

**ACTION:** Notice of Determination of Adequacy of Michigan's Research, Development, and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills.

**SUMMARY:** On March 22, 2004, the U.S. EPA issued final regulations allowing research, development, and demonstration (RD&D) permits to be issued to certain municipal solid waste landfills by approved states (40 CFR 258.4). On May 26, 2006 Michigan submitted an application to the U.S. EPA Region 5 seeking Federal approval of its RD&D requirements per the procedures in 40 CFR 239.12. Michigan's RD&D requirements allow the State to issue research, development and demonstration (RD&D) permits to owners and operators of MSWLF units in accordance with state law. Subject to public review and comment, this notice approves Michigan's RD&D permit requirements.

**DATES:** This determination of RD&D program adequacy for Michigan will become effective October 30, 2006 unless adverse comments are received on or before October 30, 2006. If adverse comments are received, the U.S. EPA will review those comments and publish another FR document responding to those comments and either affirming or revising the U.S. EPA's initial decision.

**ADDRESSES:** Written comments should be sent to Ramon Mendoza, Waste Management Branch (Mail Code DW-8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604, telephone: (312) 886-4314. Comments may also be submitted electronically to [mendoza.ramon@epa.gov](mailto:mendoza.ramon@epa.gov) or by facsimile at (312) 353-4788. You may examine copies of Michigan's application and relevant portions of Michigan's regulations during normal business hours at U.S. EPA Region 5.

**FOR FURTHER INFORMATION CONTACT:** Ramon Mendoza, Waste Management Branch (mail code DW-8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-4314, [mendoza.ramon@epa.gov](mailto:mendoza.ramon@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On March 22, 2004, EPA issued a final rule amending the municipal solid waste landfill criteria in 40 CFR part 258 to allow for research, development and demonstration (RD&D) permits (69 FR 13242). This rule allows for variances from specified criteria for a limited period of time, to be implemented through state-issued RD&D permits. RD&D permits are

available only in states with approved MSWLF permit programs that have been modified to incorporate RD&D permit authority. While States are not required to seek approval for this new provision, those States that are interested in providing RD&D permits to owners and operators of MSWLFs must seek approval from EPA before issuing such permits. Approval procedures for new provisions of 40 CFR Part 258 are outlined in 40 CFR 239.12.

Michigan's MSWLF permit program was approved on April 8, 1997 (62 FR 16804). On May 26, 2006, Michigan applied for approval of its RD&D permit provisions. Michigan submitted its amended laws under Part 115 of Act 451 Sections 324.11511b and 324.11514 for review.

**B. Decision**

After a thorough review, U.S. EPA Region 5 determined that Michigan's RD&D permit provisions as defined under Part 115 of Act 451 Sections 324.11511b and 324.11514 are adequate to ensure compliance with the Federal criteria as defined at 40 CFR 258.4.

**Authority:** This action is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6945 and 6949(a).

Dated: August 15, 2006.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8214-6]

**Proposed CERCLA Section 122(h) Administrative Agreement for Recovery of Past Costs for the Feldman Barrel and Drum Superfund Site, Buffalo, Erie County, NY**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(I), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region II, of a proposed administrative agreement pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), with 17 settling parties, for recovery of past response costs concerning the Feldman Barrel

and Drum Superfund Site ("Site") located in Buffalo, Erie County, New York. The settlement requires the settling parties to pay the EPA Hazardous Substance Superfund a total \$346,188. The settlement includes a covenant not to sue the Settling Parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for EPA's past response costs. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before September 29, 2006.

**ADDRESSES:** To request a copy of the proposed settlement agreement, please contact the individual identified below. The proposed settlement is also available for public inspection at EPA Region II offices at 290 Broadway, New York, New York 10007-1866. Comments should reference the Feldman Barrel and Drum Superfund Site, Buffalo, Erie County, New York, Index No. CERCLA-02-2006-2005.

**FOR FURTHER INFORMATION CONTACT:** Brian Carr, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway—17th Floor, New York, New York 10007-1866. Telephone: 212-637-3170.

Dated: June 29, 2006.

**George Pavlou,**

*Division Director, Emergency Remedial Response Division, Region 2.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8214-7]

**Proposed CERCLA Section 122(g) De Minimis Administrative Agreement Regarding the Feldman Barrel and Drum Superfund Site, Located in Buffalo, Erie County, NY**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.