

112(l)(5) and 40 CFR 63.91 of the state's program for receiving delegation of section 112 standards that are unchanged from federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

### III. Administrative Requirements

#### A. Docket

Copies of the District's submittal and other information relied upon for the final interim approval, including one public comment letter received and reviewed by EPA on the proposal, are contained in docket number CA-MN-95-1-OPS maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

#### B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

#### C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

#### D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does

not include a federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

#### List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 21, 1995.

John Wise,  
Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding paragraph (r) to the entry for California to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

The following district program was submitted by the California Air Resources Board on behalf of:

(r) *Monterey Bay Unified Air Pollution Control District*: submitted on December 6, 1993, supplemented on February 2, 1994 and April 7, 1994, and revised by the submittal made on October 13, 1994; interim approval effective on November 6, 1995; interim approval expires November 6, 1997.

\* \* \* \* \*

[FR Doc. 95-24453 Filed 10-5-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 81

[NM-25-1-7119; FRL-5312-4]

#### Designation of Area for Air Quality Planning Purposes; New Mexico; Designation of Sunland Park Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of final rule.

SUMMARY: The EPA published a final Federal Register (FR) action on June 12,

1995 (60 FR 30789-30791) which redesignated a portion of Dona Ana County, New Mexico (i.e. the Sunland Park area) from unclassifiable/attainment to nonattainment for the ozone National Ambient Air Quality Standards (NAAQS) with a marginal classification. The redesignation, based upon violations of the ozone NAAQS which were monitored from 1992-1994, became effective on July 12, 1995.

In the June 12, 1995, FR action, on page 30791 in the table entitled "New Mexico—Ozone," the Classification Type should have read "Marginal" instead of "Nonattainment." This FR action provides the correction.

EFFECTIVE DATE: October 6, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the addresses listed below. The interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day:

U.S. Environmental Protection Agency,  
Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700,  
Dallas, Texas 75202-2733.

New Mexico Environment Department,  
Air Monitoring & Control Strategy Bureau, 1190 St. Francis Drive, Room So. 2100, Santa Fe, New Mexico 87503.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth W. Boyce, Air Planning Section (6PD-L), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7214.

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: September 21, 1995.

William G. Laxton,  
Acting Regional Administrator.

40 CFR part 81 is amended as follows:

#### PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. In section 81.332, the ozone table is amended by revising the entry "AQCR 153 El Paso-Las Cruces-Alamogordo" to read as follows:

#### § 81.332 New Mexico.

\* \* \* \* \*

NEW MEXICO—OZONE

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
AQCR 153 El Paso-Las Cruces-Alamogordo: Dona Ana County (part)—The area bounded by the New Mexico-Texas State line on the east, the New Mexico-Mexico international line on the south, the Range 3E—Range 2E line on the west, and the N3200 latitude line on the north.	July 12, 1995 ..	Nonattainment .....	July 12, 1995 ..	Marginal
Remainder of Dona Ana County .....		Unclassifiable/Attainment.		
Lincoln County .....		Unclassifiable/Attainment.		
Otero County .....		Unclassifiable/Attainment.		
Sierra County .....		Unclassifiable/Attainment.		

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

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BILLING CODE 6560-50-P

**40 CFR Part 258**

[FRL-5312-9; F-95-AGDP-FFFFF]

RIN 2050-AE24

**Delay of General Compliance Date for Small Municipal Solid Waste Landfills Located in Either Dry or Remote Areas**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** On August 10, 1995, the U.S. Environmental Protection Agency (EPA) published a proposed rule to provide to approved States and Tribes the flexibility to determine alternative ground-water monitoring requirements, on a site-specific basis, for small municipal solid waste landfills (MSWLFs) that are located in either dry or remote areas (hereafter referred to as “qualifying small MSWLFs”). The proposed rule also solicited comments on a two-year delay, until October 9, 1997, of the general compliance date of the MSWLF criteria for qualifying small MSWLFs to allow EPA time to finalize the proposed alternatives. Today’s rule finalizes only the delay of the compliance date.

**EFFECTIVE DATE:** The amendments in this final rule are effective October 2, 1995.

**ADDRESSES:** The public record for this rulemaking may be found in public docket number F-95-AGDP-FFFFF. All dockets are available for viewing in the RCRA Information Center (RIC), located in Room M2616, U.S. EPA, 401 M Street SW., Washington, DC 20460. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. The public must make an

appointment to view docket materials. Call 202-260-9327 for an appointment. Copies cost \$0.15 per page for materials exceeding 100 pages.

**FOR FURTHER INFORMATION CONTACT:** For general questions on this rule, contact the RCRA/Superfund Hotline at 1-800-424-9346, TDD 1-800-553-7672 (hearing impaired); in the Washington, DC metropolitan area the number is 703-412-9810, TDD 703-412-3323. For technical questions, contact Mr. Andrew Teplitzky (703-308-7275) or Mr. Allen Geswein (Phone 703-308-7261): Office of Solid Waste, U.S. Environmental Protection Agency, Mail Code 5306W, 401 M St. SW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:**

Preamble Outline

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- II. Background
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  - B. Summary of Proposed Rule on Alternative Ground-Water Monitoring and Delay of General Compliance Date
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- III. Response to Comments and Analysis of Issues Related to the Extension of the General Compliance Date for Qualifying Small MSWLFs
  - A. Comments Regarding the Two-Year General Compliance Date Extension
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- IV. Summary of This Rule
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- VI. Impact Analysis
  - A. Executive Order 12866
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  - C. Paperwork Reduction Act
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  - E. Unfunded Mandates

**I. Authority**

The Agency is promulgating these regulations under the authority of

Sections 1008(a)(3), 2002(a), 4004(a), and 4010(c) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6907(a)(3), 6912(a), 6944(a), and 6949a(c).

**II. Background**

**A. 40 CFR Part 258 and Small Landfill Exemption**

When the Agency promulgated the solid waste disposal facility criteria final rule on October 9, 1991 (56 FR 50978), it included an exemption for owners and operators of certain small MSWLF units from the design and ground-water monitoring requirements of the criteria. To qualify for the exemption, the small landfill could only accept less than twenty tons of municipal solid waste per day (based on an annual average), have no evidence of existing ground-water contamination, and either: (1) serve 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 (2) be located in an area that annually receives less than or equal to 25 inches of precipitation and serve a community that has no practicable waste management alternative. In adopting this limited exemption, the Agency believed it had complied with the statutory requirement to protect human health and the environment, taking into account the practicable capabilities of small landfill owners and operators.

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. On May 7, 1993, the Court of Appeals determined in *Sierra Club v. United States Environmental Protection*