

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5298-9]

Proposed Settlement; Hilton Davis Chemical Co. Litigation**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed settlement; request for public comment.**SUMMARY:** In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed settlement of *Hilton Davis Chemical Co. v. United States Environmental Protection Agency*, No. 94-3414 (6th Cir.).

This petition for judicial review involves a challenge to a Request For Information ("RFI") issued by EPA on February 15, 1994, that *inter alia* required Hilton Davis to submit certain information to EPA pursuant to section 114(a) of the Act.

For a period of thirty (30) days following the date of publication of this notice, the EPA will receive written comments relating to the proposed settlement from persons who were not named as parties to the litigation in question. The Agency or the Department of Justice may withhold or withdraw consent to the proposed settlement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Copies of the settlement are available from Samantha Hooks, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7606. Written comments should be sent to Mark M. Kataoka at the above address and must be received by October 20, 1995.

Dated: September 5, 1995.

Jonathan Z. Cannon,

Assistant Administrator, (Acting General Counsel).

[FR Doc. 95-23326 Filed 9-19-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5298-7]

Technical Advisory Committee; Notice of Open Meeting

The Technical Advisory Sub-Committee to the Clean Air Act Advisory Committee will hold its opening meeting October 13 from 9:00 am to 5:00 pm at Ramada Metro, 8270

Wickham Road, Romulus, Michigan. This meeting is open to the public.

The Sub-Committee is established to provide the Office of Mobile Sources independent counsel and advise on scientific and technical aspects of its program. The Sub-Committee will create working groups to evaluate technical materials and approaches in the topics of Modeling, In-Use Deterioration, certifications Program Reform, and Engine Vehicle and Fuel Standards.

Anyone wishing to speak at either or both of the meeting should make a request in writing to Katherine McMillan, Office of Mobile Sources, OAR, Mail Code 6401, U.S. Environmental Protection Agency, Washington, D.C. 20460. Public statements will be limited to ten minutes. For more information, please contact Katherine McMillan at (202) 260-3420 or Fax (202) 260-6011.

Katherine H. McMillan,

Designated Federal Officer, OMS, OAR.

[FR Doc. 95-23324 Filed 9-19-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5299-5]

Risk Assessment and Risk Management Commission Revision of Earlier Notice of Public Meetings—1995; October 26-27 Cancelled

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Risk Assessment and Risk Management Commission, established as an Advisory Committee under Section 303 of the Clean Air Act Amendments of 1990, will not meet on October 26 and October 27 at the Rockefeller University in New York, New York. Unexpected budget problems prevent the Commission from meeting during the month of October.

November 17

The Commission will meet, as scheduled, November 17 from 8:00 a.m. until 3:00 p.m. at the Capitol Hill Hotel, 200 C Street, SW., Capitol Hill Conference Room, Washington, DC 20003.

December 14—Time Change

The meeting times for the December 14 meeting have been changed. The new times are 1 to 5 at the Breakers Hotel, Palm Beach, Florida 33480.

This amends an earlier notice in the Federal Register.

Dated: September 13, 1995.

Gail Charnley,

Executive Director, Commission on Risk Assessment And Risk Management.

[FR Doc. 95-23322 Filed 9-19-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5298-4]

North Dakota; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program**AGENCY:** Environmental Protection Agency (Region VIII).**ACTION:** Notice of final determination of full program adequacy for North Dakota'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 conditionally exempt 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 for such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which 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, 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 site-specific 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 landfill Criteria will apply to all permitted and unpermitted MSWLFs.

North Dakota applied for a determination of adequacy under section 4005 of RCRA. EPA reviewed North Dakota's application and proposed a determination that North Dakota's MSWLF permit program is adequate to ensure compliance with the revised MSWLF Criteria. Since no comments were received, EPA is today issuing a final determination that the State/Tribe's program is adequate.

EFFECTIVE DATE: The determination of adequacy for North Dakota shall be effective September 18, 1995.

FOR FURTHER INFORMATION CONTACT: Gerald Allen (8HWM-WM), Waste Management Branch, US EPA 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 facilities comply with the Federal Criteria under Part 258. Subtitle D also requires in section 4005 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 a State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends 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 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.

On September 27, 1993, the EPA Administrator signed the final rule extending the effective date of the landfill Criteria for certain classifications of landfills (proposed rule 58 FR 40568, July 28, 1993). Thus, for certain small landfills that fit the small landfill exemption as defined in 40 CFR Part 258.1(f), the Federal Criteria will not be effective until October 9, 1995, instead of October 9, 1993. The final ruling on the effective date extension was published in the Federal Register October 1, 1993.

B. State of North Dakota

On August 25, 1994, North Dakota submitted an application for adequacy determination for the States MSWLF permit program. On November 25, 1994, EPA published a tentative determination of adequacy for all portions of North Dakota's program. Further background on the tentative determination of adequacy appears at 59 FR 60631 (November 25, 1994).

Along with the tentative determination, EPA announced the availability of the application for public comment. EPA also tentatively scheduled a public hearing for January 12, 1995, to be held if a sufficient number of people expressed interest in participating. After no one expressed interest, the Agency cancelled the public hearing.

EPA has reviewed North Dakota's application and has determined that all portions of the State's MSWLF permit program will ensure compliance with the revised Federal Criteria. In its application, North Dakota demonstrated that the State's permit program adequately meets the location restrictions, operating criteria, design criteria, ground-water monitoring and corrective action requirements, closure and post-closure care requirements, and financial assurance criteria in the revised Federal Criteria. In addition, the State of North Dakota also demonstrated that its MSWLF permit program contains specific provision for public

participation, compliance monitoring, and enforcement.

C. Public Comment

The EPA received no public comments on the tentative determination of adequacy for North Dakota's MSWLF permit program.

