

**Authority:** 33 U.S.C. 1361(a) and (e).

Dated: September 29, 1999.

**Michael B. Cook,**

*Director, Office of Wastewater Management.*  
[FR Doc. 99-25838 Filed 10-4-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6451-3]

### Notice of Establishment of Point of Contact for Small Business Concerns Regarding Compliance Problems Arising from Year 2000 (Y2K) Failures

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

**ACTION:** Notice.

**SUMMARY:** Section 18 of the Y2K Act (P.L. 106-37) provides for suspension of penalties for certain Year 2000 (Y2K) failures by small business concerns. Section 18(b) requires each Federal agency to establish a point of contact to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules and regulations. The Environmental Protection Agency (EPA) is naming Ginger Gotliffe as its contact for small business concerns. In addition, EPA is naming Gary Jonesi as its contact for larger businesses who have Y2K compliance questions, or any business that has questions about application of EPA's Y2K enforcement policy.

**ADDRESSES:** Ginger Gotliffe, Office of Enforcement and Compliance Assurance (OECA), U.S. Environmental Protection Agency, Mail Code 2224A, 401 M Street, SW, Washington, DC 20460, phone 202-574-7072, e-mail [gotliffe.ginger@epa.gov](mailto:gotliffe.ginger@epa.gov). Gary Jonesi, Office of Enforcement and Compliance Assurance (OECA), U.S. Environmental Protection Agency, Mail Code 2241A, 401 M Street, SW, Washington, DC 20460, phone 202-564-4002, e-mail [jonesi.gary@epa.gov](mailto:jonesi.gary@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Ginger Gotliffe or Mr. Gary Jonesi, at addresses above.

**SUPPLEMENTARY INFORMATION:** On July 20, 1999, President Clinton signed the "Y2K Act," which generally establishes special substantive and procedural rules for commercial litigation related to Y2K computer failures. Under section 18 of the Y2K Act, Federal agencies shall waive civil monetary penalties for first-time violations by a small business concern of a federally enforceable rule or regulation caused by a Y2K failure occurring through December 31, 2000,

provided that certain conditions are met. For purposes of the Y2K Act, a "small business concern" is defined as an unincorporated business, partnership, corporation, association, or organization, with fewer than 50 full-time employees. The law also provides an exception to the waiver of civil penalties in certain circumstances, for example, if the violation resulted in actual harm or creates an imminent threat to public health, safety, or the environment.

EPA issued a Y2K Enforcement Policy on November 30, 1998. The policy was designed to encourage prompt testing of computer-related equipment to ensure that environmental compliance is not impaired by Y2K failures. Under the policy (published on the Internet at [www.epa.gov/year2000](http://www.epa.gov/year2000) and at 64 FR 11881, March 10, 1999) EPA states that it will waive 100% of the civil penalties that might otherwise apply, and will recommend against criminal prosecution, for environmental violations caused by specific tests designed to identify and eliminate Y2K-related malfunctions. The policy applies to testing-related violations disclosed to EPA by February 1, 2000, subject to certain conditions to ensure protection of public health and the environment.

Dated: September 28, 1999.

**Michael Stahl,**

*Acting Director, Office of Compliance.*

[FR Doc. 99-25777 Filed 10-4-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL 6451-4]

### Guam: Adequacy Determination of State Municipal Solid Waste Permit Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of tentative determination to fully approve the adequacy of the Guam Municipal Solid Waste Permitting Program, 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, 42 U.S.C. 6945(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. Approved State permit programs provide for 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 flexibilities provided by 40 CFR part 258 to the extent the State permit program allows such flexibility. EPA notes that, regardless of the approval status of any facility, the federal landfill criteria shall apply to all permitted and unpermitted MSWLF facilities.

