

Dated: October 30, 1995.
 Keith Mason,
Designated Federal Officer.
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[FRL-5324-3]

**Vermont: Final Adequacy
 Determination of State/Tribal Municipal
 Solid Waste Permit Program**

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination of full program adequacy for the State of Vermont's Municipal Solid Waste Landfill Permitting Program.

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, 42 U.S.C. 6945(c)(1)(B), requires states to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs), which may receive hazardous household waste or small quantity generator hazardous waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C), 42 U.S.C. 6945(c)(1)(C), 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 a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. 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 for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in State/Tribes with approved permit programs can use the site-specific flexibilities provided by 40 CFR 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 landfill criteria shall apply to all permitted and unpermitted MSWLF facilities.

The State of Vermont applied for a determination of adequacy under section 4005(c)(1)(C) of RCRA, 42 U.S.C. 6945(c)(1)(C). EPA New England reviewed Vermont's MSWLF permit program adequacy application and made a determination that all portions of Vermont's MSWLF permit program are adequate to assure compliance with the revised Federal MSWLF Criteria. The decision to tentatively approve the State of Vermont's Municipal Solid Waste Landfill Permitting Program was published in the Federal Register on July 26, 1995 for public comment (see 60 FR 38327). There were no comments received within the public comment period; therefore, EPA is today issuing a final determination that the State's program is adequate.

EFFECTIVE DATE: The determination of adequacy for the State of Vermont shall be effective on November 3, 1995.

FOR FURTHER INFORMATION CONTACT: EPA New England, John F. Kennedy Federal Building, Boston, MA 02203, Attn: Mr. John F. Hackler, Chief, Solid Waste and Geographic Information Section, mail code HER-CAN 6, telephone (617) 573-9670.

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 under 40 CFR part 258. Subtitle D also requires in section 4005(c)(1)(C), 42 U.S.C. 6945(c)(1)(C) 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 a State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to approve 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 and conditions (for example, license to operate) 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. Second, the State/Tribe must have the authority to issue a permit or other notice of prior approval and conditions 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, 42 U.S.C. 6974(b). Finally, 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 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 STIR. 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 Vermont

On August 23, 1993, EPA New England received Vermont's final MSWLF permit program application for adequacy determination. On July 26, 1995, EPA published in the Federal Register the tentative determination of adequacy for all portions of Vermont's program. Further background on the tentative determination of adequacy appears at 60 FR 38327 (July 26, 1995).

Along with the tentative determination, EPA announced the availability of the application for public comment. In addition, a public hearing was tentatively scheduled. However, there were no requests for such and as a result the hearing was not held.

C. Public Comment

EPA received no written comments on the tentative determination of adequacy for Vermont's MSWLF permit program within the public comment period. Minor typographical errors in the Vermont application have been corrected.

D. Decision

After evaluating Vermont's program, EPA New England concludes that the State of Vermont's MSWLF Permitting Program meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the State of Vermont is granted a determination of adequacy for all portions of its municipal solid waste permit program.

The Vermont MSWLF Permitting Program is technically comparable to, no less stringent than, and equally as effective as the revised Federal Criteria. Vermont will implement its MSWLF permit program through enforceable permit conditions. To ensure compliance with the Federal Criteria, Vermont has revised its current permit requirements through the creation of procedures. These revisions occur in the following areas:

1. The adoption of the following definitions as required by the revised Federal Criteria, 40 CFR 258.2: active life, active portion, composite liner, earthen daily cover, existing MSWLF unit, final cover system for lined landfills, final cover system for unlined landfills, lateral expansion, municipal solid waste landfill unit, new MSWLF unit, 100-year flood, and washout.

2. Compliance with the new location restrictions of 40 CFR 258.10, 258.14, and 258.15, which pertain to airport safety, seismic impact zones, and unstable areas.

3. Compliance with the new operating criteria of 40 CFR 258.20, 258.23, 258.26, 258.28, and 258.29 which pertain to procedures for excluding the receipt of hazardous waste, explosive gases control, run-on/run-off control systems, liquids restrictions, and recordkeeping requirements.

