

The purpose of the ICR is to allow EPA to continue its evaluation of JTR grant projects by measuring the success of the remaining 1994 grant projects as well as the grants awarded in 1995, 1996, and 1997. The information compiled during these interviews will be disseminated to current and future program participants as well as other recycling market development professionals, so that others can replicate project successes and avoid past mistakes. In addition, EPA will use the information gathered to help identify opportunities to improve the overall JTR program and ensure its continued growth and success. Finally, the evaluation will assist EPA in complying with the Government Performance and Results Act of 1993 (GPRA), by measuring progress towards the goals and objectives detailed in the EPA Strategic Plan.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 6/2/98 (63 FR 29988); no comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6 hours per response from JTR grantees and 2.25 hours per response from project partners and assisted businesses. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Entities potentially affected by this action are JTR grantees, which include state, multistate, and tribal organizations that have received grant funding through JTR. Also affected are

project partners (including state and local agencies) and selected businesses assisted by JTR grantees.

**Estimated Number of Respondents:** 35.

**Frequency of Response:** One-time only.

**Estimated Total Annual Hour Burden:** 122.5 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1865.01 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OP Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460 and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA 725 17th Street, NW, Washington, DC 20503

Dated: September 9, 1998.

**Joseph Retzer,**

*Director, Regulatory Information Division.*

[FR Doc. 98-24838 Filed 9-15-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6161-3]

### Texas; Full Program Adequacy Determination of State Municipal Solid Waste Permit Program

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

**ACTION:** Notice of tentative determination of full program adequacy for the State of Texas.

**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 household hazardous waste or conditionally exempt small quantity generator waste, comply with the revised Federal MSWLF Criteria (40 CFR part 258). Section 4005(c)(1)(C) of RCRA requires the (EPA) to determine whether States have "adequate" permit programs for MSWLFs, but does not mandate issuance of a rule for such determinations.

Texas applied for a determination of adequacy under section 4005 of RCRA.

The EPA reviewed Texas' application and made a tentative determination subject to public review and comment, that Texas' MSWLF permit program is adequate to ensure compliance with the revised MSWLF criteria.

**DATES:** All comments on Texas' application for full determination of adequacy must be received by the close of business on October 16, 1998.

**ADDRESSES:** Copies of Texas' application for adequacy determination are available for inspection and copying from 8:30 a.m. to 4 p.m. at the following addresses: Texas Natural Resource Conservation Commission File Room, Room 1301, Building F, 12100 Park 35 Circle (Yager Lane Exit, IH 35 North), Austin, Texas (512) 239-0900; EPA Region 6 Library, 1445 Ross Avenue, Dallas, Texas Attn.: Willie Kelley, (214) 665-6760, or Shari McAllister (214) 665-6424. Written comments should be sent to EPA Region 6, Attn. Willie Kelley (6PD-U) 1445 Ross Avenue Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Sherry Fuerst, UST/Solid Waste Section (6PD-U), EPA Region 6, 1445 Ross Ave, Dallas, Texas 75202-2733, phone 214/665-6454.

### A. Background

On October 9, 1991, EPA promulgated revised criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the HSWA of 1984, requires States to develop permitting programs to ensure that facilities comply with the Federal criteria in 40 CFR part 258. Subtitle D also requires, in section 4005, that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal criteria at 40 CFR part 258. To fulfill this requirement, the Agency has proposed a State Implementation Rule (SIR). On January 26, 1996, EPA proposed SIR (61 FR 2584) that will provide procedures by which EPA will approve, partially approve, or disapprove State landfill permit programs. The Agency intends to approve adequate State MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the SIR. Prior to promulgation of the SIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States may use the draft SIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State permit programs provide interaction between the State and the

owner/operator regarding site-specific permit conditions. Only those owners/operators located in States with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State permit program allows such flexibility. The EPA notes that regardless of the approval status of a State and the permit status of any facility, the Federal criteria will apply to all permitted and unpermitted MSWLFs.

