

# MONTHLY HOTLINE REPORT

June 1996

## RCRA, Superfund & EPCRA



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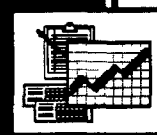
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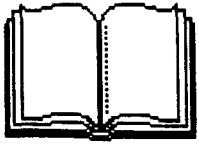
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This report is prepared and submitted in support of Contract No. 68-W6-0016.

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# MONTHLY HOTLINE REPORT

## AVAILABILITY

### Electronic Availability

The Monthly Hotline Report Questions and Answers are also available for downloading at no charge from the CLU-IN bulletin board at (301) 589-8366.

The complete text of the 1993, 1994, and 1995 Monthly Hotline Reports may be accessed via EPA's **Internet servers**. Using Gopher, go to [gopher.epa.gov](http://gopher.epa.gov) and follow this pathway: EPA Offices & Regions --> Office of Solid Waste & Emergency Response --> OSW (RCRA) --> RCRA: General --> RCRA/UST, Superfund & EPCRA Hotline Reports.

Monthly Hotline Reports are also available through the World Wide Web (WWW). Go to the **Hotline Home Page** at <http://www.epa.gov/epaoswer/hotline/> and select "Monthly Hotline Reports."

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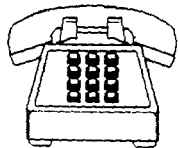
### National Technical Information Service (NTIS)

The Monthly Hotline Report can be ordered through NTIS at (703) 487-4650. The NTIS order numbers are as follows:

Yearly Subscription	SUB-9224
January 1996	SUB-9224-96-001
February 1996	SUB-9224-96-002
March 1996	SUB-9224-96-003
April 1996	SUB-9224-96-004
May 1996	SUB-9224-96-005
June 1996	SUB-9224-96-006

### RCRA Docket

EPA and state personnel can order the Monthly Hotline Report from the RCRA Docket at (703) 603-9230. The order number for the 1996 yearly subscription is EPA530-R-96-001.



## HOTLINE QUESTIONS AND ANSWERS

### RCRA

#### 1. Tank Storage at Transfer Facilities

*A transfer facility is a place where transporters temporarily hold shipments of hazardous waste during the normal course of transportation (40 CFR §260.10). A transporter storing manifested shipments of hazardous waste in containers meeting DOT packaging requirements at a transfer facility for less than 10 days is not required to obtain a permit and is not subject to the requirements of Parts 264, 265, or 268 (§263.12). May a transporter store hazardous waste in stationary tanks at a transfer facility and still remain subject to the reduced transfer facility requirements of §263.12?*

A transporter may not store hazardous waste in stationary tanks and still remain subject to the reduced transfer facility requirements because such tanks are not portable. To store hazardous waste at a transfer facility without a permit or interim status, the transporter must meet three criteria. First, the transporter may store only manifested shipments of hazardous waste. Second, waste must be held in containers (including tank cars and cargo tanks) which meet DOT packaging requirements. Container is defined to mean any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled (40 CFR 260.10). Finally, the waste may only be held for 10 days or less (§263.12). The transfer facility provisions, therefore, apply to storage in portable

containers (to accommodate the normal and routine activities of the transportation industry). Storage of waste in stationary tanks at a transfer facility would not be a normal or routine activity of the transportation industry and thus is prohibited unless the facility has a permit or interim status (45 FR 86967; December 21, 1980).

#### 2. Delay of Closure for Non-retrofitted Hazardous Waste Surface Impoundments Continuing to Receive Non-hazardous Waste

*RCRA requires owners and/or operators of surface impoundments that become subject to regulation due to the promulgation of a new hazardous waste listing or characteristic to retrofit the impoundment to meet minimum technological requirements — a double liner, a leachate collection and removal system, and a leak detection system — or close within four years of the promulgation date of the listing or characteristic (3005(j)(6)). If the owner and/or operator of a newly-subject surface impoundment ceases receipt of hazardous waste before the four years have elapsed and wants to receive only non-hazardous waste, must she first perform closure under 40 CFR Part 265, Subpart G?*

No, the owner and/or operator may continue to receive non-hazardous waste indefinitely in the impoundment provided she complies with §265.113(d) and removes all hazardous waste from the unit (§265.113 (e)). She would not have to perform formal closure activities until 90 days after final receipt of non-hazardous waste (§265.113(a)).

However, if the owner and/or operator does not remove all hazardous waste from the impoundment, she must begin closure within 90 days of expiration of the four-year retrofitting period. The Regional Administrator may extend this deadline if removal of the hazardous waste will of necessity take longer than 90 days and such an extension will not pose a threat to human health and the environment (§265.113(e)).

For example, a surface impoundment stores a waste which becomes subject to regulation as a result of the promulgation of the toxicity characteristic waste codes on March 29, 1990 (55 FR 11798). The owner and/or operator must retrofit or close the unit by March 29, 1994. If in 1992, the owner and/or operator decides to cease receipt of the hazardous waste, but wants to continue receiving non-hazardous waste, she must remove all of the hazardous waste. Once she has removed all of the hazardous waste, she may receive non-hazardous waste indefinitely. When the owner and/or operator later ceases receipt of non-hazardous waste, for example on January 1, 1996, she must then begin closure operations within 90 days, or by March 31, 1996. If the owner and/or operator chooses not to remove the hazardous waste, and does not receive an extension from the Regional Administrator, she must then begin closure within 90 days of the expiration of the four-year retrofitting period, in this example 90 days from March 24, 1994, or June 24, 1994.