4. Compliance with the design criteria of 40 CFR 258.40.

5. Compliance with the requirements of 40 CFR 258.50, 258.51, 258.53, 258.54, and 258.55 which pertain to ground-water monitoring and the requirements of 40 CFR 258.56, 258.57, and 258.58 which pertain to corrective action.

6. Compliance with the closure and post-closure criteria of 258.60 and 258.61.

7. Compliance with the financial assurance criteria of 40 CFR 258.73, which pertain to financial assurance for corrective action.

The Vermont Department of Environmental Conservation will update the permits of existing municipal solid waste landfills scheduled to remain open after the effective date of 40 CFR part 258, to assure compliance with current state requirements. The State of Vermont is not asserting jurisdiction over Tribal land recognized by the United States government for the purpose of this notice. Tribes recognized by the United States government are also required to comply with the terms and conditions found at 40 CFR part 258.

Section 4005(a) of RCRA, 42 U.S.C. 6945(a) provides that citizens may use the citizen suit provisions of section

7002 of RCRA, 42 U.S.C. 6972 to enforce the Federal MSWLF Criteria set forth 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).

Today's action takes effect on the date of publication. EPA believes it has good cause under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), to put this action into effect less than 30 days after the publication in the Federal Register. All of the requirements and obligations in the State's program are already in effect as a matter of state 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 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 notice, therefore, does not require a regulatory flexibility analysis.

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

Dated: October 3, 1995.

John P. DeVillars,

Regional Administrator.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Injury Prevention and Control Advisory Committee Meeting

The National Center for Injury Prevention and Control (NCIPC),

Centers for Disease Control and Prevention (CDC) will convene the following meeting cosponsored by the American College of Emergency Physicians, American Health Information Management Association, American Hospital Association, Emergency Nurses Association, National Association of EMS Physicians, Society for Academic Emergency Medicine, Agency for Health Care Policy and Research, CDC, Health Resources and Services Administration, and the National Highway Traffic Safety Administration.

Name: National Workshop on Emergency Department Data.

Times and Dates: 3 p.m.-5 p.m., January 22, 1996, Registration; 7:30 a.m.-8:30 a.m., January 23, 1996, Registration; 8:30 a.m.-5:30 p.m., January 23, 1996; 8:30 a.m.-5:30 p.m., January 24, 1996; 8 a.m.-1 p.m., January 25, 1996.

Place: Holiday Inn Conference Center Decatur, 130 Clairmont Road, Decatur, Georgia, telephone 404/371-0204.

Status: Open to the public for observation and comment, limited only by the space available. The meeting room accommodates approximately 150 people. All interested persons are invited to participate in the workshop.

Purpose: The Workshop will provide a forum to review and refine a uniform Emergency Department (ED) data set that is being drafted by representatives of the organizations and agencies cosponsoring the workshop. The Workshop cosponsors seek to develop a uniform ED data set that will be recommended for routine use in creating a record of each ED patient encounter, meet the essential data needs of multiple ED data users, and be compatible with existing or emerging national standards for health data. Workshop deliberations will focus on ways to improve the draft uniform ED data set. Data elements will be considered in separate, concurrent sessions, each of which will review one of six discrete groups of data elements: Demographic and identifying data, administrative data, illness/injury incident data, ED arrival and initial assessment data, ED procedure and results data, and ED diagnosis and outcome data. Each breakout group will present a summary of its work in a plenary session. The recommendations that emerge from the Workshop and additional recommendations solicited after the meeting will be used by the workshop cosponsors to complete the data set. Further Workshops will be needed to incorporate lessons learned from practical experience, research findings, and other advances in health data systems.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Mr. Paul Burlack, Public Health Advisor, Division of Acute Care, Rehabilitation Research, and Disability Prevention, NCIPC, CDC, 4770 Buford Highway NE, M/S F-41, Atlanta, Georgia 30341-3724, telephone 770/488-4031.