

For information about the SSO Subcommittee, please contact: Kevin Weiss, SSO Matrix Manager, Office of Wastewater Management, US EPA (4203), 401 M Street, SW, Washington, DC 20460, telephone: (202) 260-9524.

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SUPPLEMENTARY INFORMATION:

Background

In 1972, under the authority of the Federal Water Pollution Control Act (later called the Clean Water Act (CWA)), the U.S. Environmental Protection Agency (EPA) developed the National Pollutant Discharge Elimination System (NPDES) permitting program to control pollutant discharges to the Nation's waters from industrial, commercial, and municipal point sources. These discharges created a threat not just to water quality, but to the health of millions of people. Initial efforts to control pollution from these entities were focused on "traditional" pollutant sources, such as discharges from industrial manufacturing processes and municipal wastewater treatment plants.

Since the NPDES program's inception, the Agency has undertaken efforts to address other, "non-traditional," sources of pollution, including those resulting from precipitation events, such as rainfall and snowmelt. These precipitation-related sources of pollution are referred to as "wet weather discharges." Wet weather discharges include both point sources, which are required to have an NPDES permit under the CWA, and nonpoint sources, such as those resulting from most agricultural activity. Nonpoint sources are not regulated by the NPDES permitting program.

Wet weather discharges of pollutants often occur in urban areas and include municipal and industrial storm water discharges; sanitary sewer overflows (SSOs), which occur when the volume of flows in a separate municipal sanitary sewer system exceeds its capacity due to, among other things, unintentional inflow and infiltration of storm water; and combined sewer overflows (CSOs), which occur during wet weather events in some cities which have combined sanitary and storm sewers (these are known as combined sewer systems or CSSs). EPA's National Water Quality Inventory, 1992 Report to Congress, notes that pollution from wet weather

discharges is cited by States as the leading cause of water quality impairment. Based on this Report and other assessments, EPA has concluded that wet weather discharges, whether they be from point or nonpoint sources, are one of the largest remaining threats to water quality, aquatic life, and human health that exist today.

EPA believes that urban wet weather discharges, such as storm water discharges, SSOs, and CSOs, should be addressed in a coordinated and comprehensive fashion in order to reduce the threat to water quality, reduce pollution control costs, and provide State and local governments with greater flexibility to solve wet weather problems. EPA intends to build on the stakeholder involvement process that led to the development of the CSO Control Policy, published on April 19, 1994 (59 FR 18688). To this end, the Agency is establishing the Urban Wet Weather Flows Federal Advisory Committee, an SSO subcommittee, and a Storm Water Phase II subcommittee.

Announcement of SSO Subcommittee Meeting

Notice is hereby given that the Environmental Protection Agency (EPA) is convening a public meeting of the SSO subcommittee on May 18 and 19, 1995. The meeting has several purposes: (1) To discuss goals, objectives and desired outcomes for the SSO policy dialogue, such as ensuring national consistency and adequate municipal investment in collection system operation and maintenance; (2) to evaluate information needs to support consideration of the costs and benefits of selected policy options as well as identify other information needs associated with developing other products; (3) to identify and discuss the appropriateness of nonregulatory and regulatory options for addressing reporting of SSOs, collection system evaluations, sewer design, collection system operation and maintenance, and system rehabilitation; (4) to discuss incentives for proper operation and maintenance of collection systems and the development of outreach materials to clarify the benefits associated with proper operation and maintenance of collection systems; (5) to discuss issues associated with reporting of SSOs, including how data is used by EPA and authorized NPDES States, and public access to reporting information; (6) to discuss the relationship of enforcement to information voluntarily submitted to support the policy dialogue; (7) to summarize approaches to permits for discharges from sanitary sewer collection systems which are currently

being used; and (8) to discuss how watershed concepts could be incorporated into SSO efforts.

The meeting, which will be held on May 18 and 19, 1995, is open to the public without need for advance registration. On May 18, the meeting will begin at approximately 8:30 AM and run until about 5:00 PM. On May 19, the meeting will begin at 8:30 AM and continue until completion. The meeting will be held at the Best Western Old Colony Inn, 625 First Street, Alexandria, VA 22314. The hotel telephone number is (703) 548-6300.

Dated: April 24, 1995.

Michael B. Cook,

Director, Office of Wastewater Management.

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[OPPTS-400093; FRL-4952-6]

Emergency Planning and Community Right-to-Know; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA will hold a one-half day public meeting to discuss the options the Agency is considering for expanding the industries covered under the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 reporting requirements. In connection with this meeting, the Agency has prepared an issues paper that will be available at no charge from the Emergency Planning and Community Right-to-Know Information Hotline at the address or telephone number given under FOR FURTHER INFORMATION CONTACT.

DATES: The meeting will take place on May 25, 1995, at 9 a.m. and adjourn by 12 noon.