### **3. Hazardous Waste Liquid-containing Pumps and the Liquids in Landfills Prohibition**

*RCRA prohibits the disposal of hazardous waste containing free liquids in hazardous waste landfills, where free liquids are defined as those that readily separate from the solid portion of a waste under ambient temperature*

*and pressure (40 CFR 260.10). To meet this requirement, must owners and/or operators disposing of pumps containing free liquids dismantle the pump to remove the liquid?*

Owners and/or operators would not be required to dismantle the pump. When disposing of containerized liquids, owners and/or operators have three options: remove the liquid by a method such as decanting; add nonbiodegradable sorbent material or solidify the waste so that free liquids are no longer observable; or eliminate the free liquids by some other means (§§264.314(d)(1) and 265.314(c)(1)). The regulations provide exclusions from this requirement for small containers, such as ampules, and containers designed to hold free liquids for use other than storage, such as batteries or capacitors (§§264.314(d)(2)-(3) and 265.314(c)(2)-(3)). Since the pump holds liquid for use other than storage, the owner and/or operator of the pump will be exempt from the requirement to remove or sorb free liquids.

## **UST**

### **4. Frequently Asked Questions on the Applicability of the 40 CFR Part 280 Underground Storage Tank Regulations**

*The Part 280 regulations apply to owners and/or operators of UST systems. How are UST systems defined?*

An UST system, or tank system, means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any (§280.12).

*Would the pump attached to an UST be considered part of that tank system, and therefore subject to Part 280?*

If underground, the pump meets the definition of ancillary equipment, which includes, but is not limited to, piping, fittings, flanges, valves, and pumps used to distribute meter, or control the flow of regulated substances to and from an UST and is subject to the regulations (§280.12).

*Is there an exclusion from the Part 280 regulations for an UST of a certain size?*

Yes, any UST system with capacity of 110 gallons or less is excluded from the requirements of Part 280 (§280.10).

*To be subject to Part 280, USTs must contain "regulated substances." What is a regulated substance under the UST regulations?*

A regulated substance is any substance defined in §101(14) of CERCLA (but does not include any substance regulated as a hazardous waste under Subtitle C), and petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (§280.12).

*How is an UST storing fuel for use in emergency power generators regulated?*

An UST storing fuel solely for use by emergency power generators is deferred from the release detection requirements in Subpart D of Part 280 (§280.10). Owners and operators of these systems, however, must comply with the requirements in all other subparts of Part 280 (September 23, 1986; 53 FR 37113).

*Would an UST at a residence be subject to Part 280 regulations?*

A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes is not included in the definition of an UST, and would therefore not be subject to the Part 280 regulations (§280.12).

*If an UST is storing heating oil, is it subject to the Part 280 regulations?*

The UST is not subject to the Part 280 regulations if the heating oil is stored for consumptive use on the premises where stored (§280.12). Consumptive use includes heating as a typical use of the fuels, but does not limit the exclusion to fuels so used. Tanks holding heating oil for any on-site use, such as heating or to power a generator, are exempted from federal regulation (September 23, 1986; 53 FR 37117). State and local regulations may be more stringent.

## **5. Automatic Tank Gauging Requirements**

*Owners and/or operators of underground storage tanks (USTs) must comply with release detection requirements in 40 CFR Part 280, Subpart D. Effective leak detection for USTs allows owners and/or operators to respond quickly to signs of leaks. Owners and/or operators of petroleum USTs may use an automatic tank gauging system (ATGS) as an acceptable method for compliance with monthly leak detection requirements (§280.41(a)). An ATGS can test for leaks and can also be used to measure product inventory. If an owner and/or operator conducts monthly leak detection using an ATGS, will a daily product inventory measurement need to be taken as well?*

All ATGS permanently installed on or after December 22, 1990, must be capable of detecting a 0.2 gallon per hour leak rate within a month with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05 (§280.40(a)(3)). An ATGS, or any other alternative leak detection method (§280.43(h)(1)), capable of meeting these performance standards would obviate the regulatory requirements for inventory control under §280.43(d), including the need for the owner and/or operator to conduct a daily product inventory measurement.

However, an owner and/or operator using an ATGS not meeting the Pd/Pfa requirements will need to conduct and record a product inventory measurement or use another test of equivalent performance every day that fuel is added or removed from the UST. This daily measurement is required in addition to testing for the loss of product each month (§280.43(d)(2)). Records documenting monitoring activities, whether recorded automatically by the ATGS or manually by the owner and/or operator, must be maintained for at least one year (§280.45). Owners and/or operators of USTs should contact their state or implementing agency to determine if more stringent regulations apply.

## **6. Use of Insurance and State Funds to Fulfill UST Financial Responsibility**

*Owners and/or operators of petroleum underground storage tank (UST) systems are required to demonstrate financial responsibility for corrective action by using the mechanisms outlined in 40 CFR Subpart H. Insurance policies (§280.97) and state funds (§280.101) are two of the methods that may be used to fulfill this requirement. However, these mechanisms often include deductible amounts that must be paid by the tank owner. Could a one million dollar insurance plan or*

*state fund that includes a deductible serve as the sole means of demonstrating UST financial responsibility, or does an owner or operator need to obtain additional coverage for the deductible amount?*

A single insurance policy that covers the entire \$1 million or \$2 million sum may be used to demonstrate financial responsibility. EPA alleviated the problem of an uncovered deductible by requiring that insurance for underground storage tanks provide "first dollar" coverage (§280.97(b)(2)). In other words, insurers are liable for the entire sum of the policy including the amount of the deductible. This does not preclude them from allotting such a charge, it simply makes it the insurer's responsibility to recover the deductible amount from the policy holder. This type of coverage ensures that corrective actions will not be stalled or halted because an owner or operator cannot meet the deductible (53 FR 43349; October 26, 1988).

