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RCRA Implementation Plan (RIP): Fiscal Years 1996-97

RCRA Implementation Plan (RIP): FY 1996-1997

U.S. Environmental Protection Agency
Office of Solid Waste/RCRA Information Center (5305W)
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 8 1995

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: FY 1996-97 RCRA Implementation Plan

FROM: Elliott P. Laws
Assistant Administrator

TO: Regional Waste Management Division Directors
Regions I - X

State Waste Management Directors

Attached is the final FY 1996-97 RCRA Implementation Plan (RIP). We appreciate the commitment you made to assist us in developing this guidance. OSWER has for several years looked for opportunities to increase available Regional and State flexibility in our RCRA operating guidance. As part of that effort, in FY 1994 OSWER piloted the conversion of its annual operating guidance to a two year cycle. As part of this pilot, the FY 1995 RIP was issued as a brief, clarifying addendum to the guidance issued in FY 1994. As the States and Regions have enthusiastically endorsed the concept of a 2-year planning cycle, the FY 1996-97 RIP is our first 2-year guidance issued as standard operating procedure.

As part of our effort to develop comprehensive operating guidance and accountability mechanisms, we invited Regional, State, and Tribal representatives to participate in our RIP and State Grant workgroups this year. These workgroups completed five months of work and made recommendations in Washington D.C. at the December 13-15, 1995 National RIP/State Grant meeting.

The attached FY 1996-97 RIP includes both changes and clarifications to the FY 1994 RIP, the FY 1995 Addendum, as well as additional guidance in the following areas:

- Waste Minimization
- Corrective Action
- State Grants
- Beginning of Year Plans
- Indian Programs
- Environmental Justice
- Information Management
- State Authorization
- Permitting\Closure
- Subtitle D activities

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However, we need to draw special attention to several areas. These include:

- Budgeting for Community-based Environmental Protection,
- Environmental Justice,
- Coordination with the Office of Enforcement and Compliance Assurance (OECA), and
- Substantive changes in the Beginning of Year Plan (BYP).

In an effort to improve how EPA serves the public, the Agency is moving forward with Community-based Environmental Protection. In his February 15, 1995, memorandum to Regional Administrators, Deputy Administrator Fred Hansen outlined the steps EPA Regional Offices should be considering in developing their strategies to implement this concept. For FY 1996 and FY 1997, a minimum level of 20% of each Regional budget should be directed to support Community-based Environmental Protection; this change should also reflect an equivalent number of FTEs assigned to community-based efforts. The FY 1996-97 RIP provides Regions and States with the flexibility to balance existing programmatic priorities with new EPA initiatives such as Community-based Environmental Protection.

In the area of Environmental Justice, OSWER has developed an Action Agenda which forms a strategy for addressing key environmental justice issues. The overall strategy makes a concerted effort to identify explicit actions which can be taken by Headquarters and the Regions to address environmental justice issues. This agenda can be used to address environmental justice concerns and form the basis of Regional strategies for site specific activities. The importance of addressing environmental justice concerns during RCRA permitting activities continues to be a priority for the Agency and this Office. The Regions should continue to implement environmental justice pilots as discussed in the RIP.

During FY 95, EPA HQ completed a reorganization of all enforcement into a new Office of Enforcement and Compliance Assurance (OECA). As a result of this reorganization, some corrective action responsibilities have been reassigned from OSWER to this Office. To ensure consistent reporting for corrective action, OSWER and OECA will be working together to coordinate the content and timing of OSW's Beginning of Year Plan process with OECA's MOA process.

Finally, there have been several changes made to the FY 1995 BYP format. In response to concerns raised by Regions and States over reflection of actual workload, we have added questions to the BYP on Permit Renewals, Waste Minimization, Tribal Programs, and Geographic/Combustion Initiatives. In addition, there will be no agency STARS reporting in FY 1996. As mandated by the Government Performance and Results Act, EPA is currently developing a system for establishing environmental goals, and for measuring progress made in meeting those goals. For example, the

agency will be using more environmental indicators and less bean counting as measures of performance. However, until a new system is in place, the FY 1996 BYP guidance will serve as the primary accountability mechanism for the RCRA program. The FY 1996 BYP will be issued as an addendum to the FY 1996-97 RIP after a final agreement is reached with OECA regarding coordination with their MOA process.

Thank you for your active participation in developing the various components of the FY 1996-97 operating guidance . As always, we would appreciate any comments or suggestions you have for improving future guidance development.

Attachment

cc: Tom Kennedy, Executive Director, ASTSWMO
Michael Shapiro, Director, OSW
Steven Herman, Assistant Administrator, OECA
RCRA Branch Chiefs, Regions I - X
Devereaux Barnes, Director, PSPD
Jeff Tumarkin, PSPD

INTRODUCTION

The FY 1996-97 RCRA Implementation Plan (RIP) defines the national policy and strategic goals and priority activities for the RCRA solid and hazardous waste program. These goals and activities are key elements in EPA, State, and Tribal efforts to promote waste minimization, ensure environmentally sound waste management, and reduce risks posed by releases of hazardous waste to the environment. The Office of Solid Waste's (OSW) vision is to move toward a more flexible RCRA program that protects public health and the environment through a variety of regulatory and non-regulatory approaches in partnership with the States and Tribes.

As the RCRA program faces changing priorities, it is essential that we take steps to both strengthen the program and better communicate the results of the RCRA program. OSW's strategic goals for FY 1996-97 are to:

- *Exercise leadership in promoting industrial waste minimization while moving towards a waste management system that tailors management approaches to risk.*

- *Refocus information and recordkeeping to meet customer needs and take advantage of new technology to streamline information collection, management, and dissemination.*

- *Establish a dynamic partnership among EPA, States, and Tribes that provide for mutual priority setting and worksharing to implement the RCRA program.*

- *Reduce federal oversight while emphasizing technical assistance and core program consistency issues.*

- *Provide national leadership for municipal solid waste source reduction and recycling.*

- *Make cleanups happen; focus on performance rather than process.*

The FY 1996-97 RIP was developed within the above strategic framework, as well as the broader agency themes of Environmental Justice and Community-based Environmental Protection.

In the area of Environmental Justice, OSWER has developed an Action Agenda which forms a strategy for addressing key environmental justice issues. The overall strategy identifies explicit actions which can be taken by Headquarters and the Regions to address environmental justice issues. This agenda should be used to address environmental justice concerns and form the basis of Regional strategies for site specific activities. The importance of addressing environmental justice concerns during RCRA permitting and cleanup activities continues to be a priority for the Agency and this Office. The Regions should continue to implement environmental justice pilots as discussed in the RIP.

Additionally, the FY 1996-97 RIP provides the flexibility to balance existing programmatic priorities with the new Community-based Environmental Protection (CBEP) initiative. The purpose of this initiative is to bring the government closer to the people it is meant to serve. Instead of addressing environmental problems piecemeal, statute by statute, and then applying a one-size-fits-all solution, CBEP addresses environmental problems in the context of the community in which they occur. On February 15, 1995, the Deputy Administrator of EPA asked each Region and each national program office to develop action plans for promoting CBEP. In response to this request, OSWER issued a draft action plan on April 28, 1995, which presents current, short-term and longer-term OSWER activities to support CBEP. Regions will also be expected to incorporate appropriate RCRA activities into the action plans that they develop.

Within this framework, the FY 1996 and FY 1997 Beginning of Year Plans (BYP) will serve as the primary vehicle through which EPA Regions will report on projected activities and accomplishments in the RCRA program.

EXECUTIVE SUMMARY

PERMITTING & CLOSURE

The permitting strategic goals for FY'96 and FY'97 are to: (1) demonstrate progress in the permitting universe consistent with the priority ranking of facilities; (2) develop a strategy to ensure that operating Boilers and Industrial Furnaces (BIFs) meet all appropriate requirements for safe operation; and (3) prevent and reducing risks at closed and closing land disposal facilities. **Permitting priorities for the next two years are:**

1. **High priority interim status land disposal and combustion facilities; and**

2. **Permit renewals for high priority land disposal and combustion facilities.**

CORRECTIVE ACTION

In FY 96-97 Regions and States are strongly encouraged to make renewed efforts to expedite investigations and cleanup decisions at RCRA facilities, however, EPA--along with the States and other stakeholders--is exploring alternatives that may result in a "faster, better" program. Certain "streamlining" approaches have already been found successful by Regions and States.

In addition, FY 96 will be the first year for the program to fully implement several important new tools that will allow EPA and the States to do a much better job of tracking the progress and measuring the environmental results of the corrective action program. These new tools are expected to be of considerable benefit to Regions, States and EPA headquarters.

STATE AUTHORIZATION

During FY'96-97, EPA will continue exploring authorization process and management structure changes that will improve the pace of Subtitle C authorization among the States. Through the HWIR rule-making process, we will explore the possibility of increased authorization flexibility. EPA will soon issue guidance to streamline the authorization process for EPA rules that are less stringent, and therefore optional for States to adopt, since many of them offer more flexible procedures. EPA will also explore streamlining opportunities for all other rules.

RCRA §3011 STATE HAZARDOUS WASTE GRANT

This is the first time in several years that the State Hazardous Waste Grant has been addressed in the RIP. As the allocation methodology for this grant has recently gone through a substantive reevaluation process, this section of the RIP highlightS changes that will be made in the FY'96 allocation methodology. This section also provides clarification for the Geographic Initiatives (GIs) portion of the grant through a discussion of expectations for and restrictions associated with these initiatives.

WASTE MINIMIZATION

The Waste Minimization National Plan (November 1994) outlines major goals, objectives, and action items toward national reductions in persistent, bioaccumulative, and toxic constituents present in hazardous waste. Particular preference is given to source reduction and recycling as waste management techniques. Implementation of the Waste Minimization National Plan requires program emphasis toward more contact and interaction with hazardous waste generators. Regions and States are encouraged to promote opportunities for waste minimization in facility permitting, inspection, enforcement, outreach, and technical assistance activities.

RCRA INFORMATION MANAGEMENT

During FY'96-97 information resources should be targeted towards areas addressing both immediate and strategic improvements:

- collection and quality assurance of data for the 1995 Biennial Report;
- assuring that information reflecting program milestones and environmental goals will be timely, accurate and complete in RCRIS;
- supporting information and business re-engineering activities for the Waste Information Needs (WIN) initiative; and
- utilize existing databases to prioritize waste minimization activities.

RCRA ACTIVITIES IN INDIAN COUNTRY

The objective of OSW's Indian Program is to: 1) build tribal capacity to implement RCRA, 2) develop tribal organizational infrastructures to support RCRA activities and 3) build partnerships among tribes, states and local communities.

The primary goal for FY'96-97 will be to assist tribes in building the capacity to develop and administer environmental programs. The Regions and Tribes should work together to determine which specific program activities each Tribe should undertake, depending on need, capacity and resource availability. While Tribes are not currently eligible to receive funding under RCRA Section 3011, they are eligible to receive grant assistance for both hazardous and solid waste activities under RCRA Section 8001.

MUNICIPAL AND INDUSTRIAL SOLID WASTE MANAGEMENT

The objectives of EPA's municipal solid waste (MSW) program for FY 1996-97 are to: (1) ensure protection of health and the environment; (2) comply with the mandates of Subtitle D of RCRA; (3) promote pollution prevention by fostering source reduction and recycling; (4) implement the Administrator's recycling market development strategy (**"Recycling Means Business"**); (5) actively participate in partnerships to promote and implement integrated waste management; and, (6) provide national leadership.

PERMITTING
&
CLOSURE

PERMITTING & CLOSURE

The permitting strategic goals for FY'96 and FY'97 are to: (1) demonstrate progress in the permitting universe consistent with the priority ranking of facilities; (2) develop a strategy to ensure that operating Boilers and Industrial Furnaces (BIFs) meet all appropriate requirements for safe operation; and (3) prevent and reducing risks at closed and closing land disposal facilities. **Permitting priorities for the next two years are:**

1. **High priority interim status land disposal and combustion facilities; and**

2. **Permit renewals for high priority land disposal and combustion facilities.**

When deciding on priorities between these two areas, the Regions and States should decide which activity provides the most environmental benefit. In addition, the Regions and States should emphasize risk reduction through closure activities and waste minimization along with environmental justice considerations. Permitting activities at certain Subpart X facilities are also important.

Final permit determinations, permit modifications, permit renewals, closure plan approvals, and certification of closure are benchmarks for facilities as they meet their environmental obligations under RCRA. These activities are key measures for bringing facilities fully into the RCRA system and for ensuring that they fulfill their obligations throughout facility life.

DEMONSTRATING PROGRESS AT PRIORITY FACILITIES

It is important for Regions and States to demonstrate progress in all areas of the permitting universe consistent with the priority ranking of facilities.

Regions and States should implement activities to achieve both timely reduction of existing risk and long term prevention of future risks at facilities in the permitting universe. Regions and States emphasize permitting of high priority land disposal facilities and combustion facilities. As a means of reducing risk, Regions and States should look at waste reduction opportunities during permitting of these high priority facilities. Reducing risk at closed and closing facilities is also a priority. However, Regions and States should look for opportunities in corrective action and enforcement mechanisms to accomplish this goal.

Regions and States should continue to emphasize permitting activities at high priority land disposal facilities, boilers and industrial furnaces, and closed facilities. Regions and States

emphasize permit renewal activities at high priority land disposal facilities and combustion facilities. Due to resource considerations, Regions and States will be given flexibility to determine how many priority facilities are targeted for permit renewals.

States and Regions must choose how to handle medium and low priority facilities where activities are underway. If substantial work has been completed toward a permit activity, the most efficient choice may be to complete that activity. However, where substantial work remains, movement through the pipeline may not be justified. Regions and States should expedite action at high priority facilities, even if this means deferring activity at lower priority facilities.

Permitting activities should emphasize the most effective means to achieve timely risk reduction. At some facilities, obtaining timely risk reduction may mean expediting permit issuance. At other facilities, especially those requiring closure activities, imposing corrective action through Section 3008(h) orders may be the most effective way to accomplish near term risk reduction while permitting activities are on a longer schedule. Likewise, risk reduction may be accomplished through waste minimization and pollution prevention activities at facilities. These activities should be encouraged when developing Regional and State permitting strategies for high priority activities.

BOILERS AND INDUSTRIAL FURNACES (BIFs) ARE A SIGNIFICANT CATEGORY OF FACILITIES THAT REMAIN TO BE PERMITTED

Regions and States should develop a strategy to ensure that operating BIFs meet all applicable requirements for safe operation.

For FY'96, Regions and State should continue their permitting priorities for combustion facilities in accordance with the priority scheme included in the November, 1994 release of the Waste Minimization and Hazardous Waste Combustion Strategy. This consists of giving higher priority to existing interim status facilities for which a final permit decision would result in the greatest environmental benefits to the surrounding communities or the greatest reduction in overall risk to the public. Regions and States now have flexibility to include permit renewals in this category if they meet the priority criteria. Low priority should continue to be given to those permit applications of new, non-replacement combustion facilities.

Regions and States should continue to call in all outstanding permit applications according to the permitting priority of the strategy, but in a manner that would not trigger

permitting time requirements which may divert resources away from the high priority permit actions. However, the overall goal is to call in all combustion permit applications within the shortest time possible.

PREVENTION AND RISK REDUCTION AT CLOSED AND CLOSING LAND DISPOSAL FACILITIES

Addressing environmental risks at closed and closing land disposal units is an important goal of the RCRA program.

Regions and States should continue to conduct a variety of activities to address environmental risk at high priority land disposal facilities. At some facilities, post-closure permits should be issued, while at others, environmental risk may be addressed using enforcement actions or state mechanisms. For previously permitted facilities, the permit should be extended to cover the post-closure care period. At unpermitted facilities, Regions and States should select the activity to address the facility based on site-specific factors including the financial status of the owner or operator, recalcitrance, and availability of suitable state mechanisms.

SUBPART X (MISCELLANEOUS UNITS) PERMITTING ASSISTANCE

Implementation of Subpart X in Regions and States should promote national consistency.

During FY'95, OSW will complete development of the Subpart X Permit Writers' Technical Resource Document and the Subpart X Permit Writers' training course. Although the permitting priorities in FY'96 will continue to focus on making progress at high priority land disposal and BIF facilities, and reduction of risks at high priority closed facilities, it is anticipated that some permit determinations at high priority Subpart X (e.g., OB/OD) facilities will be made. High priority Subpart X facilities could include Federal facilities treating large volumes of ordnance on a regular basis. To help foster a consistent approach in the permitting of these types of TSDFs, the Office of Solid Waste will selectively provide technical assistance where needed.

