

JUL 20 1994

United States
Environmental Protection
Agency

Solid Waste and
Emergency Response
(5305)

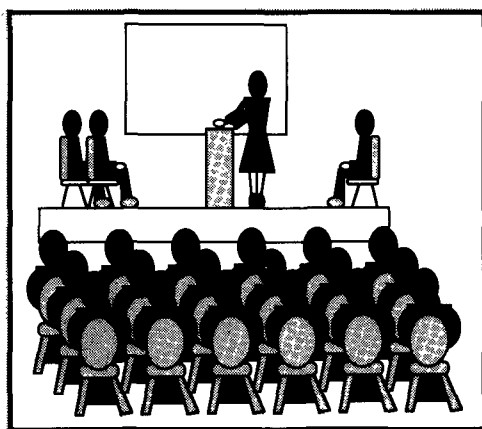
PB94-127 966
EPA/530-R-93-004m
March 1994



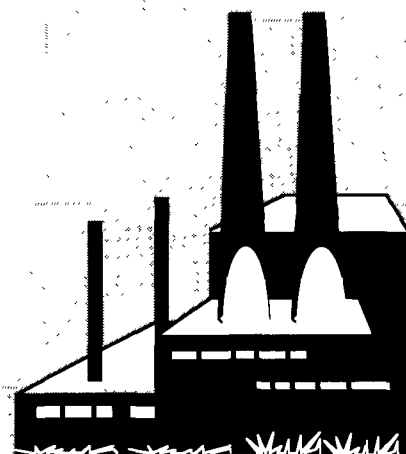
Inside the Hotline

A Compilation of 1993 Monthly Hotline Reports

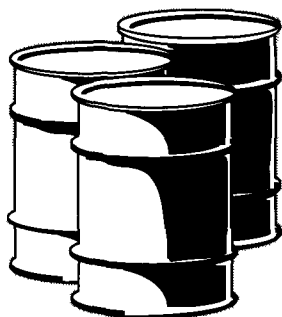
ENVIRONMENTAL
PROTECTION
AGENCY
DALLAS, TEXAS
LIBRARY



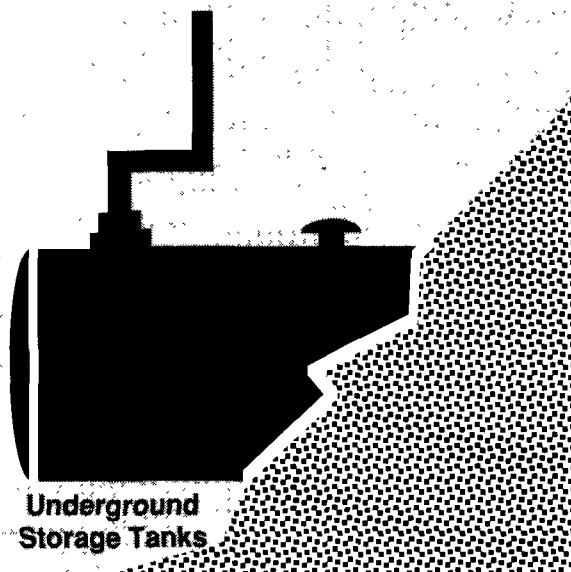
**Emergency Planning and
Community Right-to-Know**



**Resource Conservation
and Recovery Act**



Superfund



**Underground
Storage Tanks**



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that
contains at least 50% recycled fiber

EDWARD M. GIBNEY
PROFESSOR
AGLACV

DALLAS, TEXAS

LIBRARY

RCRA/UST, Superfund, and EPCRA Hotline

(800) 424-9346

(800) 535-0202

(703) 412-9810

This document is prepared by Booz, Allen & Hamilton and submitted in support of Contract No. 68-W0-0039

EPA Project Officer: Carie VanHook Jasperse
U.S. Environmental Protection Agency
Washington, DC 20460