Guam is defined as a "State" in 40 CFR part 258.2. Guam has applied for a determination of adequacy under Section 4005(c)(1)(C) of RCRA, 42 U.S.C. 6945(c)(1)(C). EPA Region IX has reviewed Guam's MSWLF permit program application and has made a tentative determination that all portions of Guam's MSWLF permit program are adequate to assure compliance with the revised MSWLF Criteria. Guam's application for program adequacy determination is available for public review and comment at the place(s) listed in the **ADDRESSES** section below during regular office hours.

Although RCRA does not require EPA to hold a public hearing on a determination to approve any State's MSWLF permit program, the Region has tentatively scheduled a public hearing on this determination. If a sufficient number of persons express interest in participating in a hearing by writing to the Region IX Solid Waste Program or calling the contact given below within 30 days of the date of publication of this notice, the Region will hold a hearing in Tiyan, Guam. The Region will notify all persons who submit comments on this notice if it appears that there is sufficient public interest to warrant a hearing. In addition, anyone who wishes to learn whether the hearing will be held may call the person listed in the **CONTACTS** section below.

**DATES:** All comments on Guam's application for a determination of adequacy must be received by the close of business on November 1, 1999. If there is sufficient interest, a public hearing will be held in Tiyan, Guam at least 45 days from the date of publication of this notice. The State will

participate in the public hearing, if held by EPA on this subject.

**ADDRESSES:** Written comments should be sent to Ms. Heidi Hall, Chief, Solid Waste Program, mail code WST-7, EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105. The public hearing, if held, will be held at the Guam Environmental Protection Agency's Main Conference Room, Building 15-6101 Mariner Avenue, Tiyan, Guam. Copies of Guam's application for adequacy determination are available at the following address for inspection and copying: Guam Environmental Protection Agency, Calibration Laboratory Building, 15-6101 Mariner Ave. Tiyan, Barrigada, Guam between the hours of 8:00 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** EPA Region IX 75 Hawthorne Street, San Francisco, California 94105 attention Ms. Beth Godfrey, mail code WST-7, telephone 415 744-2095.

**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 fulfil this requirement, the Agency has promulgated the Final State Implementation Rule (SIR). The rule specifies the requirements which State programs must satisfy to be determined adequate.

EPA interprets the requirement for states 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 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 and conditions 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, 42 U.S.C. 6974(b). Finally, the State 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 has submitted an "adequate" program based on the interpretation outlined above. EPA expects States to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

**B. Guam**

On August 24, 1998 EPA Region IX received Guam's final MSWLF Permit Program application for adequacy determination. Region IX reviewed the final application, submitted comments to Guam, and requested additional information about the state program implementation. Guam addressed EPA's comments, provided the requested additional information, and submitted a revised final application for adequacy determination on June 16, 1999. Region IX has reviewed Guam's revised application and has tentatively determined that all portions of Guam's MSWLF program meet all the requirements necessary to qualify for full program approval and ensures compliance with the revised Federal Criteria.

The public may submit written comments on EPA's tentative determination until November 1, 1999. Copies of Guam's application are available for inspection and copying at the location indicated in the **ADDRESSES** section of this notice.

To ensure full compliance with the Federal Criteria, Guam has revised its current MSWLF permitting requirements by amendment of the Solid Waste Disposal Rules and Regulations. This document has incorporated those requirements from the federal criteria not found in Guam's existing MSWLF program and are applicable to all existing MSWLFs and to all MSWLF permit applications. Guam will implement its MSWLF permit program through enforceable permit conditions.

EPA will consider all public comments on its tentative determination received during the public comment period and during any public hearing held. Issues raised by those comments may be the basis for a determination of inadequacy for Guam's program. EPA will make a final decision on approval of Guam's program and will give notice of the final determination in the **Federal Register**. The notice shall include a summary of the reasons for the final

determination and a response to all significant comments.

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 Criteria in 40 CFR part 258 independent of any State 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 program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

**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 Section 4005 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6946.

Dated: September 21, 1999.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 99-25840 Filed 10-4-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6451-5]

**Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act**

**AGENCY:** Environmental Protection Agency

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9601-9675,