Canada border at Woodland (Burleyville) Maine and Westbrook Maine.

Summary: EPA requested additional information about the impacts of the proposed pipeline with regard to wetlands, eelgrass, drinking water, groundwater supply, and secondary impacts in order to fully evaluate the environmental acceptability of the proposed project.

ERP No. D–FRC–J02035–00 Rating EC2, Alliance Natural Gas Pipeline Project, Construction and Operation, Funding, NPDES Permit, COE Section 10 and 404 Permit, ND, MN, IA and IL.

Summary: EPA expressed environmental concerns and requested additional information on the following areas; Purpose and Need, Alternatives Evaluation, Resource Surveys (Threatened and Endangered Species, Cultural and Historical), Agricultural Land/Non-Agricultural Land, Waterbody/Wetland Crossing Procedures, Wetland/Woodland Loss Compensation and description of Extra Work Areas.

ERP No. DS–COE–L36011–00 Rating EC2, Columbia and Lower Willamette River Federal Navigation Channel, Integrated Dredge Material Management Study, OR and WA.

Summary: EPA's expressed environmental concerns that the Corps should take more effort at advanced identification and management of in-stream dredged material disposal sites. EPA also requested more information regarding the environmental impacts of upland disposal of dredged material.

Dated: May 5, 1998.

William D. Dickerson,

Director, Office of Federal Activities.

[FR Doc. 98–12298 Filed 5–7–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5491]

Designation of an Ocean Dredged Material Disposal Site (ODMDS) Off Wilmington, NC, Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA) Region 4.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) on the final designation of an ODMDS off Wilmington, North Carolina.

PURPOSE: The U.S. EPA, Region 4, in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) and in cooperation with the U.S. Army Corps of Engineers, Wilmington District, will prepare a Draft EIS on the designation of an ODMDS off Wilmington, North Carolina. An EIS is needed to provide the information necessary to designate an ODMDS. This Notice of Intent is issued Pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, and 40 CFR Part 228 (Criteria for the Management of Disposal Sites for Ocean Dumping).

FOR FURTHER INFORMATION AND TO BE PLACED ON THE PROJECT MAILING LIST CONTACT: Mr. Douglas K. Johnson, U.S. Environmental Protection Agency, Region 4, Coastal Programs Section, 61 Forsyth Street, Atlanta, Georgia 30303, phone 404–562–9386 or Mr. Philip M. Payonk, U.S. Army Corps of Engineers, Wilmington District, Environmental Resources Section, P.O. Box 1890, Wilmington, North Carolina 28402–1890, phone 910–251–4589.

SUMMARY: Ongoing needs for ocean disposal of dredged sediments and proposed improvements to the Wilmington Harbor navigation channel have resulted in the need for designation of a new ODMDS off Wilmington, North Carolina. Based on site surveys and anticipated levels of site use, the capacity of the existing Wilmington ODMDS will be reached in seven to 10 years. The annual volume of maintenance dredged material taken to the ocean for disposal from the Wilmington Harbor area is about two million cubic yards per year. The recently authorized Wilmington Harbor Federal navigation channel improvements (deepening and other channel modifications) will produce approximately 19 million cubic yards of dredged material for ocean disposal. The channel improvements will realign the ocean bar channel directly across the Wilmington ODMDS rendering the site obsolete. The channel would be realigned to avoid rock dredging and blasting and the environmental concerns associated with those activities.

The relocation of the ODMDS would provide an opportunity to add separation between the Wilmington ODMDS and nearby shrimp trawling bottoms. The shrimpers have complained that wood debris attributed to dredged materials placed within the ODMDS interfere with shrimping.

Need for Action: The Corps of Engineers, Wilmington District, has requested that EPA designate a new ODMDS off Wilmington, North Carolina for the disposal of dredged material from the Wilmington Harbor area, when ocean disposal is the preferred disposal alternative. An EIS is required to provide the necessary information to evaluate alternatives and designate the preferred ODMDS.

Alternatives:

1. No action. The no action alternative is defined as not designating an ocean disposal site.

2. Alternative disposal sites in the nearshore, mid-shelf, and shelf break regions.

Scoping: Scoping will be accomplished by correspondence and meetings, in late Spring or early Summer, 1998, with affected Federal, State and local agencies, and interested parties.

Estimated Date of Release: The Draft EIS will be made available in October 1999.

