section 4005 that EPA determine that State municipal solid waste landfill permit programs are adequate to comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA has approved and will continue to approve State/Tribal MSWLF permit programs prior to the promulgation of STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/ Tribe must have the authority to issue a permit or other notice or prior approval to all new and existing MSWLFs in its jurisdiction. The State/ Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe 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. EPA Regions will determine whether a State/ Tribe has submitted an "Adequate" program based on the interpretation outlined above. EPA expects States/ Tribes to meet all of these requirement for all elements of a MSWLF program before it gives full approval to a MSWLF program.

## B. Territory of the U.S. Virgin Islands

On October 6, 1993, the Territory of the U.S. Virgin Islands submitted an application for adequacy determination. Subsequently, the U.S. Virgin Islands made several revised submissions. EPA has reviewed the application and the revised submissions, and has tentatively determined that all portions of the U.S. Virgin Islands' Subtitle D program are adequate to provide compliance with the revised Federal Criteria.

Currently there are two municipal solid waste disposal facilities operating in the U.S. Virgin Islands. One facility is located on St. Thomas and the other on St. Croix. An additional facility, located on St. John, stopped receiving waste between October 9, 1991 and October 9, 1993. The island of St. John is currently serviced by a transfer station from which the waste is

transported to the St. Thomas landfill for disposal.

The U.S. Virgin Islands Department of Planning and Natural Resources has responsibility for implementing and enforcing solid waste management regulations, including a permit program, inspection authority and enforcement activities. The solid waste landfills presently located in the Territory are owned by the Government of the U.S. Virgin Islands and operated by the U.S. Virgin Islands Department of Public Works. Although the Territory does not presently have regulations that conform to the Federal solid waste disposal facility criteria, the Departments of Planning and Natural Resources and Public Works have entered into a Memorandum of Agreement dated January 11, 1995 which commits the two agencies to meeting the requirements of 40 CFR part 258 when operating or issuing a permit to a solid waste facility. This Memorandum of Agreement was submitted to the EPA in conjunction with the application for adequacy determination. In addition, the Commissioner of the Department of Planning and Natural Resources submitted a letter to the EPA dated March 22, 1994 in which he committed his agency to adopting amended regulations that incorporate the requirements of 40 CFR part 258 and clear up any existing inconsistencies between 40 CFR part 258 and Title 19 Chapter 56 of the Virgin Islands Code by May 1, 1996. While the Department of Planning and Natural Resources had expected the revised regulations to be enacted by May, 1995, it now expects that the revised regulations will be adopted by May, 1996. The Commissioner's letter also states that no permits will be issued for the establishment of any private solid waste disposal facility until new regulations for solid waste landfill management are approved by the EPA. In addition, the Department has committed to issuing a permit to the Department of Public Works pursuant to the revised regulations once these regulations are adopted. EPA has reviewed these items as well as the other contents of the U.S. Virgin Islands' application and has made a preliminary determination that their provisions are adequate to meet Part 258 criteria.

The EPA will hold two public hearings on its tentative decision. One hearing will be held on August 1, 1995 at the Department of Planning and Natural Resources' Commissioner's Conference Room on St. Croix. An additional hearing will be held on August 2, 1995 at the Department of Planning and Natural Resources' CZM

Lower Level Conference Room on St. Thomas. On each of these dates, the hearings will begin at 6:00 p.m. Comments can be submitted orally at the hearings or in writing at the time of the hearings. The public may also submit written comments on EPA's tentative determination to the location indicated in the ADDRESSES section of this notice until August 11, 1995. Copies of the U.S. Virgin Islands' application are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

EPA will consider all public comments on its tentative determination received during the public comment period and during each public hearing. Issues raised by those comments may be the basis for a determination of inadequacy for the U.S. Virgin Islands' program. EPA expects to make a final decision on whether or not to approve the U.S. Virgin Islands' program by September 18, 1995 and will give notice of it in the Federal Register. The notice will include a summary of the reasons for the final determination and responses to all major comments. 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/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA will be considered to be in compliance with Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

## Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirement 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. 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.