only clear mechanism to enforce those requirements is on-site inspections of each facility. The IDNR has established an abbreviated enforcement procedure to deal with those specific violations, so that a large number of enforcement actions can be undertaken in a relatively short period of time. With its available resources, the IDNR performs over 400 on-site inspections each year.

In response to the comments alleging waste of cleanup resources, the IDNR attributed many of the public concerns to difficulties the agency has had in identifying the soil and groundwater contamination, and the resulting failure of nearly every remediation system that was installed. As a result, the IDNR is now requiring more detailed assessments of contaminated sites to determine the risks and necessary actions, and to provide assurance that the remediation will be successful.

Concerning risk assessment, the IDNR commented that since 1992 it has been applying a risk-based assessment to set the appropriate standards to protect human health and the environment, and was one of the first states in the nation to do so. Since then, 43 percent of assessed sites have been required to perform some form of remediation, and 57 percent have been allowed to either do nothing or to monitor only. There has been a continuous effort to improve on and reduce the amount of remediation required.

In response to the above comments, the EPA notes that none of the comments identified any problems with the scope of the Iowa UŠT program or whether the Iowa regulations are less stringent than the federal requirements. Although some commenters identified problems with the adequacy of enforcement of the leak detection and financial responsibility requirements, the EPA is satisfied that the IDNR is using its available resources to adequately enforce these requirements and will continue taking steps to achieve universal compliance at UST facilities in Iowa.

Additionally, the EPA considers the IDNR's efforts to achieve required cleanups to be adequate for program approval, but acknowledges the technical and financial difficulties in achieving cleanups. The IDNR is making progress in improving remediation efficiency through more detailed site assessments and the use of risk based cleanup standards.

Also, the EPA acknowledges that owners of USTs face sometimes enormous financial challenges in complying with the technical operating requirements and in performing required cleanups of contaminated sites. However, those requirements would be the same whether or not EPA approves the Iowa UST program. Further, upon approval the Iowa UST program would operate in lieu of the federal program and owners and operators would look only to the Iowa set of requirements to determine their compliance.

Finally, in response to the suggestion that the EPA should provide technical and administrative assistance to the IDNR, the EPA notes that after program approval the EPA will continue to provide the IDNR such assistance. Also, the EPA/State Memorandum of Agreement that is part of the program approval application provides for continued information exchanges between the EPA and the IDNR to monitor and improve site cleanups and enforcement activities.

D. Decision

I conclude that the State of Iowa's application for final approval meets all the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Iowa is granted final approval to operate its UST program. The State of Iowa now has the responsibility for managing all regulated UST facilities within its borders and carrying out all aspects of the UST program except with regard to Indian lands, where EPA will retain and otherwise exercise regulatory authority. Iowa also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 9005 of RCRA, 42 U.S.C. 6991d, and to take enforcement actions under Section 9006 of RCRA, 42 U.S.C. 6991e.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule 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. This approval effectively suspends the applicability of certain Federal regulations in favor of Iowa's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the state. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis. List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This action is issued under the authority of Sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6991c.

Dated: February 7, 1995. Delores Platt,

Acting Regional Administrator.

[FR Doc. 95–5526 Filed 3–6–95; 8:45 am] BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[FRL-5164-5]

Underground Storage Tank Program: Approved State Program for Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the U.S. Environmental Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the federal program. 40 CFR part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. This rule codifies in part 282 the prior approval of Iowa's underground storage tank program and incorporates by reference appropriate provisions of state statutes and regulations.

DATES: This regulation is effective May 8, 1995, unless EPA publishes a prior Federal Register document withdrawing this immediate final rule. All comments on the codification of Iowa's underground storage tank program must be received by the close of business April 6, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of May 8, 1995, in accordance with 5 U.S.C. 552(a).

ADDRESSES: Comments may be mailed to WSTM/RCRA/STPG, Underground Storage Tank Program, U.S. EPA Region