DEVELOP A STRATEGY TO RESPOND EFFECTIVELY TO ALL ENVIRONMENTAL JUSTICE ISSUES

Regions and States should consider environmental justice concerns as they arise during the RCRA permitting process.

Regions and States should develop mechanisms to respond effectively to environmental justice concerns at priority ranked facilities. The importance of addressing environmental justice concerns at hazardous waste management facilities was discussed

in the FY'95 RIP Addendum and the OSWER 1994 Environmental Justice Task Force Draft Report. The Regions have recognized the importance of responding to environmental justice in the Implementation Plans they submitted in response to the OSWER's Task Force Draft Report.

For FY'96 Regions and States should continue their commitment to look for opportunities to address patterns of disproportionately high and adverse environmental effects and human health impacts on low-income and minority communities that may result from hazardous waste management activities. Regions and States should commit to conducting at least one environmental justice pilot project in an area that is targeted in FY'96 for priority permitting activities. These pilot projects could involve various activities including: increasing public involvement by tailoring outreach activities to affected communities, factoring unique environmental justice considerations into public health surveys or assessments, evaluating demographics (e.g., examine population and income levels at various RCRA sites), and including specific permit conditions to address demographic concerns.

THE OFFICE OF RESEARCH & DEVELOPMENT WILL PROVIDE TECHNICAL REVIEW OF RD&D PERMITS

As the corrective action program continues to progress, facilities are likely to have a greater interest in conducting small and large-scale treatability studies for treatment technologies. Small-scale studies can be implemented both on- and off-site through the current or revised treatability Study Exemption rule (assuming the state has adopted the rule). However, larger pilot-scale studies (i.e., greater than 10,000 kg), including most in-situ studies, may require permit modifications or RD&D permits (40 CFR 270.65). For these situations, RCRA permit writers may consider using the Office of Research and Development's (ORD's) expertise to assist in the review of permit applications. ORD has agreed to provide technical support for RD&D applications when staff resources are available. The permit writer may contact Doug Grosse with ORD's Cincinnati Risk Reduction Engineering Laboratory at (513/569-7844) for further information.

CORRECTIVE ACTION

CORRECTIVE ACTION

I. Overview

For the past several years the general strategy for implementing the RCRA Corrective Action program has consisted of the following main elements:

- Work toward completing initial assessments and NCAPS rankings at all TSDFs.
- Focus resources and actions at High NCAPS facilities;
- Continue implementing the stabilization initiative;
- Build the program's capabilities through effective worksharing arrangements with the States;
- Tailored oversight and disinvestment from lower priority facilities when feasible.

This strategy has been successful in a number of areas: most TSDs have been assessed and prioritized for corrective action; twenty-four states are authorized for the program; and, there has been improvement in implementing the stabilization initiative. The Agency believes that this general strategy for implementing the program still makes sense given the size of the program and the finite resources available to EPA and the States. Thus, in FY 96 Regions and States should continue to direct their activities and resources according to this same general strategy.

It has become increasingly evident, however, that this strategy (which originated from the 1990 RCRA Implementation Study) has not been entirely successful. The rate of progress in implementing actual cleanup actions at RCRA facilities has not met the original expectations of the Agency. To some extent this can be attributed to the "command and control" oversight approach that has been the norm in this program, and has been presumed in guidance (e.g., the CAP) since the program's inception, as well as in the 1990 Subpart S proposal. In the context of finalizing Subpart S regulations, EPA--along with the States and other stakeholders--is exploring alternatives to this traditional oversight approach that may result in a "faster, better" program. In the meantime, Regions and States are strongly encouraged to make renewed efforts to expedite investigations and cleanup decisions at RCRA facilities. Certain "streamlining" approaches have already been found successful by Regions and States; these are discussed further in Section III of this Chapter.

In addition, FY 96 will be the first year for the program to fully implement several important new tools that will allow EPA and the States to do a much better job of tracking the progress and measuring the environmental results of the corrective action program. These new tools, which are expected to be of

considerable benefit to Regions, States and EPA headquarters, are described in Section III of this chapter.

II. General Implementation Approach

A. ASSESSMENTS

Regions and States should ensure that initial assessments have been completed at all TSDs in the Workload Universe by the end of FY96.

For several years one of the primary goals of this program has been to complete the task of assessing all TSDs as identified in the workload universe by the end of FY96. We are fairly close to achieving this assessment goal. As explained in previous RIPs, the universe of TSDs subject to this deadline is limited to the "core" universe of facilities that are required by statute to address corrective action concerns. This does not include converters, non/late filers, or clean closed facilities. (For further explanation on the workload universe see Section III of this Chapter, and the Information Management Chapter of this RIP).

Under certain circumstances, there will be some TSDs that will not be assessed because the RCRA program is transferring cleanup responsibility to another program (e.g., Federal facilities to be transferred to Superfund). Regions and States should finish assessing all remaining TSDs in the workload universe to ensure that the program can accurately describe the core universe and can show that program resources are directed towards the highest priority facilities.

B. IMPLEMENTING THE STABILIZATION INITIATIVE

The program will continue to emphasize stabilization actions to address actual or imminent exposures and to prevent the further spread of contamination.

The Stabilization Initiative is the primary implementation strategy of the corrective action program. The RCRA corrective action program perceives a greater environmental benefit through controlling releases, stabilizing, and reducing risks to human health and the environment at all High priority facilities in the near term, than in achieving "final" cleanup at fewer sites. The Stabilization Initiative includes not only implementing near term interim measures, but also disinvesting from stabilized facilities where possible and moving on to the next High priority facility.

Specific guidance on implementing the stabilization initiative is available through the Stabilization Strategy and Guidance (October, 1991). However, there are a few points that deserve emphasis. First, stabilization measures should be implemented at facilities as early as possible (i.e., post RFA, early RFI) and should be implemented in phases where appropriate (e.g., source removal in phase I, and pump and treat of groundwater in phase II). Secondly, the Agency continues to strongly encourage the stabilization of High priority facilities whether under Federal/State authorities or through voluntary actions. Lastly, with certain exceptions (e.g. base closure), final cleanups should be pursued only at High priority facilities where it is determined that a stabilization approach is inappropriate based on timing and/or resource considerations, or is impractical for technical reasons.

C. WORKSHARING WITH THE STATES

Regions should continue to build good working relationships with the States to increase capabilities and move States toward authorization.

The program has seen a significant increase in the number of authorized States and in the amount of State involvement with corrective action. As more States become authorized or assume corrective action responsibilities prior to authorization, more resources will become available to address the universe of facilities. Where possible, States not yet authorized but showing full capability should be given the oversight role at facilites to free up Regional resources to move on to other High priority facilities.

It should be understood that worksharing arrangements with States should strive to minimize duplication of effort by Regional and State staff.

D. FOCUS ON HIGH PRIORITY FACILITIES--DISINVESTMENT AND DIFFERENTIAL OVERSIGHT

Regions and States should seek opportunities to disinvest from and tailor the level of corrective action oversight at Medium or Low NCAPS facilities already in the pipeline.

In FY96, Regions and States should continue efforts to disinvest from Medium/Low NCAPS facilities. Some progress has been made in this area, and some Regions and States have developed specific policies and strategies for disinvesting form lower priority facilities (Region V is one example). However, one of the general findings of the corrective action Regional

reviews was that considerable opportunities remain for disinvestment. This will continue to be a program emphasis.

III. Accelerating the Pace of the Program, Making Improvements in Tracking and Reporting for Corrective Action, and Environmental Justice

A. ACCELERATING THE PACE OF THE PROGRAM

As explained earlier in this Chapter, the program must redouble its efforts to increase the rate at which corrective action occurs. In many cases, the administrative process, which was designed to be a flexible tool to help implement the program, has become a rigid structure that can impede rather than assist in implementing corrective action at facilities. In order to achieve the objective of faster, better cleanups, the program must look for opportunities to use innovative techniques and processes that will streamline corrective action. A number of tools and techniques have been adopted by Regions and States to expedite the investigation and decision making process, and have been described in previous RIPs. These include:

- Working with owner/operators to implement priority stabilization actions as early in the process as possible;

- Encouraging the use of innovative technical tools, including new site characterization techniques, and treatment technologies (e.g. direct push technologies);

- Using performance standards in specifying cleanup requirements in permits and orders, rather than reviewing and approving detailed plans;

- Communicating (and educate if necessary) with owner/operators early in the process;

- Working with States to encourage the use of alternate State authorities to implement cleanups at RCRA facilities, when feasible and analogous/consistent with RCRA;

- Encouraging owner/operators to initiate appropriate cleanup actions voluntarily (i.e., without prior direction/approval including cases where there is no existing permit or order, and no oversight by regulators);

- Disinvesting or substantially scaling back oversight of lower priority sites, as well as certain High priority facilities where the owner/operator is capable and trustworthy;

- Working closely and effectively with other State/Federal agencies to share the workload and avoid any duplicative oversight.

- Using the CAMU rule when appropriate (i.e., when a CAMU will result in a better remedy);

- Avoiding unnecessary procedural steps whenever feasible (e.g., eliminate the CMS if a desirable remedy can be identified without one). Presumptive remedy guidance developed by Superfund may be useful in these situations;

- Focusing investigations and cleanup actions based on the specific environmental priorities within the facility (e.g., stabilize the hot spots or off-site releases while investigating the rest of the site).

Regions and States should also continue to fully and flexibly use all available corrective action tools. In keeping with the FY96 OECA priority operating principles, the full range of enforcement and compliance assurance tools should be used in the corrective action program. This includes relying on alternative state authorities to implement corrective actions. RCRA enforcement authorities under §7003 and §3013 can be used to require investigations. Section 7003 is also a powerful tool to compel cleanups. In addition, multi-media approaches such as coordinating with the Superfund program and using authorities under the CERCLA statute may help expedite investigation and cleanup.

B. ENVIRONMENTAL INDICATORS

The Environmental Indicators will be the primary measures of success for the program beginning in FY96. All TSDs currently in the pipeline should be evaluated for Environmental Indicators by the end of FY97.

In the FY94 RIP, the Environmental Indicators were introduced as "a set of specific, mid- to long-term implementation goals for the Corrective Action program...These goals will be oriented toward achieving specific environmental results." In July of FY94, the definitions and guidance for two Environmental Indicators were finalized. These Environmental Indicators represent a significant departure from the current reliance on administrative processes to indicate the corrective action status. Instead, the Environmental Indicators are a direct evaluation of site conditions and allow the Agency to report the result of activities.

The Environmental Indicators are an outgrowth of the Stabilization Initiative. The Stabilization Initiative uses

interim measures to achieve near term environmental results (controlling releases and exposure). The Environmental Indicators provide the means to measure the results of those near term actions, as well as the results of longer term final cleanups. The Environmental Indicators give the program a unique opportunity to structure the program's priorities and measures of success based on the actual conditions of the site and the effect of any actions taken. We no longer need to travel through the entire corrective action pipeline in order to claim success.

The Environmental Indicator determinations were meant to be achievable goals that should not require exhaustive documentation or a large expenditure of resources. In many cases, it is expected that these determinations can be based on a relatively cursory review of information readily available to the Region or the State. Accordingly, we are setting the goal of having all facilities currently in the pipeline evaluated for Environmental Indicators by the end of FY97.

C. IMPROVEMENTS IN TRACKING AND REPORTING CORRECTIVE ACTION

Regions and States should track as many actions taking place at RCRA facilities as possible, including state analogous actions and voluntary actions.

In addition to improving the rate of corrective action, the program also needs to better communicate its successes. The program now has the capability to account for the work happening under EPA or an authorized state, state programs with analogous remedial activities, and work occurring through voluntary actions. Tracking each of these activities is highly encouraged. The program is also moving towards results-oriented tracking and reporting. Accordingly, use of the Environmental Indicators is key to measuring the program's success.

Non-HSWA state cleanup programs play a significant role in implementing remedial actions analogous to corrective action at RCRA facilities in many Regions. Although the Region may not be able to directly influence where a non-HSWA program focuses its resources, it is to the benefit of the entire program to at least track any analogous action taking place at a RCRA facility where the corrective action concerns are addressed. A few Regions, such as Region IX, have already evaluated state analogous programs and have been pleased with the results. Region IX developed criteria and a checklist to evaluate analogous state actions which are available to the other Regions as references.

In addition to actions taking place under a non-HSWA authority, Regions and States also have the option of relying on voluntary actions to increase the amount of corrective action.

Regions should encourage reliable owner/operators to conduct voluntary corrective action, particularly stabilization measures.

The corrective action program has a data improvement initiative underway to expand the scope of actions tracked in RCRIS and to move towards results-based reporting. A few of the changes have been brought about due to the Permit Module Redesign. The Redesign will finally allow us to accurately capture the universe of facilities subject to corrective action. Other changes involve relying on more of the instruments currently available in RCRIS to report on a broader group of activities.

The corrective action program will have two universes set up in RCRIS (See chapter on Information Management for configurations). The universes have been developed to distinguish between the group of facilities that are statutorily required to address corrective action (i.e. TSDs) from those facilities where the Agency has discretionary authority to impose corrective action.
The first universe is the "Universe Subject to Corrective Action." This universe captures all facilities potentially subject to corrective action except facilities that can only be reached through a §7003 order (i.e. generators) where corrective action has not been imposed. This the broadest universe for corrective action.

The second universe is the "Workload Universe," a subset of the Universe Subject to Corrective Action. The Workload Universe includes those facilities which are statutorily required to address corrective action because they are subject to permit requirements, and any other facility where corrective action has been imposed. The statutory requirement for corrective action is not only limited to facilities with current permits. For example, interim status facilities undergoing closure are still technically subject to RCRA permit requirements.[1] However, this universe structure does eliminate clean closed facilities, non/late notifiers, and converters from the universe unless corrective action has been imposed. Regions and states are not precluded from working on these facilities; they just will not be accounted for in the Workload Universe until corrective action is actually imposed. It should be noted that with the exception of the clean closed facilities, the facilities excluded from the Workload Universe can be addressed under Superfund through the CERCLA Deferral Policy.

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[1]After the post-closure rule has been finalized, these facilities will no longer be subject to permitting requirements. However, they will remain in the Workload Universe because, under the rule, they are still required to complete corrective action.

To briefly summarize the universe discussion, the two corrective action universes differ in how they identify facilities where corrective action has yet to be initiated. However, all corrective action accomplishments will be included in both universes, and reports of accomplishments to date will be identical, regardless of which universe is requested.

In addition to refining the universes, new reports have been developed for corrective action to better account for all activities taking place at RCRA facilities. The national reports will now include state analogous actions and voluntary actions. Regions and States are strongly encouraged to enter this data into RCRIS. The reports will also keep track of the number of facilities that have been transferred to Superfund and the number of facilities where the RFA shows there is no need for corrective action.

The two Environmental Indicator event codes in RCRIS will be added to the standard national RCRIS reports. In addition, the Environmental Indicators will become the key corrective action events for whichever Agency wide strategic reporting system replaces STARS. These new strategic reports will be used to measure program success at the Agency level as part of the Government Performance and Results Act (GPRA). Therefore, it is to the program's benefit to perform the Environmental Indicator evaluations as soon as possible and enter the data in RCRIS.

D. ENVIRONMENTAL JUSTICE

Environmental Justice concerns should be taken into account when implementing corrective action.

Environmental Justice is one of the top priorities for the Agency. OSWER's Environmental Justice Task Force has developed an Action Agenda for environmental justice. This document provides a description of general steps that are being taken by the Agency to address environmental justice concerns. To date, we have not developed site-specific guidance for corrective action environmental justice concerns. However, several Regions have forged ahead and developed their own strategies to address environmental justice issues. These actions are being reported in the OSWER Environmental Justice Progress Report. We encourage these efforts, and urge Regions and States to routinely consider environmental justice when implementing corrective actions.

Environmental justice concerns will most typically come into play in establishing overall priority for the facility. Although, the NCAPS ranking must remain based on technical details, the overall priority ranking for the facility can be raised based on environmental justice concerns. In FY92, the RIP laid out a program-wide policy under the Strategic Management

Framework where 15% of the facilities being actively addressed could be worked on for reasons other than environmental significance or benefits. These facilites can be listed as High Overall based on environmental justice concerns. Environmental justice may also be a reason to select between High NCAPS facilities.

