

NEW MEXICO—OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
AQCR 153 El Paso-Las Cruces-Alamogordo: Dona Ana County (part)—The area bounded by the New Mexico-Texas State line on the east, the New Mexico-Mexico international line on the south, the Range 3E—Range 2E line on the west, and the N3200 latitude line on the north.	July 12, 1995 ..	Nonattainment	July 12, 1995 ..	Marginal
Remainder of Dona Ana County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Otero County		Unclassifiable/Attainment.		
Sierra County		Unclassifiable/Attainment.		

¹ This date is November 15, 1990, unless otherwise noted.

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BILLING CODE 6560-50-P

40 CFR Part 258

[FRL-5312-9; F-95-AGDP-FFFFF]

RIN 2050-AE24

Delay of General Compliance Date for Small Municipal Solid Waste Landfills Located in Either Dry or Remote Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On August 10, 1995, the U.S. Environmental Protection Agency (EPA) published a proposed rule to provide to approved States and Tribes the flexibility to determine alternative ground-water monitoring requirements, on a site-specific basis, for small municipal solid waste landfills (MSWLFs) that are located in either dry or remote areas (hereafter referred to as "qualifying small MSWLFs"). The proposed rule also solicited comments on a two-year delay, until October 9, 1997, of the general compliance date of the MSWLF criteria for qualifying small MSWLFs to allow EPA time to finalize the proposed alternatives. Today's rule finalizes only the delay of the compliance date.

EFFECTIVE DATE: The amendments in this final rule are effective October 2, 1995.

ADDRESSES: The public record for this rulemaking may be found in public docket number F-95-AGDP-FFFFF. All dockets are available for viewing in the RCRA Information Center (RIC), located in Room M2616, U.S. EPA, 401 M Street SW., Washington, DC 20460. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. The public must make an

appointment to view docket materials. Call 202-260-9327 for an appointment. Copies cost \$0.15 per page for materials exceeding 100 pages.

FOR FURTHER INFORMATION CONTACT: For general questions on this rule, contact the RCRA/Superfund Hotline at 1-800-424-9346, TDD 1-800-553-7672 (hearing impaired); in the Washington, DC metropolitan area the number is 703-412-9810, TDD 703-412-3323. For technical questions, contact Mr. Andrew Teplitzky (703-308-7275) or Mr. Allen Geswein (Phone 703-308-7261): Office of Solid Waste, U.S. Environmental Protection Agency, Mail Code 5306W, 401 M St. SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

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I. Authority

The Agency is promulgating these regulations under the authority of

Sections 1008(a)(3), 2002(a), 4004(a), and 4010(c) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6907(a)(3), 6912(a), 6944(a), and 6949a(c).

II. Background

A. 40 CFR Part 258 and Small Landfill Exemption

When the Agency promulgated the solid waste disposal facility criteria final rule on October 9, 1991 (56 FR 50978), it included an exemption for owners and operators of certain small MSWLF units from the design and ground-water monitoring requirements of the criteria. To qualify for the exemption, the small landfill could only accept less than twenty tons of municipal solid waste per day (based on an annual average), have no evidence of existing ground-water contamination, and either: (1) serve a community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility, or (2) be located in an area that annually receives less than or equal to 25 inches of precipitation and serve a community that has no practicable waste management alternative. In adopting this limited exemption, the Agency believed it had complied with the statutory requirement to protect human health and the environment, taking into account the practicable capabilities of small landfill owners and operators.

In January, 1992, the Sierra Club and the Natural Resources Defense Council (NRDC) filed a petition with the U.S. Court of Appeals, District of Columbia Circuit, for review of the Subtitle D criteria. On May 7, 1993, the Court of Appeals determined in *Sierra Club v. United States Environmental Protection*