

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6155-8]

**State of New Jersey; Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of final determination of adequacy of New Jersey's municipal solid waste landfill permit program.

**SUMMARY:** On March 3, 1994, the State of New Jersey applied for a partial program determination of adequacy of its municipal solid waste landfill permit program under Section 4005 of the Resource Conservation and Recovery Act (RCRA). This section requires States to develop and implement permit programs that ensure that Municipal Solid Waste Landfills (MSWLF) which may receive hazardous household waste or small quantity generator waste are obligated to comply with the revised Federal MSWLF Criteria (40 CFR Part 258). New Jersey submitted relevant regulations that corresponded to all sections of 40 CFR Part 258 except for Subpart E—Groundwater and Corrective Action Regulations. On December 6, 1995, the State of New Jersey received final partial program determination of adequacy for all portions of their municipal solid waste landfill permit program with the exception of regulations corresponding to Subpart E (60 FR 62,439-41).

Subsequent to that date, EPA redrafted the State Implementation Rule (SIR) which provides procedures by which EPA will approve or partially approve State landfill permit programs. While approvals are not dependent upon final promulgation of the SIR, the States are encouraged to use this document as a guideline in interpreting requirements. Prior to final publication of the SIR, agency determinations are made based on statutory authorities.

Section 239.11(e) of the SIR states that "any partial approval adequacy determination made by the Regional Administrator pursuant to this section shall expire two years from the effective date of final partial program adequacy determination unless the Regional Administrator grants an extension". The Regional Administrator first granted the State of New Jersey a six month extension until June 7, 1998 to achieve full program approval for its MSWLF permit program, and has granted a further extension until December 7, 1998 to account for final processing of New Jersey's application. Copies of the

letter from the Regional Administrator granting those extensions have been sent to parties that provided comments on the tentative partial program determination of adequacy.

On February 3, 1998, the New Jersey Department of Environmental Protection (NJDEP) submitted its revised New Jersey Pollutant Discharge Elimination System regulations for municipal solid waste landfills, *N.J.A.C. 7:14*, Subchapter 9: Ground Water Monitoring Requirements for Sanitary Landfills. EPA reviewed these regulations and found them to be consistent with the provisions of 40 CFR Part 258 Subpart E—Ground-Water Monitoring and Corrective Action. Accordingly, EPA has determined that the New Jersey solid waste landfill program is adequate in all respects to comply with 40 CFR Part 258. All of the requirements and obligations in the State's program are in effect as a matter of State law, and EPA's determination does not impose any new requirements with which the regulated community must begin to comply.

The full New Jersey application is on file and may be reviewed at the regional EPA office in New York or alternatively at the offices of NJDEP at 401 E. State St., Trenton, NJ. The contact for the State is John Castner at 609-984-5950.

This rule will become effective without further notice in 60 days unless the Agency receives relevant adverse comment or notice that someone intends to submit a relevant adverse comment within 30 days. Should the Agency receive such comments or notice, it will publish a timely notice informing the public that this rule has not taken effect.

**FINAL ACTION:** New Jersey is granted full program determination of adequacy for all areas of its municipal solid waste landfill permit program. By this action, EPA is granting New Jersey full program determination of adequacy for all parts of its municipal solid waste landfill permit program.

**EFFECTIVE DATE:** The determination of adequacy for New Jersey shall be November 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Lorraine Graves, U.S. EPA Region II (2DEPP-RPB), 290 Broadway, New York, New York 10007-1866. Phone 212-637-4099.

**SUPPLEMENTARY INFORMATION:****Administrative Requirements***A. Executive Order (E.O.) 12866*

The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

*B. 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 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.

*C. Unfunded Mandates Act*

Under Section 202 of the Unfunded Mandates Reform Act of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state or local governments in the aggregate, or to the private sector, of \$100 million or more. The EPA has determined that the approval action being promulgated does not include a federal mandate that may result in estimated costs of \$100 million or more to either state or local governments in the aggregate, or to the private sector. This federal action approves preexisting requirements under state law, and imposes no new requirements. Accordingly, no additional costs to State or local governments, or to the private sector, result from this action.

*D. Executive Order 12875*

E.O. 12875 is intended to develop an effective process to permit elected officials and other representatives of state or local governments to provide meaningful input in the development of regulatory proposals containing significant unfunded mandates. Since this final federal action approves preexisting requirements of state law, no new unfunded mandates result from this action. See also the discussion under C, above, Unfunded Mandates Act.

*E. Executive Order 13045*

E.O. 13045, effective April 21, 1997, concerns protection of children from environmental health and safety risks, and applies to regulatory action that is "economically significant" in that such action may result in an annual effect on the economy of \$100 million or more. The EPA has determined that the approval action being promulgated will not have a significant effect on the economy. This federal action approves preexisting requirements under state law, and imposes no new requirements. Accordingly, E.O. 13045 does not apply to this action.