Public participation is another area which can address environmental justice concerns.

STATE AUTHORIZATION

STATE AUTHORIZATION

EPA maintains a strong commitment to authorization of State programs and to enhancing the State/Federal relationship.

Congress envisioned RCRA Subtitle C as a "delegated" program through which States are the primary implementors of the national hazardous waste management program. As the National Program Manager, EPA's major responsibilities include supporting and assisting States in the performance of their environmental management responsibilities. As the States succeed in implementing an effective RCRA program, EPA succeeds.

We continue to strive to enhance the State/Federal relationship. During FY'96, EPA will continue exploring authorization process and management structure changes that will improve the pace of Subtitle C authorization among the States. Through the HWIR rule-making process, we will explore the possibility of increased authorization flexibility. EPA will soon issue guidance to streamline the authorization process for EPA rules that are less stringent, and therefore optional for States to adopt, since many of them offer more flexible procedures. EPA will also explore streamlining opportunities for all other rules.

Although Authorization progress was not included as an explicit component of the FY'96 State Grant Allocation Formula, EPA HQ and Regions agree that trying to find positive incentives for increased levels of authorization is a high priority.

In FY'96, additional emphasis will be placed on identifying impediments to State authorization for other key elements of the HSWA program. State regulation development efforts should also focus on gaps in the pre-HSWA program that are not currently addressed by States or EPA. For example, pre-HSWA rules are not in effect until States adopt these rules and become authorized for them. EPA also encourages States to seek authorization for the delisting of hazardous wastes and the new universal waste rule, as well as Mixed Waste. In FY'96 EPA will assess the State/Regional/Headquarters efforts at overcoming these impediments through both Regional reviews and the Beginning of Year Plan.

Historically, EPA and the States have viewed authorization as the ultimate measure of success in the transition to State implementation of RCRA. While authorization progress remains a primary measure of State implementation success, it does not alone present a complete picture of RCRA implementation nationally.

The program's State Authorization Tracking System (StATS) suggests significant improvement in authorization and RCRA rule adoption progress by the States. Between March 1991 (when EPA delegated revision program reviews to the Regions on a pilot basis) and December 31, 1994, overall authorization progress improved from 23% of the program's authorizable rules to 64%. The StATS data indicate particularly promising developments in the HSWA program. Almost half the States have been authorized for Corrective Action and Toxicity Characteristics, while 27 States have been authorized for the major components of the Land Disposal Restriction (LDR) program.

When States' rule adoption progress was also assessed, it was determined that the States have adopted over 87% of the RCRA program rules that were due as of July 1, 1994. The States' adoption of State law counterparts to the RCRA regulations (as a precursor to authorization) demonstrates States' commitment to full participation in the RCRA program. Now that StATS serves as a reliable tool to track State rule adoption, we will look at both adoption and authorization status as measures of success.

As EPA and the States work together to build long term State program capacity to implement RCRA, Regions and States should explore shared implementation arrangements. EPA encourages worksharing arrangements, both to build State capability, and to ensure the efficient use of State and Federal resources for environmental results.

EPA recognizes that both EPA and the States will again experience serious resource constraints in fully implementing RCRA during FY'96. The statutorily mandated program has continued to expand with new implementation responsibilities, with little parallel growth of Federal and State funding to match. Thus, even as the States increase their authority to manage the RCRA program, the need for joint Federal/State implementation will remain in the foreseeable future. The program must promote optimal use of constrained program resources, and therefore the optimal sharing of program implementation responsibilities.

In FY'96, EPA encourages the Regions and States to identify worksharing opportunities that will fill gaps in current RCRA program coverage, and that provide the most cost effective allocation of specific technical expertise. Worksharing may extend to both authorized and unauthorized elements of a State's program, as long as the activities address RCRA priorities agreed to by the Region and State. While authorization status may define lead roles for specific areas, it alone should not encumber the identification of worksharing opportunities.

An additional tool to facilitate State authorization and ensure effective program implementation is authorizing incomplete or "overdue" clusters.

In November 1992, EPA Headquarters issued additional authorization program guidance on the "Cluster Rule." This guidance amplifies EPA's discretion to authorize State regulations in cases where documentation of other rules contained in a "cluster" is overdue for review or incomplete in some respects. This policy offers the potential for significant progress in authorizing as many RCRA provisions as possible, since individual regulations that meet authorization standards may be approved, even if other regulations in the cluster are held back while issucs are resolved.

During FY'96, there will be a new emphasis placed on EPA and States identifying regulatory components from various clusters and pending applications that are candidates for accelerated authorization under the November 1992 Cluster Rule interpretation. Priority should be placed on authorizable rules that are free from any capability issues, identified as having particular strategic importance given a State's needs and resources, and adopted under pre-HSWA statutory authority that cannot take effect as RCRA requirements until approved by EPA.

Another means to enhance joint State and Federal implementation is through interim authorization.

In December 1992, EPA published an immediate final rule which extended the availability of HSWA interim authorization for 10 additional years -- until January 1, 2003. HSWA interim authorization for corrective action has been used in three States to demonstrate capability. Idaho and North Carolina received interim authorization in 1989 and 1992, respectively. In 1992, Idaho was granted final authorization because the State demonstrated that it had the corrective action expertise and infrastructure to warrant receiving final authorization. North Carolina received final authorization in January 1995. The third State, Missouri, received interim authorization in 1994. The extension of interim authorization authority for 10 more years will ensure that these and other States retain the greater flexibility afforded by interim authorization in taking on implementation responsibilities for complex parts of the HSWA program.

In FY'96, EPA Headquarters encourages Regions and States to be more innovative in using HSWA interim authorization as both a vehicle for building full State capability for HSWA and as a means for implementing HSWA worksharing leading to full State implementation. Emphasis will also be placed on identifying approaches that will make interim authorization a more attractive option for States, particularly approaches that will minimize the

paperwork necessary to progress from HSWA interim authorization to final authorization status.

STATE GRANT

RCRA §3011 STATE HAZARDOUS WASTE GRANT

This is the first time in several years that the State Hazardous Waste Grant has been addressed in the RIP. As the allocation methodology for this grant has recently gone through a substantive reevaluation process, this section of the RIP will highlight changes that will be made in the FY'96 allocation methodology. This section also provides clarification for the Geographic Initiatives (GIs) portion of the grant through a discussion of expectations for and restrictions associated with these initiatives.

BACKGROUND

The State Hazardous Waste Grant issued annually under authority of Section 3011 of the Solid Waste Disposal Act (SWDA), is a formula grant that provides funds, through the Regions, to the States for Subtitle "C" activities. The SWDA describes in paragraph §3011(b), those factors that must be considered in making funding allocations. These factors are "the extent to which hazardous waste is generated, transported[2], treated, stored, and disposed of within a State". We are further tasked by the Act with considering the extent of human and environmental exposure to such waste.

In response to these mandates, in the past the Base Allocation (approximately 80% of the total grant) portion of the grant has been distributed based on five components. The allocation of each component's portion of the grant is based on the ratio of Regional universe to the National universe. An example is a ratio of the number of people living in a Region over the National population. The components are;

1) The Population - This factor is used as a surrogate for relative human exposure.
2) The Universe of Large Quantity Generators (LQGs)
3) The Universe of Land Disposal Facilities (LDFs)
4) The Universe of Storage and Treatment units (S/Ts)
5) The Universe of Incinerators - This factor considers both human exposure and treatment.

CHANGES IN THE FY'96 ALLOCATION METHODOLOGY

In addition to the base formula allocation, HQ has used initiatives and set-asides in the past to target specific priority activities. Three examples are the corrective action set-aside, the geographic initiatives, and the combustion

[2]Although waste transportation is listed in the SWDA as a factor for consideration, the regulatory authority over this factor is the responsibility of the Department of Transportation. Consequently, the §3011 grant has never used it as a factor.

initiative. One of these, the CA set-aside, will change significantly in the FY'96 allocation. In response to Regional, State, and HQ comment, FY'96 funding previously distributed through the corrective action set-aside will instead be allocated through a new, sixth component. As it precedes the completion of the Permit Module Redesign, in the FY'96 allocation this component will allocate CA funding based on the total "Subject to CA" universe as defined by STARS. Funding for this component is made up of funding from the previous set-aside and from funds previously incorporated into other components such as the LDF and S/T universes.

HQ has made two additional substantive changes this fiscal year to the methodology used in determining the Regional allocation: 1) minimum funding; and
2) the restructuring of the incinerator component.

HQ will include a minimum funding factor to the FY'96 allocation to address a priority for maintaining hazardous waste programs in small States and States with small universes. In the FY'96 allocation, HQ will adjust funding to those Regions with States that would receive less than $350,000 if funds were totally universe and initiative based. These Regions will receive funds from the base allocation that will raise their Regional allocation (from which States receive their hazardous waste funding) to the level necessary to provide $350,000. It should be noted, however, that EPA Regional offices still have the responsibility for workplan negotiations and that funding levels for individual States may be placed below the $350,000 level. In determining minimum funding, HQ will count States, authorized Trust Territories, and the District of Columbia.

In FY'96 Boilers and Industrial Furnaces (BIFs) will be counted in the Incinerator component universe instead of in the S/T universe. This type of accounting is more in line with the National Combustion Strategy. This expanded universe has been renamed the Combustion universe.

As a result of the above-referenced changes, the FY'96 allocation will allocate funding to the Regions using a base formula, two initiatives and an adjustment for minimum funding. Based on the Presidential budget, these portions of the grant will be funded as follows:

Base Allocation	$86,602,800
Geographic Initiatives	$ 5,195,400
Combustion Initiative	$ 6,500,000
Total	$98,298,200

GEOGRAPHIC INITIATIVES

In FY'92, EPA began using Geographic Initiatives (GI) to strengthen funding for specific program priorities. The first of these regional priorities was addressing pollution associated with the Great Lakes. In FY'93 this geographic targeting was additionally expanded to include the Gulf of Mexico, the Mexican Border, the Caribbean, and the Chesapeake Bay.

Recently, Regions and States have asked questions regarding GIs. Primary interests have centered on whether Geographic Initiatives will continue to be a part of the allocation methodology, and on expectations for and geographic limitation on the use of funding related to these initiatives.

Today, EPA's Administrator continues to consider these initiatives a priority. While actual funding levels for the §3011 grant program are set through Congressional appropriations, EPA HQ expects GI funding through this program to be continued for the next two to four years.

General Expectations

In the FY'92 and FY'93 budget submissions to OMB, HQ outlined activities for which these funds were specifically targeted. These activities included;

- Great Lakes - Pollution within the Great Lakes and remediation required of handlers in the Great Lakes Basin,
- Gulf of Mexico - Groundwater contamination from closed and operating land disposal facilities,
- Mexican Border - Enhance cooperative efforts to reduce risks associated with transboundary movement of wastes,
- Caribbean - Intensify levels of inspections and corrective action activities within the ecosystem, and
- Chesapeake Bay - Intensify levels of inspections and corrective action activities within the watershed/ecosystem.

In the FY'95 budget justification sent to OMB, HQ expanded the activity descriptions for all above GIs to include:

1. Comprehensive inspection and enforcement programs,
2. Remediation activities required of handlers,
3. Pollution prevention of high risk waste streams,
4. Development of groundwater protection plans in support of corrective action activities,
5. Monitoring of commercial hazardous waste incinerators and commercial BIFs,

6. Development of expanded waste minimization programs, and
7. Location of inactive and abandoned waste disposal sites.

States have also asked questions regarding whether GI funding could be used for hiring. In addition to the types of activities listed above, Geographic Initiative funding may also be used for additional FTE.

Geographic limitations on Use and Areas of Flexibility

Other than the current restrictions that exist for all §3011 funding (such as being restricted to Subtitle C activities)[3], the only additional restrictions for GIs are based on geographic location. GI funded activities should be confined to one of two types of areas.

1. If the geographic area is related to water basins such as the Gulf of Mexico or the Chesapeake Bay, activities should be restricted to qualified geographic units. Examples of these units include designated counties in Texas, parishes in Louisiana, and ZIP codes in Ohio. For a complete listing of locations and types of these units, contact Newman Smith at (703) 308-8757.

2. If the geographic area is related to a political boundary such as the Mexican Border, activities should be restricted to sites that are within the United States 100 miles of the boundary.

[3]HQ is currently evaluating the use of performance partnerships as a method for increasing flexibility in grants. The current Subtitle C restrictions on the use of §3011 funds may be amended in FY'96 funding.

WASTE MINIMIZATION

WASTE MINIMIZATION

INTRODUCTION

The Waste Minimization National Plan (November 1994) outlines major goals, objectives, and action items toward national reductions in persistent, bioaccumulative, and toxic constituents present in hazardous waste. Particular preference is given to source reduction and recycling as waste management techniques. In the FY96 RCRA Implementation Plan, waste minimization activities shall be incorporated into all areas (e.g., permitting, enforcement, corrective action, etc.), Regions should provide for maximum flexibility when establishing state/EPA Agreements for states to set aside specific funding amounts to accomplish waste minimization activities.

Implementation of the Waste Minimization National Plan requires program emphasis toward more contact and interaction with hazardous waste generators. Regions and States are encouraged to promote opportunities for waste minimization in facility permitting, inspection, enforcement, outreach, and technical assistance activities.

IMPLEMENTATION

The National Plan focuses on reducing the generation and subsequent release to the environment of the most persistent, bioaccumulative, and toxic constituents in hazardous wastes, and establishes three goals:

1) To reduce, as a nation, the presence of the most persistent, bioaccumulative, and toxic constituents by 25 percent by the year 2000 and by 50 percent by the year 2005.

2) To avoid transferring these constituents across environmental media.

3) To ensure that these constituents are reduced at their source whenever possible, or, when not possible, that they are recycled in an environmentally sound manner.

EPA does not expect that each and every generator of persistent, bioaccumulative, and toxic constituents in hazardous waste will reduce the generation of these constituents in waste by the levels and time frames presented above. EPA intends for these reductions to be achieved nationally by EPA, states, and generators working together.

EPA encourages all states and generators of hazardous waste containing persistent, bioaccumulative, and toxic constituents to define their own baseline years, set their own goals and target

years for achieving their goals, and track their own progress toward their goals. This flexibility will allow states and generators that have already begun source reduction and pollution prevention to begin measuring their successes from the year they started, and will give them flexibility in how they contribute to the national goals.

Implementation of the Plan should focus on items which will achieve the objectives described below. This year, HQ is asking that each Region identify and report in the BYP at least one waste minimization pilot project. Emphasis and priority should be given to proposals which support EPA projects listed under each objective.

Objective 1: Develop a framework for setting national priorities; develop and distribute a flexible screening tool for identifying priorities at individual facilities; identify constituents of concern.

- EPA HQ will develop screening tools and a list of high-priority constituents for source reduction and recycling.

- EPA HQ will use the results from the prototype screening approach to set priorities for metals.

Objective 2: Promote multimedia environmental benefits and prevent cross-media transfers.

- EPA encourages the implementation of multimedia pollution prevention programs including training, technical assistance and technology information sharing.

Objective 3: Demonstrate a strong preference for source reduction; shift attention to the nation's hazardous waste generators to reduce hazardous waste generation at its source.

- EPA will implement several VOLUNTARY MECHANISMS, including:

  1) Promote focused technical assistance to small- and medium- sized generators of constituents of concern. (EPA HQ, Regions and States)

  2) Developing outreach and communication mechanisms. (EPA HQ, Regions and States)

  3) Providing guidance to states on incorporating waste minimization in hazardous waste management planning. (EPA HQ and Regions)

- EPA will implement several mechanisms within the RCRA REGULATORY framework, including:

1) Develop a program for working with generators to promote waste minimization. (EPA HQ, Regions and States)

2) Issue revised guidance on the use of Supplemental Environmental Projects (SEPs) as a tool to achieve greater source reduction. (EPA HQ)

3) Work with EPA Regions and states to provide waste minimization training for inspectors, permit writers and enforcement officials. (EPA HQ)

4) Promote the development of alternatives of processes or products which have been identified as resulting in large quantities of persistent, bioaccumulative, and toxic constituents. (EPA HQ)

- EPA will implement several INSTITUTIONAL MECHANISMS, that will allow the RCRA program to be implemented so as to encourage the EPA Regional Offices and State environmental agencies to facilitate generators' waste minimization actions, including:

  1) Incorporating the goals developed in the National Plan into the RCRA Implementation Plan (RIP).