D. Decision

Since we received no public comments, I conclude that North Dakota's application for adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, North Dakota is granted a determination of adequacy for all portions of its MSWLF permit program.

In its application for adequacy determination, North Dakota has not asserted jurisdiction over Indian Country, as defined in 18 U.S.C. 1511. Accordingly, this approval does not extend to lands within Indian Country in North Dakota including lands within the exterior boundaries of the Turtle Mountain, Fort Berthold, Fort Totten, and Standing Rock Indian Reservations. Until EPA approves a State or Tribal MSWLF permitting program in North Dakota for any part of Indian Country, the requirements of 40 CFR Part 258, will automatically apply to that area. Thereafter, the requirements of 40 CFR Part 258 will apply to all owner/s operators of MSWLF's located in any part of Indian Country that is not covered by an approved State or Tribal MSWLF permitting 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 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 Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

This action takes effect on September 18, 1995. 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/Tribe's program are already in effect as a matter of State/Tribal 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 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 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 sections 2002, 4005 and 4010 of the Solid Waste Disposal Act, as amended; 42 U.S.C. 6912, 6945, 6949(a).

Dated: September 7, 1995.

Robert L. Duprey,

Acting Regional Administrator.

[FR Doc. 95-23323 Filed 9-19-95; 8:45 am]

BILLING CODE 6560-50-P

[OPP-180981; FRL-4975-8]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the 20 States as listed below. Five crisis exemptions were initiated by various states. These exemptions, issued during the month of May 1995, except for the one in March, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. EPA has denied specific exemption requests from the Arkansas State Plant Board and the Washington Department of Agriculture. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific and crisis exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, CS #1, 2800 Jefferson Davis

Highway, Arlington, VA, (703)-308-8417; e-mail: group.ermus@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Florida Department of Agriculture and Consumer Services for the use of imidacloprid on citrus to control citrus leafminers; May 5, 1995, to May 4, 1996. (David Deegan)

2. Idaho Department of Agriculture for the use of bifenthrin on canola to control aphids; May 15, 1995, to August 15, 1995. (David Deegan)

3. Louisiana Department of Agriculture and Forestry for the use of norflurazon on Bermudagrass to control annual grassy weeds; May 1, 1995, to June 15, 1995. Louisiana had initiated a crisis exemption for this use. (Libby Pemberton)

4. Oklahoma Department of Agriculture for the use of cypermethrin on mustard greens to control various insects; May 19, 1995, to October 31, 1995. (Libby Pemberton)

5. Oregon Department of Agriculture for the use of clomazone on cucumbers to control broadleaf weeds and grasses; May 23, 1995, to August 15, 1995. (David Deegan)

6. Oregon Department of Agriculture for the use of bifenthrin on canola to control aphids; May 15, 1995, to July 15, 1995. (David Deegan)

7. Washington Department of Agriculture for the use of bifenthrin on canola to control aphids; May 15, 1995, to August 15, 1995. (David Deegan)

8. Wisconsin Department of Agriculture for the use of metolachlor on spinach to control grasses and weeds; May 5, 1995, to July 1, 1995. (Margarita Collantes)

The following States listed below were granted an emergency exemption for the use of dimethomorph and/or cymoxanil on potatoes to control late blight; May 18, 1995, to September 30, 1995, except for Florida and Oregon whose expiration date is May 18, 1996, and October 31, 1995, respectively. A notice of receipt published in the Federal Register of May 3, 1995 (60 FR 21814). The exemption was granted on the basis that the situation appears to be urgent and nonroutine. Late blight is not a new pest phenomenon; however, new strains of *P. infestans* have been introduced in or adjacent to each of the applicant potato-producing States, and these new strains of late blight are resistant to the primary registered alternative. With no other registered alternative products that exhibit acceptable efficacy against this pest problem, potato growers are expected to suffer significant economic losses

without the use of these two fungicides. If this situation persists without an effective control program, the economic viability of potato production in the United States is uncertain. These uses can be toxicologically supported and are not expected to result in hazard to nontarget organisms:

1. Delaware Department of Agriculture.
2. Florida Department of Agriculture and Consumer Services.
3. Georgia Department of Agriculture.
4. Maine Department of Agriculture.
5. Maryland Department of Agriculture.
6. Michigan Department of Agriculture.
7. Minnesota Department of Agriculture.
8. New Jersey Department of Environmental Protection.
9. New York Department of Environmental Conservation.
10. North Dakota Department of Agriculture.
11. Ohio Department of Agriculture.
12. Oregon Department of Agriculture.
13. Pennsylvania Department of Agriculture.
14. South Dakota Department of Agriculture.
15. Virginia Department of Agriculture and Consumer Services.
16. Wisconsin Department of Agriculture, Trade, and Consumer Protection. (Libby Pemberton)

Crisis exemptions were initiated by the:

1. California Department of Pesticide Regulations on March 16, 1995, for the use of maneb on walnuts to control bacterial blight. This program has ended. (Margarita Collantes)
2. Idaho Department of Agriculture on May 3, 1995, for the use of sethoxydim on mint to control grassy weeds. The need for this program is expected to last until November 1, 1995. (Libby Pemberton)
3. Montana Department of Agriculture on May 3, 1995, for the use of sethoxydim on mint to control green foxtail, quackgrass, and wild oats. The need for this program is expected to last until November 1, 1995. (Libby Pemberton)
4. Oregon Department of Agriculture on May 2, 1995, for the use of sethoxydim on mint to control grassy weeds. This program has ended. (Libby Pemberton)
5. Washington Department of Agriculture on May 31, 1995, for the use of clopyralid on asparagus to control Canada thistles. This program has ended. (Libby Pemberton)