

**FOR FURTHER INFORMATION CONTACT:** Kathy Barylski, EPA Acid Rain Division (6204J), 401 M Street., SW., Washington DC 20460; telephone (202) 233-9074.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

Title IV of the Clean Air Act Amendments of 1990 (CAAA) established the Acid Rain Program to reduce acid rain in the United States. The Acid Rain Program will achieve a 50 percent reduction in sulfur dioxide (SO<sub>2</sub>) emissions from utility units. The SO<sub>2</sub> reduction program is a flexible market-based approach to environmental management. As part of this approach, EPA allocates "allowances" to affected utility units. Each allowance is a limited authorization to emit up to one ton of SO<sub>2</sub>. At the end of each calendar year, each unit must hold allowances in an amount equal to or greater than its SO<sub>2</sub> emissions for the year. Allowances may be bought, sold, or transferred between utilities and other interested parties.

Section 410(h) of the Clean Air Act provides allowances for small diesel refineries that produce diesel fuel that meets the requirements of section 211(i) (that "desulfurize" diesel fuel) during the period from October 1, 1993 through December 31, 1999. Section 410(h) limits the annual allocations to small diesel refineries to 35,000, as compared to the 8.95 million allowances for Phase II utilities. Also, each eligible small diesel refinery is limited to 1500 allowances per year. Small diesel refineries are not otherwise affected by the Acid Rain Program and do not need the allowances to comply with any provision of the Clean Air Act. Thus, the allowances serve as a financial benefit to small diesel refineries desulfurizing diesel fuel.

**2. Clarification of Eligibility**

The preamble to both the proposed (56 FR 29940, July 7, 1992) and final rules (57 FR 15645, March 23, 1993) concerning the allocation of acid rain allowances to small refineries stated that only small diesel refineries that desulfurized both on-road and off-road diesel fuels would be eligible for allowances. However, the text of the rule allowed all small refineries desulfurizing diesel fuel eligible to receive allowances. 40 CFR 73.90.

The purpose of today's notice is to remedy any confusion caused by the language in both preambles and to provide all eligible small refiners with an opportunity to participate in the allowance program. This notice clarifies that small refineries do not have to

desulfurize all diesel fuel to be eligible for allowances and supersedes the preamble language.

Contrary to assertions EPA made in the preamble to the final rule, nothing in section 410(h) clearly requires a small refiner to desulfurize all of its on-road diesel fuel as well as all of its off-road diesel fuel to obtain allowances. In particular, the declaration in the preamble that the section 410(h)(6) certification provision is "insistent" on both on-road and off-road diesel fuel being desulfurized ignores alternative interpretations of the certification language that would simply read it to require that allowances could be claimed only for the fuel that meets the section 211(i) standard. Rather than reading the certification to impose a substantive requirement not expressed elsewhere in section 410(h), the better reading of the subsection as a whole is that allowances may be claimed for all motor diesel fuel meeting section 211(i) that is produced at the small refinery. This interpretation is consistent with the statute and the text of the regulation and has been EPA policy in applying the regulation to the requests for allowances for 1993 fuel desulfurization.

EPA will consider a small diesel refinery eligible for allocation of allowances based solely on the requirements in the definition of "small diesel refinery" at 40 CFR 72.2. A small diesel refinery does not have to certify that it desulfurizes both on-road and off-road diesel fuel.

**3. Extension of 1994 and 1995 Filing Deadlines**

EPA acknowledges that the preamble to the final rule, when compared to the rule itself, created confusion as to the criteria for eligibility. In implementing this program, EPA has followed the statutory criteria, as implemented at 40 CFR 73.90 and 72.2.

After EPA provided notice of the allowances allocated to small diesel refineries in 1994 (59 FR 34811, July 7, 1994), several small refineries notified EPA that some refineries that had not desulfurized 100 percent of their diesel throughput were allocated allowances. The commenting refineries argued that these refineries, based on the criteria stated in the preamble to the rule, should not be eligible for allowances. The small refineries that notified EPA sought to be deemed eligible for allowances, in addition to the group listed in the **Federal Register** notice.

In order to be fair to all small diesel refineries, EPA is extending the April 1, 1994 deadline until May 15, 1995. Refineries that did not apply for

certification of eligibility or request allowances for 1993 desulfurization because they thought they were not eligible should apply for certification of eligibility and request allocations no later than May 15, 1995. All refineries that wish to be allocated allowances for 1994 desulfurization must request allocations no later than May 15, 1995. For each year in the future, the date for requests remains April 1.

Dated: March 15, 1995.

**Mary D. Nichols,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 95-6924 Filed 3-20-95; 8:45 am]

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[FRL-5175-6]

**Flow Control and Municipal Solid Waste; Availability of Report to Congress**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of a Report to Congress on Flow Control and Municipal Solid Waste. Flow controls are legal provisions that allow state and local governments to designate where Municipal Solid Waste (MSW) must be taken for processing, treatment, or disposal. These designated facilities may hold local monopolies on MSW and/or recoverable materials because of flow controls. Consequently, flow control has become a heavily debated issue among state and local governments, the waste management industry, the recycling industry, and environmental groups.

The 102nd Congress directed the Environmental Protection Agency (EPA) to review flow control as a form of MSW management. Congress asked EPA to: (1) Review and compare states with and without flow control authority; (2) identify the impact of flow controls on human health and the environment; and (3) describe the impacts of flow control on the development of state and local waste management, and on the achievement of state and local goals set for source reduction, materials reuse, and recycling.