State funds may also be used as the sole method of demonstrating financial responsibility if they provide for the full sum required, though this is often not the case. For example, many state funds apply deductibles without providing first dollar coverage. In these cases, the state funds can be approved as partial financial responsibility mechanisms, but owners and/or operators must use an additional device (like a surety bond) to cover the difference (53 FR 43354; October 26, 1988).



## NEW PUBLICATIONS

### HOW TO ORDER ...

**NTIS Publications** are available by calling (703) 487-4650, or writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Use the NTIS Order Number listed under the document.

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- **ftp:** [ftp.epa.gov](ftp://ftp.epa.gov)  
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- **Gopher:** [gopher.epa.gov](gopher://gopher.epa.gov)  
Documents on the Gopher server may be located by using the on-line search functions.
- **World Wide Web (WWW):** <http://www.epa.gov>  
Documents on the WWW server may be located by using the on-line search functions.

### RCRA

**TITLE:** Environmental Fact Sheet: Agency Proposes to Authorize Hazardous Waste Management to Indian Tribes

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA530-F-96-033

This fact sheet summarizes EPA's proposal to authorize tribal governments to implement RCRA, Subtitle C hazardous waste programs. The proposed rule also provides for tribal eligibility to obtain federal grants to support the development and implementation of such programs under RCRA §3011.

**TITLE:** Environmental Fact Sheet: EPA Implements the OECD Decision on Transfrontier Movements of Recyclable Wastes

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA530-F-95-027

This fact sheet outlines the decision by the Organization for Economic Cooperation and Development (OECD) which established a graduated control system for the transfrontier movement of waste destined for recovery operations. The decision identifies an extensive array of wastes which are subject to different procedural controls depending on their placement on one of three lists — green, amber, or red.

**TITLE:** Environmental Fact Sheet: Standards Issued for Nonmunicipal Solid Waste Units that Receive CESQG Hazardous Waste  
**AVAILABILITY:** Hotline/Faxback  
**EPA ORDER NO.:** EPA530-F-96-036  
**OSW FAXBACK NO.:** 30033

This fact sheet provides an overview of the new regulations promulgated under 40 CFR Part 257 for nonhazardous waste disposal facilities that may receive CESQG or household hazardous waste. Units subject to 40 CFR Part 257 will be subject to location restrictions, groundwater monitoring requirements, and corrective action standards.

## CERCLA

**TITLE:** Procedures for Partial Deletions at NPL Sites  
**AVAILABILITY:** NTIS  
**NTIS ORDER NO.:** PB96-963 222

The document Procedures for Partial Deletions at NPL Sites defines the requirements for partial deletions at NPL sites. On November 1, 1995 (60 FR 55466), EPA published a notice of policy change allowing EPA to delete releases at portions of NPL sites. Prior to this policy change, EPA's policy had been to delete releases only after evaluation of the entire site. This guidance document provides direction for implementation of the partial deletion policy, as well as a sample partial deletion policy Federal Register notice; a partial NPL site deletion Data Collection Form, a sample partial deletion map; and an example partial deletion notice of intent to delete.

**TITLE:** Revised Guidance on CERCLA Settlements with De Micromis Waste Contributors  
**AVAILABILITY:** Hotline/Internet  
**EPA ORDER NO.:** N/A

This revised guidance supersedes EPA's Guidance on CERCLA Settlements with De Micromis Waste Contributors, issued on July 30, 1993. It consists of a memorandum and seven attachments which are designed to provide guidance on using CERCLA's settlement authorities to resolve the liability of potentially responsible parties (PRPs) who have contributed even less hazardous substances to a site than the traditional de minimis party.

**TITLE:** Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals  
**AVAILABILITY:** Hotline/Internet  
**EPA ORDER NO.:** N/A

This guidance provides Regions with further direction to address orphan share compensation in Superfund settlement. It is the latest installment in the Clinton Administration's commitment to reform Superfund. This guidance strikes a balance between the budgetary constraints of a lapse in Superfund taxing authority and the desire to provide meaningful reform



**TITLE:** Fact Sheet: Progress on Superfund Reforms

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** N/A

This fact sheet reports on significant progress EPA has made in implementing several Superfund reforms. It announces guidance on orphan share, de micromis settlements, Regional Ombudsman, and site-specific special accounts.

**TITLE:** Fact Sheet: Revised De Micromis Guidance EPA Reducing Transaction Costs for Small Volume Contributors

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** N/A

This fact sheet gives a brief overview of the recently issued guidance, which supersedes EPA's 1993 guidance on de micromis settlements.

**TITLE:** Fact Sheet: Special Accounts Accruing Interest on Settlement Funds

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** N/A

This fact sheet gives a brief overview of EPA's recently announced special accounts set up to hold settlement funds at Superfund sites for use in the future. These accounts are now interest-bearing.

**TITLE:** Fact Sheet: Orphan Share Reform EPA Increasing Fairness in the Enforcement Process

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** N/A

This fact sheet gives a brief overview of EPA's intentions to offer over \$50 million of past costs and projected oversight costs to compensate for a portion of the orphan share based on settling parties' willingness to perform work.

**TITLE:** Fact Sheet: Regional Ombudsman Providing a Meaningful Forum for Stakeholder Concerns

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** N/A

This fact sheet discusses EPA's establishment of a Superfund Ombudsman in each of the ten Regions. Each Ombudsman will serve as a direct point of contact for the public on Superfund concerns. The Ombudsmen report to a top regional management official and have access to resolve stakeholder concerns.

