

Respondents: Handlers, users, storers and disposers of PCBs, and owners and operators of PCB disposal facilities.

Estimated No. of Respondents: 22,600.

Estimated No. of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 175,648 hours.

Frequency of Collection: Annually and on occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, (please refer to EPA ICR #1446.05 and OMB #2070-0112) to:

Sandy Farmer, EPA ICR #1446.05, U.S. Environmental Protection Agency, Regulatory Information Division (2136), 401 M Street, S.W., Washington, D.C. 20460.

and

Tim Hunt, OMB #2070-0112, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, N.W., Washington, D.C. 20503.

Dated: June 28, 1995.

Joseph Retzer,

Director, Regulatory Information Division.
[FR Doc. 95-16424 Filed 7-3-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5253-7]

Massachusetts: 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 Commonwealth of Massachusetts'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 Commonwealth of Massachusetts (Commonwealth or Massachusetts) applied for a determination of adequacy under Section 4005(c)(1)(C) of RCRA, 42 U.S.C. 6945(c)(1)(C). Region I reviewed Massachusetts's MSWLF permit program adequacy application and made a determination that all portions of Massachusetts's MSWLF permit program are adequate to assure compliance with the revised Federal MSWLF Criteria. After consideration of all comments received, EPA is today issuing a final determination that the Commonwealth's program is adequate. **EFFECTIVE DATE:** The determination of adequacy for the Commonwealth of Massachusetts shall be effective on July 5, 1995.

FOR FURTHER INFORMATION CONTACT: EPA Region I, 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 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 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. Commonwealth of Massachusetts

On August 13, 1993, Region I received Massachusetts's final MSWLF permit program application for adequacy determination. On May 5, 1994, EPA published in the **Federal Register** the first tentative determination of adequacy for all portions of Massachusetts's program. Further background on the tentative determination of adequacy appears at 59 FR 23202 (May 5, 1994).

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

In an effort to seek additional public comments, EPA extended the public comment period for the tentative determination of adequacy for Massachusetts's municipal solid waste landfill permitting program by publishing on September 21, 1994, a second tentative determination of adequacy for all portions of Massachusetts's program. Further background on the tentative determination of adequacy appears at 59 FR 48427 (September 21, 1994).

C. Public Comment

EPA received written comments on the tentative determination of adequacy for Massachusetts's MSWLF permit program. One commentator supported full approval of the Commonwealth's program. The commentator stated that the Massachusetts Part 258 program "satisfies all of the federal Criteria, and * * * the Commonwealth has demonstrated its ability and willingness to equitably and effectively administer a Part 258 program." In particular, the commentator believes that the alternative liner designs authorized by Massachusetts's regulations are consistent with the criteria set forth in 40 CFR 258.40(a)(1).

The same commentator also noted that full approval should be granted upon the condition that the Commonwealth's regulations are revised to ensure consistency with the 40 CFR Part 258 standards. Specifically, the commentator recommended the following amendment to 310 CMR 19.080: "No variance will be approved if such approval would result in the imposition or recognition of a requirement less stringent than comparable federal requirements."

EPA agrees that a state program must be implemented consistently with the federal requirements of Part 258. However, EPA believes that Massachusetts's laws, regulations, and guidance documents will ensure that Massachusetts's permit program is as stringent as the federal requirements. For example, to account for local site-specific conditions, Part 258 allows the Director of an approved state some flexibility. The Director may approve the use of alternate daily cover material when an owner/operator demonstrates that the alternate meets the performance standard of 40 CFR 258.21(b). EPA's tentative adequacy determination for the Massachusetts MSWLF program was

based on the condition that the variance provisions of 310 CMR 19.080 will be implemented in accordance with the flexibilities and performance standards set forth in the Federal Criteria, and will not result in less stringent requirements. The Commonwealth's existing variance provision, 310 CMR 19.080(2)(b), requires a demonstration to ensure that "substitute measures will provide the same or greater degree of protection to public health, safety and the environment as the application of the regulation(s) from which a variance is requested." EPA believes the requirement that substitute measures provide the same or greater degree of protection is consistent with the specific flexibilities and performance standards contained in the Federal Criteria.