Responsible Official: John H. Hankinson, Jr., Regional Administrator, Region 4.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 98–12299 Filed 5–7–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6010–9]

Salt River Pima-Maricopa Indian Community; Tentative Approval of an Alternative Liner System Design and Use of Alternative Daily Cover Material for the Salt River Municipal Solid Waste Landfill

AGENCY: Environmental Protection Agency (EPA).

ACTION: Tentative determination on application of the Salt River Pima-Maricopa Indian Community for approval of an alternative liner system design and use of alternative daily cover material for the Salt River Municipal Solid Waste Landfill, public hearing and public comment period.

SUMMARY: Subtitle D of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6941–6949a requires EPA to establish minimum federal criteria to ensure that municipal solid waste landfills are designed and operated in a manner that protects human health and the environment. These standards are codified at 40 CFR part 258. Generally, these criteria are technical standards and are self-implementing. For many of these criteria, part 258 also establishes a flexible performance-based standard as an alternative to the self implementing regulations.

The Salt River Pima-Maricopa Indian Community submitted applications for approval to use two of the flexible

standards at the Salt River Municipal Solid Waste Landfill. One application requests use of a geosynthetic clay liner in place of a composite liner. The second application requests use of a tarp system as cover in place of earthen material. EPA reviewed the applications and all supplementary material and tentatively approves these requests. This tentative approval applies solely to the Salt River Municipal Solid Waste Landfill located on Salt River Pima-Maricopa Indian Reservation in Arizona.

Although RCRA does not require EPA to hold a public hearing on any site-specific flexibility request, Region 9 has scheduled a public hearing on these tentative approvals. Details appear below in the **DATES** section of this notice. The Salt River Pima-Maricopa Indian Community's applications and all supplementary material are available for public review and comment.

DATES: All comments on the Salt River Pima-Maricopa Indian Community's applications for approval of site-specific flexibility must be received by the close of business on June 10, 1998. A public hearing is scheduled for June 10, 1998 from 5–7 p.m. At the hearing, EPA may limit oral testimony to five minutes per speaker, depending on the number of commenters. Commenters presenting oral testimony must also submit their comments in writing at the hearing on June 10, 1998. The hearing may adjourn earlier than 7:00 pm if all of the speakers deliver their comments before that hour. Representatives of the Salt River Pima-Maricopa Indian Community and the Salt River Municipal Solid Waste Landfill will be present at the public hearing.

ADDRESSES: Written comments should be sent to Ms. Susanna Trujillo, Mail Code WST–7, US EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105.

The public hearing will be held at Salt River Pima-Maricopa Indian Reservation, Community Development Conference Room, 1005 E. Osborne Road, Scottsdale, Arizona 85256. For further information, contact Steve Parker at (602) 850–8024.

Copies of the Salt River Pima-Maricopa Indian Community's applications for site-specific flexibility are available for inspection and copying at: Salt River Pima-Maricopa Indian Reservation Administration Building, 1005 E. Osborne Road, Scottsdale, Arizona 85256. Contact: Lonita Jim, Tribal Secretary (602) 850–8000 and the US EPA Region 9 Library, 75 Hawthorne Street 13th Floor, San Francisco, California, 94105, telephone (415) 744–1510, from 9 am to 5 pm Monday through Friday.

FOR FURTHER INFORMATION CONTACT: US EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105, Attn: Ms. Susanna Trujillo, Mail Code WST–7 telephone (415) 744–2099.

SUPPLEMENTARY INFORMATION:

A. Regulatory Background

Subtitle D of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6941–6949a, governs the disposal of nonhazardous solid waste and of small-quantity hazardous waste not regulated under Subtitle C of RCRA. Subtitle D prohibits ''open dumping'' and EPA established criteria for determining which solid waste facilities classified as ''sanitary landfills'' which is ''open dumps.'' 40 CFR part 257, subpart A. Pursuant to HSWA, EPA added revised criteria to establish minimum federal standards to ensure that municipal solid waste landfills (MSWLF) are designed and operated in a manner that protects human health and the environment. The Federal revised criteria are codified at 40 CFR part 258. RCRA also requires states to implement permit programs to ensure that MSWLF facilities comply with the revised criteria (40 U.S.C. 6945(c)). EPA determines whether each state has developed an adequate solid waste permitting program and ''approves'' those states. In states that do not develop an adequate program, the regulations set forth in part 258 are self-implementing and apply to owners and operators of MSWLF units without additional EPA approval or review (40 CFR 258.1).

