Federal Official, Dioxin Reassessment Review Committee, by telephone at (202) 260-2559, via Internet to RONDBERG. SAMUEL@EPAMAIL.EPA.GOV, by facsimile to (202) 260-7118, or by mail to the Science Advisory Board (1400F), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington D.C. 20460.

Dated: April 5, 1995.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 95-9383 Filed 4-14-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5192-7]

Wyoming; Final Determination of Partial Program Adequacy of the State's Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency (Region VIII).

ACTION: Notice of final determination of partial program adequacy of Wyoming's application.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or conditionally exempt small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). Section 4005(c)(1)(C) of RCRA requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit"

programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR) that will allow both States and Tribes to apply for and receive approval of a partial permit program. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal Criteria will apply to all permitted and unpermitted MSWLFs.

The State of Wyoming applied for a partial determination of adequacy under section 4005 of RCRA. EPA reviewed Wyoming's MSWLF application and made a tentative determination for those portions of the State's MSWLF permit program that are adequate to assure compliance with the revised MSWLF Criteria. After reviewing all comments received, EPA today is granting final approval to Wyoming's partial program. All but one element of the Federal Criteria are included in this approval.

EFFECTIVE DATE: The determination of adequacy for Wyoming shall be effective on April 19, 1995.

FOR FURTHER INFORMATION CONTACT: Gerald Allen (8HWM-WM), Waste Management Branch, U.S. EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, Phone 303/293-1496.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria.

Subtitle D also requires that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in the STIR to allow partial approvals if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with part 258; (2) changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of part 258.

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of the STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

B. State of Wyoming

On November 6, 1992, Wyoming submitted an application for partial program adequacy determination for the State's MSWLF permit program. On October 8, 1993, EPA published a final

determination of partial adequacy for Wyoming's program. Further background on the final partial program determination of adequacy appears at 58 FR 52491 (October 8, 1993).

EPA approved the following portions of the State's MSWLF permit program:

1. Location restrictions for airports, flood plains, wetlands, fault areas, seismic impact zones, and unstable areas (40 CFR 258.10 through 258.15).
2. Operating criteria for the exclusion of hazardous waste, cover materials, disease vector control, explosive gases, air criteria, access requirements, run-on/run-off control systems, surface water requirements, liquids restrictions, and record keeping requirements (40 CFR 258.20 through 258.29).
3. Design criteria requirements (40 CFR 258.40).
4. Closure and post-closure requirements (40 CFR 258.60 through 258.61).

EPA did not approve the following portions of the State's MSWLF permit program:

1. Wyoming will revise its regulations to incorporate the Federal ground-water monitoring and corrective action requirements in 40 CFR 258.50, 258.51, and 258.53 through 258.58.
2. Wyoming will develop new regulations to incorporate the financial assurance requirements in 40 CFR 258.70 through 258.72 and 258.74. Wyoming will revise its regulations to incorporate the financial assurance requirements in 40 CFR 258.73.

On September 30, 1994, the State of Wyoming submitted a revised application for partial program adequacy determination. EPA reviewed Wyoming's application and tentatively determined that the following portions of the State's Subtitle D program will ensure compliance with the Federal Revised Criteria.

1. Ground-water monitoring and corrective action requirements (40 CFR 258.50, 258.51, and 258.53 through 258.58).
2. Financial assurance requirements (40 CFR 258.70 through 258.74).

The October 9, 1991, Final Rules for the MSWLF Criteria included an exemption for owners and operators of certain small MSWLF units from the design (Subpart D) and ground-water monitoring and corrective action (Subpart E) requirements of the Criteria. See 40 CFR 258.1(f). To qualify for the exemption, the small landfill had to accept less than 20 tons per day, on an average annual basis, exhibit no evidence of ground-water contamination, and serve either:

- (i) A community that experiences an annual interruption of at least three

consecutive months of surface transportation that prevents access to a regional waste management facility, or

(ii) A community that has no practicable waste management alternative and the landfill unit is located in an area that annually received less than or equal to 25 inches of precipitation.