  2) Developing accountability measures and incentives for the Regions and states to promote accomplishments toward achieving the national goals. (In future years, these measures will be focused more on results, rather than activities.)

<u>Objective 4: Clearly define and track measures of progress. Promote accountability for EPA, states and industry.</u>

- EPA will identify necessary data using BRS, TRI, or other already existing mechanism to evaluate progress in reducing the most persistent, bioaccumulative, and toxic constituents. (EPA HQ, Regions and States)

<u>Objective 5: Involve citizens in waste minimization implementation decisions.</u>

- EPA will continue to encourage generators of hazardous wastes to share waste minimization priorities and initiatives, and be accountable to the public. (EPA HQ, Regions and States)

- EPA HQ will publish guidance to Regions, states, and industry, identifying when and how waste minimization information should be made available to the public during the permit process.

PROGRAM EXPECTATIONS AND WASTE MINIMIZATION ACTIVITIES

Regions and States are encouraged to fully integrate and promote waste minimization in all program areas. In particular, Regions and States are encouraged to focus attention on waste minimization opportunities at large quantity generators, including but not limited to, those who may also manage waste onsite under a RCRA permit. In some cases, this may mean reinvesting resources from other program areas to identifiable target areas such as large quantity generators. Focus can also be placed in those areas such as small business which may not have access to waste minimization technical information. Working with companies in a cooperative mode to identify ways to reduce waste generation will have a long-term affect on permitting and compliance initiatives. Many opportunities have been identified by States and Regions to set priorities for reducing high hazard and/or large volume waste streams. EPA HQ encourages all Regions and States to identify their waste minimization program implementation priorities and integrate, where appropriate and feasible, the goals and objectives of the Waste Minimization National Plan. Information on these approaches can be obtained from Headquarters. Those, along with other activities to focus on eliminating obstacles to waste minimization and recycling and reuse as well as technical assistance should be promoted. Waste Minimization National Plan goals and objectives could be targeted at specific industry categories and further prioritized by the most persistant, bioaccumulative, and toxic constituents (PBTs) in the waste, or included in existing or proposed geographic, environmental justice, and Common Sense Initiative activities, or community-based and small business initiatives.

MEASURE OF ACTIVITIES AND ACCOMPLISHMENTS

The measurement of activities and accomplishments which will eventually lead to achieving the goals and objectives of the National Waste Minimization Plan could occur in a number of different areas. They include:

- Staff training on waste minimization
- Technical assistance in waste minimization
- Distribute fact sheets to assist hazardous waste generators with waste minimization
- Target priority constituents, waste streams, processes, etc.in technical assistance, inspection, and SEPs.
- Use SARA 313 and BRS or other means to measure waste minimization progress
- Incorporate waste minimization in pre-permit negotiations
- Incorporate waste minimization in permit negotiations

- Incorporate waste minimization in public participation meetings
- Foster compliance/waste minimization assistance program
- Identify and eliminate programmatic and statutory obstacles to waste minimization
- Evaluate regional/state waste minimization programs to determine resource needs and effectiveness of waste minimization efforts
- Incorporate waste minimization in pre-enforcement negotiations
- Incorporate waste minimization in enforcement settlements
- Incorporate waste minimization into multi-media activities
- Innovative pilot programs that will promote achievement of the goals of the Waste Minimization National Plan

INFORMATION MANAGEMENT

RCRA INFORMATION MANAGEMENT

During FY'96 information resources should be targeted towards areas addressing both immediate and strategic improvements:

- collection and quality assurance of data for the 1995 Biennial Report;
- assuring that information reflecting program milestones and environmental goals will be timely, accurate and complete in RCRIS; and
- supporting information and business re-engineering activities for the Waste Information Needs (WIN) initiative.
- utilize existing databases to prioritize waste minimization activities

On one hand, we need to demonstrate the status and success of the RCRA program nationally via our current information infrastructure. At the same time we must begin to move forward on essential strategic changes. These changes must minimize information collection and management burden, and also improve the usefulness and accessibility of that information for the program and the public.

During the first quarter of FY'96, States and Regions will distribute the 1995 Biennial Reports to Generators and TSDFs. Headquarters will distribute Biennial Reporting System (BRS) software V.4.0 to States and Regions. BRS software will allow States and Regions to enter the 1995 Biennial Report data, perform the necessary data quality checks, and transfer the data to Headquarters for the National Oversight Database.

1.) Collection and Quality Assurance of Data for the 1995 Biennial Report

States and Regions will collect the 1995 Biennial Reports and begin to enter the Biennial Report data into BRS during the second quarter of FY'96.

During the third quarter of FY'96, States and Regions will complete data entry of 1995 Biennial Reports and will begin the data quality checks using the tools provided in BRS. States will prepare for an initial full data submission to the Region during the fourth quarter of FY'96.

States and Regions will continue to perform data quality checks to identify and correct errors during the fourth quarter of FY'96. *Each State will provide an initial full*

submission of 1995 Biennial Report data to the Region by July 1, 1996. Upon receipt of each State's data submission, Regions will perform additional data quality checks and work with each State to correct identified errors. *Regions will provide a full submission of 1995 Biennial Report data for each State to Headquarters by September 30, 1996.*

2.) **Timely, Accurate and Complete RCRIS Data:**

For FY'96, no new major or programmatic changes are being made to the structure of RCRIS. This decision reflects the reality that resources are limited at all levels and data quality efforts must be focussed on making the existing key information components more robust and reliable.

The essential areas for data quality correspond to the national program accomplishment strategic reporting measures and current program status. These depend upon the validity of the program universes and the timeliness of the events. Regions and States should assure that a key milestone event which occurs in a given month (e.g. Corrective Action environmental indicators determination) will appear in national reports not more than two months following completion of the activity. Program universes are determined based upon the current operating and legal status codes for facilities. Any changes to operating and/or legal status should also be reflected in national reports not more than two months following the change in facility status.

Operating and legal status data should reflect the current status of all processes/units not later than September 30, 1995. Current operating/legal status data is the foundation for the new program universes (described below) to be used for national program reporting. Please refer to the matrices included with this document for the final version of how the operating/legal status codes will be used to identify facilities which should appear in the respective program universes. The matrices reflect comments received from States and Regions.

To the extent that States and Regions wish to target data quality review and updating on particular areas of past program activity and accomplishments to build case history information, they are encouraged to do so provided the essential data quality objectives identified above are met. However, there is no national program requirement to assess historical data quality issues.

3.) **Waste Information Needs Strategic Initiative (WIN)**

During 1996 States, Regions and Headquarters will select the short term business process and information streamlining

opportunities identified as a result of WIN activities being conducted during 1995.

Disinvestment and system streamlining changes will be defined and developed during FY'96, and implemented early in FY'97 with the next major RCRIS and BRS releases.

4.) Utilizing Existing Databases

Regions/States should explore databases that contain information on hazardous waste quantities and how they are managed (such as BRS) and on how toxic chemicals are released to the environment and are managed (TRI) for measuring progress in waste minimization. Emphasis should be placed on wastes continuing persistent, bioaccumulative, and toxic constituents. Those databases could be used to prioritize inspections, technical assistance and public outreach programs.

NEW REPORTING UNIVERSES

For FY'96, we will begin using the new workload universes established as part of the RCRIS Permit Module Redesign for national reporting. These universes will form the basis for all national reports, including the FY'96 Beginning of Year Plan. Appendix 1 includes the operating and legal status matrices for the new permitting, closure, post-closure, and corrective action universes. The following is a brief description of the new universes:

PERMITTING/CLOSURE/POST-CLOSURE PROGRESS UNIVERSE

Designed for reports to track accomplishments in the permitting, closure, and post-closure areas. Includes all units that are or were at some time subject to the requirement to obtain a RCRA permit to operate as a TSD.

[NOTE: Select logic will have to look to previous events where most recent event is "RD," "EM," "RU," or "SR."]

PERMIT WORKLOAD REPORT UNIVERSE

Designed for reports to evaluate workload related to permit issuance. Includes units in the permit pipeline as well as units with active permits.

CLOSURE WORKLOAD REPORT UNIVERSE

Designed for reports to evaluate workload related to closure. Includes units that are closing up to the time that closure certification is verified by the agency.

POST-CLOSURE WORKLOAD REPORT UNIVERSE

Designed for reports to evaluate workload related to post-closure. Includes closing land disposal units and storage units closing as landfills up to the time that clean closure certification is verified by the agency.

CORRECTIVE ACTION UNIVERSES

Corrective action will have two universe matrices in RCRIS. The first is the Universe Subject to Corrective Action. This is the broadest category and is designed to capture any facility that is potentially subject to corrective action, except those captured only through a §7003 order that have not had corrective action imposed. The second universe is the Workload Universe which is a subset of the Universe Subject to Corrective Action. The Workload Universe focuses on those facilities which are statutorily required to address corrective action because they are subject to permit requirements (i.e. TSDs).

For corrective action, the universes will be pulled in two steps. First, all facilities in the corrective action module that have an RFI Imposed or beyond will be captured. This step will insure that we are pulling all facilities that are undergoing corrective action so we take credit for all the activity occurring at RCRA facilities. The second step involves comparing the first list from the corrective action module against the two matrices that use the legal and operating status codes in the permit module. This second step will add the facilities appropriate for each universe that have not had corrective action imposed.

The two universes differ only in how they identify facilities where corrective action has not been imposed. All accomplishments will be included in both universes and reports of accomplishments will be identical, regardless of which universe is requested. The Workload Universe is comprised of a smaller group of facilities by relying on fewer operating and legal codes in the matrix. The Workload Universe does not include converters, non/late notifiers, and clean closed facilities unless they have corrective action imposed.

RCRA ACTIVITIES IN INDIAN COUNTRY

RCRA ACTIVITIES IN INDIAN COUNTRY

Program Objectives

The objective of OSW's Indian Program is to: 1) build tribal capacity to implement RCRA, 2) develop tribal organizational infrastructures to support RCRA activities and 3) build partnerships among tribes, states and local communities.

These Indian Program objectives directly support EPA's Indian policy of recognizing Native American tribes and Native Alaskan Villages as sovereigns and, as such, the primary implementors of environmental programs in Indian country. The objectives also ensure tribal participation in the Subtitle C and D programs and facilitate the implementation of these programs by tribes. Assistance in meeting these goals will be provided through training, policy and implementation guidance, technical assistance, and the generation and dissemination of information.

National Priorities

The primary goal for FY'96 will be to assist tribes in building the capacity to develop and administer environmental programs. The Regions and Tribes should work together to determine which specific program activities each Tribe should undertake, depending on need, capacity and resource availability. While Tribes are not currently eligible to receive funding under RCRA Section 3011, they are eligible to receive grant assistance for both hazardous and solid waste activities under RCRA Section 8001.

All efforts should be made to ensure that tribal governments have every opportunity for participation in making decisions that directly affect the reservation populace and environment. Environmental justice principles should be integrated, as appropriate, into all EPA/tribal activities. The Regions should encourage the development of Federal-Tribal environmental programs comparable in protection to Federal-State environmental programs. Special attention should be given to initiatives related to public outreach and access to information, training and technical assistance.

The Regions should assist the tribes in enacting applicable and necessary environmental codes and ordinances and developing organizational infrastructure to support environmental programs.

Because of their relatively small size and limited resources, tribes need federal assistance to build the skills necessary to manage these programs and identify Tribal-specific activities to address Tribal-specific environmental issues. Particularly useful to tribes is training in grant writing, code development, waste management planning, and hazardous waste inspections. Regions should make a particular effort to notify

Tribes of training opportunities and assist them, whenever possible, to take advantage of these opportunities. Regional Tribal meetings are excellent vehicles to provide training for the Tribes and their continuation is highly recommended.

Regions also need to assist Tribes in raising environmental awareness and the Tribes' responsibility to comply with Federal environmental regulations. Regional offices need to ensure that Tribes have access to the information they need to administer their programs and that communication between EPA and the Tribes is enhanced.

Finally, Regions are encouraged to work with other Federal agencies (BIA, IHS) having responsibility in Indian country in order to leverage resources, avoid duplicative efforts, and build broad based partnerships.

Subtitle C

While recognizing that Tribal Subtitle C issues do not generally cause the same level of concern to the Tribes as those relating to Subtitle D, Tribes should nonetheless be encouraged to assist the Regions in conducting Subtitle C activities (e.g., inspections, hazardous waste site inventories, notifications), as appropriate. These types of efforts are useful tools in building tribal capacity.

Subtitle D

All effort should be made to ensure that tribes comply with the Subtitle D municipal solid waste regulations. Where Tribes are seeking EPA approval of their landfill permit programs, the Regions should work with Tribes to develop adequate permit programs and approvable applications.

For those Tribes seeking alternatives to program approval, Regions should focus on providing technical assistance to the Tribes in solid waste planning efforts, State-Tribal partnerships, and waste diversion activities (e.g., recycling and source reduction). In developing needed solid waste facilities and systems, Tribes should be encouraged to consider partnering with other governments to establish regional services. For more guidance on these activities, please refer to the Subtitle D section.

SUBTITLE D

MUNICIPAL AND INDUSTRIAL SOLID WASTE MANAGEMENT

PROGRAM OBJECTIVES

The objectives of EPA's municipal solid waste (MSW) program are to: (1) ensure protection of health and the environment; (2) comply with the mandates of Subtitle D of RCRA; (3) promote pollution prevention by fostering source reduction and recycling; (4) implement the Administrator's recycling market development strategy (**"Recycling Means Business"**); (5) actively participate in partnerships to promote and implement integrated waste management; and, (6) provide national leadership.

The objective of EPA's industrial solid waste program is to promote protective management of industrial solid waste through: (1) promulgation of minimum standards for facilities that dispose of non-municipal solid waste and conditionally exempt small quantity generator hazardous waste (CESQG); and, (2) a State/EPA partnership to develop voluntary facility standards for disposal of industrial solid waste.

These objectives incorporate the vision, guiding principles, priorities, and values of EPA's Strategic Plan and directly address OSW's municipal and industrial non-hazardous waste strategic priorities. The discussion that follows incorporates these objectives within the priorities and highlighted activities. While States, Tribes, and local governments remain the primary implementors of the national municipal and industrial solid waste program, EPA's role is to actively facilitate effective implementation and lead by example.

MUNICIPAL SOLID WASTE NATIONAL PRIORITIES

Encourage source reduction activities among localities, businesses, and households through education, project support, and technical assistance.

There are a wide variety of activities available to Regions to promote source reduction, the most preferred tactic in EPA's hierarchy of solid waste options. This year's national focus is on unit pricing and reduction of waste with an emphasis on paper.

Headquarters and the Regions will continue to implement the National Unit Pricing Outreach Strategy, to provide information and technical assistance on this proven waste reduction mechanism to local officials and citizens throughout the U.S. Headquarters will work with the Regions to plan, promote, and implement a series of workshops and a satellite forum on unit pricing. We will distribute EPA's unit pricing guide and related materials and develop additional outreach vehicles. In addition,

Headquarters and the Regions will work together to create local projects to facilitate unit pricing programs.

The Regions are encouraged to undertake projects and activities that reduce the waste stream, building on the initial successes of EPA's Paper-Less Office Campaign. Such projects may include promoting EPA guidance materials; conducting pilot studies; and encouraging Federal/State/Tribal and local governments, organizations, and institutions to initiate waste prevention programs and campaigns.

Facilitate the nation's recycling efforts by implementing the Administrator's recycling market development initiatives: "Recycling Means Business" and "Jobs through Recycling".

Headquarters and the Regions are expected to continue and enhance their efforts to achieve the three goals stated in **Recycling Means Business:**

(1) Support and strengthen the link between increased market capacity and sustainable economic growth;

(2) Leverage Federal resources and build Federal partnerships for market development; and,

(3) Develop infrastructures that support markets for recyclables and recycled products.

Example activities to promote these three goals include:

(1) Fostering partnerships between the economic development, financial, and recycling communities by demonstrating the economic viability and value-added aspects of recycling businesses;

(2) Promoting the use of recycled feedstock;

(3) Maximizing the purchase of recycled products;

(4) Facilitating access to information and research; and,

(5) Strengthening State, Tribal, and local government capabilities.