**TITLE:** Technical Support Services for Superfund Site Remediation and RCRA Corrective Action, Third Edition

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** PB92-205 657

This document highlights the significant EPA technical assistance programs that are available to EPA field staff. Technical programs with procedures in place for processing assistance requests are listed. This document will enable staff to quickly identify resources useful for solving specific hazardous waste clean-up problems. Categories of services listed in the document include technical support sources and brokers, automated information systems, and other sources of information.

**TITLE:** Handbook Recycling and Reuse of Material Found on Superfund Sites

**AVAILABILITY:** Office of Research and Development

**EPA ORDER NO.:** EPA625-R-94-004

This document provides assistance in identifying potential recycling technologies for a wide variety of contaminants and matrices. The intent of this handbook is to assist pollution prevention efforts by encouraging recycling and reuse of wastes found on Superfund or Resource Conservation and

Recovery Act (RCRA) Corrective Action sites. This document highlights specific technologies, and their real-world applications through case studies.

## EPCRA

**TITLE:** Risk Management Planning: Accidental Release Prevention — Final Rule: Clean Air Act Section 112(r)

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA550-F-96-002

EPA published a set of four fact sheets discussing the history and statutory authority for the accidental release prevention provisions under CAA §112(r). This fact sheet outlines major elements of the Risk Management Plan, details which facilities must comply with these elements, and explains the links between CAA RMP requirements and OSHA Process Safety Management Standards.

**TITLE:** List of Substances for Accidental Release Prevention — Clean Air Act Section 112(r)

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA550-F-96-003

EPA published a set of four fact sheets which discuss the history and statutory authority for the accidental release prevention provisions under CAA §112(r). This fact sheet provides an overview regarding which chemicals were incorporated into the list of substances for accidental release prevention that was published in the January 31, 1994 Federal Register (59 FR 4478).

**TITLE:** Chemical Accident Prevention and the Clean Air Act Amendments of 1990

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA550-F-96-004

EPA published a set of four fact sheets discusses the history and statutory authority for

the accidental release prevention provisions under CAA §112(r). This fact sheet summarizes the basic requirements that facilities must comply with according to CAA §112(r). It lists the elements of the prevention program, details which facilities are affected by the program, and provides information on compliance dates.

**TITLE:** Clean Air Act Section 112(r) — Excerpts from Statute

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA550-F-96-005

EPA published a set of four fact sheets which discuss the history and statutory authority for the accidental release prevention provisions under CAA §112(r). This fact sheet includes relevant statutory excerpts, definitions of key terms, and an overview of the list of substances and their corresponding threshold quantities.

**TITLE:** Risk Management Plan Data Elements: May 1996 Version

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA550-B-96-012

The CAA §112(r) Risk Management Program regulations will require certain facilities with regulated substances to submit risk management plans. This document serves as final guidance listing the data elements that should be included in a risk management plan.

**TITLE:** Risk Management Plan Data Elements Instructions: May 1996 Version

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA550-B-96-012a

The CAA §112(r) Risk Management Program regulations will require certain facilities with regulated substances to submit risk management plans. This document serves as final guidance describing each data element in a risk management plan.

**TITLE:** Generic Guidance Risk Management Program (RMP) for Ammonia Refrigeration Facilities: May 1996 Version

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA550-B-96-013

This generic guidance was developed to help owners and operators of ammonia refrigeration facilities comply with the EPA's CAA §112(r) Risk Management Program regulations. It is intended to assist facility owners or operators in developing adequate risk management programs for their facilities. This document also serves as guidance for facilities that already have safety and prevention programs in place in order to ensure that their plans meet the CAA §112(r) requirements.

**TITLE:** Offsite Consequence Analysis Guidance: May 1996 Version

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA550-B-96-014

Under the accidental release provisions of the Clean Air Act, all regulated sources are required to conduct worst-case release analyses. This document serves as final guidance to assist sources in conducting offsite consequence analyses and alternative release analyses. The document provides methods and reference tables to aid in determining consequence distances.

**TITLE:** Integrated Contingency Plan ("One Plan") Guidance

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** N/A

The National Response Team (NRT) has developed Integrated Contingency Plan (ICP) Guidance to facilitate the consolidation of multiple contingency plans, coordinate facility activities with those of public and commercial responders, and simplify the maintenance of contingency plans. It presents a sample

contingency plan outline which includes a plan introduction, a core plan, and a series of annexes.

**TITLE:** 1994 Toxics Release Inventory Public Data Release: Executive Summary

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA745-S-96-001

This document summarizes the information contained in the 1994 Toxics Release Inventory Public Data Release, which is generated from information contained in the TRI database. It summarizes the data collected for 1994, and provides comparisons to basic data for 1992 and 1993. The report contains information about releases and transfers of toxic chemicals, as well as prevention and management of toxic chemicals in waste.

**TITLE:** 1994 Toxics Release Inventory Public Data Release: State Fact Sheets

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA745-F-96-001

This document is designed as a companion volume to EPA's 1994 Toxics Release Inventory Public Data Release. The fact sheets in the document summarize the 1994 Toxics Release Inventory (TRI) data for each state. Each fact sheet includes a map of the state indicating the location of each covered facility, the amount of on-site releases, and the five chemicals with the largest quantity of releases. Contacts for additional information are also presented.

**TITLE:** 1994 Toxics Release Inventory Public Data Release

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA745-R-96-002

This document, which is generated from information contained in the TRI database, summarizes data collected for 1994 and

compares basic data from 1992 and 1993. It includes information about releases and transfers of toxic chemicals, prevention and management of toxic chemicals in waste, and year-to-year comparisons of the data. It also contains questions and answers relating to TRI, and a list of state contacts for additional information.