In January 1992, the Sierra Club and the Natural Resources Defense Council (NRDC) filed a petition with the U.S. Court of Appeals, District of Columbia Circuit, for review of the Subtitle D criteria. The Sierra Club and NRDC suit alleged, among other things, that EPA acted illegally when it exempted these small landfills from the ground-water monitoring requirement. On May 7, 1993, the United States Court of Appeals for the District of Columbia Circuit issued an opinion pertaining to the Sierra Club and NRDC challenge to the small landfill exemption. *Sierra Club v. United States Environmental Protection Agency*, 992 F.2d 337 (DC Cir. 1993).

In effect, the Court noted that while EPA could consider the practicable capabilities of facilities in determining the extent or kind of ground-water monitoring that a landfill owner/operator must conduct, EPA could not justify the complete exemption from ground-water monitoring requirements. Thus, the Court vacated the small landfill exemption as it pertains to ground-water monitoring, directing the Agency to " * * * revise its rule to require ground-water monitoring at all landfills."

EPA's final rule of October 1, 1993, as required by the Court, removed the October 9, 1991, small landfill exemption whereby owners and operators of MSWLF units that meet the qualifications outlined in 40 CFR 258.1(f) are no longer exempt from ground-water monitoring requirements in 40 CFR 258.50 through 258.55. The final rule does, however, provide for an extension for all of the MSWLF criteria requirements for a period up to two years for all MSWLF units that meet the small landfill exemption in 258.1(f) for ground-water monitoring and corrective action as follows: October 9, 1995, for new units; and October 9, 1995 through October 9, 1996, for existing units and lateral expansions.

The U.S. Court of Appeals in its decision did not preclude the possibility that the Agency could establish separate ground-water monitoring standards for the small dry/remote landfills that take such factors as size, location, and climate into account.

The Agency will continue to maintain an open dialogue with all interested

parties to discuss whether alternative ground-water monitoring requirements should be established and will continue to accept information on alternatives. At this time, the Agency is investigating this issue and cannot be certain that practicable alternatives for detecting ground-water contamination will exist for MSWLF units that would qualify for the exemption under 258.1(f). The October 9, 1993 final rule does not link the effective date of ground-water monitoring for landfills that qualify for the small/arid and remote exemption to promulgation of alternative ground-water monitoring requirements.

Under Wyoming rules, the State's 71 active MSWLFs, by definition, consist of Type I and Type II landfills. Type II landfills, which make up the vast majority of landfills in Wyoming, fit the same definition as those defined as small/arid and remote landfills under 258.1(f). The State's Type I landfills are those that are *not* Type II landfills. Type II landfills currently comply with State ground-water monitoring and corrective action rules.

Since the State's Type II landfills are not required to comply with ground-water monitoring and corrective action criteria as defined in 258.1(f) until October 9, 1996, the State is not seeking approval for this portion of their program at this time. When EPA promulgates final revisions to the MSWLF 258.1(f) criteria and provides enough latitude for states to tailor these requirements for small, arid landfills, then the State of Wyoming will need to update their rules. It is the State of Wyoming's position that when EPA promulgates final rule revisions to the MSWLF criteria in 258.1(f), Wyoming will revise its application for full program approval to bring Type II landfills into compliance with Part 258 criteria for ground-water monitoring and corrective action.

Along with the tentative determination, EPA announced the availability of the application for public comment. EPA also tentatively scheduled a public hearing for March 13, 1995, to be held if a sufficient number of people expressed interest in participating. After no one expressed interest, the Agency cancelled the public hearing.

EPA has reviewed Wyoming's application and has determined that all portions of the State's MSWLF permit program (with the exception of Wyoming's Type II landfills not being required to comply with ground-water monitoring and corrective action as defined in 258.1(f) until October 9, 1996) will ensure compliance with the revised Federal Criteria. In its

application, Wyoming demonstrated that the State's permit program adequately meets the location restrictions, operating criteria, design criteria, ground-water monitoring and corrective action requirements, closure and post-closure care requirements, and financial assurance criteria in the revised Federal Criteria. In addition, the State of Wyoming also demonstrated that its MSWLF permit program contains specific provisions for public participation, compliance monitoring, and enforcement.

