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Dated: December 17, 1991.

L.M. Dymum,
*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 91-30509 Filed 12-20-91; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PARTS 260 AND 265

[FRL-4083-9]

Hazardous Waste Management System: Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations at Hazardous Waste Facilities

AGENCY: U.S. Environmental Protection
Agency.

ACTION: Final rule.

SUMMARY: On January 18, 1991, the Environmental Protection Agency ("EPA" or "the Agency") proposed to amend 40 CFR § 265.91 to allow alternate placement of hydraulically downgradient monitoring wells at interim status facilities where existing physical obstacles prevent installations at the limit of the waste management area. EPA is today promulgating a final rule implementing amendments to §§ 260.10 and 265.91. Today's rule is necessary to allow facilities to install alternate ground-water monitoring wells in certain circumstances where they are unable to avoid existing physical obstacles. Today's rule provides that the owner or operator of an existing facility may demonstrate that an alternate hydraulically downgradient monitoring well location will meet several criteria. This demonstration must be certified by a qualified ground-water scientist. Today's rule also promulgates a definition of "qualified ground-water scientist."

EFFECTIVE DATE: These regulations become effective June 23, 1992.

ADDRESSES: The official docket for this rulemaking (Docket No. F-91-DCWF-FFFFF) is located in room M2427, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding federal holidays. The public must make an appointment to review docket materials, and should call the docket clerk at (202) 260-9327 for appointments. The public may copy, free of charge, a maximum of one hundred pages of material from any one regulatory docket. Additional copies are \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information about this rulemaking, contact the RCRA Hotline, Office of Solid Waste (OS-305), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460, (800) 424-9346 (toll free) or (703) 920-9810 in the Washington, DC metropolitan area.

For technical information contact Hugh R. Davis, Office of Solid Waste (OS-341), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460, (202) 260-7656.

SUPPLEMENTARY INFORMATION:

Preamble Outline

- I. Authority
- II. Background
- III. Summary of Today's Final Rule
- IV. Public Comments on NPRM
- V. State Authorizations
- VI. Regulatory Requirements

I. Authority

These regulations are issued under the authority of sections 1006, 2002(a), 3001, 3004, 3005, and 3015 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, (42 U.S.C. 6905, 6912(a), 6921-6927, 6924, 6925, 6930, 6934, 6935, 6937-6939, and 6974).

II. Background

On May 19, 1980, EPA promulgated comprehensive standards under 40 CFR part 265 for owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDFs) that qualify for interim status (45 FR 33153). A facility owner or operator who has fully complied with the requirements for interim status specified in section 3005(e) of RCRA and 40 CFR 270.70 may comply with the part 265 regulations in lieu of part 264 pending final disposition of the permit application. Part 265, subpart F contains ground-water monitoring requirements applicable to owners and operators of interim status landfills, surface impoundments, and land treatment facilities.

Several challenges to the 1980 interim status regulations are currently pending before the United States Court of Appeals for the District of Columbia Circuit, including a challenge to the ground-water monitoring requirements of 40 CFR 265.91(a)(2) (*Shell Oil Co. v. EPA*, D.C. Cir. No. 80-1532 and consolidated cases). Petitioners in *Shell Oil* have requested review of whether the requirement in § 265.91(a)(2) to locate hydraulically downgradient wells "at the limit of the waste management area" is arbitrary and capricious or otherwise not in accordance with law. They have explained to the Agency that they believe § 265.91(a) should be amended to allow alternate placement of hydraulically downgradient monitoring wells where existing physical obstacles prevent well installation at the limit of the waste management area. The Agency entered

into a settlement agreement requiring it to make best efforts to propose and promulgate this change. Pursuant to the agreement, the Agency proposed to amend the well placement requirements for interim status facilities on January 18, 1991 (56 FR 2108). This proposal was consistent with the amendments to the well location requirements for permitted facilities (§ 264.95) proposed in the Federal Register on July 26, 1988 (53 FR 21860).

III. Summary of Today's Final Rule

The following is a summary of the amendments made in today's rule. The details of these amendments are discussed in section IV of this preamble "Public Comments on NPRM" and supporting background documents. With the exceptions noted below, the final rule generally adopts the amendments proposed.

Sections 265.91(a) (1) and (2) currently require interim status facility owners and operators to install and operate a ground-water monitoring system consisting, in part, of at least three hydraulically downgradient monitoring wells located at the limit of the waste management area. The number, locations, and depths of these wells must ensure detection as early as possible of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

The EPA proposed on January 18, 1991 (56 FR 2108) to amend the well placement requirements for interim status facilities to a form consistent with the proposed amendments to § 264.95 for permitted TSDFs. The Agency received comments on this proposed rule and is today publishing the final rule adding § 265.91(a)(3) in response to those comments. Detailed responses to major comments are given below in Section IV of this preamble.

Specifically, § 265.91(a)(3) provides that the owner or operator of an existing facility may demonstrate that an alternate hydraulically downgradient monitoring well location will meet several criteria outlined below. The demonstration must be in writing and kept at the facility. The demonstration must be certified by a qualified ground-water scientist (discussed below) and establish that: (1) An existing physical obstacle prevents monitoring well installation at the hydraulically downgradient limit of the waste management area; (2) the selected alternate downgradient location is as close to the waste management area as practical; and (3) the location ensures detection that is as early as possible,

given the alternate location, of any statistically significant amounts of hazardous waste or hazardous constituents that migrate from the waste management area to the uppermost aquifer. EPA believes that alternate locations for downgradient wells meeting these criteria will protect human health and the environment by continuing to ensure the earliest possible detection of any migrating contaminants.

In addition to geologic features, buildings, highways, or railroads, the Agency believes that factors affecting the safety of personnel may also qualify as "physical obstacles". For example, the presence of overhead or underground electrical cables and wires, underground storage tanks and associated piping, and underground pipelines may prevent a safe well installation at the hydraulically downgradient limit of the waste management area at some sites. In these cases an alternate well location should be selected that insures detection of any statistically significant increases in constituent concentrations in the uppermost aquifer as early as possible.

Alternate locations of downgradient wells are not appropriate when physical obstacles at the limit of the waste management area may be avoided. For example, moving a well laterally from a physical obstacle, to a position still adjacent to the waste management area, may avoid the need for an alternate well location. However, the Agency does not intend to require placement of monitoring wells where installation or sampling would substantially raise the level of risk posed to individuals involved in those activities or where placement would require an extreme disruption to normal facility operations.

Today's rule also limits the availability of alternate locations of downgradient wells to units existing on the effective date of this amendment and to units subsequently made subject to interim status by new listings or expansions of the characteristics. Owners or operators of new, expanding or replacement units are not eligible to select alternate downgradient monitoring well locations as a result of physical obstacles. New, expanding, or replacement units can and should be designed to ensure that physical obstacles do not impede monitoring well placement at the downgradient limit of the waste management area. The Agency believes that wells placed at the hydraulically downgradient limit of the waste management area generally provide the greatest assurance of immediate detection.

In the proposed rule, demonstrations of the need for and location of alternate hydraulically downgradient monitoring wells must have been certified by a "qualified geologist or geotechnical engineer." Certifications by qualified geologists or geotechnical engineers are currently required under two interim status provisions: Section 260.90(c) demonstrations for waiver of ground-water monitoring requirements, and ground-water assessment plans submitted to the Regional Administrator under § 265.93(d)(2). Given the largely self-implementing interim status program, certification is necessary to provide the oversight to ensure technically sound decision-making with regard to hydrogeologic conditions. Several commenters, as is discussed in more detail below, felt that a "qualified geologist or geotechnical engineer" may not be appropriate for certifying alternate well demonstrations. The Agency agrees in general with these comments and is requiring in this rule that demonstrations of the necessity and location of alternate hydraulically downgradient monitoring wells must be certified by a "qualified ground-water scientist." This rule also promulgates a definition of "qualified ground-water scientist" in § 260.10. This definition is essentially the same, and is used for similar purposes as the definition of "qualified ground-water scientist" promulgated for solid waste disposal facilities (56 FR 50978).

IV. Public Comments on NPRM

EPA received comments in response to the notice of proposed rulemaking (NPRM) issued on January 18, 1991 (56 FR 2108). This section summarizes the major comments received and discusses how the Agency addressed specific concerns in the final rule. Additional discussion of comments received is provided in a separate response to comment document available in the docket for this rule.

A. Future Interim Status Units

Several commenters stated that some existing units that are not currently managing hazardous waste may be drawn into interim status because they are managing a waste that is identified as hazardous in the future. The commenters felt that these units, as well as units existing as of the date of the final rule, may be subject to physical constraints that necessitate alternative well placement. EPA agrees with the commenters that units existing as of the date of the final rule and those units that obtain interim status through future

rulemakings are eligible for alternate downgradient well placement.

B. New, Expanding and Replacement Units

The Agency received comments both in favor and against applying the alternate well location standard to new, expanding and replacement units. Several commenters argued that alternate downgradient well placement should be allowed for new, replacement and lateral expansions of existing units. These commenters argued that facilities may not be able to avoid physical obstacles which impede the placement of monitoring wells at the downgradient limit of the waste management area of new or expanding units.

The Agency continues to believe that alternate downgradient monitoring wells must be limited to existing units with existing physical barriers. Flexibility is necessary to address conditions existing prior to the effective date of this or future rulemakings. The Agency believes that planning on the part of the owner or operator will enable them to meet the performance standard of installing, operating, and maintaining a ground-water monitoring system capable of detecting releases of hazardous constituents. The Agency continues to believe that wells placed at the hydraulically downgradient limit of the waste management area have the highest probability of meeting this standard.

This rule, by only allowing alternate well locations for existing units, will not prevent the construction of new, expanding, or replacement units. Nor will it significantly impede the design of such units where physical obstacles are present. New, expanding, and replacement units can and must be designed with adequate space between the edge of the unit and any physical obstacle such that well installation equipment can be driven and operated in that space. In general, wells can be drilled in narrow spaces, such as has been done in the area between two existing surface impoundments. A facility replacing a unit with alternate well locations will be able to install new wells at the limit of the waste management area without losing a significant portion of the unit's waste management capacity. Additional design changes, such as increasing the depth of the waste management unit, may be made during the excavation and construction of the replacement unit to enable the owner/operator to recoup any capacity lost to well placement.

C. Professional Certification

In the proposed rule, the facility owner or operator must obtain certification of the alternate well location demonstration by a "qualified geologist" or "qualified geotechnical engineer." The proposed rule described the Agency's view of the qualifications of a "qualified geologist" and "qualified geotechnical engineer". Several commenters felt that a "qualified geologist or geotechnical engineer" may not be appropriate for certifying alternate well demonstrations. Commenters cited that certain geologists and geotechnical engineers are not qualified to perform hydrogeological assessments, to install ground-monitoring wells or to perform other ground-water related work. Commenters also felt that qualified hydrogeologists may not meet either of the Agency's definitions. One commenter suggested that the appropriate title for the individual certifying an alternate well demonstration was a "qualified ground water professional."

We agree in general with these comments and have modified the final rule in response. The final rule requires that alternate downgradient well location demonstrations be certified by a "qualified ground-water scientist", instead of a "qualified geologist or geotechnical engineer." This new definition is broader than the two definitions in the proposed rule. Thus, qualified individuals more clearly include hydrogeologists as well as geologists and geotechnical engineers. As commenters noted, a geologist or geotechnical engineer with a baccalaureate may not be qualified to perform hydrogeological assessments. The definition of "qualified ground-water scientist" in the final rule gives criteria, such as additional courses, that may render such an individual qualified. The Agency believes that specialized coursework and training should include physical geology, ground-water hydrology or hydrogeology, and pertinent environmental chemistry (e.g., organic chemistry, inorganic chemistry, soil chemistry, aquatic chemistry, or low temperature geochemistry).

The Agency agrees with commenters that the Agency description of the certifying individual should be defined in the regulations. In this rule, EPA is adding the following definition of "qualified ground-water scientist" to § 260.10. "A qualified ground-water scientist means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in

ground-water hydrology and related fields as may be demonstrated by state registration, professional certification, or completion of accredited university courses that enable that individual to make sound professional judgments regarding ground-water monitoring and contaminant fate and transport." The Agency replaced the term "hydrogeological processes" from the proposed rule with "ground-water monitoring" in the final definition because the latter term more accurately describes the expertise required for the purposes of this definition.

The Agency believes that as the ground-water profession is multidisciplinary, this definition is not overly prescriptive and provides necessary flexibility. The Agency plans to revise other ground-water related certification provisions in 40 CFR part 265 so that they are consistent with the § 260.10 definition for qualified ground-water scientist in a future rulemaking.

Commenters also recommended specific certifying organizations. While the Agency does include professional certification in its definition of a qualified ground-water scientist, it does not agree that this definition must include certification by any specific organizations. The definition provides that the certification (or other experience) must demonstrate that the individual has sufficient training and experience in ground-water hydrology to make professional judgments regarding ground-water issues. Although the Agency does not endorse any specific organizations that provide certifications, it included certification as one of the methods to demonstrate the qualifications of the certifying individual.

D. Immediate Detection

The proposed rule required that an alternate location be as close to the downgradient limit of waste management area as possible while ensuring immediate detection of releases. Several commenters argued that an alternate well location, which is at a distance from the downgradient limit of the waste management area, will not be able to immediately detect releases. The Agency agrees with this comment. The Agency continues to believe that wells placed at the downgradient limit of the waste management area are optimally located to detect releases. The goal of today's rule is to require monitoring wells with alternate locations to detect releases as soon as possible. Accordingly, the final rule does not contain the phrase "immediate detection" and instead,

requires that the " * * * location ensures detection that, given the alternative location, is as early as possible * * *"

Commentors also requested clarification of the use of the word "practical" in the phrase, "the selected alternate downgradient location is as close to the limit of waste management area as practical." There are various circumstances, many site specific, that determine how close a well may be installed to an obstacle. No generic regulatory standard could provide meaningful guidance on all of the factors that might be relevant to an individual, site-specific decision. In general, EPA believes that a well should be installed as close to the obstacle as physically possible without (1) affecting the performance of the well; (2) damaging the obstacle; and, (3) endangering the installation or sampling crews. For example, a well should not be installed so close to a pipeline that it might damage the pipeline or cause contamination of the well. Similarly, a drilling crew must maintain a distance during well installation from obstacles, such as buried product storage tanks or electrical cables, that ensures their safety. The owner or operator should discuss any factors that influence the positioning of the well in his or her certified demonstration.

V. State Authorizations

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have independent enforcement authority.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State which the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the

State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA requirements apply in authorized States in the interim.

B. Effect on State Authorizations

Today's rule is not effective in authorized States since the requirements are not being imposed pursuant to the Hazardous and Solid Waste Amendments of 1984. Thus, the requirements will be effective only in those States that do not have final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law.

Section 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect more stringent Federal program changes, and must subsequently submit the modification to EPA for approval. Generally, these authorized State programs must be revised to adopt those changes in a Federal program that are more stringent or broader in scope than existing Federal standards.

For those Federal program changes that are less stringent or reduce the scope of the Federal program, States are not required to modify their programs (see § 271.1(k)). Today's rule reduces the stringency of § 265.91(a). Therefore, authorized States may, but are not required, to modify their programs to adopt requirements equivalent or substantially equivalent to those in today's rule. Because today's requirements are less stringent than the existing Federal requirements, it is unlikely that any authorized State has equivalent requirements.

VI. Regulatory Requirements

A. Regulatory Impact Analysis

Exexecutive Order 12291 requires EPA to determine whether a new regulation will be "major" and, if so, that a Regulatory Impact Analysis be conducted. A major rule is defined as a regulation that is likely to result in:

1. An annual effect on the economy of \$100 million or more;

2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

3. Significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Agency has determined that today's rule is not a major rule, because it does not meet the above criteria. Today's action adds flexibility to the current interim status ground-water monitoring requirements, and does not impose further resource burdens on the regulated community.

B. Paperwork Reduction Act

The information collection and recordkeeping requirements in this proposed rule have been submitted for approval to the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Recordkeeping burden on the public for this proposal is estimated at 1800 hours for the respondents, with an average of 20 hours per response. These burden estimates include all aspects of the recordkeeping effort and may include time for reviewing instructions, searching existing data sources, and gathering and maintaining necessary data.

List of Subjects in 40 CFR Parts 260 and 265

Administrative practice and procedure, Ground-water monitoring, Hazardous materials, Hazardous waste, and Reporting and recordkeeping requirements.

Dated: December 9, 1991.

F. Henry Habicht II,
Acting Administrator.

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921-6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

2. In § 260.10 by adding in alphabetical order the following definition:

§ 260.10 Definitions.

* * * * *

Qualified Ground-Water Scientist means a scientist or engineer who has

received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in ground-water hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university courses that enable that individual to make sound professional judgements regarding ground-water monitoring and contaminant fate and transport.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

2. In § 265.91 by adding paragraph (a)(3) to read as follows:

§ 265.91 Ground-water monitoring system.

(a) * * *

(3) The facility owner or operator may demonstrate that an alternate hydraulically downgradient monitoring well location will meet the criteria outlined below. The demonstration must be in writing and kept at the facility. The demonstration must be certified by a qualified ground-water scientist and establish that:

(i) An existing physical obstacle prevents monitoring well installation at the hydraulically downgradient limit of the waste management area; and

(ii) The selected alternate downgradient location is as close to the limit of the waste management area as practical; and

(iii) The location ensures detection that, given the alternate location, is as early as possible of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

(iv) Lateral expansion, new, or replacement units are not eligible for an alternate downgradient location under this paragraph.

* * *

[FR Doc. 91-30187 Filed 12-20-91; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 280

[FRL-4086-5]

Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today promulgating a rule to amend the financial responsibility requirements for underground storage tanks (USTs) containing petroleum that appeared in the Federal Register on October 26, 1988 (53 FR 43322), as amended October 31, 1990 (55 FR 46022). Specifically, this rule modifies the compliance dates under 40 CFR 280.91(d). Under the modification, all petroleum marketing firms owning 1 to 12 USTs at more than one facility or fewer than 100 USTs at a single facility and non-marketers with net worth of less than \$20 million are required to comply with the requirements of 40 CFR part 280 subpart H—Financial Responsibility—by December 31, 1993. Today's rule extends the deadline from the previous date of October 26, 1991. This change will provide additional time for the development of financial assurance mechanisms (especially State assurance funds) to enable this group to comply.

EFFECTIVE DATE: The amendment to 40 CFR 280.91(d) contained in this rulemaking is effective December 23, 1991.

ADDRESSES: The public docket for this rule is in room M2427, U.S. EPA, 401 M St., SW., Washington, DC 20460. Call (202) 260-9327 for an appointment to review docket materials.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424-9346 (toll free) or (703) 920-9810 in Virginia. For technical questions, contact Andrea Osborne in the Office of Underground Storage Tanks at (703) 308-8883.

SUPPLEMENTARY INFORMATION: On October 26, 1988, EPA promulgated financial responsibility requirements applicable to owners and operators of underground storage tanks (USTs) containing petroleum (53 FR 43322). In the final rule, EPA established a phased schedule of compliance for owners and operators of petroleum USTs. Petroleum marketing firms with 1 to 12 USTs at more than one facility or fewer than 100 USTs at a single facility, local government entities, and non-marketers whose net worth is less than \$20 million were required to comply with the

financial responsibility requirements by October 26, 1990. The principal reason for adopting the phased compliance approach was to provide the time necessary for providers (including private insurance companies and States intending to establish State assurance funds) of financial assurance mechanisms to develop new policies and programs or conform their policies and programs with EPA requirements. (See 53 FR 43324.)

On October 31, 1990, EPA published regulations (55 FR 46022) extending for one year (to October 26, 1991) the compliance deadline for marketers with 1 to 12 USTs at more than one facility or fewer than 100 USTs located at a single facility and non-marketers whose net worth is less than \$20 million. The compliance deadline for local governments was extended until one year after the promulgation of a final rule providing additional mechanisms for local governments. Additional mechanisms for local governments were proposed on June 18, 1990 (55 FR 24692).

Since October 1990, EPA has continued to monitor the development of financial assurance markets, especially (1) insurance for corrective action and third party liability and (2) State assurance funds, to determine whether financial assurance mechanisms are becoming available to satisfy the needs of the regulated community. Based on this on-going review, EPA believes that tank owners required to comply by October 26, 1991, need additional time to meet insurers' standards for coverage. Also, States need additional time to develop State assurance funds, to submit them to EPA for review and approval as financial assurance mechanisms, and to make any modifications necessary for approval. Therefore, EPA is extending the compliance date for marketers with 1 to 12 USTs at more than one facility or fewer than 100 USTs at a single facility and non-marketers whose net worth is less than \$20 million from October 26, 1991 to December 31, 1993. The Agency believes that this 26-month extension for Category IV tank owners will provide adequate time for tank owners and operators to obtain assurance. By October 1990, when the deadline was previously extended, EPA had approved 14 State assurance funds and had begun to review 11 State assurance funds that were submitted to EPA for approval. (It is important to note that upon submission of a State assurance fund, the fund is considered to be approved unless and until EPA disapproves it.) During the subsequent 12 months, an additional 13 State assurance funds