## FEDERAL REGISTERS

### FEDERAL REGISTER AVAILABILITY

You may order copies of all major RCRA, Superfund, and EPCRA Federal Registers by calling the Hotline.  
RCRA, Superfund, and EPCRA National Toll-Free No.: (800) 424-9346  
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#### Electronic Availability

Federal Registers from October 1994 to the present related to the Hotline's program areas are accessible via modem or Internet on EPA's Public Access Servers. The servers are accessible at:

World Wide Web: <http://www.epa.gov>

Gopher: <gopher.epa.gov>

FTP: <ftp.epa.gov>

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The Federal Registers are organized by date. After accessing the Gopher or World Wide Web server, make the following selections to reach the Federal Register information:

- To access RCRA/UST and CERCLA Federal Registers on the server, choose Rules, Regulations and Legislation -> FEDERAL REGISTER - Environmental Subset -> Waste Information
- The access EPCRA Federal Registers on the server, choose Rules, Regulations and Legislation -> FEDERAL REGISTER - Environmental Subset -> Toxic Release Inventory

### FINAL RULES

#### RCRA

##### **"Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers"**

**June 5, 1996 (61 FR 28508)**

EPA postponed the effective date of the organic air emission requirements for hazardous waste generators and hazardous waste treatment, storage, and disposal facilities established in the December 6, 1994 final rule (59 FR 62896). The new effective date is October 6, 1996.

##### **"Nevada: Final Authorization of State Hazardous Waste Management Program Revisions"** **June 24, 1996 (61 FR 32345)**

EPA determined that the revisions made to the Nevada hazardous waste program satisfy all of the requirements to qualify for final authorization under the Resource Conservation and Recovery Act as amended.

##### **"Final Authorization of State Hazardous Waste Management Program: Nebraska"** **June 25, 1996 (61 FR 32699)**

EPA determined that the revisions made to the Nevada hazardous waste program satisfy all of the requirements to qualify for final authorization under the Resource Conservation and Recovery Act as amended. The changes consist of provisions within rules promulgated between July 1, 1985, and

**Final Rules**

June 30, 1990 (Non-HSWA Clusters II and III; and HSWA Clusters I and II).

**“Land Disposal Restrictions Phase III - Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners”**  
**June 28, 1996 (61 FR 33680)**

EPA corrected technical errors in the Land Disposal Restrictions Phase III final rule and the partial withdrawal notice published on April 8, 1996 (61 FR 15565).

**“Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards”**  
**June 28, 1996 (61 FR 33691)**

On January 19, 1996, the United States Court of Appeals for the District of Columbia Circuit vacated the Environmental Protection Agency's (EPA) October 30, 1995, administrative stay of part of the regulatory provision, known as the “used oil mixture rule,” set forth in 40 CFR 279.10(b)(2). In this action EPA clarified the regulatory status of mixtures of used oil and hazardous wastes destined for recycling in light of the Court's vacatur of the administrative stay. This action also eliminated the explanatory note to 40 CFR 279.10(b)(2) that was included in the notice of the administrative stay. In addition, EPA discussed a recent proposal that may affect such mixtures.

**CERCLA**

**“National Priorities List; Newport Dump Superfund Site”**  
**June 3, 1996 (61 FR 27788)**

EPA announced the deletion of the Newport Dump Site, located in Wilder, Kentucky, from the National Priorities List. The Agency published a notice of its intent to delete the site on May 16, 1988, and published a revised notice on March 8, 1996. EPA and the Commonwealth of Kentucky have determined that no further cleanup under CERCLA is appropriate and that remedial actions at the site have been protective of public health, welfare, and the environment.

**“National Priorities List; Waste Disposal Engineering Superfund Site”**  
**June 5, 1996 (61 FR 28511)**

EPA announced the deletion of the Waste Disposal Engineering Site, located in Andover, Minnesota, from the National Priorities List. The Agency published a notice of its intent to delete the site on March 26, 1996 (61 FR 13131). EPA and the State of Minnesota have determined that no further cleanup under CERCLA is appropriate and that remedial actions at the site have been protective of public health, welfare, and the environment.

**“Acquisition Regulation; Bonds and Insurance”**  
**June 11, 1996 (61 FR 29493)**

EPA is removing from the EPA Acquisition Regulation clauses regarding insurance for liability to third parties for Superfund

response action contractors. This rule eliminates coverage and clauses on Insurance, Liability to Third Persons for commercial organizations and state and local governments performing as response action contractors in Superfund. These clauses were rendered obsolete by EPA's Final Guidelines for Superfund Response Action Contractor Indemnification published on January 25, 1993.

**"National Priorities List; New Castle Spill Superfund Site"**  
**June 12, 1996 (61 FR 29678)**

EPA announced the deletion of the Waste Disposal Engineering Site, located in New Castle, Delaware, from the National Priorities List. The Agency published a notice of its intent to delete the site on March 21, 1996 (59 FR 11597). EPA and the State of Delaware have determined that no further cleanup under CERCLA is appropriate and that remedial actions at the site have been protective of public health, welfare, and the environment.

**"National Priorities List"**  
**June 17, 1996 (61 FR 30510)**

EPA published the National Priorities List identifying the national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. This rule adds thirteen new sites to the National Priorities List.