Procurement implementation will be a key area in FY 1996 for both MISWD and the Regions. Efforts in this area will focus on providing assistance to ensure compliance with the CPG, RMAN, and E.O. Specific activities may include developing outreach materials, workshops, seminars, technical assistance, etc.

Because the areas served by each Regional Office have unique characteristics and specific market needs, implementation activities will vary among Regions. The Regions are encouraged to work with their partners in States, Tribes, local governments, environmental groups, and business/industry to determine the most effective methods for achieving these goals. Each Region may select different methods and focuses depending on the partnerships established, ongoing efforts, and needs of the area.

Regions will continue to report on successes in implementing **Recycling Means Business** for annual reports to the Administrator. Headquarters and the Regions will work together to communicate progress made in implementing **Recycling Means Business** to EPA's constituents and will collaborate on specific projects of mutual interest.

Jobs through Recycling is a major component of **Recycling Means Business** and will continue to require both Headquarters and Regional resources in FY 1996. Priority activities under the **Jobs through Recycling** initiative include: (1) managing new and ongoing grants; (2) providing technical assistance to grantees; (3) participating in the development of FY 1997 initiatives; and, (4) promoting successes to encourage replication of these efforts.

Achieve substantial source reduction and recycling in American businesses through WasteWi$e, EPA's voluntary MSW challenge program.

WasteWi$e remains a national priority for FY 1996 and beyond. WasteWi$e is a voluntary program in which participants commit to prevent waste, recycle, and increase their purchase or manufacture of recycled products. It is the primary EPA outreach mechanism for fostering reduction of municipal solid waste by large businesses. Headquarters looks to the Regions to participate in implementation and policy development for the WasteWi$e program. Key Regional activities may include:

(1) Promoting WasteWi$e to large businesses in the Region;

(2) Providing technical assistance to current and prospective WasteWi$e partners through workshops and on-site waste assessments;

(3) Participating in the development of overall policy directions and related waste prevention outreach efforts, as resources allow; and,

(4) Acting as WasteWi$e representative to WasteWi$e partners from the Region.

Enhance Federal-State/Tribal and local partnerships by fostering effective implementation of municipal solid waste programs.

There are five priority activities under this objective: recycling measurement, source reduction measurement, full cost accounting, approval of State/Tribal landfill permit programs; and, Tribal activities. Each of these priorities are discussed separately.

Recycling Measurement: Headquarters is developing various model measurement methodologies and related definitions to provide to State/Tribes, local governments, business/industry, and other interested parties to more consistently measure recycling and the purchase of recycled goods. The Regions are encouraged to facilitate the use of these methodologies and related definitions, once developed, through outreach and information dissemination activities.

Source Reduction Measurement: Headquarters is working with State and local governments and other experts to develop various measurement pilots and models for source reduction measurement. The Regions are encouraged to assist with the implementation and peer review of measurement pilot studies, measurement methodology, and information-transfer tools.

Full Cost Accounting: During FY 1995, Headquarters will develop the following outreach materials on full cost accounting (FCA): FCA manual, FCA resource guide, FCA brochure, FCA primer, and FCA slide show with talking points. Headquarters also will initiate development of technical worksheets to assist local communities in implementing a full cost accounting program. During FY 1996, the Regions are encouraged to promote the FCA concept through the use of the various outreach materials at conferences, meetings, etc. Headquarters and the Regions will work together to develop and implement a FCA training program.

Permit Program Approval/Modifications: A number of Regions will need to continue to focus resources on permit program approval activities. Program approval activities may include moving partial approvals to full approvals, ensuring modifications receive appropriate approvals, continued work with Tribal approvals, and processing alternative liner petitions as appropriate.

Tribal Activities: EPA remains committed to maintaining a government-to-government relationship with Tribes. Tribes are to be incorporated into the activities listed under each of the above goals, as appropriate. Headquarters and the Regions will continue to seek opportunities that enhance Tribal capabilities. Tailored approaches, including technical assistance, may be needed to address specific Tribal circumstances. For additional

discussion of Tribal activities please refer to the RIP section "RCRA ACTIVITIES IN INDIAN COUNTRY".

In addition to the activities highlighted above, the Regions may undertake other activities to enhance Federal-State/Tribal and local partnerships.

INDUSTRIAL SOLID WASTE NATIONAL PRIORITIES

Non-Municipal/CESQG Disposal Rule.

Under a court-ordered deadline, EPA will propose in May 1995 a new 40 CFR Part 257.5, defining minimum standards for non-municipal solid waste facilities that receive CESQG hazardous waste. This rule will complete the statutory mandate in RCRA section 4010(c) under which the municipal landfill criteria in 40 CFR Part 258 were promulgated. At a minimum, the statute requires that these facilities must meet location restrictions and have ground-water monitoring and corrective action. The final rule will be promulgated in July 1996. As with the Part 258 Criteria, States will have 18 months to adopt and implement new requirements. States that have an approved MSWLF program can seek EPA approval through the program revision process.

State/EPA Industrial D Initiative.

EPA and ASTSWMO are launching an initiative to develop voluntary guidelines for safe management of industrial non-hazardous waste in surface impoundments, landfills, land application units, and waste piles. The initiative, beginning in the summer of 1995 and continuing through 1996, will include a wide range of stakeholder and public input into the development of the guidelines. The overall goals of the initiative will be to: (1) establish a baseline for safe management that industrial facilities and states can use as a voluntary guide to improve their practices and programs; and, (2) affirm state leadership and strengthen the credibility of State industrial solid waste programs.

APPENDIX 1

Appendix 1

LEGAL STATUS CODES

PI Permitted
PC Post-Closure Permitted
PT Permit Terminated/Permit Expired, not Continued
PR Proposed
IS Interim Status
LI Loss of Interim Status
IT Interim Status Terminated
TA Temporary Authorization
PM Pre-Mod Authorization
LP Loss of Pre-Mod Authorization
NN Non-notifier/Illegal
RQ Requested but Not Approved
NR Never Regulated as a TSD
DL Delisted
RD Research, Development, and Demonstration Permit
RU Permit-by-Rule
EM Emergency Permit
SR State Regulated

OPERATING STATUS CODES

OP Operating, Actively Managing RCRA-Regulated Waste
CN Constructed, Not Yet Managing Hazardous Waste
UC Under Construction
BC Before Construction
IN Inactive/Closing, but not yet RCRA Closed
CC Clean Closed
CP Closed with Waste in Place
CO Completed Post-Closure Care
DC Delay of Closure
CV Converted but Not RCRA Closed
CR Conducting Activities not Requiring a Permit
AB Abandoned
SF Referred to CERCLA
PF Protective Filer

PERMITING/CLOSURE/POST-CLOSURE PROGRESS REPORT UNIVERSE

LEGAL STATUS CODES	OP	CN	UC	BC	IN	CC	CP	CO	DC	CV	CR	AB	SF	PF
PI	o	o	o	o	o	o	o	o	o	o	o	o	o	
PC	o	o	o	o	o	o	o	o	o	o	o	o	o	
PT	o	o	o	o	o	o	o	o	o	o	o	o	o	
PR	o	o	o	o	o	o	o	o	o	o	o	o	o	
IS	o	o	o	o	o	o	o	o	o	o	o	o	o	
LI	o	o	o	o	o	o	o	o	o	o	o	o	o	
IT	o	o	o	o	o	o	o	o	o	o	o	o	o	
*TA	o	o	o	o	o	o	o	o	o	o	o	o	o	
PM	o	o	o	o	o	o	o	o	o	o	o	o	o	
LP	o	o	o	o	o	o	o	o	o	o	o	o	o	
NN	o	o	o	o	o	o	o	o	o	o	o	o	o	
RQ	o	o	o	o	o	o	o	o	o	o	o	o	o	
NR														
DL	o	o	o	o	o	o	o	o	o	o	o	o	o	
RD														
RU														
EM														
SR														

* TA units should be included if a Part B or a permit modification application has been submitted.

PERMIT WORKLOAD REPORT UNIVERSE
OPERATING STATUS CODES

LEGAL STATUS CODES	OP	CN	UC	BC	IN	CC	CP	CO	DC	CV	CR	AB	SF	PF
PI	o	o	o	o										
PC														
PT														
PR		o	o	o										
IS	o	o	o											
LI	o													
IT	o													
*TA	o	o	o	o										
PM	o	o	o	o										
LP	o													
NN	o	o	o	o										
RQ	o	o	o	o										
NR														
DL														
RD														
RU														
EM														
SR														

* TA units should be included if a Part B or a permit modification application has been submitted.

CLOSURE WORKLOAD REPORT UNIVERSE
OPERATING STATUS CODES

LEGAL STATUS CODES	OP	CN	UC	BC	IN	CC	CP	CO	DC	CV	CR	AB	SF	PF
PI					o				o	o		o	o	
PC					o				o	o		o	o	
PT					o				o	o		o	o	
PR														
IS					o				o	o		o	o	
LI					o				o	o		o	o	
IT					o				o	o		o	o	
TA					o				o			o	o	
PM					o				o	o		o	o	
LP					o				o	o		o	o	
NN					o				o	o		o	o	
RQ														
NR														
DL														
RD														
RU														
EM														
SR														

POST-CLOSURE WORKLOAD REPORT UNIVERSE*
OPERATING STATUS CODES

LEGAL STATUS CODES	OP	CN	UC	BC	IN	CC	CP	CO	DC	CV	CR	AB	SF	PF
PI					o		o		o	o		o	o	
PC					o		o		o	o		o	o	
PT					o		o		o	o		o	o	
PR														
IS					o		o		o	o		o	o	
LI					o		o		o	o		o	o	
IT					o		o		o	o		o	o	
TA					o		o		o			o	o	
PM					o		o		o	o		o	o	
LP					o		o		o	o		o	o	
NN					o		o		o	o		o	o	
RQ														
NR														
DL														
RD														
RU														
EM														
SR														

*land disposal units and storage and treatment units closing as landfills (process codes for these units are changed to D80)

PERMITING/CLOSURE/POST-CLOSURE PROGRESS REPORT UNIVERSE

Designed for reports to track accomplishments in the permitting, closure, and post-closure areas. Includes all units that are or were at some time subject to the requirement to obtain a RCRA permit to operate as a TSD.

[NOTE: Select logic will have to look to previous events where most recent event is "RD", "EM", "RU", or "SR".]

PERMIT WORKLOAD REPORT UNIVERSE

Designed for reports to evaluate workload related to permit issuance. Includes units in the permit pipeline as well as units with active permits.

CLOSURE WORKLOAD REPORT UNIVERSE

Designed for reports to evaluate workload related to closure. Includes units that are closing up to the time that closure certification is verified by the agency.

POST-CLOSURE WORKLOAD REPORT UNIVERSE

Designed for reports to evaluate workload related to post-closure. Includes closing land disposal units and storage units closing as landfills up to the time that clean closure certification is verified by the agency.

CORRECTIVE ACTION WORKLOAD
OPERATING STATUS CODES

LEGAL STATUS CODES	OP	CN	UC	BC	IN	CC	CP	CO	DC	CV	CR	AB	SF	PF
PI	o	o	o	o	o		o		o			o	o	
PC	o	o	o	o	o		o		o			o	o	
PT														
PR														
IS	o	o	o	o	o		o		o			o	o	
LI	o	o	o	o	o		o		o			o	o	
IT														
TA	o	o	o	o	o		o		o			o	o	
PM	o	o	o	o	o		o		o			o	o	
LP	o	o	o	o	o		o		o			o	o	
NN														
RQ														
NR														
DL														
RD														
RU														
EM														
SR														

PLUS facilities with corrective action events RFI imposed and beyond

SUBJECT TO CORRECTIVE ACTION
OPERATING STATUS CODES

LEGAL STATUS CODES	OP	CN	UC	BC	IN	CC	CP	CO	DC	CV	CR	AB	SF	PF
PI	o	o	o	o	o	o	o	o	o	o		o	o	
PC	o	o	o	o	o	o	o	o	o	o		o	o	
PT														
PR														
IS	o	o	o	o	o	o	o	o	o	o		o	o	
LI	o	o	o	o	o	o	o	o	o	o		o	o	
IT														
TA	o	o	o	o	o	o	o	o	o	o		o	o	
PM	o	o	o	o	o	o	o	o	o	o		o	o	
LP	o	o	o	o	o	o	o	o	o	o		o	o	
NN	o	o	o	o	o	o	o	o	o	o		o	o	
RQ														
NR														
DL														
RD														
RU	o	o	o	o	o	o	o	o	o	o		o	o	
EM														
SR														

PLUS facilities with corrective action events RFI imposed and beyond

APPENDIX 2

EDF v. Browner Civ. No. 89-0598 (D.D.C.)

* Law suit. EDF sued EPA for failure to meet a muber of statutory deadlines in HSWA 1984. EDF's major issues include:

  1) numerous listing determinations (§ 3001(e));
  2) liquids in landfills restrictions (§ 3004(c));
  3) leak detection system standards (§3004(o));
  4) land disposal restrictions for newly listed and identified wastes (§ 3004(g));
  5) a cement kiln dust Report to Congress (§ 8002(o));
  6) post-closure permits (§ 3005(c)); and
  7) additional characteristics (§ 3001(h)).

* Settlement. EPA and EDF agreed to a settlement which set deadlines for items 1-5 above. Listing determinations comprise the bulk of the settlement, which sets forth both the scope of the listings and deadlines for proposed and final rules. The settlement was filed with the court as a proposed consent decree in 1989 and was finalized by the court 12/94.

* Outstanding issues. Parties agreed to stay the litigation on issue 6 through the end of 1992. The issue will probably settle or be dismissed when the post-closure rule is promulgated. Parties agreed to litigate issue 7. This issue was fully briefed in 1991. In 12/94, the court ruled in favor of the Agency, based on the merits of the case.

* Implementation. To date, EPA has met its deadlines. In an increasing number of instances, the Agency has requested additional time or flexibility on particular obligations. Although reluctant, EDF has agreed to various deadline extensions. We are currently interested in additional time/flexibility for additional obligations (e.g., chlorinated aliphatics rulemaking).

Other Suits/Agreements

* American Petroleum Institute -- used oil
* Hazardous Waste Treatment Council -- K061
* Chemical Waste Management -- "Third Third" LDR
* Hazardous Waste Treatment Council -- burners, emission stds
* Gearhart -- fossil fuel utility wastes
* EDF -- treatability variance
* Sierra Club -- Industrial D/CESQG
* Environmental Technology Council and Chemical Manufacturers Association -- HWIR

1995-96 Deadlines

1/17/95	Chem Waste Mgmt	NPRM LDRs for wastewaters, carbamates, organobromines; final "Third Third"
1/31/95	EDF	CKD, final regulatory decision
3/31/95	EDF	NPRM, listing category II & III solvents
4/30/95	EDF	final, listing organobromines
5/15/95	Sierra Club	NPRM, Industrial D/CESQG
6/30/95	EDF	NPRM, LDR Phase IV
8/15/95	Env Tech Council	HWIR
8/31/95	EDF	NPRM, listing petroleum refining
9/30/95	Treatment Council	NPRM, tech emission stds, burners
11/30/95	EDF	NPRM, listing chlorinated aliphatics
11/30/95	EDF	final, listing dyes and pigments
1/16/96	CWM	final, LDR Phase III and Third Third
1/31/96	HWTC	final, K061 encapsulated uses
5/31/96	EDF	final, listing category II & III solvents
5/31/96	EDF	final report, spent solvents
6/30/96	EDF	final report, petroleum refining
6/30/96	EDF	final, LDR Phase IV
7/1/96	Sierra Club	final, Industrial D/CESQG
10/31/96	EDF	final, listing chlorinated aliphatics
10/31/96	EDF	final, listing petroleum refining

11/30/96	EDF	final, LDR cat. II & III solvents
12/15/96	ETC	final, HWIR
12/15/96	HWTC	final, tech emission stds burners
12/31/96	EDF	NPRM, listing paint prod. wastes

APPENDIX 3

EPA—SDWA

Final Rule Stage

CFR Citation: 40 CFR 142

Legal Deadline: None

Abstract: EPA will promulgate revisions to the regulatory language which concerns EPA's initiation of proceedings that could result in withdrawal of State primary enforcement responsibility for the Public Water System Supervision Program. EPA is promulgating this revision in part, in response to the court's remand in National Wildlife Federal v. EPA, 980 F. 2D 765 (DC Circuit 1992). National Wildlife Federation v. EPA, 980 F.2D 765 (DC Circuit 1992).