The Report indicates that flow controls are an administratively efficient tool for local governments to plan and fund solid waste management systems. However, protection of human health and the environment is directly related to the implementation and enforcement of federal, state, and local environmental regulations, and not to

the existence of flow control measures. Data also indicate that flow control is not essential for developing MSW capacity or for achieving recycling goals.

The Agency examined flow control nation-wide, finding that 35 states, the District of Columbia, and the Virgin Islands authorize flow control directly. Four additional states authorize flow control indirectly through mechanisms such as solid waste management plans and home rule authority. Eleven states do not have flow control authority. It is important to recognize that the Report presents a national perspective on flow control, and that the needs and objectives of state and local jurisdictions may differ significantly from a national viewpoint. Factors such as local waste generation rates, financial and market conditions, demographics, and the local economy affect the planning and implementation of solid waste management systems.

**ADDRESSES:** Paper copies of the full Report are available from the National Technical Information Service (NTIS) at 1-703-487-4650. The document number is PB95-179 263 (EPA530-R-95-008). Copies of the Report's Executive Summary (EPA530-S-95-008) are free, and may be obtained by calling the RCRA/Superfund Hotline at 1-800-424-9346; 1-800-553-7672 (TDD).

EPA is making these documents available electronically. The Agency is interested in learning whether people have obtained them electronically and what their experiences were in doing so. You are encouraged to provide feedback on the electronic availability of these documents by sending E-mail to OSW-Pilot@epamail.epa.gov. The Report and the Executive Summary can be accessed in electronic format on the Internet System through:

EPA Public Access Gopher Server: Go to [gopher.epa.gov](http://gopher.epa.gov); from the main menu, choose "EPA Offices and Regions"; next, choose "Office of Solid Waste and Emergency Response (OSWER)"; finally, choose "Office of Solid Waste/Nonhazardous/Municipal Solid Waste/General."

Through FTP: Go to [ftp.epa.gov](http://ftp.epa.gov); Login: anonymous; Password: Your Internet Address. Files are located in directories/pub/gopher. All OSW files are in directories beginning with "OSW."

Through MOSAIC: Go to <http://www.epa.gov>; choose the EPA Public Access Gopher; from the main (Gopher) menu, choose "EPA Office and Regions." Next, choose "Office of Solid Waste and Emergency Response

(OSWER)." Finally, choose "Office of Solid Waste/Nonhazardous/Municipal Solid Waste/General." Through Dial-up Access: Dial 919-558-0335. Choose EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions"; then "Office of Solid Waste and Emergency Response (OSWER)"; finally, "Office of Solid Waste/Nonhazardous/Municipal Solid Waste/General."

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/Superfund Hotline at 1-800-424-9346 or 1-800-553-7673 (TDD); in the Washington, DC metropolitan area, 703-412-9810 or 703-412-3323 (TDD). For technical information on specific aspects of the Report, contact Angie Leith (5306), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308-7253.

Dated: March 15, 1995.

**Elizabeth A. Cotsworth,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 95-6925 Filed 3-20-95; 8:45 am]

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[FRL-5175-5]

**Common Sense Initiative Council, Computers and Electronics Sector Subcommittee; Meeting**

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

**ACTION:** Common Sense Initiative Council, Computer and Electronics Sector Subcommittee, notice of meeting.

**SUMMARY:** The Environmental Protection Agency established the Common Sense Initiative Council (CSIC) on October 17, 1994, to provide independent advice and counsel to EPA on environmental issues associated with the electronics and computer industry and other industrial sectors. The charter was authorized through October 17, 1996, under regulations established by the Federal Advisory Committee Act (FACA). The Computer and Electronics Subcommittee (CSIC-CES) operates as a subcommittee of the CSIC.

**OPEN MEETING NOTICE:** Notice is hereby given that the CSIC-CES Subcommittee will hold an open meeting on Wednesday, April 12, from 8:30 a.m. to 5:00 p.m., and Thursday, April 13, from 8:30 a.m. to 3:00 p.m., at the Hyatt Regency Crystal City, Regency Ballroom, 2799 Jefferson Davis Highway, Arlington, VA 22202. Seating will be available on a first-come, first-serve basis.

The meeting will include review and discussion of subcommittee operating principles, discussion of subcommittee information needs, review and approval of proposed workplan items, formation of workgroups for accepted workplan items, and presentations on ongoing related Agency activities. Opportunity for public comment on major issues under discussion will be provided at intervals throughout the meeting.

**INSPECTION OF COMMITTEE DOCUMENTS:**

Documents relating to the above noted topics will be publicly available at the meeting. Thereafter, these documents, together with the CSIC-CES meeting minutes, will be available for public inspection in room 2417M of EPA Headquarters, 401 M Street SW., Washington, DC, phone (202) 260-7417.

**FOR FURTHER INFORMATION CONTACT:**

Concerning this meeting of the CSIC-CES, please contact Gina Bushong, US EPA (202) 260-3797, FAX (202) 260-1096, or by mail at US EPA (7405), 401 M Street SW., Washington, DC 20460; Mark Mahoney, Region 1, US EPA, (617) 565-1155; or Dave Jones, Region 9, U.S. EPA, (415) 744-2266.

Dated: March 15, 1995.

**Gina Bushong,**

*Designated Federal Officer.*

[FR Doc. 95-6927 Filed 3-20-95; 8:45 am]

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[FRL-5175-1]

**Maryland Department of the Environment: Partial Program Adequacy Determination of State/Tribal Municipal Solid Waste Permit Program**

**AGENCY:** Environmental Protection Agency Region 3.

**ACTION:** Notice of tentative determination on the Maryland Department of the Environment's application for a partial program adequacy determination, public hearing and public comment period.

**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