**CAA**

**"Risk Management Program for Accidental Release Prevention"**  
**June 20, 1996 (61 FR 31668)**

EPA announced regulations applicable to all stationary sources with processes that contain

more than a threshold quantity of a regulated substance to prevent accidental releases and reduce the severity of those releases that do occur. Processes are divided into three categories based on the potential for offsite consequence associated with a worst-case accidental release; accident history; or compliance with the prevention requirements under OSHA's Process Safety Management Standard. All sources must prepare a risk management plan based on the risk management programs established at the source.

**"Stay of Effectiveness; List of Regulated Substances and Thresholds for Accidental Release Prevention"**  
**June 20, 1996 (61 FR 31730)**

EPA announced a stay of effectiveness of provisions that are potentially affected by the proposed List Rule Amendments (61 FR 16606; April 15, 1996). Under the stay, owners and operators of processes and sources that the proposed amendments would exempt from the §112(r) Risk Management Program requirements are not subject to those provisions until EPA has determined whether to proceed with proposed amendments.

**PROPOSED RULES**

**RCRA**

**"Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C"**  
**June 14, 1996 (61 FR 30472)**

EPA clarified the eligibility of Tribal Governments to obtain authorization to implement a Subtitle C hazardous waste program under RCRA §3006, and to obtain federal grants to support the development and implementation of such a program under

RCRA §3011. This proposal identified the standards and procedures that would govern the submission and review of Indian Tribes' authorization applications. It also discussed the circumstances under which Tribes could be approved to operate a partial Subtitle C hazardous waste program.

**"Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion"**  
June 25, 1996 (61 FR 32746)

EPA proposed to grant a petition to Bekaert Steel Corporation of Rogers, Arkansas, to exclude (or "delist") certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32.

**"Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion"**  
June 25, 1996 (61 FR 32753)

EPA proposed to grant a petition to Texas Eastman Division of Eastman Chemical Company to exclude (or "delist") certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.24, 261.31, 261.32 and 261.33.

**CERCLA**

**"National Priorities List; Leetown Pesticides Superfund Site"**  
June 14, 1996 (61 FR 30207)

Notice of Intent to Delete

**"National Priorities List"**  
June 17, 1996 (61 FR 30575)

EPA proposed to add 15 new sites to the National Priorities List.

**"National Priorities List; Omega Hills Landfill Site"**  
June 25, 1996 (61 FR 32765)

Notice of Intent to Delete

**EPCRA**

**"Toxic Chemical Release Reporting; Addition of Facilities in Certain Industry Sectors"**  
June 27, 1996 (61 FR 33588)

EPA proposed to expand the list of industry groups potentially subject to the toxic chemical release inventory (TRI) reporting requirements under §313 of the Emergency Planning and Community Right-to-Know Act and §6607 of the Pollution Prevention Act. Seven industry groups are proposed for inclusion in the TRI: metal mining, coal mining, electric utilities, commercial hazardous waste treatment, chemicals and allied products-wholesale, petroleum bulk stations-wholesale, and solvent recovery services. Written comments on the proposed rule must be received on or before August 26, 1996.

**NOTICES**

**RCRA**

**"Interim Policy on Compliance Incentives for Small Businesses"**  
June 3, 1996 (61 FR 27984)

EPA Office of Enforcement and Compliance Assurance issued its Final Policy on Compliance Incentives for Small Businesses.



**NOTICES**

The policy sets guidelines for the Agency to reduce or waive penalties for small businesses that make good faith efforts to correct violations, and provides guidance for states and local governments to offer incentives for compliance.

**"Utah; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"**  
**June 13, 1996 (61 FR 30065)**

EPA determined that Utah's Municipal Solid Waste Landfill (MSWLF) program is adequate to ensure compliance with the revised federal MSWLF Criteria (40 CFR Part 258).

**"Kansas; Final Full Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program"**  
**June 24, 1996 (61 FR 32434)**

EPA determined that Kansas' Municipal Solid Waste Landfill (MSWLF) program is adequate to ensure compliance with the revised federal MSWLF Criteria (40 CFR Part 258).

**"Nebraska; Final Full Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program"**  
**June 24, 1996 (61 FR 32436)**

EPA determined that Nebraska's Municipal Solid Waste Landfill (MSWLF) program is adequate to ensure compliance with the revised federal MSWLF Criteria (40 CFR Part 258).

**"Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Notice of Extension of Delisting Delegation to Regions"**  
**June 25, 1996 (61 FR 32798)**

On October 10, 1995, the EPA Administrator extended the delegation of the hazardous waste delisting authority to EPA's 10 Regional Offices. This notice provides a list of Regional delisting contacts.

**EPCRA**

**"Toxic Chemical Release Reporting; Addition of Industry Groups; Public Meeting"**  
**June 27, 1996 (61 FR 33619)**

EPA announced two public meetings to be held in August to discuss the Agency's proposal to subject facilities in certain industry groups to TRI reporting under EPCRA §313.

**CAA**

**"Risk Management Program for Accidental Release Prevention"**  
**June 20, 1996 (61 FR 31733)**

EPA issued three guidance documents to assist in the development of risk management programs. Guidance available includes "RMP Offsite Consequence Analysis Guidance," "Model Risk Management Program and Plan for Ammonia Refrigeration," and "Risk Management Plan Data Elements."

**NOTICES****National Response Team****"Integrated Contingency Plan Guidance"****June 5, 1996 (61 FR 28642)**

EPA announced the availability of the National Response Team's Integrated Contingency Plan ("One Plan") Guidance. The guidance is intended to provide a mechanism for consolidating multiple emergency response plans prepared by facilities in compliance with various regulations into a single functional emergency response plan, or integrated contingency plan.