*F. Congressional Review Act*

Under 5 U.S.C. Section 801(a)(1)(A), as added by the Small Business

Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this action in today's **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. Section 804(2).

**Authority:** This notice is issued under the authority of Section 4005 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6946.

**William J. Muszynski,**

*Acting Regional Administrator, Region II.*

[FR Doc. 98-24607 Filed 9-11-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-40033; FRL-6027-8]

### Modifications to Enforceable Testing Consent Agreements/Testing Consent Orders; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** EPA is announcing the availability of letters regarding modifications to test schedules for chemical testing programs under section 4 of the Toxic Substances Control Act (TSCA). These modifications, requested by test sponsors and approved by EPA in 1997, have been incorporated into the enforceable testing consent agreements/testing consent orders (ECAs) to which they apply. EPA annually publishes a document in the **Federal Register**

describing all of the modifications granted by letter for the previous year.

**ADDRESSES:** Copies of the applications for modifications and EPA letters granting approval of these requests are available for inspection. EPA has established a public record for this notice and supporting documentation under docket control number OPPTS-40033. Copies of each application and EPA's letter of approval can also be found under the individual docket file maintained for the ECA in question. The public record is available for inspection from 12:00 noon to 4:00 p.m., Monday through Friday, excluding legal holidays, in the TSCA Nonconfidential Information Center, U.S. EPA, Rm. NE-B607 Northeast Mall, 401 M St., SW., Washington, D.C. 20460 or fax: (202) 260-5069 or E-mail: oppt.ncic@epa.gov.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Office (7408), Office of Pollution Prevention and Toxics, Rm. E-543B, 401 M St., SW., Washington, D.C. 20460, (202) 554-1404, TDD (202) 554-0551, Internet Address: TSCA-Hotline@epa.gov.

**SUPPLEMENTARY INFORMATION:**  
**Electronic Availability:**

*Internet*

Electronic copies of this document and various support documents are available from the EPA Home Page at the **Federal Register**-Environmental Documents entry for this document under "Rules and Regulations" (<http://www.epa.gov/fedrgstr/>).

*Fax on Demand*

Using a fax phone call 202-401-0527, select item 4349 for a copy of the letters requesting modifications and the index.

## I. Background

EPA's procedures for modifying test standards and schedules for ECAs under section 4 of TSCA are found at 40 CFR 790.68. These procedures allow EPA to approve requested modifications without asking for public comment if the modifications do not alter the scope of a test or significantly change the schedule for its completion. Because these modifications relate to insignificant (i.e., less than 12 months) extensions of test deadlines, EPA approved these modifications in writing without first seeking public notice and comment (40 CFR 790.68 (b)(iv)(D)). These letters are placed in the public record and the modifications are published in the **Federal Register**. This notice announces modifications approved from January 1, 1997 through December 31, 1997. No modifications to final test rules were requested during this period. For a detailed description of the rationale for these modifications and for the correspondence relating to specific chemical test modifications, refer to the public record for the appropriate chemical substance or to the public record for this notice (OPPTS-40033).

## II. Discussion of Modifications

Each chemical substance discussed in this notice is identified by a specific CAS number and docket control number. The following table lists all chemical-specific modifications approved from January 1, 1997 through December 31, 1997.

### MODIFICATIONS TO TEST STANDARDS AND ENFORCEABLE TESTING CONSENT AGREEMENTS/TESTING CONSENT ORDERS (January 1, 1997 through December 31, 1997)

Chemical Name/CAS No.	CFR Cite	Test	Modifications	Docket Control No.
Final Rules: None.				
Enforceable Testing Agreements/Orders:				
Alkyl Glycidyl Ethers (AGEs):				
Alkyl [C <sub>12</sub> - C <sub>13</sub> ] Glycidyl Ether CAS #120547-52-6.	799.5000	Genetic Toxicity studies:		
		The <i>Salmonella typhimurium</i> reverse mutation assay.	5	40033/42185B
		Detection of gene mutations in somatic cells in culture.	5,5	
Tertiary Amyl Methyl Ether (TAME) CAS #994-05-8.	799.5000	Reproductive toxicity study .....	5	40033/42180A
<i>n</i> -Amyl Acetate CAS #628-63-7 .....	799.5000	Inhalation toxicity/neurotoxicity study .....	5	
		Acute neurotoxicity-functional observational battery test.	5	40033/42134H

## Modifications

1. Modify sampling schedule.
2. Change test substance (form/purity).

3. Change non-critical test procedure or condition.