

Dated: August 12, 1997.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 97-21917 Filed 8-18-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5876-8]

Iowa Final Full Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of immediate final program determination of adequacy on Iowa's application.

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 (MSWLF) 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 governing such determinations. The EPA has drafted and is in the process of proposing a State Implementation Rule (SIR) that will provide procedures by which the EPA will approve, or partially approve, state landfill permit programs. The Agency intends to approve adequate state MSWLF permit programs as applications are submitted. Thus, the 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 for interaction between the state and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in state with approved permit programs can use the site-specific flexibility provided by 40 CFR 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 in 40 CFR part 258 will apply to all permitted and unpermitted MSWLF facilities.

Iowa applied for a determination of adequacy under section 4005 of RCRA. The EPA reviewed Iowa's application and has made a decision, subject to public review and comment, that Iowa's municipal solid waste landfill permit program satisfies all of the requirements necessary to qualify for final authorization. Thus, the EPA is approving Iowa's MSWLF permit program.

EFFECTIVE DATE: The determination of adequacy for Iowa shall be effective on October 20, 1997, unless the EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Iowa's program revision application must be received by the close of business September 18, 1997.

ADDRESSES: Copies of Iowa's application for a determination of adequacy are available for inspection and copying from 8 a.m. to 4:30 p.m., Monday through Friday at the following addresses: Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, Attention: Mr. Lavoy Haage, telephone 515-281-4968; and the EPA Region VII Library, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone 913-551-7241.

FOR FURTHER INFORMATION CONTACT: David Flora at (913) 551-7523.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, the EPA promulgated 40 CFR part 258 for MSWLFs. Subtitle D of RCRA, as amended by HSWA, 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 of RCRA that the EPA determine the adequacy of state municipal solid waste landfill permit programs to ensure that facilities comply with 40 CFR part 258. To fulfill this requirement, the Agency has drafted and is in the process of proposing a SIR. The rule will specify the requirements which state programs must satisfy to be determined adequate.

The EPA intends to propose in the SIR to allow partial approval if: (1) The Regional Administrator determines that the state permit program largely meets the requirements for ensuring compliance with 40 CFR part 258; (2) changes to a limited narrow part(s) of the state permit program are needed to

meet these requirements; and (3) provisions not included in the partially approved portions of the state permit program are a clearly identifiable and separable subset of 40 CFR part 258. As a state's regulations and statutes are amended to comply with 40 CFR part 258, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The state may submit an amended application to the EPA for review and an adequacy determination will be made using the same criteria as for the initial application. This adequacy determination will be published in the **Federal Register** summarizing the Agency's decision and the portion(s) of the state MSWLF permit program affected and providing an opportunity to comment for a period of 30 days. The adequacy determination will become effective 60 days following publication if no adverse comments are received. If the EPA receives adverse comments on its adequacy determination, another **Federal Register** notice will be published either affirming or reversing the initial decision while responding to the public comments.

The EPA will review state requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA. 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 40 CFR part 258. 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, the EPA believes that 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.

The EPA Regions will determine whether a state has submitted an "adequate" program based on the interpretation outlined above. The EPA plans to provide more specific criteria for this evaluation when it proposes the SIR. The EPA expects state to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

B. State of Iowa

On February 4, 1997, the Iowa Department of Natural Resources submitted an amended application for full MSWLF permit program approval. This application follows a September 30, 1993, submittal which did not satisfy the requirements for the landfill liner design. Since the original application, Iowa has adopted regulations pertaining to financial assurance, gas monitoring and control, seismic areas, fault zones, unstable geologic areas, airport safety, and liners and caps. The revised regulation for liner design adopted the language in 40 CFR 258.40(b) for a composite liner system and allows for approval of an alternative liner system design provided that it includes "certification by a professional engineer registered in Iowa stating that the proposed alternative liner system will ensure that the contaminant concentration values listed in Federal regulations under 40 CFR part 258, subpart D, table 1, will not be exceeded in the uppermost aquifer at the designated monitoring points of compliance as specified by the department."

Iowa does not claim jurisdiction over Indian Land. Iowa's program is not enforceable on Indian lands.

The EPA has reviewed Iowa's application, and has made an immediate final decision that Iowa's municipal solid waste landfill permit program satisfies all the requirements of the SIR to qualify for full program approval. Consequently, the EPA intends to grant full approval of the Iowa program. The public may submit written comments on the EPA's immediate final decision up until [insert the date 30 days after the date of publication of this notice]. Copies of Iowa's application for program approval are available for inspection and copying at the locations identified in the "ADDRESSES" section of this action.

Approval of Iowa's municipal solid waste landfill permitting program shall become effective [insert the date 60 days after the date of publication of this notice], unless an adverse comment pertaining to the state's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received the EPA will publish either: (1) A withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

C. Decision

I conclude that Iowa's application for full program adequacy determination meets all of the statutory and regulatory requirements established by RCRA for full program adequacy. Accordingly, Iowa is granted a full program determination of adequacy for all parts of its municipal solid waste landfill 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 enforcement program. As the EPA explained in the preamble to the final MSWLF criteria, the EPA expects that any owner or operator complying with provisions in a state program approved by the EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991) as revised by 57 FR 28626 (June 26, 1992), 58 FR 51536 (October 1, 1993), 60 FR 17649 (April 7, 1995), and 60 FR 40104 (August 7, 1995).

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 final 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: August 6, 1997.

Martha R. Steincamp,

Acting Regional Administrator.

[FR Doc. 97-21920 Filed 8-18-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5877-7]

Office of Emergency and Remedial Response Availability of Reports to Congress on Progress Toward Implementing Superfund Fiscal Years 1992, 1993, and 1994

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This document announces the availability of the Agency's Progress Toward Implementing Superfund: Fiscal Year 1992, 1993, and 1994 which are required by section 301(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986. The Reports to Congress contain information on overall progress, and include the following categories of information specifically requested in section 301(h) of CERCLA: feasibility studies, remedial and enforcement actions; an evaluation of newly developed and feasible permanent treatment technologies; progress in reducing the number of facilities subject to review under section 121(c) of CERCLA; and an estimate of resources needed by the Federal Government to complete CERCLA's implementation. The Reports also include information required by section 105(f) of CERCLA about the participation of minority firms in Superfund contracting; and the EPA Inspector General audit report required by section 301(h)(3) of CERCLA.

ADDRESSES: Published copies of the Reports may be purchased by the public, from the National Technical Information Service (NTIS) at 5285 Port Royal Road, Springfield, VA, 22161 (call 703-487-4650). Electronic copies of the Reports may be downloaded from EPA's Web Site (<http://www.epa.gov/superfund/oerr/accomp/index.htm#reptocong>).

FOR FURTHER INFORMATION CONTACT: Lynn Beasley, Office of Emergency and Remedial Response (5204G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 or 703-603-9086 or beasley.lynn@epamail.epa.gov.

Dated: July 11, 1997.

Larry G. Reed,

Deputy Director, Office of Emergency and Remedial Response.

[FR Doc. 97-21915 Filed 8-18-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are