ADDRESSES: The meeting will be held at the: Environmental Protection Agency, Auditorium, Education Center, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Tim Crawford, Toxic Release Inventory Branch at (202) 260-1715, or the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop 5101, 401 M St., SW., Washington, DC 20460, Toll Free: 1-800-535-0202, Washington, DC and Alaska (703) 920-9877, Attention: TRI Facility Expansion.

SUPPLEMENTARY INFORMATION: In 1986, Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA). Section 313 of

EPCRA requires certain businesses to submit reports each year on the amounts of toxic chemicals their facilities release into the environment or otherwise manage. The purpose of this requirement is to inform the public and government officials about chemical management practices of specified toxic chemicals.

The current reporting requirements apply to facilities in the manufacturing sector (Standard Industrial Classification codes 20-39), that have 10 or more full-time employees, and that manufacture, process, or otherwise use one or more chemicals on the section 313 list of toxic chemicals above certain reporting thresholds.

EPA has been in the process of evaluating several industries for potential addition under EPCRA section 313. EPA has developed an issues paper that presents background information on this effort, EPA's analytical approach, preliminary findings that indicate which industries may be potential candidates for addition, and several issues that will affect how these facilities might be affected if they were to be covered under EPCRA section 313. Copies of this issues paper will be available on or before May 1, 1995, from the address or telephone number cited under FOR FURTHER INFORMATION CONTACT. Oral statements will be scheduled on a first-come first-serve basis by calling the Emergency Planning and Community Right-to-Know Hotline at the number listed under FOR FURTHER INFORMATION CONTACT. All statements will be made part of the public record and will be considered in the development of any proposed rule amendment.

Dated: April 21, 1995.

Susan B. Hazen,

Acting Director, Office of Pollution Prevention and Toxics.

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[FRL-5198-9]

Campo Band of Mission Indians; Final Determination of Adequacy of Tribal Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination of Full Program Adequacy for the Campo Band of Mission Indians Application.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, requires states to

develop and implement permit programs to ensure that municipal solid waste landfills which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal Municipal Solid Waste Landfill Criteria (40 CFR part 258 or Federal Criteria). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether states have adequate "permit" programs for municipal solid waste landfills (MSWLFs). EPA believes that adequate authority exists under RCRA to allow tribes to seek an adequacy determination for purposes of sections 4005 and 4010.

The Campo Band of Mission Indians (Campo Band) applied for a determination of adequacy under section 4005 of RCRA. EPA reviewed the Campo Band's application and proposed a determination that the Campo Band's MSWLF permit program is adequate to ensure compliance with the revised MSWLF Criteria. After consideration of all comments received, EPA is today issuing a final determination that the Campo Band's program is adequate.

EFFECTIVE DATE: The determination of adequacy for the Campo Band shall be effective on May 1, 1995.

FOR FURTHER INFORMATION CONTACT: U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105, Attn: Ms. Christiane M. Camp, Mail Code H-W-3, telephone (415) 744-2097.

SUPPLEMENTARY INFORMATION:

I. 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, requires states (and, as discussed below, allows Indian tribes) to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under 40 CFR part 258. Section 4005 of RCRA also requires that EPA determine the adequacy of state MSWLF permit programs to ensure that facilities comply with the revised Federal Criteria. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, state/tribal landfill permit programs. As explained below, the Agency intends to approve adequate state/tribal MSWLF permit programs as applications are submitted. 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.

EPA is extending to tribes the same opportunity to apply for permit program approval as is available to states. Providing tribes with the opportunity to apply for adequacy for purposes of adopting and implementing permit programs is consistent with the *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (November 8, 1984) (EPA's Indian Policy). This Policy, formally adopted in 1984, recognizes tribes as the primary sovereign entities for regulating the reservation environment and commits the Agency to working with tribes on a "government-to-government" basis to effectuate that recognition. A major goal of EPA's Indian Policy is to eliminate all statutory and regulatory barriers to tribal assumption of federal environmental programs. Today's determination to approve a tribal MSWLF permit program represents another facet of the Agency's continuing commitment to the implementation of this long-standing policy.

EPA's interpretation of RCRA is governed by the principles of *Chevron, USA v. NRDC*, 467 U.S. 837 (1984). Where Congress has not directly addressed the precise question at issue or otherwise explicitly stated its intent in the statute or in legislative history, the Agency charged with implementing that statute may adopt any interpretation which, in the Agency's expert judgment, is reasonable in light of the goals and purposes of the statute as a whole. *Id.* at 844. Interpreting RCRA to allow tribes to apply for an adequacy determination satisfies the *Chevron* test.

States generally are precluded from enforcing their civil regulatory programs in Indian country, absent an explicit Congressional authorization. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987). Yet, under the current statutory scheme, EPA generally is precluded from enforcing the federal Criteria as well. Furthermore, Congress has not yet created an explicit role for tribes to implement the RCRA Subtitle D program, as it has done under most other major environmental statutes amended since 1986 (Safe Drinking Water Act; Comprehensive Environmental Response, Compensation and Liability Act; Clean Water Act; Clean Air Act).

To have its permit program deemed adequate by EPA, a tribe must have adequate authority over the regulated activities. Indian reservations may