In its application for adequacy determination, Wyoming has not asserted jurisdiction over Indian Country, as defined in 18 U.S.C. 1511. Accordingly, this approval does not extend to lands within Indian Country in Wyoming, including lands within the exterior boundaries of the Wind River Reservation. Until EPA approves a State or Tribal MSWLF permitting program in Wyoming for any part of Indian Country, the requirements of 40 CFR part 258 will, after October 9, 1993, automatically apply to that area. Thereafter, the requirements of 40 CFR part 258 will apply to all owners/operators of MSWLFs located in any part of Indian Country that is not covered by an approved State or Tribal MSWLF permitting program.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF Criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF Criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

C. Public Comment

The EPA received no public comments on the tentative determination of adequacy for Wyoming's MSWLF permit program.

D. Decision

Since we received no public comments, I conclude that Wyoming's application for partial program adequacy determination meets all the statutory and regulatory requirements established by RCRA. Accordingly, Wyoming is granted a determination of adequacy for all portions of its MSWLF permit program with the exception of Wyoming's Type II landfills not being required to comply with ground-water monitoring and correction action as

defined in 258.1(f) until October 9, 1996.

Today's action takes effect on April 19, 1995. EPA believes it has good cause under section 553(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), to put this action into effect less than thirty days after publication in the **Federal Register**. All of the requirements and obligations in the State's/Tribe's program are already in effect as a matter of State/Tribal law. EPA's action today does not impose any new requirements that the regulated community must begin to comply with. Nor do these requirements become enforceable by EPA as Federal law. Consequently, EPA finds that it does not need to give notice prior to making its approval effective.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of sections 2002, 4005, and 4010 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6912, 6945, and 6949(a).

Dated: April 4, 1995.

Jack McGraw,

Acting Regional Administrator.

[FR Doc. 95-9380 Filed 4-14-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5191-8]

42 U.S.C. Section 122(h)

Proposed Administrative Agreement

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed settlement.

SUMMARY: USEPA is proposing to settle a claim under Section 107 of CERCLA for response costs incurred during removal activities at the Union Scrap Iron and Metal (Union Scrap III) site in Minneapolis, MN. Respondents have agreed to reimburse USEPA in the amount of \$936,000. USEPA today is proposing to approve this settlement

offer because it reimburses USEPA, in part, for costs incurred during USEPA's removal action.

DATES: Comments on this proposed settlement must be received on or before May 17, 1995.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Ms. Cheryl Allen at (312) 353-6196 before visiting the Region V Office).

U.S. Environmental Protection Agency, Region V, Office of Superfund, Removal and Enforcement Response Branch, 77 W. Jackson Blvd., Chicago, Illinois 60604

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible)

Cheryl Allen, Community Relations Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P-19J), Chicago, Illinois 60604, (312) 353-6196.

FOR FURTHER INFORMATION CONTACT:

Cheryl Allen, Office of Public Affairs, at (312) 353-6196.

SUPPLEMENTARY INFORMATION: The Union Scrap III site, a scrap yard contaminated with lead and polychlorinated biphenyls (PCBs), is not on the National Priorities List. In response to a request from the State of Minnesota, USEPA investigated the Union Scrap III site and undertook response actions designed to minimize the immediate threat, test the materials involved and properly dispose of the hazardous waste.

Respondents are a variety of individuals and corporate entities that generated hazardous substances at the Site in the form of lead batteries, lead contaminated scrap and polychlorinated biphenyls (PCBs) from metal and oil-based sources. A 30-day period, beginning on the date of publication, is open pursuant to section 122(i) of CERCLA for comments on the proposed settlement.

Comments should be sent to Ms. Cheryl Allen of the Office of Public Affairs (P-19J), U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

Thomas P. Turner,

Assistant Regional Counsel, Environmental Protection Agency.

[FR Doc. 95-9540 Filed 4-14-95; 8:45 am]

BILLING CODE 6560-50-M

[OPPT-59343; FRL-4947-7]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of applications for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TMEs-95-1 and 95-2. The test marketing conditions are described below.

EFFECTIVE DATES: April 5, 1995. Written comments will be received until May 2, 1995.

FOR FURTHER INFORMATION CONTACT: Shirley D. Howard, New Chemicals Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-447H, 401 M St. SW., Washington, DC 20460, (202) 260-3780.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to human health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TMEs-95-1 and 95-2. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to human health or the environment. Production volume, use, and the number of customers must not exceed that specified in the applications. All other conditions and restrictions described in these applications and in this notice must be met.

Inadvertently the notice of receipt of these applications was not published. Therefore, an opportunity to submit comments is being offered at this time. The complete nonconfidential