Another group of commentators expressed their concern that Massachusetts's MSWLF program does not go far enough to protect low income communities and communities of color against bearing a disproportionate burden of environmental harm. While the commentators noted that "the Commonwealth's program does provide an effective framework for public participation and for minimizing disproportionate siting of landfills," they believe "the siting process would not require consideration of background health problems, undue environmental burdens, and cumulative environmental risks in determining the suitability of future landfill sites." Specifically, the commentators recommended that the Massachusetts MSWLF program: (1) Consider the nature of residential neighborhoods near a proposed site; (2) require some consideration of background or disproportionate health and environmental burdens in making siting decisions; and (3) increase opportunities for public involvement specifically from communities that suffer disproportionate or undocumented environmental burdens.

EPA shares the commentators' concerns that low income communities and communities of color be adequately protected in the siting and permitting of municipal solid waste landfills. EPA believes, however, that the Federal MSWLF Criteria and the guidelines set forth in the STIR will serve to adequately protect public health in all communities. Massachusetts has demonstrated that its program is no less stringent than the criteria for program approval set forth in 40 CFR part 258 and in the STIR. In addition, Massachusetts has voluntarily included in the narrative portion of its application a commitment to implement its MSWLF permitting program in accordance with the principles of

environmental justice. Although, not specifically required by its regulations to consider the nature of residential neighborhoods near a proposed site and background or disproportionate health and environmental burdens in making siting decisions, the MADEP may always consider these factors in the siting process and has historically done so in other siting decisions. In addition, the Massachusetts Environmental Protection Act (MEPA) requires extensive public review of a proposed solid waste site before it can be approved. With regard to public involvement, the Massachusetts program provides for public notice to boards of health, abutters and the general public, allows for public comment from any interested party and requires public hearings.

The final commentator expressed concern that unlined landfills in Massachusetts are not being closed quickly enough. The Federal Criteria do not establish a deadline for the closure of unlined landfills. Nevertheless, EPA is also concerned that any landfills which may pose a threat to public health or the environment be closed as soon as practicable. EPA is satisfied that Massachusetts is making satisfactory progress in this area.

D. Decision

After evaluating the Massachusetts program, Region I concludes that the Commonwealth of Massachusetts's MSWLF permitting program meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the Commonwealth of Massachusetts is granted a determination of adequacy for all portions of its municipal solid waste permit program.

The Massachusetts MSWLF permitting program is technically comparable to, no less stringent than, and equally as effective as the revised Federal Criteria. The revised *Landfill Assessment and Closure Guidance Manual* (LAC Manual) is applicable to all existing MSWLFs and to all MSWLF permit applications effective July 1, 1993. Massachusetts will implement its MSWLF permit program through enforceable permit conditions. To ensure compliance with the Federal Criteria, Massachusetts has revised its current permit requirements through the existing *Supplement to Landfill Assessment and Closure Manual*. These revisions occur in the following areas:

1. The adoption of the EPA approved method 8260 to test ground water;
2. The addition of the provision on the minimum distance of ground water

monitoring wells from the landfill boundary;

3. Compliance with the protocols for testing and analyzing ground water for constituents listed in Appendix II to Part 258;

4. Compliance with the procedures for notifying the Department of Environmental Protection about explosive levels of landfill gas;

5. Compliance with the protocols for conducting inspections to detect the presence of hazardous waste and procedures for reporting results of such inspections; and

6. Compliance with the minimum design standard for alternative landfill cover.

The Massachusetts Department of Environmental Protection 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 Commonwealth of Massachusetts 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.

Region I notes that Massachusetts's receipt of federal financial assistance subjects the Commonwealth to the statutory obligations of Title VI of the Civil Rights Act of 1964. EPA Region I is committed to working with the Commonwealth to support and ensure compliance with all Title VI requirements. Furthermore, the narrative portion of the Commonwealth's application expresses Massachusetts's voluntary support of environmental justice principles in the management of the Subtitle D program. Although this is not a criterion for program approval, Region I acknowledges Massachusetts's support of environmental justice principles.

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 Commonwealth'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: June 25, 1995.

John P. DeVillars,

Regional Administrator.

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BILLING CODE 6560-50-P

[OPP-34078; FRL-4959-9]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATE: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on October 3, 1995.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location for commercial courier delivery, telephone number, and internet e-mail address: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-5761, Hollins.james@epamail.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 14 pesticide registrations listed in Table 1 below. These registrations are listed by registration number, product names/active ingredients and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before October 3, 1995 to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Reg Nr	Product Name (Active Ingredient)	Delete From Label
000070-00232	Rigo Dursban 2E (Chlorpyrifos)	Mosquito control adulticide & larvicide
000070-00286	Rigo Dursban 1E Insecticide (Chlorpyrifos)	Mosquito adulticide & larvicide use