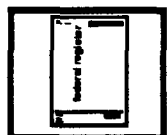
TABLE OF CONTENTS

INTRODUCTION	iii
--------------------	-----



PART 1: QUESTIONS AND ANSWERS..... 1

Resource Conservation and Recovery Act (RCRA)	3
Land Disposal Restrictions	3
Subtitle D	4
TSDFs	7
Used Oil	12
Waste Identification	13
Underground Storage Tanks (UST)	19
Financial Responsibility	19
Regulated Substances	19
Superfund (SF)	21
Cleanup Requirements	21
Financial	25
Superfund Progress	29
Emergency Planning and Community Right-to-Know Act (EPCRA)	33
Emergency Planning and Release Notification	33
Hazardous Chemical Inventory Reporting	35
Toxic Chemical Release Inventory	38



PART 2: FEDERAL REGISTER SUMMARIES41

Resource Conservation and Recovery Act (RCRA)	43
Underground Storage Tanks (UST)	55
Superfund (SF)	57
Emergency Planning and Community Right-to-Know Act (EPCRA)	63
Accidental Release Prevention Provisions (CAA §112(r))	64



PART 3: INDICES67

Key Word Index	69
Regulatory Citation Index	75
Statutory Index	81



INTRODUCTION

The Resource Conservation and Recovery Act (RCRA)/Underground Storage Tanks (UST), Superfund, and Emergency Planning and Community Right-to-Know Act (EPCRA) Hotline was established to respond to inquiries from the regulated community and the public concerning waste management, disposal, and emergency planning and response regulations. In addition, the Hotline serves as point of contact for the Radiation Sites Cleanup Program and the risk management program under the Clean Air Act §112(r). The Hotline also functions as a referral point on the availability and distribution of program related documents and published materials.

This document is a compilation of Questions and Answers and Federal Register summaries from individual Monthly Hotline Reports for the period of January to December 1993. It is divided into three parts: Questions and Answers, Federal Register summaries, and Indices to the questions, according to subject matter, regulatory and statutory citations.

It is important that the reader understand the purpose and limitations of the information in this document. Neither the questions nor the Federal Register summaries are intended to fully represent or be used in place of the regulations. This document can be used to explore the application of the regulations in different scenarios or to shed light on complex issues. For an understanding of the actual regulatory requirements in any given situation, the reader must consult the appropriate sections of Title 40 of the Code of Federal Regulations (CFR), pertinent Federal Registers and EPA guidance documents, as well as relevant State regulations.

This document, *Inside the Hotline: A Compilation of 1993 Monthly Hotline Reports*, is available for purchase from the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, 1 (800) 553-6847 or (703) 487-4650. The NTIS Order No. is: PB94-127 966.

Other Hotline publications are also available from NTIS. Individual Monthly Hotline Reports from 1982 up through the current report and Monthly Hotline Report subscriptions are available, as well as the following:

<i>Inside the Hotline: A Compilation of 1992 Monthly Hotline Reports</i>	PB93-159 572
<i>Inside the Hotline: A Compilation of 1991 Monthly Hotline Reports</i>	PB92-131 390
<i>Index to the Monthly Hotline Report Questions (June 1982 to December 1991)</i>	PB92-131 374