The EPA interprets the requirements for States to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State 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 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 must show 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.

The EPA Regions will determine whether a State has submitted an "adequate" program based on the interpretation outlined above. The EPA has provided specific criteria for this evaluation in the proposed SIR. The EPA expects States to meet all of these requirements for all elements of an MSWLF program before it gives full approval to an MSWLF program.

On September 27, 1993, the EPA Administrator signed the final rule extending the effective date of the landfill criteria for certain classifications of landfills (proposed rule 58 FR 40568, July 28, 1993). Thus, for certain small landfills that fit the small landfill exemption as defined in 40 CFR 258.1(f), the Federal criteria were effective on October 9, 1995, rather than on October 9, 1993. The final rule on the effective date extension was published in the **Federal Register** October 1, 1993 (58 FR 51536).

On August 10, 1995, the EPA published a proposed rule to solicit comments on a two-year delay, until October 9, 1997, of the general compliance date of the MSWLF criteria for qualifying small MSWLFs (60 FR 40799). This allowed EPA time to finalize the proposed alternatives. The final rule on the delay of the compliance date was published in the **Federal**

**Register** on October 6, 1995 (60 FR 52337).

## B. State of Texas

On September 23, 1997, Texas submitted an application for a full adequacy determination for the State's MSWLF permit program. The EPA has reviewed Texas' application and has tentatively determined that all portions of Texas' subtitle D MSWLF program will ensure compliance with the revised Federal criteria. On December 17, 1993, EPA published a final determination of partial program adequacy for Texas' program. Further background on the final determination of partial program adequacy appears in 58 FR 65986 (December 17, 1993) and in 58 FR 44821 (August 25, 1993). In those actions, EPA approved all portions of the State's MSWLF permit program except Texas' regulations exempting certain small landfills in arid regions from ground water monitoring requirements. On May 7, 1993 the U.S. Court of Appeals for the District of Columbia Circuit Court (*Sierra Club v. EPA*, 992F.2d 337 D.C. Cir. 1993) directed EPA to eliminate an exemption from ground water monitoring for small landfills in arid and remote locations (40 CFR 258.1(f)(1)).

In effect, the court held that "\* \* \* the Agency must revise its final rule to require groundwater monitoring, as necessary to detect contamination, at all landfills. While such factors as size, location and climate may affect the extent or kind of monitoring necessary to detect contamination at a specific facility, they can not justify exemption from the statutory monitoring requirement." Thus, the Court vacated the small landfill exemption as it pertains to ground water monitoring, directing the Agency to "\* \* \* revise its rule to require groundwater monitoring at all landfills." For that reason, EPA directed Texas to remove the exemption for certain small landfills in arid regions from ground water monitoring. However, with EPA's concurrence, Texas deferred repealing the exemption until EPA adopted a new standard.

On March 26, 1996, the Land Disposal Program Flexibility Act of 1996 was passed (Pub. L. 104-119, March 26, 1996) which provides explicit authority for the ground water monitoring exemption, whereupon EPA reestablished the ground water monitoring exemption (61 FR 50410, September 25, 1996) that had been vacated by the Court. Thereafter, Texas applied for a determination of full program adequacy, since it had retained the ground water monitoring exemption

in its rules and was now in conformity with the revised Federal criteria.

The EPA has reviewed Texas' application and has tentatively determined that all portions of the State's application are consistent with the revised Federal criteria. In its application, Texas demonstrated that the State's permit program adequately meets the location restrictions, operating criteria, design criteria, groundwater 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 Texas also demonstrated that its MSWLF permit program contains specific provisions for public participation, compliance monitoring, and enforcement.

The public may submit written comments on EPA's tentative determination until October 16, 1998. Copies of Texas' application are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document. The EPA will consider all public comments on its tentative determination that were received during the public comment period. Issues raised by those comments may be the basis for a determination of inadequacy for Texas' program. The EPA's final determination notice will include a summary of the reasons for the final determination and a response to all major comments.

