

[FRL-5609-6]

Underground Injection Control Program Hazardous Waste Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; American Ecology Environmental Services Corporation (AEESC)**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of final decision on petition modification.

SUMMARY: Notice is hereby given that modification of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to AEESC, for the Class I injection wells located at Winona, Texas. As required by 40 Part CFR 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by AEESC, of the specific restricted hazardous waste identified in the exemption modification, into the Class I hazardous waste injection wells at the Winona, Texas facility specifically identified in the modified exemption, for as long as the basis for granting an approval of this exemption remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued June 12, 1996. The public comment period closed on July 29, 1996. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of August 30, 1996.**ADDRESSES:** Copies of the modified petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ-S), 1445 Ross Avenue, Dallas, Texas 75202-2733.**FOR FURTHER INFORMATION CONTACT:** Ken Williams, Acting Chief, Ground Water/UIC Section, EPA—Region 6, telephone (214) 665-7165.

William B. Hathaway,

Director, Water Quality Protection Division (6WQ).

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[FRL-5550-7; Region 8]

South Dakota; Final Determination of Adequacy of State's Municipal Solid Waste Permit Program Over Non-Indian Lands for the Former Lands of the Yankton Sioux, Lake Traverse (Sisseton-Wahpeton) and Parts of the Rosebud Indian Reservation**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of final determination on application of the State of South Dakota for program adequacy determination.

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/Tribe permit programs provide for 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.

The State of South Dakota applied for a determination of adequacy under Section 4005 of RCRA for jurisdiction over non-Indian lands for the Yankton Sioux Reservation, Lake Traverse (Sisseton-Wahpeton) Reservation and parts of the Rosebud Indian Reservation lying within Gregory, Tripp, Lyman and Mellette Counties. EPA has reviewed South Dakota's application and has made a final determination that the South Dakota application is adequate for all lands, *other than Indian Country as defined in 18 U.S.C. Section 1151*, that were formerly within the 1867 Lake Traverse Reservation boundaries and for all lands in Gregory, Tripp, Lyman and Mellette Counties that were formerly within the 1889 Rosebud Sioux Reservation boundaries. EPA believes that the State of South Dakota has not sufficiently demonstrated that the Yankton Sioux Reservation was disestablished by Act of Congress (26 Stat. 286, 314), and thus, the lands within the exterior boundaries of the Yankton Sioux Reservation remain Indian Country.

South Dakota's application for program adequacy determination and the all comments received in regard to that application are available for public review and comment.

EFFECTIVE DATE: September 16, 1996.**ADDRESSES:** Copies of South Dakota's application for adequacy determination are available from 8:00 a.m. to 4:00 p.m. at the following addresses for inspection and copying: South Dakota Department of Environment and Natural Resources, Office of Waste Management, Foss Building, 523 East Capitol, Pierre, South Dakota, 57501; and U.S. EPA Region 8 Library, 999 18th Street, First Floor, Denver, Colorado, 80202-2466, telephone (303) 312-6312.**FOR FURTHER INFORMATION CONTACT:** Linda Walters, Mail Code 8P2-P2, Pollution Prevention Branch, U.S. EPA Region 8, 999 18th Street, Denver, Colorado, 80202-2466, telephone (303) 312-6385.**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 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