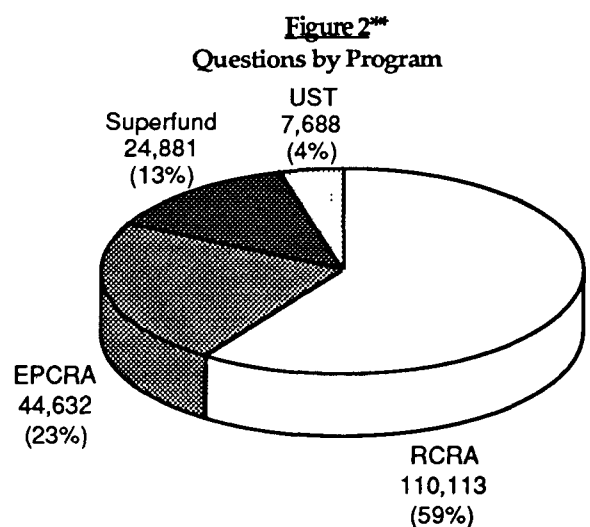
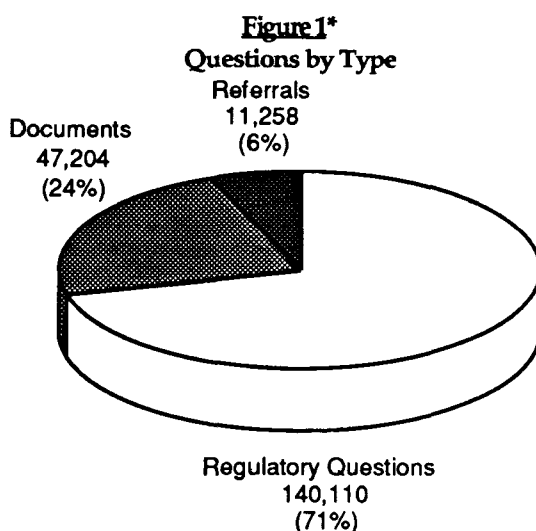


PART 1: QUESTIONS AND ANSWERS

This section contains a compilation of all the questions and answers from individual Monthly Hotline Reports for the period of January to December 1993. The questions in these reports arise from actual Hotline calls. While the number of questions represent only a small fraction of the total questions received, they do represent commonly asked or significant questions received by the Hotline. During 1993 the Hotline responded to almost 200,000 questions regarding EPA regulations, programs, guidance documents, and other related matters. Of the 198,572 questions received, over two thirds of the questions concerned regulatory information and nearly one quarter were requests for EPA documents. Six percent of the queries were not within the Hotline's purview to answer and were referred to an appropriate information source. Figure 2 breaks down the questions by program area. The RCRA program received the highest number of questions, nearly 60 percent. The number and type of questions in this report reflect the percentages cited in Figure 2.

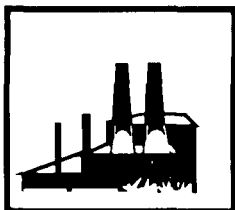
The questions and answers have undergone technical and legal review and often reference other pertinent sources of information such as CFR citations, Federal Register notices, and Agency memoranda. These explanations and examples of regulatory application are for informational purposes only, and do not represent the issuance of formal policy or in any way affect the implementation of the regulations.

Keywords are provided in the left-hand margin at the beginning of each question. The month the question appeared in the Monthly Hotline Report is cited at the end of the entry. The questions in this section are grouped by EPA program area, then further grouped under broad, general regulatory areas and titles. To pinpoint a subject or topic more specific than the general regulatory area headings, please use the Indices in Part 3.



*Based on 198,572 questions received during 1993.

**Excludes 11,258 referrals made to other information sources.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Land Disposal Restrictions

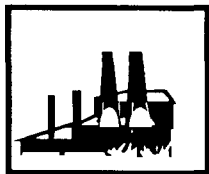
Key Words:

Case-by-case extension;
LDR; soil; toxicity
characteristic

"Soil Case-by-Case Extension"

QUESTION: EPA established a generic case-by-case extension of the land disposal restrictions effective date for soils contaminated with Third Third wastes that have treatment standards based on incineration, vitrification, or mercury retorting in the October 20, 1992, Federal Register (57 FR 47772). This extension allows soils contaminated with these wastes to be land disposed without meeting Part 268, Subpart D treatment standards provided that the generator or owner/operator complies with certain recordkeeping requirements (57 FR 47775-47776). Treatment standards for both arsenic (D004) and lead (D008) were promulgated in the Third Third final rule. Since the treatment standard for D004 is based on vitrification (55 FR 22556; June 1, 1992), soil that exhibits the toxicity characteristic (and the characteristic of EP toxicity) for arsenic qualifies for the case-by-case extension. The treatment standard for D008 (lead) is based on stabilization (55 FR 22565); soil that exhibits the toxicity characteristic (and EP) for D008 only does not qualify for the extension. Does soil that exhibits the TC (and EP) for both lead and arsenic qualify for the generic case-by-case extension?