Texas does not claim jurisdiction over Indian lands.

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 enforcement program. As EPA explained in the preamble to the MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State program approved by EPA to be in compliance with the Federal criteria. See 56 FR 50978, 50995 (October 9, 1991).

Children's Health Protection: Under Executive Order (E.O.) 13045, for all significant regulatory actions as defined by E.O. 12866, EPA must provide an evaluation of the environmental health or safety effect of a proposed rule on children and an explanation of why the proposed rule is preferable to other potentially effective and reasonably feasible alternatives considered by EPA. This is not a significant regulatory action and is exempt from EO 13045.

*Compliance With Executive Order 12866:* The office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

*Unfunded Mandates Reform Act:* Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the EPA must prepare a written statement, including a cost benefit analysis, for proposed and final rules with "federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector of \$100 million or more in any one year.

Today's document contains no Federal mandates (under the regulatory provisions of Title of the UMRA) for State, local, or tribal governments or the private sector. Today's document would merely acknowledge the adequacy of a portion of an existing State program. The EPA has determined that this document would not contain any Federal mandate that may result in expenditures of \$100 million or more for state, local, and tribal governments, in the aggregate or the private sector in any one year. Therefore, today's document is not subject to the requirements of section 202 of the UMRA.

*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 rule, therefore, does not require a regulatory flexibility analysis.

**Authority:** This notice is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: August 26, 1998.

**Jerry Clifford,**

*Deputy Regional Administrator, Region 6.*

[FR Doc. 98-24738 Filed 9-15-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-30443A; FRL-6029-2]

### LidoChem Inc.; Approval of a Pesticide Product Registration

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval an application to

register the pesticide product eKsPunge, containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** Rita Kumar, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location/telephone number and e-mail address: Rm. 902W5, CM #2, 1921 Jefferson Davis Hwy, Arlington, VA, 703-308-8291; e-mail: kumar.rita@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

**Electronic Availability:** Electronic copies of this document and the Fact Sheet are available from the EPA home page at the **Federal Register**-Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>).

EPA issued a notice, published in the **Federal Register** of December 9, 1997 (62 FR 64831) (FRL-5756-3), which announced that LidoChem Inc., 20 Village Court, Hazlet, NJ 07730, had submitted an application to register the pesticide product eKsPunge (EPA File Symbol 70644-R), containing the new active ingredient monopotassium phosphate (KH<sub>2</sub>PO<sub>4</sub>) at 100%, an active ingredient not included in any previously registered product.

The active ingredient for the registered product was amended to read "Potassium Dihydrogen Phosphate" commonly known as monopotassium phosphate.

The application was approved on August 12, 1998, as eKsPunge for the control of powdery mildew on apples, cherries, cucumbers, grapes, mangoes, melons, nectarines, peaches, peppers, plums, summer/winter squash, tomatoes, watermelons, and roses (EPA Registration Number 70644-1).

The Agency has considered all required data on risks associated with the proposed use of potassium dihydrogen phosphate, and information on social, economic, and environmental benefits to be derived from use.

Specifically, the Agency has considered the nature of the pesticide and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health safety determinations which show that use of potassium dihydrogen phosphate when used in accordance with widespread and commonly recognized

practice, will not generally cause unreasonable adverse effects to the environment.

More detailed information on this registration is contained in an EPA Pesticide Fact Sheet on potassium dihydrogen phosphate.

A copy of the fact sheet, which provides a summary description of the pesticides, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, CM #2, Arlington, VA 22202 (703-305-5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

**Authority:** 7 U.S.C. 136.

#### List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: September 4, 1998.

**Kathleen D. Knox,**

*Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 98-24842 Filed 9-15-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[PF-830; FRL 6025-8]

### Notice of Filing of Pesticide Petitions

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain