

[FRL-5171-7]

National Advisory Council for Environmental Policy and Technology; Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meetings.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92-463, EPA gives notice of a two-day series of meetings involving four of the Standing Committees of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. These meetings are being held to continue discussions of recommendations from these NACEPT Committees on actions EPA can take to implement Community-Based Environmental Protection.

The four NACEPT Committees that will be meeting are:

- The Ecosystems Sustainable Economies Committee—which is examining issues associated with harmonizing economic activity and ecosystem management, and is focusing on the economic, social, and political factors needed to achieve sustainable economies.
- The Ecosystems Information and Assessments Committee—which is examining the role and use of data and information in ecosystem management strategies, including data needs, data accessibility, and opportunities for partnerships and data sharing with public and private organizations.
- The Ecosystems Implementation Tools Committee—which is evaluating the opportunities to re-orient existing statutory and regulatory authorities to integrate place-driven environmental management into the Agency's decision-making processes.
- The NACEPT Executive Committee—which serves as a steering committee for all NACEPT activities and is coordinating the efforts of the three NACEPT Ecosystems Committees.

Scheduling constraints preclude oral comments from the public during the meeting. Written comments can be submitted by mail and will be transmitted to Committee members for consideration

DATES: The public meetings will be held on Wednesday, April 12, and Thursday, April 13, 1995. The NACEPT Executive Committee will meet in plenary session from 8:30 a.m. to 12:00 p.m. on Wednesday, April 12, and again on Thursday, April 13 from 3:00 p.m. to

5:00 p.m. The Ecosystems Sustainable Economies Committee, the Ecosystems Information and Assessments Committee, and the Ecosystems Implementation Tools Committee will meet concurrently from 1:00 p.m. to 5:00 p.m. on Wednesday, April 12, and again from 8:30 a.m. to 3:00 p.m. on Thursday, April 13. On both days, the meetings will be held at the Dupont Plaza Hotel; 1500 New Hampshire Avenue, N.W., Washington, D.C.

ADDRESSES: Written comments should be sent to: Abby J. Pirnie, Director, Office of Cooperative Environmental Management, U.S. EPA (1601), 401 M. Street S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Abby J. Pirnie, Designated Federal Official, Direct line (202) 260-8079, Secretary's line (202) 260-7567.

Dated: March 8, 1995.

Abby J. Pirnie,

Designated Federal Official.

[FR Doc. 95-6271 Filed 3-13-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5171-9]

State of New York: Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination of adequacy to fully approve the New York State Municipal Solid Waste Permit 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, 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 waste will comply with the revised Federal MSWLF Criteria (40 CFR Part 258). RCRA Section 4005(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 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 flexibility provided by 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 will apply to all permitted and unpermitted MSWLF facilities.

The State of New York applied for a determination of adequacy under section 4005 of RCRA. The components of authority and capability were contained in New York State's application and its revisions. EPA reviewed New York State's application, and certain revisions thereto, and on July 28, 1994, proposed a determination that New York State's MSWLF permit program is adequate to ensure compliance with the revised MSWLF Criteria. After consideration of all comments received regarding the tentative determination of adequacy, EPA is today issuing a final determination that New York State's program is adequate.

EFFECTIVE DATE: The determination of adequacy for the New York State shall be effective on March 14, 1995.

FOR FURTHER INFORMATION CONTACT: David Savetsky, U.S. EPA Region II, Mail Stop 2AWM, Room 1006, 26 Federal Plaza, New York, New York, 10278, telephone (212) 637-4098.

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 facilities comply with the Federal Criteria under 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. 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 STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval 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. Next, the State/Tribe 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/Tribe also must provide for public participation in permit issuance and enforcement as required in Section 7004(b)(1) of RCRA. Finally, EPA believes that 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 will 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 State/Tribal Implementation Rule. 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.

On September 24, 1993, the State of New York submitted an application for adequacy determination for New York State's municipal solid waste landfill permit program. On March 14, 1994, May 10, 1994, and June 28, 1994, New York made revisions to its original submission. On July 28, 1994, after reviewing New York State application and the revised submissions, EPA published a tentative determination of adequacy for all portions of New York State's program. Further background on the tentative determination of adequacy appears at 59 FR 38463, July 28, 1993.

Along with the tentative determination, EPA announced the availability of the application for public comment. New York State's application for program adequacy determination and its revisions were available for public review and comment at the New York State Department of Environmental Conservation, in Albany New York and at the EPA Region II Library in New York City. The public

comment period commenced on July 28, 1994 and ended on September 13, 1994.

Although RCRA does not require EPA to hold a hearing on any determination to approve a State/Tribe's MSWLF program, the Region scheduled two public hearings on this tentative determination. A public hearing was held in Albany New York and in New York City. A summary of the comments received, and EPA's responses thereto is contained in the public comment section of this notice.

On October 9, 1993, New York, acting through the New York State Department of Environmental Conservation, adopted comprehensive, revised regulations governing solid waste disposal. These regulations are patterned after the 40 CFR Part 258 criteria, and are intended to bring New York into full conformity with the Federal criteria. The New York State Department of Environmental Conservation has sufficient authority and responsibility for implementing and enforcing solid waste management regulations, including a permit program, inspection authority and enforcement activities.

New York does not have the statutory authority to enforce the MSWLF permit program on Indian Lands. MSWLFs located on Indian Lands are subjected to the Federal Criteria.

In addition, in its application, New York states that adequate technical, support and legal personnel will be assigned to implement its permit program.