Timetable:

Action	Date	FR Cite
NPRM	08/08/94	59 FR 40458
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: State, Tribal, Federal

Additional Information: SAN No. 3359.

Agency Contact: Judy Lebowich, Environmental Protection Agency, Water, (4604), Washington, DC 20460, 202 260-7595

RIN: 2040–AC19

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Safe Drinking Water Act (SDWA)

Completed Actions

4041. INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

CFR Citation: 40 CFR 35

Completed:

Reason	Date	FR Cite
Withdrawn - No further action is expected in the next 12 months.	09/01/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Marshall-Farris, 202 260-8897

RIN: 2040–AB18

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Noise Control Act (NCA)

Final Rule Stage

4042. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1)/NCA 5(b)(1); 42 USC 4905(a)(1)/NCA 6(a)(1)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action proposes to withdraw certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also proposes to withdraw proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 2046.

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: Ken Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), Washington, DC 20460, 202 260-4996

RIN: 2060–AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Resource Conservation and Recovery Act (RCRA)

Prerule Stage

4043. MODIFICATIONS TO THE DEFINITION OF SOLID WASTE AND REGULATIONS OF HAZARDOUS WASTE RECYCLING: GENERAL

Legal Authority: 42 USC 6905/RCRA 1004; 42 USC 6921 to 6928/RCRA 3001 to 3008

CFR Citation: 40 CFR 261; 40 CFR 266

Legal Deadline: None

Abstract: This rulemaking will propose to modify the current regulatory framework to improve the implementation of the regulations that define a solid waste and the regulations governing the recycling of hazardous wastes.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2872.

NOTE: EPA has not yet identified what the next action will be. An ANPRM may be issued, or regulatory changes may be proposed, or both.

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-8551

RIN: 2050–AD18

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Resource Conservation and Recovery Act (RCRA)

4044. FACILITY RESPONSE PLANNING FOR DELEGATED OFFSHORE FACILITIES

Legal Authority: 33 USC 1321/Clean Water Act; EO 12777

CFR Citation: 40 CFR 112

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: The Oil Pollution Act of 1990 (OPA) expands the scope of private planning and response activities associated with discharges of oil. The revision to sections 20 and 21 of the facility response plan rule implementing these requirements would extend applicability of the rule to non-transportation related offshore facilities landward of the the low water mark. Regulation of these facilities was delegated to EPA by a Memorandum of Understanding of 2/3/94 from the Department of Interior/Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	03/00/95	
Final Action	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Tribal, Federal

Sectors Affected: 131 Crude Petroleum and Natural Gas

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3425.

Agency Contact: Bobbie Lively-Diebold, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), 703 356-8774

RIN: 2050–AE18

4045. REGULATIONS TO CONTROL IMPORTS AND EXPORTS OF HAZARDOUS AND OTHER WASTES

Legal Authority: 42 USC 6905 et seq

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 266

Legal Deadline: None

Depending on the implementing legislation, there may be a NPRM deadline of one year from the date of the enactment.

Abstract: Once the U.S. passes legislation needed to ratify and become a Party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, EPA will propose regulations which will implement the terms of the convention, as implementing legislation requires. The final regulations would replace the current import/export regulations at 40 CFR 262, Subparts E and F. In addition, EPA may propose additional regulations as necessary to improve and implement the waste import/export program under RCRA (e.g. codification of bilateral agreements, changes to regulations implementing the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39/FINAL).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: SAN No. 3426.

Agency Contact: Julie Lyddon, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington DC 20460, 202 260-7944

RIN: 2050–AE13

4046. HAZARDOUS WASTE MANAGEMENT SYSTEM; AMENDMENT TO GENERIC EXCLUSION FOR KO61, KO62, AND FOO6 HTMR RESIDUALS (ENCAPSULATED USES)

Legal Authority: 42 USC 6905, 6912(a), 6921, 6922, 6924, 6934, and 6938

CFR Citation: 40 CFR 261; 40 CFR 266

Legal Deadline: NPRM, Judicial, December 13, 1994. Final, Judicial, December 13, 1995.

Abstract: The Agency anticipates amending the generic exclusion for KO61, KO62, and FOO6 residual slags by either (1) allowing encapsulated uses of the slags under the existing exclusion, or (2) setting new levels under this exclusion for encapsulated uses of the slags.

Timetable:

Action	Date	FR Cite
NPRM	12/00/94	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Additional Information: SAN No. 3428.

Agency Contact: Narendra K. Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington DC 20460, 202 260-4787

RIN: 2050–AE15

4047. • ALTERNATIVES FOR GROUND-WATER MONITORING AT SMALL, DRY/REMOTE MUNICIPAL SOLID WASTE LANDFILLS

Legal Authority: RCRA 4004, RCRA 1008, RCRA 2002, RCRA 4010

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: Alternative strategies for conventional ground-water monitoring are under consideration by the Agency for use at certain small, dry/remote municipal solid waste landfills, as necessary to detect contamination on a site-specific basis. Examples of alternative strategies may include early detection vadose zone monitoring, analysis for indicator parameters and major ions in place of trace elements and volatile organic compounds, or exempting small landfills from ground-water monitoring requirements based on a demonstration that there is no potential for leachate migration to the uppermost aquifer. Examples of site-specific factors important to the alternative selection process include costs, hydrogeology, stratigraphy, climate, and availability of equipment and technical expertise. There are certain geographic areas where there may be no clear-cut effective alternatives to conventional ground-water monitoring, such as areas of Alaska with permafrost or in communities with extremely low per capita income. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/94	
Final Action	06/00/95	

Small Entities Affected: Government Jurisdictions

Government Levels Affected: State, Local, Tribal

Additional Information:

SAN No. 3546.

ABSTRACT CONT: The consideratic of alternatives flows from a recent decision by the U.S. Court of Appea for the District of Columbia Circuit

CRA

the small landfill ground-water ing exemption under 40 CFR 3.50(b) and by the projection nual waste disposal costs for nities being served by these andfills could, in some cases, e by several hundred percent. he implementation of full ground-monitoring requirements. This ould provide states and tribes EPA-approved permit programs exibility they need to be able to e alternatives for ground-water toring. Local governments would bear the costs of alternative nd-water monitoring. Our minary costing results indicate that natives range from about 20 ent to 70 percent of the cost of full nd-water monitoring requirements. ence and engineering support would needed by some communities to plement most alternatives.

ency Contact: Scott Ellinger, vironmental Protection Agency, lid Waste and Emergency Response, E., Washington, DC 20460, 202 260-50

IN: 2050–AE24

048. • NEW AND REVISED TESTING METHODS APPROVED FOR RCRA SUBTITLE C HAZARDOUS WASTE TESTING MANUAL, SW-846, THIRD EDITION, UPDATE IV

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6921/RCRA 3001; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6926/RCRA 3006

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This regulatory action will revise certain testing methods and add other new testing methods that are approved or required under Subtitle C of RCRA. These new and revised methods are found in Update IV to the Third Edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA publication SW-846. The revision to the manual is necessary to provide improved and more complete analytical methods for RCRA-relating testing.

Timetable:

Action	Date	FR Cite
NPRM	07/00/96	
Final Action	07/00/97	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3547.

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, SE., Washington, DC 20460, 202 260-3282

RIN: 2050–AE25

4049. • FINANCIAL ASSURANCE EFFECTIVE DATE FOR OWNERS AND OPERATORS OF MUNICIPAL SOLID WASTE LANDFILL FACILITIES

Legal Authority: 42 USC 6907, 6944, 6949a

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: Owners and operators of subtitle D landfills would be required to meet financial assurance requirements beginning on April 9, 1995.It is intended to make financial tests available for local governments and corporations that need to provide financial assurance for their subtitle D facilities. Neither financial tests will be available before the April 9, 1995 effective date. The Agency is proposing to extend the effective date to April 9, 1996 to allow adequate time to finalize the financial tests. As a result of this rulemaking, public and private owners and operators of SubtitleD facilities will not have to meet the financial assurance requirements of 40 CFR Part 258 until April 9, 1996.

Timetable:

Action	Date	FR Cite
NPRM	10/00/94	
Final Action	01/00/95	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

Additional Information: SAN No. 3585.

Agency Contact: ~~Timothy J. O'Malley~~ Nancy Hunt, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8613

RIN: 2050–AE27

4050. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: HAZARDOUS WASTE IDENTIFICATION RULE (HWIR); WASTE

Regulatory Plan: This entry is Seq. No. 147 in Part II of this issue of the Federal Register.

RIN: 2050–AE07

4051. CAUSES FOR PERMIT MODIFICATIONS TO HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912/RCRA 2002; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6927/RCRA 3007; 42 USC 6974

CFR Citation: 40 CFR 270.41

Legal Deadline: None

Abstract: This amendment would allow EPA to modify a permit to correct an inadvertent omission of an applicable requirement under RCRA which is in effect prior to the data of permit issuance. The permit correction would follow the modification procedures in 40 CFR 124. Citizens would be able to request such a correction using existing procedures in 40 CFR 124.5.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2780.

Agency Contact: Victoria Van Roden, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8623

RIN: 2050–AD05

4052. HAZARDOUS WASTE MANAGEMENT SYSTEM: POST-CLOSURE REQUIREMENTS

Legal Authority: 42 USC 6926/RCRA 3006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 124

Legal Deadline: None

Abstract: This rule would modify the regulations to expand and improve the

mechanisms available for addressing post-closure care at hazardous waste land disposal facilities. It would allow substitution of enforcement mechanisms for post-closure permits in some cases, while still retaining the permit as an option to address these facilities. The rule would also require States to adopt enforcement authority to compel corrective action at interim status facilities, consistent with Federal section 3008(h) authority.

Timetable:

Action	Date	FR Cite
NPRM	12/00/94	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3042.

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-7057

RIN: 2050–AD55

4053. SPENT SOLVENTS LISTING DETERMINATION

Legal Authority: 42 USC 6905/RCRA 1005; 42 USC 6912/RCRA 2002; 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002; 42 USC 6926/RCRA 3006; 42 USC 9602/RCRA 8002; 33 USC 1361/FWPCA 1361; 33 USC 1321/FWPCA 1321

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, March 31, 1995. Final, Statutory, February 8, 1986. Final, Judicial, May 31, 1996.

Abstract: This action will propose to list or not list as hazardous wastes under RCRA 14 spent solvents and/or still bottoms from their recovery. The solvents are cumene, phenol, isophorone, acetonitrile, furfural, epichlorohydrin, methyl chloride, ethylene dibromide, benzyl chloride, p-dichlorobenzene, 2-methoxyethanol, 2-methoxyethanol acetate, 2-ethoxyethanol acetate, and cyclohexanol. Any solvents listed will be added to the CERCLA list of hazardous substances with reportable quantities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/95	
Final Action	05/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3134.

Agency Contact: Ron Josephson, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4770

RIN: 2050–AD84

4054. CHLORINATED ALIPHATICS LISTING DETERMINATION

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6922/RCRA 3001; 42 USC 9602/CERCLA 102; 33 USC 1361/FWPCA 311; 33 USC 1321/FWPCA 501

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, November 30, 1995. Final, Judicial, October 31, 1996.

Abstract: This action will propose to list or not to list as hazardous wastes under RCRA wastewaters and wastewater treatment sludges from the production of approximately 25 chlorinated aliphatics. These wastes, if identified as hazardous under RCRA, will be designated hazardous substances under CERCLA, with reportable quantities established. The Agency will use this opportunity to investigate waste minimization possibilities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
Final Action	10/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3151.

Agency Contact: Wanda Levine, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-7458

RIN: 2050–AD85

4055. NEW AND REVISED TESTING METHODS APPROVED FOR RCRA SUBTITLE C, IN "TEST METHODS FOR EVALUATING SOLID WASTE, PHYSICAL/CHEMICAL METHODS" (SW-846), THIRD EDITION, UPDATE III

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6921/RCRA 3001; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6926/RCRA 3006

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This regulatory action will revise certain testing methods and add other new testing methods that are approved or required under Subtitle C or RCRA. These new and revised methods are found in Update III to the Third Edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA publication SW-846. The revision to the manual is necessary to provide improved and more complete analytical methods for RCRA-relating testing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
Final Action	09/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 3427.

Agency Contact: Kim Kirkland, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington DC 20460, 202 260-6722

RIN: 2050–AE14

4056. SUBTITLE D CORPORATE FINANCIAL TEST AND GUARANTEE

Legal Authority: 42 USC 6907/RCRA 1007; 42 USC 6944/RCRA 4004; 42 USC 6949/RCRA 4009

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: This rule would allow financially strong corporate entities that own/operate municipal solid waste landfills the option of using a financial test or guarantee to demonstrate financial assurance for costs associated with closure, post-closure, and corrective action of known releases.

Timetable:

Action	Date	FR Cite
NPRM	10/00/94	
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3179.

Agency Contact: Tim O'Malley, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8613

RIN: 2050–AD77

4057. REVISIONS TO CRITERIA APPLICABLE TO SOLID WASTE DISPOSAL FACILITIES THAT MAY ACCEPT CESQG HAZARDOUS WASTES EXCLUDING MUNICIPAL SOLID WASTE LANDFILLS

Legal Authority: 42 USC 6907, 6944, 6949/RCRA 4010, 1008, 2002, and 4004; 33 USC 1345

CFR Citation: 40 CFR 257

Legal Deadline: NPRM, Judicial, May 15, 1995. Final, Judicial, July 1, 1996.

Abstract: RCRA section 4010(c) directs EPA to revise existing Criteria in 40 CFR part 257 for facilities that may receive hazardous household wastes (HHW) or Conditionally Exempt Small Quantity Generator (CESQG) hazardous wastes. In October 1991, EPA promulgated the Municipal Solid Waste Landfill Criteria (40 CFR 258), thereby satisfying part of the statutory mandate. EPA is under a settlement agreement with the Sierra Club to fulfill the remainder of the statutory mandate by promulgating regulations pertaining to the disposal of CESQG hazardous wastes at solid waste disposal facilities. Depending on actual practices at specific facilities, these regulations might be applicable to commercial and private industrial waste facilities and construction and demolition waste facilities managing non-hazardous wastes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
Final Action	07/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAN No. 3416.

Agency Contact: Paul F. Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington DC 20460, 202 260-4682

RIN: 2050–AE11

4058. REMOVAL OF PENTACHLOROPHENOL FROM F027; RESTORE IT AS U242; CHANGE TOXICITY DESIGNATION OF F021; AND CLARIFY BASIS FOR LISTING CRITERIA

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: The Agency is proposing to amend the regulations for hazardous waste management under RCRA by amending the basis for listing a hazardous waste (i.e., pentachlorophenol production wastes) under 40 CFR 261.31. The Agency is also proposing to amend one hazardous waste (i.e., delete part of FO27 - discarded unused formulations of pentachlorophenol and compounds derived from pentachlorophenol) listed in 40 CFR 261.33 and to add one waste (i.e., U242 - pentachlorophenol) to the list of hazardous wastes in 40 CFR 261. FO21 and U242 would no longer be subject to management standards for acute hazardous wastes. Lastly, the Agency is proposing to clarify the criteria used in 40 CFR 261.11 for listing solid wastes as hazardous. This rule proposes less stringent hazardous waste management standards for FO21 and discarded unused portions containing pentachlorophenol.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3178.

Agency Contact: Anthony Carrell, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-6607

RIN: 2050–AD78

4059. LISTING DETERMINATION OF WASTES GENERATED DURING THE MANUFACTURE OF AZO, ANTHRAQUINONE, AND TRIARYLMETHANE DYES AND PIGMENTS

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, November 30, 1994. Final, Judicial, November 30, 1995.

Abstract: This action will propose the Agency's determination whether or not to list as hazardous wastes under RCRA wastes generated during the production of three classes of dyes and pigments. The Agency is considering several alternatives to listing, specifically management standards, pollution prevention, waste minimization, recycling, reclamation, process changes, and substitution of starting materials.

Timetable:

Action	Date	FR Cite
NPRM	11/00/94	
Final Action	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3066/3068/3069.

Agency Contact: Wanda Levine, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-7458

RIN: 2050–AD80

4060. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: PETROLEUM REFINING PROCESS WASTES

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, August 31, 1995. Final, Judicial, October 31, 1996.