For many of the criteria, part 258 establishes a flexible performance standard as an alternative to the self-implementing regulation. The flexibility provided in the MSWLF criteria allows for the consideration of site-specific conditions in designing and operating an MSWLF at the lowest cost possible while ensuring protection of human health and the environment. The flexible standard is not self-implementing, and use of the alternative standard is generally approved by the Director of an approved state. Part 258 does not currently provide owners and operators of MSWLF units located in Indian Country with a mechanism for obtaining approval of the flexible performance standards.

Indian tribes are defined as ''municipalities'' under RCRA section 1004(13), 42 U.S.C. 6903. As a ''municipality,'' the tribe would seek approval of design flexibility from the appropriate approved state. However, states are generally 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). Including tribes as part of section 1004(13) was a definitional expedient, to avoid adding the phrase ''and Indian tribes or tribal organizations or Alaska Native villages or organizations'' wherever the term ''municipality'' appeared. By this definition, Congress did not intend to change the sovereign status of tribes for purposes of RCRA. In *Backcountry Against Dumps* v. *EPA*, 100 F.3d 147, 151 (D.C.Cir. 1996), the District of Columbia Circuit Court determined that the inclusion of Indian Tribes as ''municipalities'' ''does not strip the tribe of its sovereign authority to govern its own affairs * * * [the tribe has the authority] to create and enforce its own solid waste management plan.'' RCRA does not grant the regulatory authority to develop and implement solid waste management plans to municipalities.

Owners and operators of MSWLF units in Indian Country are not subject to state authority, they cannot obtain approval from the state for the performance standards included in part 258. Yet, the Federal revised criteria are silent as to the process by which MSWLF units in Indian Country can apply for the alternate standards.

EPA proposes this site-specific rule to allow the Salt River Pima-Maricopa Indian Community (''Community''), an owner/operator of an MSWLF in Indian Country, the same flexibility as owners and operators of MSWLF units in approved states. EPA derives its authority to promulgate this rule from sections 4004, 4005, and 4010 of RCRA, 42 US.C. 6944, 6945, and 6949a. These sections provide the basis on which EPA developed the criteria distinguishing open dumps from landfills and the revised criteria in part 258. Nothing in these provisions limits EPA's ability to issue site-specific criteria. In this instance, where the existing part 258 regulations do not contain a process for approval of the flexible performance standards for MSWLF units in Indian Country, it is appropriate to issue a site-specific rule to supplement part 258 and address this unique situation. The U.S. District Court in the District of South Dakota reviewed this issue directly and upheld EPA's authority to issue a site-specific rule to provide design flexibility under subtitle D of RCRA. (*Yankton Sioux Tribe* v. *US EPA*), 950 F.Supp. 1471 (D.S.D. 1996). The *Yankton* court determined that EPA

appropriately created an ''alternative mechanism'' to provide flexibility to the relevant MSWLF in Indian Country. The U.S. Court of Appeals for the D.C. Circuit also supports EPA's authority to issue such a site-specific rule under RCRA Subtitle D. (See *Backcountry Against Dumps* v. *EPA*, 100 F.3d at 152 (1996).) For a description of the suggested process used to apply for and approve flexibility requests in Indian Country, see EPA draft guidance entitled ''Site-Specific Flexibility Requests for MSWLFs in Indian Country'' (August 1997 Document Number: EPA530–R–97–016).

B. EPA's Tentative Determination

1. Alternative Liner System Design (40 CFR 258.40)

The Salt River Landfill (Landfill) is located on 200 acres of property east of Phoenix, Arizona. It is operated by the Salt River Pima-Maricopa Indian Community and serves as a sanitary landfill for the tri-city area of Mesa, Tempe, and Scottsdale, Arizona. Landfill operations began in October 1993 and are expected to continue until at least the year 2003. The landfill currently consists of three lined cells and three undeveloped cells. The three operational cells are lined with the composite liner prescribed by 40 CFR 258.40(b). On May 23, 1997, the Community submitted an application to the EPA requesting approval to use a geosynthetic clay liner in place of a composite liner for the undeveloped cells of the Landfill.

The federal revised criteria do not specifically include a procedure for EPA's tentative determination. However, EPA relied on the requirements set forth in 40 CFR 258.40 as a guideline for analyzing the Community's application.

Generally, 40 CFR 258.40 (a)(1), (c), and (d) require the following:

- The alternative liner design ensures that constituent concentrations of the chemicals listed in Table 1 of the criteria will not be exceeded in the uppermost aquifer at the relevant point of compliance; and
- The alternative liner design addresses the hydrogeologic characteristics of the landfill site, climate, volume, and physical and chemical characteristics of the leachate, and models potential contaminant migration.

EPA reviewed all information submitted by the Community and tentatively determined that the proposed alternative liner meets or exceeds the performance standards set forth in 40 CFR 258.40(a)(1), (c), and (d).

2. Alternative Daily Cover Materials (40 CFR 258.21)

The federal revised criteria requires that MSWLF units must use six inches of earthen material to cover disposed solid waste each day. 40 CFR 258.21(b) provides flexibility by allowing use of alternative materials and an alternative thickness if they control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.

On June 2, 1997, the Community submitted an application to the EPA requesting approval to use any alternative daily cover material that Arizona has approved for that state. These materials consist of tarps, foams, chipped green waste, drinking water treatment residues, and chipped tires. The Community subsequently restricted their current application to the use of tarps as an alternative daily cover material.

The federal revised criteria does not specifically include a procedure for EPA's tentative determination. However, EPA relied on the requirements set forth in 40 CFR 258.21 as a guideline for analyzing the Community's application. The Community proposes to use the *Tarpomatic* tarping operation, consisting of a polypropylene tarp rolled over the landfill material at the end of each business day and retrieved at the beginning of the next business day.

EPA reviewed all information submitted by the Community and tentatively determined that the proposed alternative daily cover meets or exceeds the performance standards set forth in Section 258.21(b)

Public Comment

EPA Region 9 will hold a public hearing on this tentative determination from 5:00 to 7:00 pm on June 10, 1998, at Salt River Pima-Maricopa Indian Reservation, Community Development Conference Room, 1005 E. Osborne Road, Scottsdale, Arizona 85256. For further information, contact Stu Baker at (602) 941–3427.

The public may submit written comments on this tentative determination until June 10, 1998. Copies of the Community's applications and supplementary material are available for inspection at: Salt River Pima-Maricopa Indian Reservation Administration Building, 1005 E. Osborne Road, Scottsdale, Arizona 85256. Contact: Lonita Jim, Tribal Secretary (602) 850–8000 and the US EPA Region 9 Library, 75 Hawthorne Street 13th Floor, San Francisco, California, 94105, telephone (415) 744–1510, from 9 am to 5 p.m. Monday through Friday.

EPA will consider all public comments on its tentative determination received at the hearing or during the public comment period. Issues raised by those comments may be the basis for a decision not to approve one or both of the Community's applications. EPA will make a final determination on whether or not to approve the Community's applications and will give notice of this decision in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Executive Order 12866

Executive Order 12866 requires Office of Management and Budget review of ''significant regulatory actions.'' Significant regulatory actions are defined as those that (1) have an annual effect on the economy $100 Million or more or adversely affect a sector of the economy, including state, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients; or (4) raise novel legal or policy issues. This tentative decision is a not a ''significant regulatory action'' and is not subject to the requirements of Executive Order 12866.

Executive Order 12875

EO 12875 applies to regulations that create an unfunded mandate upon state, local or tribal government. As this tentative determination is site-specific and applies only to the Community as owner and operator of the Landfill's MSWLF, this tentative determination does not create an unfunded mandate for state, local, or tribal government.

Executive Order 13045

Executive Order 13045 applies to rulemaking that (1) has an annual effect on the economy of $100 Million or more or adversely affects any sector of the economy and (2) may disproportionately create an environmental health or safety risk for children. This tentative decision to approve alternate landfill requirements will not result in such impacts and is not subject to the requirements of EO 13045.

Executive Order 12898

Executive Order 12898 requires agencies to consider impacts on the health and environmental conditions in

minority and low-income communities with the goal of achieving environmental justice. This tentative determination to approve the Community's requests for use of an alternative landfill standard is consistent with EO 12898. By allowing the Community to use the site-specific flexibility provided by part 258, the Community is placed on a parity with those owners and operators of MSWLF units regulated by authorized state Subtitle D programs. This tentative determination fosters non-discrimination in implementing Subtitle D of RCRA.

The National Technology Transfer and Advancement Act (NTTAA)

The NTTAA requires agencies to consider using suitable voluntary consensus standards to carry out policy objectives or activities. As a rule of particular applicability, this tentative determination to approve the alternative landfill requirements is not subject to the NTTAA.

