bound scenario, where demolition firms separate-out their CESQG waste and continue to send the non-hazardous portion to landfills not subject to the revised Part 257 standards, is the most likely scenario and that small entities will not be significantly impacted.

The Agency's full analysis of the impacts on small entities can be found in the Cost and Economic Impact Analysis of the CESQG Rule.

IX. Paperwork Reduction Act

The information collection requirements in today's proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork reduction Act, 44 U.S.C. 3501 et seq. Submit comments on these requirements to the Office of Information and Regulatory Affairs, OMB, 726 Jackson Place, NW, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB comments or public comments on the information collection requirements.

X. Environmental Justice Issues

Executive Order 12898 requires Federal Agencies, to the greatest extent practicable, to identify and address disproportionately high adverse human health or environmental effects of its activities on minority and low-income populations.

The Agency does not currently have data on the demographics of populations surrounding the facilities affected by today's proposal (i.e., construction and demolition landfills). The Agency does not believe, however, that today's proposed rule will adversely impact minority or lowincome populations. The facilities affected by the proposal currently pose limited risk to surrounding populations (see section V.B.1.d of today's preamble). In addition, today's proposal would further reduce this risk by requiring the affected facilities to either stop accepting CESQG hazardous waste or to begin ground-water monitoring and, if applicable, corrective action.

Thus, today's proposal would further reduce the already low risk for populations surrounding construction and demolition landfills, regardless of the population's ethnicity or income level. Minority and low-income populations would not be adversely affected

XI. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (the Act), Pub. L. 104–4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is required for EPA rules. under section 205 of the Act EPA must identify and consider alternatives, including the least costly, most cost effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the Act a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

ÉPA has determined that the proposal discussed in this notice does not include a Federal mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate, or to the private sector, in any one year. EPA has estimated that the annual costs of the proposed rule on generators of CESQG wastes and those entities which own or operate CESQG disposal facilities, including the private sector, States, local or tribal governments, range from \$10.0M to \$47.0M.

In addition to compliance costs for those who own or operate CESQG facilities, States will have a cost of developing permit programs or other systems of prior approval to ensure that CESQG facilities comply with the proposal, once it is promulgated. Adoption and implementation of such State permit programs is required under RCRA section 4005(c)(1)(B). 42 USC 6945(c)(1)(B). Forty-two states already have adopted and implemented permit programs to ensure compliance with the MSWLF rule (40 CFR part 258) which EPA has approved as "adequate." The Agency has estimated that the costs for a state to develop an application for approval of an MSWLF permit program to be approximately \$15,000. Because these state permit programs already contain ground water monitoring, corrective action, and location standards for MSWLFs that are quite similar to those in this proposal, EPA believes that the additional costs for states to revise

their permit programs to reflect the CESQG requirements are not expected to be significant. Also, because of the reduced level of regulatory requirements contained in this CESQG proposal as compared to the MSWLF Part 258 criteria, state costs for preparing applications for approval of a CESQG permit program should be considerably less than that \$15,000 figure.

Indian tribes are not required to develop permit programs for approval by EPA, but the Agency believes tribal governments are authorized to development such permit programs and have them approved by EPA. EPA has estimated that it will cost a tribal government approximately \$7,000 to prepare an application for approval of a MSWLF program. Because of the reduced regulatory provisions of the CESQG proposal, EPA expects that the costs which a tribal government might face in developing a permit program for CESQG facilities should be less than \$7,000.

EPA is also proposing to revise the requirements for generators of CESQG hazardous waste. These amendments to 40 CFR 261.5 (f)(3) and (g)(3) are proposed pursuant to RCRA section 3001 (d)(4), which is a provision added by HSWA. The § 261.5 amendments are also more stringent than current Federal hazardous waste regulations. Subtitle C regulatory changes carried out under HSWA authority become effective in all states at the same time and are implemented by EPA until states revise their programs. States are obligated to revise their hazardous waste programs and seek EPA authorization of these program revisions, unless their programs already incorporate more stringent provisions. The Agency believes approximately 24 states already have more stringent CESQG hazardous waste provisions and would not have to take action because of these regulatory changes. About 26 states would have to revise their hazardous waste programs and seek authorization. States generally incorporate a number of hazardous waste program revisions and seek authorization for them at one time. The Agency estimates the State costs associated with Subtitle C program revision/authorization activity are approximately \$7,320 per state. Since this estimate covers several separate program components at one time, the cost for revisions only to § 261.5 in the remaining 26 States would be substantially less.

As to section 203 of the Act, EPA has determined that the requirements being proposed today will not significantly or uniquely affect small governments, including tribal governments. EPA