Abstract: This action will propose to list or not to list as hazardous wastes under RCRA these waste streams from the petroleum refining process: 1) clarified slurry oil from catalytic cracking; 2) crude storage tank sludge, 3) spent hydrotreating catalyst; 4) sulfur complex and hydrogen sulfide removal

specification product and fines; 5) spent catalytics reforming catalysts; 6) unleaded storage tank sludge; 7) spent hydrorefining sludge; 8) spent catalyst and fines from catalytic cracking; 9) spent catalyst from sulfur complex and hydrogen sulfide removal facilities; 10) spent caustic from liquid treating; 11) spent catalyst from sulfuric acid alkylation, 12) sludge from hydrofluoric alkylation; and 13)sludge from sulfuric acid alkylation. The Agency is considering alternatives to listing including management standards based on pollution prevention, recycling, reclamation, or feedstock, to other manufacturing processes. This action will also adjust the reportable quantities for waste streams F037 and (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
Final Action	10/00/96	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAN No. 3064.

ABSTRACT CONT: F038 (sludges from petroleum separation processes) under CERCLA as amended. Depending on the number of listed wastes and their generation quantities, the costs of this action could be very significant.

Agency Contact: Maximo (Max) Diaz, Jr., Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4786

RIN: 2050–AD88

4061. RCRA FEES: HANDLER NOTIFICATIONS AND WASTE EXPORT NOTIFICATIONS

Legal Authority: Independent Offices Appropriations Act of 1951

CFR Citation: 40 CFR 262; 40 CFR 263; 40 CFR 265

Legal Deadline: None

Abstract: The Omnibus Budget and Reconciliation Act requires EPA to raise $38 million annually in user fees as part of an overall Federal deficit reduction program. To help achieve this level, EPA will use the authority of the Independent Offices Appropriations Act of 1951 to propose fees for RCRA Handler Notifications, Waste Export Notifications, and permit fees for EPA-issued RCRA permits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
Final Action	11/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3211.

Agency Contact: Val de la Fuente, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4674

RIN: 2050–AD92

4062. REVISED TECHNICAL STANDARDS FOR HAZARDOUS WASTE COMBUSTION FACILITIES

Regulatory Plan: This entry is Seq. No. 148 in Part II of this issue of the **Federal Register**.

RIN: 2050–AE01

4063. LAND DISPOSAL RESTRICTIONS—PHASE IV: TREATMENT STANDARDS FOR CERTAIN MINERAL PROCESSING WASTES; TC METALS; NEWLY LISTED WASTES FROM WOOD PRESERVING AND DYES AND PIGMENTS

Legal Authority: 42 USC 6905, 6912(a), 6921, 6924

CFR Citation: 40 CFR 268

Legal Deadline: NPRM, Judicial, June 1995. Final, Judicial, June 1996.

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA to promulgate regulations establishing treatment standards that must be met before hazardous waste may be disposed of on land. The proposed rulemaking establishes treatment standards for certain characteristic mineral processing wastes, spent aluminum potliners, wood preserving wastes, and TC metals. It also addresses issues arising from a September 25, 1992 decision of the U.S. Court of Appeals in Chemical Waste Management v. EPA, 976 F. 2d (D.C. Cir. 1992) on the equivalency of treatment in wastewater treatment systems regulated under the Clean Water Act to treatment of wastes under RCRA.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/91	56 FR 55160
NPRM	06/00/95	
Final Action	06/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3366.

ADDITIONAL AGENCY CONTACT: Sue Slotnick, 703 308-8467.

Agency Contact: Sherri Stevens, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460, 703 308-8467

RIN: 2050–AE05

4064. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES; HAZARDOUS WASTE IDENTIFICATION RULE (HWIR): CONTAMINATED MEDIA

Regulatory Plan: This entry is Seq. No. 149 in Part II of this issue of the **Federal Register**.

RIN: 2050–AE22

4065. HAZARDOUS WASTE MANIFEST REGULATION

Legal Authority: 42 USC 6922/RCRA 3002(a)(5)

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271

Legal Deadline: None

Abstract: The purpose of this rule is to amend the existing Uniform Hazardous Waste Manifest rule to make it truly "uniform" across the country. Presently what is supposed to be a "uniform" manifest is instead a patchwork of varying State manifests. Interstate shipments become quite burdensome when industry must deal with several different forms with varied requirements. This is compounded since States have difficulty tracking and verifying interstate loads.

The major issues involve the specific data elements that should be on the uniform manifest form. Most States want to see a truly uniform manifest that would be used by all States, but they also want a certain degree of

flexibility to add data elements to suit their needs. Therefore, the goal of this rulemaking will be to achieve consensus on a manifest form that all States can live with.

The costs of this action should be minimal to the regulated industry since the new Federal form will only add a few data elements that in most cases are already being required by the various State forms.

Timetable:

Action	Date	FR Cite
NPRM	01/00/95	
Final Action	01/00/96	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: SAN No. 3147.

Agency Contact: Rick Westlund, Environmental Protection Agency, Solid Waste and Emergency Response, (2136), Washington, DC 20460, 202 260-2745

RIN: 2050–AE21

4066. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6924(o)(7)/RCRA 3004(o)(7)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: Section 3004(o)(7) of RCRA authorizes EPA to restrict the siting of hazardous waste treatment, storage, and disposal facilities in environmentally sensitive locations. EPA's goal for the location standards would be to ensure siting of new hazardous waste treatment, storage and disposal facilities in the most suitable locations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
Final Action	09/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 2303.

Agency Contact: Felicia Wright, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8634

RIN: 2050–AB42

4067. LAND DISPOSAL RESTRICTIONS—PHASE III: STANDARDS FOR DECHARACTERIZED WASTES AND TREATMENT STANDARDS FOR NEWLY LISTED CARBAMATE, ORGANOBROMINE WASTES, AND SPENT ALUMINUM POTLINERS

Regulatory Plan: This entry is Seq. No. 150 in Part II of this issue of the Federal Register.

RIN: 2050–AD38

4068. RULE IDENTIFYING WHEN MILITARY MUNITIONS BECOME HAZARDOUS WASTES AND MANAGEMENT STANDARDS FOR SUCH WASTES

Legal Authority: 42 USC 6924(y)/RCRA 3004(y)

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: NPRM, Statutory, April 6, 1993. Final, Statutory, October 6, 1994.

Abstract: Section 107 of the Federal Facilities Compliance Act of 1992 requires EPA to issue a rule identifying when military munitions, ordnance, and chemical warfare agents become hazardous wastes subject to Federal hazardous waste transportation, storage, treatment, and disposal rules. The rule may also identify management standards for such wastes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
Final Action	07/00/96	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 3235.

Agency Contact: Ken Shuster, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8759

RIN: 2050–AD90

4069. STREAMLINE PERMITTING FOR MIXED WASTE

Legal Authority: 42 USC 6925/RCRA 3005

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 13, 1992, the Utilities Solid Waste Activities Group (USWAG) petitioned EPA to create a conditional exemption from full Subtitle C permitting requirements for certain small commercial mixed waste generators that are already permitted by the NRC. The generators include medical schools, universities, biotechnology laboratories, and pharmaceutical companies. This new category would include NRC licensees that generate less than 1000 kg/month of mixed waste, counting mixed waste as distinct from other hazardous waste. EPA and NRC must together determine how to ensure adequate protection of human health and the environment in order for any streamlined permitting of NRC licensed facilities to be implemented.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3218.

Agency Contact: Richard LaShier, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8762

RIN: 2050–AD65

4070. RCRA SUBTITLE C INDIAN PROGRAM AUTHORIZATION

Legal Authority: 42 USC 6926(b)/3006(b)

CFR Citation: 40 CFR 271; 40 CFR 270

Legal Deadline: None

Abstract: This action would clarify that Indian Tribes may become authorized for the Subtitle C hazardous waste program and that they may share in grant funds made available to States to assist in implementation of authorized hazardous waste programs. The action

would establish a definition of Indian Tribe and the criteria which a Tribe must meet for authorization purposes. The rule would further clarify that Indian Tribes, unlike other States, may be considered for approval of partial RCRA programs, under criteria that would also be announced in the rule. The rule is of great symbolic significance to the Tribes, and it would implement EPA's 1984 Indian Policy by recognizing the sovereign status of Tribes and their primacy in implementing RCRA. The rule would deal with the issues of Indian Tribe capability, alternatives to authorization that also advance Tribes' participation in RCRA, and special attributes of Indian Tribe jurisdiction. The action would be closely coordinated with similar efforts in other media programs.

Timetable:

Action	Date	FR Cite
NPRM	01/00/95	
Final Action	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Tribal

Additional Information: SAN No. 2827.

Agency Contact: Richard La Shier, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8760

RIN: 2050-AD07

4071. FIELD FILTERING OF GROUND-WATER SAMPLES

Legal Authority: 42 USC 6944(a)/RCRA 4004(a); 33 USC 1345(d) and (e)/CWA 405; 42 USC 6945/RCRA 4005; 42 USC 6907/RCRA 1008; 42 USC 6912/RCRA 2002; 42 USC 6949a(c)/RCRA 4010(c)

CFR Citation: 40 CFR 258.51(b)

Legal Deadline: None

Abstract: The RCRA Subtitle D Solid Waste Disposal Facility Criteria, among other provisions, require owners/operators of municipal solid waste landfills to monitor ground-water to detect releases from their landfills. The Criteria ban the filtering of ground-water samples in the field because filtering potentially removes some of the contamination found in the solid phase of the samples. Since promulgation of the Criteria, a number of States and industry groups have stated that it is important to field filter ground-water samples for measuring metals to avoid potential false indications of releases to ground-water. The commenters maintain that the analytical results using filtered samples are sufficiently protective and are as effective as unfiltered samples specified in the Criteria. This notice of proposed rulemaking (NPRM) seeks comment on the appropriateness of allowing States/Tribes with EPA-approved permit programs to lift the ban on a site-specific basis. This rulemaking will not impose new requirements on local government landfill owners and operators; rather, it could alleviate the need to institute new sampling protocols in certain locations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAN No. 3150.

Agency Contact: Tracy Bone, Environmental Protection Agency, Solid Waste and Emergency Response, (5306), Washington, DC 20460, 202 260-5649

RIN: 2050-AD86

4072. RCRA SUBTITLE D SOLID WASTE FACILITIES; STATE/TRIBAL PERMIT PROGRAM—DETERMINATION OF ADEQUACY

Legal Authority: 42 USC 6945/RCRA 4005; 42 USC 6912/RCRA 2002

CFR Citation: 40 CFR 239

Legal Deadline: None

Abstract: This action would describe procedures EPA would use to make determinations of adequacy for State/Tribal solid waste permitting programs, as required by Section 4005 of the Solid Waste Disposal Act, as amended (RCRA). Section 4005(c)(1)(B) requires States to adopt and implement a permit program, other system of prior approval, within 18 months after the promulgation of revised criteria under Section 4004(a), as required by Section 4010(c). Section 4005(c)(1)(C) requires the Administrator to determine whether each State has developed an "adequate permit program."

Timetable:

Action	Date	FR Cite
NPRM	10/00/94	
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: State, Tribal

Additional Information: SAN No. 2751.

Agency Contact: Henry Ferland, Environmental Protection Agency, Solid Waste and Emergency Response, (5306), Washington, DC 20460, 202 260-3384

RIN: 2050-AD03

4073. GUIDELINE FOR FEDERAL PROCUREMENT OF PAPER AND PAPER PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6912(a)/RCRA 6002

CFR Citation: 40 CFR 247

Legal Deadline: None

Abstract: Section 6002 of the RCRA requires EPA to issue guidelines for the procurement of recycled products. From time to time, EPA must revise the guidelines for use by procuring agencies. EPA is to designate items which can be made with recovered materials and to recommend practices for the procurement of those items by Federal procuring agencies. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. EPA issued its final paper guideline in June 1989.

Timetable:

Action	Date	FR Cite
NPRM	12/00/94	
Final Action	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Federal

Additional Information: SAN No. 3032.

Agency Contact: Dana Arnold, Environmental Protection Agency, Solid Waste and Emergency Response, (5306), Washington, DC 20460, 202 260-8518

RIN: 2050-AD41

4074. • REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6912(a)/RCRA 6002(e)

CFR Citation: 40 CFR 247

Legal Deadline: None

Abstract: RCRA section 6002 requires EPA to issue guidelines for the procurement of recycled products. EPA is to designate items that are made with recovered materials and to recommend practices for government procurement. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. In addition, Executive Order 12873, Federal Acquisition, Recycling, and Waste Prevention, designating items in a Comprehensive Procurement Guideline (CPG) and recommending procurement practices in a Recovered Materials Advisory Notice (RMAN). The Order requires EPA to update the CPG and issue RMANs annually. To date, EPA has issued procurement guidelines for five items, including paper and paper products, re-refined lubricating oil, retread tires, building insulation, and cement and concrete containing fly ash, and proposed a Comprehensive Procurement Guideline (59 FR 18852) designating 21 new items for government procurement. This action would propose the first update to the CPG, once it is promulgated.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
Final Action	09/00/96	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Federal

Additional Information:

SAN No. 3545.

Agency Contact: Beverly Golblatt, Environmental Protection Agency, Solid Waste and Emergency Response, SE., Washington, DC 20460, 202 260-7932

RIN: 2050–AE23

4075. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES - FINANCIAL RESPONSIBILITY REQUIREMENTS

Legal Authority: 42 USC 6991b/RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Final, Statutory, August 31, 1988.

Abstract: This action would establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM was published to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/88	53 FR 3818
NPRM	02/00/96	
Final Action	02/00/97	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3433.

Agency Contact: Mark Barolo, Environmental Protection Agency, Solid Waste and Emergency Response, (5402W), Washington, DC 20460, 703 308-8874

RIN: 2050–AC15

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

4076. REVISIONS TO THE OIL POLLUTION PREVENTION REGULATION

Legal Authority: 33 USC 1321/CWA 311(j)(1)(C)

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: Following a major inland oil spill with substantial environmental impacts (i.e., Ashland Oil in Floreffe, PA, in January, 1988) an interagency task force reviewed the adequacy of existing EPA regulations concerning the prevention and control of oil spills (40 CFR 112). The task force recommended a number of steps to improve and extend the regulations. The final rule would implement some of the task force recommendations. It would clarify that many provisions of the existing regulations that may be interpreted as recommended practices by the regulated community are in fact required practices.

Timetable:

Action	Date	FR Cite
NPRM	10/22/91	56 FR 54612
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 2634.

Agency Contact: Dana Stalcup, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), Washington, DC 20460, 703 603-8735

RIN: 2050–AC62

4077. MODIFICATIONS OF THE HAZARDOUS WASTE RECYCLING REGULATIONS: UNIVERSAL WASTES

Legal Authority: 42 USC 6905/RCRA 1004; 42 USC 6921 to 6928/RCRA 3001 to 3008

CFR Citation: 40 CFR 261; 40 CFR 273

Legal Deadline: None

Abstract: This rulemaking proposed to modify the regulatory program for management of certain "universal" hazardous wastes, including hazardous waste batteries and recalled hazardous

waste pesticides. The Agency proposed streamlined management requirements for these universal, or widely generated, hazardous wastes in order to facilitate separation from the municipal waste stream, collection, and proper treatment and/or recycling for these materials.

Timetable:

Action	Date	FR Cite
NPRM	02/11/93	58 FR 8102
Supplemental Notice	06/20/94	59 FR 31568
Final Action	12/00/94	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2870.

Agency Contact: Charlotte Mooney, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-8551

RIN: 2050–AD19

4078. NO-MIGRATION VARIANCE FOR PROHIBITED HAZARDOUS WASTE LAND DISPOSAL

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6924/RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency has proposed a regulation that further specifies the process for operators to apply for and receive variances that would allow the land disposal of untreated hazardous wastes that have been prohibited from land disposal under 40 CFR 268. The variance would be available for land disposal units that successfully demonstrate that there will be no migration of hazardous constituents from the unit for as long as the waste remains hazardous.

Timetable:

Action	Date	FR Cite
NPRM	08/11/92	57 FR 35940
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 2524.

Accompanying draft guidance manual was made available concurrent with publication of proposal. Guidance assists facility owners and operators in characterizing environmental media of concern and environmental pathways along which constituent migration may occur.