Paperwork Reduction Act

This tentative decision is not an information collection request subject to the Paperwork Reduction Act.

The Regulatory Flexibility Act

As a rule of particular applicability, this tentative determination to approve the alternative landfill requirements is not subject to the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act.

The Unfunded Mandates Reform Act

This tentative determination is a rule of particular applicability and does not include a federal mandate imposing enforceable duties upon state, local, or tribal governments. On this basis, this tentative determination is not subject to the requirements of the Unfunded Mandates Act.

Authority: This notice is issued under the authority of sections 2002, 4004, 4005, and 4010 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912, 6944, 6945, and 6949a. The Regional Administrator is making this decision in accordance with EPA Delegations Manual No. 8–47 (October 8, 1993).

Dated: April 27, 1998.

Felicia Marcus,

Regional Administrator.

[FR Doc. 98–12150 Filed 5–7–98; 8:45 am]

BILLING CODE 6560–50–P

COUNCIL ON ENVIRONMENTAL QUALITY

American Heritage Rivers Initiative

AGENCY: Council on Environmental Quality.

ACTION: Description of Administration policy regarding congressional opposition to designation of American Heritage Rivers.

Immediately following the 1997 State of the Union Address, President Clinton instructed the Cabinet to work with communities on the design of the American Heritage Rivers initiative to support community-led efforts that spur economic revitalization, protect natural resources and the environment, and preserve our historic and cultural heritage. In response to this initiative, communities across the country nominated 126 rivers (or stretches of rivers) for designation as an American Heritage River. An advisory committee of nonfederal experts will review all nominations and recommend rivers to the President for designation.

An interagency working group convened by the White House developed guidelines for the review of nominations. As stated in the **Federal Register** Notice of September 17, 1997 and President Clinton's Executive Order of April 7, 1998, the advisory committee will provide an assessment of the following for each nomination:

1. The scope of each nomination's application and the adequacy of its design to achieve the community's goals;

2. Whether the natural, economic (including agricultural), scenic, historic, cultural, and/or recreational resources featured in the application are distinctive or unique;

3. The extent to which the community's plan of action is clearly defined and the extent to which the plan addresses all three American Heritage Rivers objectives—natural resource and environmental protection, economic revitalization, and historic and cultural preservation—either through planned cooperative action or past accomplishments.

4. The strength and diversity of support for the nomination and plan of action as evidenced by letters from local and State governments, Indian tribes, elected officials, any and all parties who participate in the life and health of the area nominated, or who have an interest in the economic life and cultural and environmental vigor of the involved community.

The Administration believes that public input into the design of the initiative and into individual river nominations is critically important. Representatives from Federal agencies traveled around the country to meet with community organizations, local governments and industry associations to learn their views on the initiative and incorporate them into its design.

On May 19, 1997, the Administration published a notice in the **Federal Register** requesting comment about the initiative's structure, the criteria used to determine eligible rivers, the needs of communities for technical assistance and funding, and other items. The Administration incorporated many of the more than 1,700 comments received during the more than 90 days of public input into the final design of the initiative that was published on September 17, 1997 in the **Federal Register**. This notice also included how communities apply for designation, specifically asking them to demonstrate strong and diverse public support for the nomination.

Nominations closed on December 10, 1997. Members of Congress were sent copies of nominations from their districts and asked to provide comments to the Administration by January 23, 1998.

The Administration received more than 200 responses from Members of Congress, both in support and opposition, to particular nominations. Overall, Members expressed support for rivers that were nominated in their districts or State by more than a 4:1 ratio.

The views of Members of Congress on specific nominations have particular importance in evaluating applications. Elected officials such as Members of Congress represent a diversity of concerns within a community that need to be taken into account. Furthermore, the views of Members of Congress are especially relevant in this case since American Heritage Rivers is a Federal initiative on behalf of those communities. The Administration concluded accordingly that, under the conditions described in this notice, if a Member of Congress opposes the nomination of a river in his or her district, it means that a sufficient strength and diversity of support were not demonstrated for such a designation, and that the nomination did not satisfy that particular criteria.

In order to respond to the views of Members of Congress who oppose specific nominations, the Administration has agreed that the nomination of certain rivers or stretches of river would be excluded from consideration for designation under this initiative, if the Member so requested.