**"Integrated Contingency Plan Guidance; Notice of Correction"****June 19, 1996 (61 FR 31103)**

The National Response Team (NRT) published corrections to the notice published on June 5, 1996 (61 FR 28642), which announced the availability of the NRT's Integrated Contingency Plan ("One Plan") Guidance.

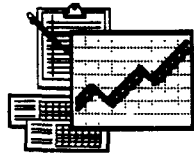
**Settlements and Consent Decrees****"Proposed Consent Decree; Cabot Carbon/Koppers Superfund Site"****June 5, 1996 (61 FR 28596)****"Proposed Consent Decree; Union Scrap III Superfund Site"****June 10, 1996 (61 FR 29427)****"Proposed Consent Decree; Fisher-Calo Superfund Site"****June 10, 1996 (61 FR 29426)****"Consent Decrees; ABC Barrel and Drum Company Sites"****June 10, 1996 (61 FR 29426)****"Prospective Purchaser Agreement Settlement; Calhoun Park Area Superfund Site"****June 11, 1996 (61 FR 29562)****"Proposed De Minimis Settlement; Conservation Chemical Company of Illinois Superfund Site"****June 12, 1996 (61 FR 29754)****"Proposed Partial Consent Decree; Bohaty Drum Superfund Site"****June 12, 1996 (61 FR 29763)****"Proposed Settlement for Cost Recovery; Waukegan Paint and Lacquer Company, Inc. Superfund Site"****June 13, 1996 (61 FR 30067)****"Proposed Consent Decrees; United Heckathorn Superfund Site"****June 13, 1996 (61 FR 30097)****"Consent Decrees; Windsor Manor Superfund Site"****June 14, 1996 (61 FR 30257)****"Prospective Purchaser Agreement Settlement; Indiana Woodtreating Corporation Superfund Site"****June 19, 1996 (61 FR 31110)****"Proposed Consent Decree; Byron Barrel and Drum Superfund Site"****June 25, 1996 (61 FR 32857)**

## NOTICES

"Proposed Consent Decree; Bayou  
Bonfouca Superfund Site"  
June 26, 1996 (61 FR 33138)

"Proposed Consent Decree; Ciba-Geigy  
Corporation Manufacturing Plant Site"  
June 26, 1996 (61 FR 33138)

"Proposed Consent Decree; Sanitary  
Landfill Superfund Site"  
June 26, 1996 (61 FR 33139)



## CALL ANALYSES

### CALLER PROFILE

#### RCRA/UST Hotline

Regulated Community	4,347
Citizens	208
State & Local Govt./Native American	193
Federal Agencies	136
Educational Institutions	129
EPA	101
Media	7
Interest Groups	15
Congress	3
International	2
Other	107
Referrals*	249
Transfers to EPCRA/Superfund Hotline*	360
Document Retrieval Line*	156
Message Retrieval Line*	1,019
<b>TOTAL NUMBER OF CALLERS</b>	<b>7,032</b>

\* No caller profile data available.

### Emergency Planning and Community Right-to-Know Act/ Superfund Hotline

Manufacturers		Consultants/Engineers	3,092
		Attorneys	342
Food/Tobacco	90	Citizens	288
Textiles	31	Public Interest Groups	25
Apparel	23	Educational Institutions	54
Lumber & Wood	43	EPA	78
Furniture	44	Federal Agencies	145
Paper	48	GOCOs	33
Printing & Publishing	38	Congress	2
Chemicals	240	State Officials/SERC	66
Petroleum & Coal	56	Local Officials/LEPCs	41
Rubber and Plastics	74	Fire Departments	13
Leather	15	Hospitals/Laboratories	31
Stone, Clay & Glass	27	Trade Associations	17
Primary Metals	58	Union/Labor	1
Fabricated Metals	121	Farmers	8
Machinery (Excluding Electrical)	42	Distributors	25
Electrical&Electronic Equipment	59	Insurance Companies	6
Transportation Equipment	53	Media/Press	12
Instruments	25	Native Americans	7
Misc. Manufacturing	422	International	2
		Other	242
		Referrals*	266
Subtotal	1,509	Transfers to RCRA/UST Hotline*	237
		Document Retrieval Line*	0
		Message Retrieval Line*	403

**TOTAL NUMBER OF CALLERS 6,945**

\* No caller profile data available.

## HOTLINE TOPICS

### RCRA

**RCRA GENERAL** 1,028

#### SUBTITLE C

**Hazardous Waste Id. - General** 1,463<sup>1</sup>

Characteristics 622<sup>1</sup>

Listings 305<sup>1</sup>

Mixture Rule 85

Derived-From 69

**Contained-In Policy** 275<sup>1</sup>

Sampling 45

Solid and Hazardous Waste Exclusions 247

Radioactive Mixed Waste 31

Delisting Petions 40

**Definition of Solid Waste/Hazardous Waste Recycling** 305<sup>1</sup>

**Large Quantity Generators** 338<sup>1</sup>

Small Quantity Generators 214

CESQGs 128

Transporters 58

Exports/Imports 35

#### TSDFs

General Facility Standards 174

Unit Standards 112

**Air Emissions** 832<sup>1</sup>

Combustion - General 215

BIFs 71

Incinerators 87

Draft Strategy 15

Waste Minimization 42

#### LDR

**Applicability** 864<sup>1</sup>

Notifications/Certification 106

**Treatment Standards** 252<sup>1</sup>

Permits and Permitting 139

State Programs 79

Financial Assurance 50

Closure/Post-Closure 76

**Corrective Action** 402<sup>1</sup>

Enforcement 55

Hazardous Waste Data 36

Test Methods 81

Indian Lands 6

Used Oil Standards 123

Military Munitions 9

#### OTHER WASTES

Ash 7

Bevill Amendment (Mining Waste) 14

Medical Wastes 97

Oil and Gas 11

### SUBTITLE D

Household Hazardous Wastes 86

Subtitle D - General 100

Technical Standards 20

Industrial Wastes 16

Municipal Wastes 88

Indian Lands 15

Financial Assurance 4

#### Solid Waste Recycling/Markets -

**General** 324<sup>1</sup>

Aluminum 34

Batteries 14

Glass 11

Paper 19

Plastics 18

Tires 15

Used Oil 30

Composting 11

Procurement 75

Source Reduction/Pollution Prevention 43

Grants and Financing 8

**TOTAL QUESTIONS** 10,174\*

\* Includes 2,098 RCRA document requests.