B. Public Comment

A summary of the public comments received on the tentative determination of adequacy and EPA's responses thereto follows below. The major comments suggested the Fresh Kills landfill in Staten Island, New York is illegally operating without a permit and is continuing to operate under consent orders since 1980. The commentors believed that this demonstrates the inability of New York to effectively enforce landfill criteria. A facility not meeting Federal Criteria must be upgraded in a reasonable time to meet such criteria before or after approval of the state program. Upgrading can take place concurrent with or after state program approval. The use of enforcement tools such as consent orders as a method by which a facility is brought into compliance is not a basis for disapproving a state program. In fact, preliminary findings of an EPA study of the Fresh Kills facility compliance status indicates relatively minor violations currently exist and the facility exceeds some Federal requirements such as groundwater

monitoring. In fact, we see no loss of enforcement authority by approving the State program. The State regulatory program will enhance compliance with Federal Criteria which remain in effect in any case.

EPA believes that the State has the statutory and regulatory authority to implement and enforce such a program. Many of the numerous citations of past and or continuing site-specific violations do not recognize that the State Part 360 regulations underwent a significant revision which became effective on October 9, 1993, to conform to the Federal Part 258 Criteria.

Landfill closures in New York State have been primarily a result of the State enforcement of policies and procedures for compliance with laws and regulations governing closures of active solid waste landfills. In 1984, the Commissioner of the New York State Department of Environmental Conservation formally initiated a landfill closure strategy to obtain closure of unlined landfills in the State of New York. Pursuant to the 1984 Landfill Closure Enforcement Directive and subsequent amendments of 1988, a methodical program was pursued by the NYSDEC whereby solid waste disposal facility planning and landfill closures were to be coordinated. This strategy contemplated a process of consolidation of solid waste disposal into a few regional landfills, pending planning, design and permitting of new, properly designed disposal facilities. The State's approach to solid waste compliance by New York City was in accordance with this strategy, while at the same time recognizing the need to allow for efficient and economic transition to sound solid waste management practices by the City.

There were several additional comments. These are addressed in the responsiveness summary which is made part of the public record.

C. Decision

After reviewing the public comments, I conclude that New York State's application for adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the State of New York is granted a determination of adequacy for all portions of its municipal solid waste permit program.

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/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 March 14, 1995. 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 publication in the **Federal Register**.

All of the requirements and obligations in New York State program are already in effect as a matter of 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, 6949a(c).

Dated: February 21, 1995.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 95-6269 Filed 3-13-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 9, 1995.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy

contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, DC 20037, (202) 857-3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 418-0214. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395-3561.

Please note: The Commission has requested emergency OMB review of this item by March 17, 1995, under the provisions of 5 CFR 1320.18.

OMB Number: None

Title: Survey Governing Effects of the "Must Carry" Requirements

Action: New collection

Respondents: Businesses or other for-profit

Frequency of Response: One time collection

Estimated Annual Burden: 2,000 responses; .25 hours average burden per response; 500 hours total annual burden

Needs and Uses: In cooperation with the U.S. Department of Justice, the Federal Communications Commission seeks information from cable television operators in connection with pending litigation involving cable television "must carry" requirements (*Turner Broadcasting System v. FCC*, Civil Action No. 92-2247 and consolidated cases D.D.C.). The survey asks cable operators to indicate the number of broadcast stations carried on their systems under "must carry" requirements or "retransmission consent" so that the courts are fully informed of the "must carry" requirements' impact.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Survey Concerning Effects of the "Must-Carry" Requirements

March _____, 1995.

In *Turner Broadcasting Co., Inc. v. FCC*, 114 S. Ct 2445 (1994), the United States Supreme Court considered the constitutionality of the "Must-Carry" requirements, the provisions of the Cable Television Consumer Protection and Competition Act of 1992 which require cable operators to carry local television broadcast stations on their cable systems. 47 U.S.C. §§ 534, 535. The Court did not rule on the constitutionality of Must-Carry, but returned the case to the lower court for additional inquiry into a number of issues. These include the impact of the Must-Carry requirements on cable

system operators. The Court described the extent to which Must-Carry requires cable operators to make changes in their programming selections as one of several questions "critical" to determining whether the Must-Carry requirements are constitutional.

Accordingly, the FCC, in cooperation with the United States Department of Justice, which is defending the constitutionality of the Must-Carry requirements in the *Turner Broadcasting* case, seeks your assistance in responding to the enclosed survey questionnaire, so that the Department can more fully inform the courts of Must-Carry's impact.

Notice to Individuals Required by the Privacy Act of 1974 and the Paperwork Reduction Act

The request for information in this survey is authorized by the Communications Act of 1934, as amended. The Commission will use the information as described above. The Department of Justice will also use the information. All information provided in response to this survey will be available for public inspection. A response is requested, but your response to the survey is voluntary.

Public reporting burden for this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding the burden estimate or any other aspect of this request for information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-____), Washington, D.C. 20503.

This notice is required by the Privacy Act of 1974, P.L. 93-579, Dec. 31, 1975, 5 U.S.C. § 522a(e)(3) and the Paperwork Reduction Act of 1980, P.L. 96-511, Dec. 11, 1980, 47 U.S.C. § 3507.

Please complete and return the enclosed survey form by mail or fax by April 7, 1995. Thank you for your cooperation.

For further information, please contact:

Adam Issenberg (202) 616-8476, Eric Angel (202) 514-4775, United States Dept. of Justice
Grey Pash (202) 418-1740, Federal Communications Commission, Office of General Counsel

Survey Concerning Effects of the "Must-Carry" Requirements

Please complete this form and return it by mail in the enclosed envelope or by fax to one of the numbers listed below no later than April 7, 1995.

Physical System Identification No.: _____
Operator: _____