not an approval or disapproval of the proposed landfill. Moreover, EPA's decision did not take into account the sources of support for or opposition to the landfill. Nor is EPA's decision based on the number of comments supporting or opposing program approval. EPA considered and responded to all comments on their merits.

N. EPA Public Participation Procedures

A number of commenters expressed concern regarding public involvement activities related to EPA's tentative program approval of the Campo Band program. Specifically, commenters felt that the question and answer session and the public hearing were held too far away from the proposed landfill site in a community that is not potentially affected and does not rely on groundwater, and that EPA should have held these events at the Mountain Empire High School. One commenter also suggested that EPA hold additional hearings closer to the sources of potential impacts. One commenter expressed thanks to EPA for conducting the hearing in the city of Alpine.

EPA considered a number of possible hearing locations in the area and found that the Alpine Elementary School was the most appropriate location taking into account the size of rooms available, the potential attendance at the hearing, and distance from local communities. The Alpine Elementary School auditorium was the only available room EPA identified which was large enough to hold the number of people EPA expected to attend the hearing. A large number of people attended the hearing and provided comments. It was unfortunate that the location was not closer to the Campo Reservation. However, EPA also provided an extended public comment period, from May 11 to August 1, 1994 for submittal of written comments.

One commenter felt that the Federal Register notice should have been mailed to people and organizations who submitted previous written comment or made statements at previous U.S. EPA public hearings on the proposed landfill. First, EPA would like to clarify that extensive efforts were made to make all relevant materials available to all interested parties. EPA had not held previous hearings on the proposed landfill. (EPA has a direct permitting role for the proposed landfill under the Clean Air Act. However, the Clean Air Act draft permit hearing was held after the hearing on tentative program approval. Both hearings were held in the same location.)

Second, in accordance with RCRA section 7004(b)(1), EPA published the

tentative determinations in the Federal **Register** and provided an opportunity for public comment. A public hearing may be held at the discretion of the EPA Regional Administrator, in which case EPA must provide public notice of the hearing. EPA conducted a public hearing after receiving public interest in holding a hearing. EPA sent the entire Federal Register notice out to persons who requested the notice. EPA also published notice of the tentative decision and the hearing in local newspapers. In addition, EPA developed a fact sheet on the tentative decision which was sent to approximately 150 people prior to the public hearing. Persons receiving the fact sheet were encouraged to contact EPA to discuss questions and request more information such as the Federal **Register** notice. EPA also placed extensive information on the tentative decision, including the Campo Band's application for program approval, in two local repositories (the CEPA office and the public library in the town of Campo) and at the EPA Region 9 office in San Francisco. Information about the locations of the application and other material was noted in the fact sheet that was distributed.

One commenter also suggested that EPA's announcement failed to indicate which portions of the Campo Band's program were "as stringent" as the Federal regulations and which portions were not. The underlying premise of EPA's tentative determination of adequacy was that all portions of the Campo Band's program were as stringent as the Federal regulations. This was indicated in the fact sheets. A detailed analysis of how the Campo Band's program compared with the Federal requirements was available in the **Federal Register** notice and the information in the repositories.

One commenter was concerned that many people in Mexico could not be at the hearing and could not speak up. EPA made extensive efforts to encourage participation from Mexico. Several speakers from Mexico were present at the hearing and made comments. In order to facilitate their participation, EPA provided simultaneous translation, so that hearing participants could understand the comments made in either Spanish or English, and so that the court reporter, who recorded all comments at the hearing, could record those made in Spanish for EPA's response.

O. The Campo Band's Application for Program Approval

Two commenters raised concerns about the completeness of the Campo

Band's solid waste permitting program application. This concern is related to two issues discussed in the tentative determination, 59 FR 24422, 24426–27 (May 11, 1994).

First, as EPA explained in the tentative determination, specified portions of the Campo Band's thenexisting codes and regulations were not adequate to assure compliance with the federal regulations. However, at the time of the tentative determination, the Campo Band had submitted draft revisions to those portions of its codes and regulations. Those draft revisions— Addendum I to the application—were included in the information made available to the public during the public comment period. EPA explained in the tentative determination that it had reviewed these draft revisions and that they were adequate to assure compliance with the federal regulations. EPA went on to explain that, if the draft revisions were fully adopted before EPA's final determination, the Agency would approve the Campo Band's entire solid waste permitting programincluding the revised portions. This gave the public an opportunity to comment on whether EPA should approve the program if the draft revisions replaced the then-existing provisions. On June 13, 1994 the Campo Band submitted the final, fully adopted regulations as Addendum II to its application. These final regulations were also made available to the public during the public comment period. The final regulations are identical to the regulations as modified by the draft revisions.

Second, several of the Campo Band's solid waste regulations in effect at the time the Campo Band submitted its application had been adopted as emergency regulations—without public participation—and would, pursuant to Campo law, expire unless affirmed as final regulations. In its tentative determination, EPA explained that these regulations must be affirmed, unaltered, prior to EPA's final determination in order for EPA to approve those portions of the Campo Band's solid waste permitting program. The Campo Band submitted the affirmed, permanent regulations to EPA on June 13, 1994. These final regulations were made available to the public during the public comment period. The final regulations are identical to the emergency regulations.

Therefore, EPA's final determination is based on provisions of the Campo Band's laws and regulations which were made available to the public during the public comment period.