Agency Contact: Chris Rhyne, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8658

RIN: 2050–AC44

4079. LISTING DETERMINATION FOR HAZARDOUS WASTES - ORGANOBROMINES CHEMICAL INDUSTRY

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6922/RCRA 3001; 42 USC 9602/CERCLA 102; 33 USC 1361/CERCLA 311; 33 USC 1321/CERCLA 501

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, April 30, 1994. Final, Judicial, April 30, 1995.

Abstract: This action proposed to list as a hazardous waste under RCRA one additional waste stream from those wastes generated during the production of organobromine compounds.

Timetable:

Action	Date	FR Cite
NPRM	05/11/94	59 FR 24530
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3065.

Agency Contact: Edwin Rissmann, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4785

RIN: 2050–AD79

4080. NEW AND REVISED TESTING METHODS APPROVED FOR RCRA SUBTITLE C HAZARDOUS WASTE TESTING MANUAL SW-846, THIRD EDITION, UPDATE II

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6921/RCRA 3001; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6926/RCRA 3006

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This regulatory action would revise certain testing methods and add other new testing methods that are approved or required under Subtitle C of RCRA. These new and revised methods are found in Update II to the Third Edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846. The revision to the manual is necessary to provide improved and more complete analytical methods for RCRA-relating testing. A portion of this regulatory action revising the ph testing method which is required under Subtitle C of RCRA will be finalized in the later final action (see timetable).

Timetable:

Action	Date	FR Cite
NPRM	08/31/93	58 FR 46052
Final Action	12/00/94	
FINAL ACTION (ph method)	04/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2826.

Agency Contact: Charles Sellers and Kim Kirkland, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4761

RIN: 2050–AD06

4081. HAZARDOUS WASTE MANAGEMENT SYSTEM, AMENDMENT TO SUBPART C RULEMAKING PETITIONS: USE OF GROUNDWATER DATA IN DELISTING DECISIONS

Legal Authority: 42 USC 6903/RCRA 1004; 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 260.22

Legal Deadline: None

Abstract: This amendment as proposed will generally require those who submit delisting petitions for hazardous wastes to provide groundwater monitoring data as part of their petition. The amended regulations will clarify the Agency's existing authority to consider the impact of a petitioned waste on groundwater and deny a petition based on groundwater contamination. EPA is

seeking this amendment to clarify its authority to request and consider such data in delisting decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/12/89	54 FR 41930
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 2622.

Agency Contact: Narendra Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4787

RIN: 2050–AC65

4082. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CARBAMATE CHEMICALS PRODUCTION WASTES

Legal Authority: 42 USC 6912(a)/RCRA 3001; 42 USC 6921; 42 USC 9602(a); 42 USC 6905; 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, January 31, 1994. Final, Statutory, February 8, 1986. Final, Judicial, January 31, 1995.

Abstract: Section 3001(e) of RCRA requires EPA to make a determination of whether or not to list carbamate wastes as hazardous wastes. Carbamate chemical production includes all carbamates, carbamoyl oxime, thiocarbamate and dithiocarbamate chemicals for all end uses, including but not limited to: intermediates, herbicides, insecticides, fungicides or rubber processing additives. Carbamate production also includes intermediate compounds used primarily as inputs to carbamate processes. These wastes may also be designated as hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	03/01/94	59 FR 9808
Final Action	01/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3033.

Agency Contact: John Austin, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4789

RIN: 2050–AD59

4083. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO UNDERGROUND STORAGE TANKS CONTAMINATED MEDIA AND DEBRIS

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: In the final hazardous waste Toxicity Characteristic (TC) rule, EPA decided to temporarily defer a final decision on the application of the TC rule to media and debris contaminated with petroleum from underground storage tanks (USTs) that are subject to UST corrective action requirements under 40 CFR Part 280. The Agency believed the UST regulations governing cleanups at these sites would be adequate in the interim. The application of the TC rule to UST cleanups was temporarily delayed so that the Agency could evaluate the extent and nature of these impacts and alternative mechanisms for implementing UST cleanups. The Agency has completed studies of the characteristics of UST corrective action sites, and current practices for management of media and debris under subtitle I State programs. As a result of these studies, EPA proposed to exempt UST petroleum-contaminated media and debris from certain portions of EPA's Hazardous Waste Regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/12/93	58 FR 8504
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3189.

Agency Contact: John Heffelfinger, Environmental Protection Agency, Solid Waste and Emergency Response, (5401W), Washington, DC 20460, 703 308-8881

RIN: 2050–AD69

4084. IMPORTS AND EXPORTS OF HAZARDOUS WASTE: IMPLEMENTATION OF THE OECD DECISION FOR RECYCLABLE WASTES

Legal Authority: 22 USC 2656; 42 USC 6901/RCRA 3001

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 266

Legal Deadline: None

Abstract: On March 30, 1992, the Organization for Economic Cooperation and Development (OECD) adopted the Council's Final Decision on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations. The United States, a member of the OECD, supported the Decision, which is legally binding. The Decision established a graduated system of procedural controls for the export and import of wastes for recovery, depending on whether a waste is included in the green, amber, or red lists. Green wastes are subject only to controls imposed in normal international commercial shipments. Amber and red wastes that are considered hazardous are subject to additional controls regarding: notification to and consent from the exporting, importing, and transit countries; contracts; tracking documents; and, recordkeeping. The Agency is codifying these provisions in an interim final rule which would replace the current RCRA export/import regulations for hazardous waste destined for recovery within the OECD. (cont)

Timetable:

Action	Date	FR Cite
Final Action	10/00/94	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 3114.

ABSTRACT CONT: These changes do not affect the RCRA export/import regulations for hazardous wastes moving for treatment or disposal within the OECD or moving for treatment, disposal or recovery purposes to other countries outside the OECD.

Agency Contact: Susan Nogas, Environmental Protection Agency, Solid Waste and Emergency Response,

(5304), Washington, DC 20460, 202 260-4534

RIN: 2050–AD87

4085. REGULATORY DETERMINATION ON REMAINING WASTES FROM THE COMBUSTION OF FOSSIL FUELS

Legal Authority: 42 USC 6921(b)(3)(C)/RCRA 3001(b)(3)(C)

CFR Citation: Not yet determined

Legal Deadline: Final, Judicial, April 1, 1998.

Abstract: As required by consent decree, the Agency determined on December 1, 1992, that additional study of four large-volume wastes -- fly ash, bottom ash, boiler slag and flue gas emission control wastes -- from the combustion of coal by electric utility power plants was not necessary, and that a Final Regulatory Determination would be made on these wastes by August 2, 1993. (This determination was signed on August 2, 1993 and published in the Federal Register on August 9, 1993). The Agency also determined that for the remaining fossil-fuel combustion wastes, additional data collection is necessary to make a Regulatory Determination on these wastes and a final regulatory determination will be made by April 1, 1998. The phrase "remaining wastes" refers to (1) fly ash, bottom ash, boiler slag, and flue gas emission control wastes from the combustion of coal by electric utility power plants when such wastes are mixed with, co-disposed, co-treated, or otherwise co-managed with other wastes generated in conjunction with the combustion of coal or other fossil fuels. (cont)

Timetable:

Action	Date	FR Cite
Notice of Data Availability	02/12/93	58 FR 8273
Regulatory Determination (Phase I Four Fossil Fuel Wastes)	08/09/93	58 FR 42466
Regulatory Determination (Phase II Remaining Wastes)	04/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3201.

ABSTRACT CONT: and (2) any other wastes subject to section 8002(n) of RCRA other than those subject to the August 1992 Regulatory determination referenced above.

Agency Contact: Patricia Whiting, Environmental Protection Agency, Solid Waste and Emergency Response, (5302W), Washington, DC 20460, 703 308-8421

RIN: 2050–AD91

4086. HAZARDOUS WASTE MANAGEMENT SYSTEM; MODIFICATION OF THE HAZARDOUS WASTE PROGRAM; MERCURY CONTAINING LAMPS

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6921; 42 USC 6922; 42 USC 6938

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: EPA is considering two deregulatory options for the management of spent mercury-containing lamps based on data which indicate that these lamps may be safely managed outside of the RCRA hazardous waste system or within a reduced regulatory structure under it. Option one would exclude mercury-containing lamps from regulation as hazardous waste if they are disposed of in municipal solid waste landfills (MSWLFs) that are registered, permitted, or licensed by states with EPA approved MSWLF permitting programs, or in state registered, permitted, or licensed mercury-reclamation facilities. Under this option, incineration of lamps in municipal waste combustors would be prohibited. Option two would reduce Subtitle C requirements by adding mercury-containing lamps to the proposed universal waste system (58 FR 8102, 4/25/93) for certain widely generated hazardous wastes (primarily nickel-cadmium batteries and cancelled pesticides).

Timetable:

Action	Date	FR Cite
NPRM	07/27/94	59 FR 38288
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3237.

Agency Contact: Greg Helms, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-6721

RIN: 2050–AD93

4087. RCRA EXPANDED PUBLIC PARTICIPATION AND REVISIONS TO COMBUSTION PERMITTING PROCEDURES

Regulatory Plan: This entry is Seq. No. 165 in Part II of this issue of the **Federal Register**.

RIN: 2050–AD97

4088. REPORT TO CONGRESS AND FINAL REGULATORY DETERMINATION ON CEMENT KILN DUST

Legal Authority: 42 USC 6921/RCRA 3001(b)(3)(A)(iii); RCRA 8002(o)

CFR Citation: Not yet determined

Legal Deadline: NPRM, Judicial, December 31, 1993. Final, Judicial, January 31, 1995.

Abstract: RCRA 8002(o) requires that the Cement Kiln Dust Report to Congress study the sources and volumes of cement kiln dust, current and alternative waste management practices and their costs and economic impacts, documented damages to human health and the environment from cement kiln dust disposal, and existing state and Federal regulation of these wastes. EPA will use this information to develop a recommendation as to whether regulation of cement kiln dust is warranted under Subtitle C of RCRA. After an opportunity for public comment on the Report to Congress, EPA will make a final regulatory determination.

Under the terms of a proposed consent decree, the Cement Kiln Dust Report to Congress was completed by December 31, 1993; the Regulatory Determination must be made by January 31, 1995.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/06/94	59 FR 709
Regulatory Determination	01/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3334.

Agency Contact: William Schoenborn, Environmental Protection Agency, Solid Waste and Emergency Response, (5302W), Washington DC, 20460, 703 308-8483

RIN: 2050–AE02

4089. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6924/RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action would set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, groundwater and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations would define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions using a scant regulatory framework. This regulation will be issued in several phases. The next phase (Phase II) will finalize certain provisions of the 1990 proposal. Phase II will involve reproposing remaining elements of the original proposal.

Timetable:

Action	Date	FR Cite
NPRM	07/27/90	55 FR 30798
Final Rule (Phase I)	02/16/93	58 FR 8658
Final Rule (Phase II)	09/00/95	
NPRM (Phase III)	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 2390.

Agency Contact: Guy Tomassoni, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8622

RIN: 2050–AB80

4090. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

Legal Deadline: None

Abstract: This amendment would revise financial test criteria that must be satisfied by TSDF owners and operators employing the test to demonstrate RCRA financial responsibility requirements. The anticipated revisions would adjust test criteria so as to increase availability of this assurance mechanism to financially viable and stable firms and increase sensitivity to bankruptcy prediction.

Timetable:

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30201
Final Action (3rd Party Liability; Closure/Post Closures)	09/16/92	57 FR 42832
Final Action (Corporate Financial Test)	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2647.

Agency Contact: Tim O'Malley, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8613

RIN: 2050–AC71

4091. TREATMENT, STORAGE, AND DISPOSAL FACILITY—RCRA AIR EMISSION STANDARDS

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: Final, Judicial, November 1994.

Abstract: The purpose of this action is to investigate the health and environmental impacts of non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Sources include tanks, surface impoundments, landfills, waste piles, land treatment operations and wastewater treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment. The Agency has adopted a three-phase approach: Phase I regulates organic emission from equipment leaks and process vents; Phase II will address tanks, containers, surface impoundments, and miscellaneous units; and Phase III will address residual risk associated with particular hazardous organic constituents.

Timetable:

Phase I: Leaks and Vents
NPRM 02/05/87 (52 FR 3748)
Final Action 06/21/90 (55 FR 25454)
Phase II: Tanks and Impoundments
NPRM 07/22/91 (56 FR 33490)
Final Action 10/00/94

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Federal

Additional Information: SAN No. 2240.

Agency Contact: Michele Aston, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-2363

RIN: 2050–AD62

4092. HAZARDOUS WASTE MANAGEMENT SYSTEM; AMENDMENT TO GENERIC EXCLUSION LEVEL FOR KO61, KO62 AND FOO6 HTMR RESIDUALS (NON-ENCAPSULATED USES); FINAL RULE

Legal Authority: 42 USC 6905/RCRA 1005; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004

CFR Citation: 40 CFR 266

Legal Deadline: NPRM, Judicial, February 14, 1994. Final, Judicial, August 15, 1994.

Abstract: Certain non-encapsulated uses of slag residues derived from high temperature metal recovery (HTMR) treatment of KO61, KO62, and FOO6, as waste-derived products placed on the land, will be prohibited unless there is compliance with all Subtitle C standards applicable to land disposal.

Timetable:

Action	Date	FR Cite
NPRM	02/23/94	59 FR 8583
Final Action	10/00/94	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Additional Information: SAN No. 3368.

Agency Contact: Narendra K. Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, (5304), Washington, DC 20460, 202 260-4787

RIN: 2050–AE09

4093. EXTENSION OF STATES INTERIM AUTHORIZATION OPTION TO CARRY OUT POST-HSWA REGULATIONS

Legal Authority: 42 USC 6926/RCRA 3006(g)

CFR Citation: 40 CFR 271.24

Legal Deadline: None

Abstract: This action proposes to extend the interim authorization option available to States beyond January 1, 1993. Interim authorization allows a State which has been granted RCRA base program authorization to carry out post-HSWA regulations once it has submitted evidence that these regulations are substantially equivalent to the federal requirements. The Agency proposes to extend the availability of interim authorization to January 1, 2003.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/18/92	57 FR 60129
Final Action	12/00/94	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3094.

Agency Contact: Richard La Shier, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8760

RIN: 2050–AD57

4094. FINANCIAL TEST FOR LOCAL GOVERNMENTS THAT OWN/OPERATE MUNICIPAL SOLID WASTE LANDFILLS

Legal Authority: 42 USC 6941 to 6949/RCRA 4001 to 4009

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: This rule would allow financially strong local governments that own/operate municipal solid waste landfills the option of using a financial test to demonstrate financial assurance for costs associated with closure, post-closure, and corrective action of known releases.

Timetable:

Action	Date	FR Cite
NPRM	12/27/93	58 FR 68353
Final Action	04/00/95	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: SAN No. 2761.

Agency Contact: Tim O'Malley, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8613

RIN: 2050–AD04

4095. COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6912(a)/RCRA 6002(a)

CFR Citation: 40 CFR 247

Legal Deadline: None

Abstract: RCRA 6002 requires EPA to issue guidelines for the procurement of recycled products. EPA is to designate items which can be made with recovered materials and to recommend practices for the procurement of those items by Federal procuring agencies. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Under RCRA 6002, EPA has issued procurement guidelines for five items: paper and paper products, lubricating oil, tires, building insulation, and cement and concrete. Until now, both the item designation and the procurement recommendations were proposed and finalized as one document in the Federal Register and subsequently codified in 40 CFR Parts 247-253.

Timetable:

Action	Date	FR Cite
NPRM	04/20/94	59 FR 18852
Final Action	12/00/94	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Additional Information: SAN No. 3384.

Agency Contact: Beverly Goldblatt, Environmental Protection Agency, Solid Waste and Emergency Response, (5306), Washington, DC 20460, 202 260-7932

RIN: 2050–AE16

4096. UNDERGROUND STORAGE TANKS—LENDER LIABILITY

Legal Authority: 42 USC 6991/RCRA 9001; 42 USC 6991/RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: This regulation will address the liability of secured creditors ("lenders") regarding contaminated properties they hold as collateral. The regulation is needed to remove a current barrier to the financing of underground storage tank (UST) facilities and increase the amount of capital available to UST owners. Without adequate financing, many UST owners will be unable to make the improvements to their facilities necessary to comply with environmental regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/13/94	59 FR 30448
Final Action	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3149.

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