

B. Public Comment

A summary of the public comments received on the tentative determination of partial program adequacy and EPA's responses follows. Two comments were received by mail. The first involved questions and concerns of a site-specific nature in several New Jersey counties. Since the questions and concerns raised were specific to either particular facilities or working operations and were not relevant to the State's program as to its equivalency to the federal criteria or overall program adequacy, these questions were not considered in this determination and will not be discussed in this notice. However, concerns were addressed by direct correspondence with the commentor.

The second comment challenged New Jersey's wetlands protection standards. The comment asserted that New Jersey's wetland standards were not "technically comparable" to the Federal Criteria and that the State application "failed to cite regulations" that adequately protect wetlands. It also asserted that New Jersey regulations lack a counterpart to 40 CFR § 258.12(a)(1), which provides significant restrictions on locating solid waste landfill units in wetlands. In addition, the commentor remarked that New Jersey had permitted a particular county landfill expansion in violation of the Federal landfill criteria.

The New Jersey application identified and discussed its wetlands regulations as they appear in N.J.A.C. 7:26, the solid waste requirements, as well as N.J.A.C. 7:7A, the Freshwater Wetlands Protection Act Rules. The narrative portion of the New Jersey application clearly states that the New Jersey Department of Solid Waste Management shall issue a freshwater wetlands or open water fill permit only if it finds that there is no practicable alternative to the proposed activity. The rules apply to sanitary landfills proposing to engage in regulated activities set forth in N.J.A.C. 7:7A. Subsequent to the public hearing, New Jersey again addressed this issue in correspondence with EPA and reaffirmed that New Jersey regulations are consistent with the federal approach.

As to the matter of the particular county landfill expansion, it is EPA's understanding that the owner/operator of the facility in question has not received a permit to proceed with these activities. Furthermore, EPA's responsibility in this matter is only directed to a determination concerning the adequacy of the State permit program.

C. Decision

After reviewing the public comments, I conclude that New Jersey's application for a partial program adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New Jersey is granted a partial program determination of adequacy for the following areas of its municipal solid waste permit program: location restrictions, operating criteria, design criteria, closure and post-closure care, and financial assurance criteria.

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 should be considered to be in compliance with the relevant portions of the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Today's action takes effect on the date of publication. EPA believes it has good cause under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), to put this action into effect less than 30 days after publication in the Federal Register. All of the requirements and obligations in the State's program are already in effect as a matter of State law. EPA's action today does not impose any new requirements that the regulated community must begin to comply with. Nor do these requirements become enforceable by EPA as federal law. Consequently, EPA finds that it does not need to give notice prior to making its approval effective.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this notice from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this final 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.

Dated: November 7, 1995.
William J. Muszynski,
Deputy Regional Administrator.
[FR Doc. 95-29740 Filed 12-5-95; 8:45 am]
BILLING CODE 6560-50-P

[OPP-42075; FRL-4968-7]

Oregon Plan for Certification of Pesticide Applicators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve Amendment to Oregon Certification Plan.

SUMMARY: On March 30, 1976, EPA announced approval of the Oregon plan for the certification of applicators of restricted use pesticides. Oregon has submitted an amendment to this certification plan to permit certification of applicators of 1080 Livestock Protection Collars (LPC). Notice is hereby given of the intention of EPA to grant approval of this amendment. **DATES:** Written comments should be submitted on or before January 22, 1996. **ADDRESSES:** Send written comments, identified by docket control number "OPP-42075" to Allan Welch, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Eighth Floor, Seattle, WA 98101.

The comments received pursuant to this notice will be available at the aforementioned location from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: welch.allan@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number "OPP-42075." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under the SUPPLEMENTARY INFORMATION unit of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with