

OMB No. 2060-0060; (EPA ICR No. 116.05) expiring 07/31/96. This is a request for extension of a currently approved collection.

**Abstract:** The information required is the minimal necessary to ensure that the part to be certified actually performs as required. Without this information EPA would have no way to control and audit fraudulent or marginal submissions. If no information was collected at the time of testing, there would be no means of showing later that the part was properly designed, since information is only collected when the part is tested to be certified. EPA would not be able to control the self-certification of parts and this could, therefore, result in certified parts that cause vehicles to fail emissions standards.

The information collected is part of the requirement of Section 207(a) of the Clean Air Act, and as described in 40 CFR Part 85, Subpart V. This is a voluntary certification program and there is no requirement that any manufacturer participate.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 03/4/96 (61 FR 8272); no comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 8 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondent/Affected Entities:** Parties potentially affected by this action are automotive manufacturers and builders of automotive aftermarket parts.

**Estimated Number of Respondents:** 2.

**Estimated Total Annual Hour Burden:** 1722 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following address. Please refer to EPA ICR No. 116.05 and OMB Control No. 2060-0060 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW., Washington, DC 20460 and  
Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503

Dated: June 18, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96-16014 Filed 6-21-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5525-7]

### **Kansas; Final Full Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of immediate final program determination of adequacy on Kansas' application.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that Municipal Solid Waste Landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. The EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which the EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus the 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 for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in State/Tribes with approved permit programs can use the site-specific flexibility provided by 40 CFR part 258 to the extent the State/Tribal permit program allows such flexibility. The EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the federal criteria under 40 CFR part 258 will apply to all permitted and unpermitted MSWLF facilities.

Kansas applied for a determination of adequacy under section 4005 of RCRA. The EPA reviewed Kansas' application and has made a decision, subject to public review and comment, that Kansas' municipal solid waste landfill permit program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is approving Kansas' MSWLF permit program.

**EFFECTIVE DATE:** The determination of adequacy for Kansas shall be effective on August 23, 1996, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Kansas' program revision application must be received by the close of business July 24, 1996.

**ADDRESSES:** Copies of Kansas' application for a determination of adequacy are available for inspection and copying from 8 a.m. to 4:30 p.m., Monday through Friday at the following addresses: Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka, Kansas 66620-0001, Attn: Mr. Kent Foerster, telephone 913-296-1600; and U.S. EPA Region VII Library, 726 Minnesota Avenue, Kansas City, Kansas 66101, Phone: 913-551-7241.

**FOR FURTHER INFORMATION CONTACT:** Ms. Althea M. Moses, 726 Minnesota Ave., Kansas City, Kansas 66101; (913) 551-7055.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

On October 9, 1991, the EPA promulgated 40 CFR part 258 for MSWLFs. 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 facilities comply with the Federal Criteria under 40 CFR part 258. Subtitle D also requires in section 4005 of RCRA that the EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the 40 CFR part 258. 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.

The EPA intends to propose in the STIR to allow partial approval if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with 40 CFR 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 40 CFR part 258. As a State's/Tribe's regulations and statutes are amended to comply with 40 CFR part 258, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The State/Tribe may submit an amended application to EPA for review and an adequacy determination will be made using the same criteria as for the initial application. This adequacy determination will be published in the Federal Register summarizing the Agency's decision and the portion(s) of the State/Tribal MSWLF permit program affected and providing an opportunity to comment for a period of 30 days. The adequacy determination will become effective sixty (60) days following publication if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another Federal Register notice will be published either affirming or reversing the initial decision while responding to the public comments.

The EPA will review State/Tribal requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA. The 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 40 CFR part 258. 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, the 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.

The EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. The EPA plans to provide more specific criteria for this evaluation when it proposes the STIR. The EPA expects State/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 Kansas

On November 8, 1994, the Kansas Department of Health and Environment submitted an amended application for full MSWLF permit program approval. This application follows an August 19, 1993 submittal on which EPA approved all portions of Kansas' program with the exception that EPA reserved for Federal enforcement of the following facilities: (1) New units accepting less than 100 tons per day (tpd) of solid waste; (2) existing units or new units which are listed on the National Priorities List (NPL); (3) existing units which have accepted less than 100 tpd of solid waste prior to October 9, 1993 and accept greater than 100 tpd during the period from October 9, 1993 to April 4, 1994. It was established that all such units, in accordance with the Federal requirements at 40 CFR part 258.1(f), are subject to a compliance date of October 9, 1993 and are not eligible for a compliance date extension to April 9, 1994. Kansas has since revoked K.A.R. 28-29-99. Further background on the final partial program determination of adequacy is located at 58 FR 52302 (October 7, 1993).