### UST

**General/Misc.** 259<sup>1</sup>

Applicability/Definitions 218

Regulated Substances 60

**Standards for New Tank Systems** 123<sup>1</sup>

**Tank Standards and Upgrading** 121<sup>1</sup>

Operating Requirements 74

**Release Detection** 146<sup>1</sup>

Release Reporting & Investigation 50

Corrective Action for USTs 84

Out-of-Service/Closure 38

**Financial Responsibility** 138<sup>1</sup>

State Programs 34

Liability/Enforcement 28

LUST Trust Fund 14

**TOTAL QUESTIONS** 1,387\*

\* Includes 699 UST document requests.

<sup>1</sup> Hot topics for this month

■ Topics are calculated as the summation of all questions received by the Hotline. A single call may result in multiple questions.

**EMERGENCY PLANNING AND  
COMMUNITY RIGHT-TO-KNOW**

## General:

<b>General Title III Questions</b>	<b>494<sup>1</sup></b>
Trade Secrets	27
Enforcement	86
Liability/Citizen Suits	22
Training	33
Chemical-Specific Information	62

## Emergency Planning (§§301-303):

General	147
Notification Requirements	33
SERC/LEPC Issues	48
<b>EHSs/TPQs</b>	<b>163<sup>1</sup></b>
Risk Communication/ Hazards Analysis	19
Exemptions	9

## Emergency Release Notification (§304):

General	59
Notification Requirements	66
<b>Reportable Quantities</b>	<b>96<sup>1</sup></b>
CERCLA §103 vs. SARA §304	86
ARIP/AHEDB/ERNS	8
Exemptions	12

Hazardous Chemical Reporting  
(§§311-312):

General	114
MSDS Reporting Requirements	75
Tier I/II Requirements	151
Thresholds	109
Hazard Categories	10
Mixtures Reporting	27
Exemptions	34

**Toxic Chemical Release Inventory (§313):**

<b>General</b>	<b>973<sup>1</sup></b>
<b>Reporting Requirements</b>	<b>1,262<sup>1</sup></b>
<b>Thresholds</b>	<b>581<sup>1</sup></b>
<b>Form R Completion</b>	<b>1,493<sup>1</sup></b>
Supplier Notification	40
<b>NOTEs/NOSEs/NONs</b>	<b>128<sup>1</sup></b>
Voluntary Revisions	119
Pollution Prevention 33/50	20
<b>Public Access to Data</b>	<b>346<sup>1</sup></b>
TRI Database	217
Petitions	89
TRI Expansion	143
<b>Exemptions</b>	<b>351<sup>1</sup></b>

## Special Topics:

CAA §112	
<b>General</b>	<b>317<sup>1</sup></b>
<b>RMPs</b>	<b>457<sup>1</sup></b>
<b>List of Regulated Substances</b>	<b>128<sup>1</sup></b>
Federal Facilities Executive Order	43

**TOTAL QUESTIONS 8,697**

\*Includes 2,394 Emergency Planning and Community  
Right-to-Know document requests

**SUPERFUND**

General/Misc.	168
Access & Information Gathering	29
Administrative Improvements	
General	151
<b>Environmental Justice/Brownfields</b>	<b>203<sup>1</sup></b>
SACM/Presumptive Remedies	59
Soil Screening Levels	161
Administrative Record	9
ARARs	54
CERCLIS	119
Citizen Suits	2
Claims Against Fund	3
Clean-Up Costs	23
Clean-Up Standards	71
Community Involvement	9
Contract Lab Program (CLP)	13
Contractor Indemnification	2
Contracts	7
Definitions	129
Enforcement	68
Federal Facilities	52
<b>Hazardous Substances</b>	<b>283<sup>1</sup></b>
HRS	8
Liability	129
Local Gov't Reimbursement	3
Natural Resource Damages	6
NCP	52
Notification	108
<b>NPL</b>	<b>202<sup>1</sup></b>
Off Site Rule	14
OSHA	2
PA/SI	11
PRPs	61
RD/RA	19
Reauthorization	23

<sup>1</sup> Hot topics for this month

■ Topics are calculated as the summation of all questions received by the Hotline. A single call may result in multiple questions.

Remedial	113
Removal	20
RI/FS	49
Risk Assess./Health Effects	70
ROD	37
<b>RQ</b>	<b>224<sup>1</sup></b>
Settlements	45
SITE Program	11
State Participation	6
State Program	8
TAGs	2
Taxes	7

Special Topics	
Oil Pollution Act	22
SPCC Regulations	8
Radiation Site Cleanup	24

**TOTAL QUESTIONS 2,899\***

\*Includes 1,026 Superfund document requests.

<b>TOTAL HOTLINE QUESTIONS AND DOCUMENT REQUESTS: 23,157</b>
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<sup>1</sup> Hot topics for this month

■ Topics are calculated as the summation of all questions received by the Hotline. A single call may result in multiple questions.