whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing the State/ Tribal Implementation Rule (STIR) that will allow both States and Tribes to apply for and receive approval of a partial permit program. The Agency intends to approve adequate State/ Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding sitespecific permit conditions. Only those owners/operators located in States/ Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal Criteria will apply to all permitted and unpermitted MSWLFs.

The State of Wyoming applied for a partial determination of adequacy under section 4005 of RCRA. EPA reviewed Wyoming's MSWLF application and made a tentative determination for those portions of the State's MSWLF permit program that are adequate to assure compliance with the revised MSWLF Criteria. These portions are described later in this notice. The State plans a future revision for the remainder of its permit program to assure complete compliance with the revised Federal Criteria and gain full program approval. Wyoming's application for partial program adequacy is available for public

review and comment.

Although RCRA does not require EPA to hold a public hearing on a determination to approve any State/ Tribe's MSWLF program, the Region has tentatively scheduled a public hearing on this determination. If a sufficient number of people express interest in participating in a hearing by writing the Region or calling the contact given below within 30 days of the date of publication of this notice, the Region will hold a hearing on the date given below in the "DATES" section. The Region will notify all persons who submit comments on this notice if it decides to hold the hearing. In addition,

anyone who wishes to learn whether the hearing will be held may call the person listed in the FOR FURTHER INFORMATION **CONTACT** section.

DATES: All comments on Wyoming's application for a determination of adequacy must be received by the close of business on March 13, 1995. The public hearing is tentatively scheduled for 10:00 a.m. to 12:00 p.m., March 13, 1995, at the Wyoming Department of Environmental Quality, Herschler Building, 1st Floor Conference room #1299, 122 West 25th Street, Cheyenne, Wyoming 82002. Should a public hearing be held, EPA may limit oral testimony to five minutes per speaker, depending on the number of commenters. Commenters presenting oral testimony must also submit their comments in writing by close of business on March 13, 1995. The hearing may adjourn earlier than 12 noon if all of the speakers deliver their comments before that hour. Wyoming will participate in the public hearing held by EPA on this subject.

ADDRESSES: Copies of Wyoming's application for partial adequacy determination are available from 8 a.m. to 4:30 p.m. during normal working days at the following addresses for inspection and copying: Wyoming Department of Environmental Quality, Attn: Carl Anderson, Herschler Building, 4th floor, 122 West 25th Street, Cheyenne, Wyoming 82002; and USEPA Region VIII, Environmental Information Service Center, 999 18th Street, suite 144, Denver, Colorado 80202-2466, phone 1-800-227-8917 or 303–293–1603. All written comments should be sent to Gerald Allen (8HWM-WM), Waste Management Branch, USEPA Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466.

FOR FURTHER INFORMATION CONTACT: Gerald Allen (8HWM-WM), Waste Management Branch, USEPA Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466, Phone 303/293-1496.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria. Subtitle D also requires that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities

comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in the STIR to allow partial approvals if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with part 258; (2) changes to a limited narrow part(s) of the State/ Tribal permit program are needed to meet these requirements; and (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of part 258.

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of the 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 of 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 plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

B. State of Wyoming

On November 6, 1992, Wyoming submitted an application for partial program adequacy determination for the State's MSWLF permit program. On October 8, 1993, EPA published a final determination of partial adequacy for Wyoming's program. Further background on the final partial program