Kansas does not claim jurisdiction over Indian Land. Kansas' program is not enforceable on Indian lands.

The EPA has reviewed Kansas' application, and has made an immediate final decision that Kansas' municipal solid waste landfill permit program satisfies all the requirements of the State/Tribal Implementation Rule to qualify for full program approval. Consequently, EPA intends to grant full approval of the Kansas program. The public may submit written comments on EPA's immediate final decision up until July 24, 1996. Copies of Kansas'

application for program approval are available for inspection and copying at the locations identifies in the ADDRESSES section of this action.

Approval of Kansas' municipal solid waste landfill permitting program shall become effective August 23, 1996, unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either: (1) A withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

#### C. Decision

I conclude that Kansas' application for full program adequacy determination meets all of the statutory and regulatory requirements established by RCRA for full program adequacy. Accordingly, Kansas is granted a full program determination of adequacy for all parts of its municipal solid waste landfill permit program.

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 the EPA explained in the preamble to the final MSWLF criteria, the EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by the EPA should be considered to be in compliance with the 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 requirements 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 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: June 11, 1996.  
Dennis Grams,  
*Regional Administrator.*  
[FR Doc. 96-16010 Filed 6-21-96; 8:45 am]  
BILLING CODE 6560-50-P

[FRL-5525-9]

**Nebraska; Final Full Program  
Determination of Adequacy of State/  
Tribal Municipal Solid Waste Landfill  
Permit Program**

**AGENCY:** Environmental Protection  
Agency.

**ACTION:** Notice of immediate final  
program determination of adequacy on  
Nebraska's application.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that Municipal Solid Waste Landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. The EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which the EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus the 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 for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in State/Tribes with approved permit programs can use the site-specific flexibility provided by 40 CFR part 258 to the extent the State/Tribal permit program allows such flexibility. The EPA notes that regardless of the approval status of a State/Tribe and the permit status of any

facility, the federal criteria under 40 CFR part 258 will apply to all permitted and unpermitted MSWLF facilities.

Nebraska applied for a determination of adequacy under section 4005 of RCRA. The EPA reviewed Nebraska's application and has made a decision, subject to public review and comment, that Nebraska's municipal solid waste landfill permit program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is approving Nebraska's MSWLF permit program.

**EFFECTIVE DATE:** The determination of adequacy for Nebraska shall be effective on August 23, 1996, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Missouri's program revision application must be received by the close of business July 24, 1996, unless.

**ADDRESSES:** Copies of Nebraska's application for MSWLF permit program approval are available for inspection and copying from 8 a.m. to 4:30 p.m., Monday through Friday at the following addresses: Office of Public Affairs, Atrium Building, Suite 400, 1200 N Street, Lincoln, Nebraska 68509 Attn: Mr. Joseph Francis, telephone 402-471-4210; and U.S. EPA Region VII Library, 726 Minnesota Avenue, Kansas City, Kansas 66101, Phone: 913-551-7241.

**FOR FURTHER INFORMATION CONTACT:** Ms. Althea M. Moses, 726 Minnesota Ave., Kansas City, Kansas 66101; (913) 551-7055.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

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The EPA intends to propose in the STIR to allow partial approval if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring

compliance with 40 CFR 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 40 CFR part 258. As a State's/Tribe's regulations and statutes are amended to comply with 40 CFR part 258, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The State/Tribe may submit an amended application to EPA for review and an adequacy determination will be made using the same criteria as for the initial application. This adequacy determination will be published in the Federal Register summarizing the Agency's decision and the portion(s) of the State/Tribal MSWLF permit program affected and providing an opportunity to comment for a period of 30 days. The adequacy determination will become effective sixty (60) days following publication if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another Federal Register notice will be published either affirming or reversing the initial decision while responding to the public comments.

The EPA will review State/Tribal requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA. The 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 40 CFR part 258. 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, the 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.

The EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. The EPA plans to provide more specific criteria for this evaluation when it proposes the STIR. The EPA expects State/Tribes to meet all of these requirements for all elements of a MSWLF program before it