ANSWER: Soil that exhibits the TC (and EP) for both lead and arsenic qualifies for the generic soil case-by-case extension, and need not be treated to meet either the lead (D008) or the arsenic (D004) treatment standard until May 8, 1993. When soil is contaminated with two or more Third Third wastes, the soil qualifies for the October 20, 1992, generic case-by-case extension as long as at least one of the Third Third wastes with which it is contaminated has a treatment standard based on incineration, vitrification, or mercury retorting, or if it is contaminated with radioactive mixed waste. Soil that is contaminated with an eligible Third Third waste and a Second Third waste also qualifies for the case-by-case extension, since the maximum period allowable for capacity extensions under RCRA §3004(h) is four years, and four years have not yet passed since the treatment standards for Second Third wastes were promulgated. If soil is contaminated with a Third Third waste that is eligible for the extension and a solvent, dioxin, California list, or First Third waste, however, the soil must meet the treatment standard for the non-Third Third waste before it can be land disposed. Any other interpretation would result in EPA extending the date of a prohibition beyond the dates established by Congress, and therefore beyond EPA's legal authority (see the June 1, 1990, Federal Register;



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Soil Case-by-Case Extension" (cont'd)

55 FR 22650). For example, if soil is contaminated with D004 and an F-listed spent solvent waste (e.g., F001), the soil must be treated to meet the F001 treatment standard prior to disposal.

Note that EPA promulgated treatment standards for four newly listed F002 and F005 solvent constituents in the Third Third final rule (1,1,2-trichloroethane; benzene; 2-ethoxyethanol; and 2-nitropropane). Unlike all other F001-F005 spent solvent wastes which had treatment standards promulgated in the November 7, 1986, Federal Register (51 FR 40572), these newly listed F002 and F005 solvents are considered Third Third wastes. F002- and F005-contaminated soil that contains one or more of the four newly listed solvent constituents and no other F-listed solvent constituents is eligible for the soil case-by-case extension, since the nonwastewater treatment standards for these F002 and F005 constituents are based on incineration (see 55 FR 22577-22578). (January 1993 Monthly Hotline Report)

Subtitle D

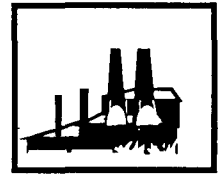
Key Words:

MSWLF; Subtitle D

"Effective Date Delayed for Certain MSWLFs"

QUESTION: EPA promulgated criteria for municipal solid waste landfills in 1991 to provide minimum national performance standards and to reduce the risk of harmful effects of solid waste on human health and the environment (56 FR 50978; October 9, 1991). Codified at 40 CFR Part 258, the municipal solid waste landfill (MSWLF) regulations require landfill owners and operators to comply with specific location restrictions, operating criteria, design criteria, groundwater monitoring and corrective action, closure and post-closure care, and financial assurance criteria. These regulations establish a schedule of compliance for owners and operators that spans several years. EPA recently issued a rule changing the effective dates of the federal MSWLF criteria for certain landfills (58 FR 51536; October 1, 1993). What specific changes to the MSWLF criteria were finalized?

ANSWER: EPA recognized that a variety of circumstances made compliance with the MSWLF criteria's October 9, 1993, deadline difficult for certain MSWLF owners and operators. Landfills in smaller communities have encountered the most difficulty meeting the deadline, despite good-faith efforts, because financial conditions, legal challenges, and geography



"Effective Date Delayed for Certain MSWLFs" (cont'd)

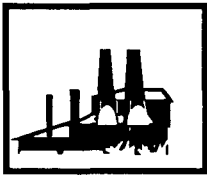
have created significant obstacles to compliance. To provide regulatory relief for owners and operators, EPA has changed some of the effective dates of the MSWLF criteria. Specifically, limited extensions have been provided for these existing smaller landfills and for landfills accepting waste resulting from the flooding in the Midwest. Additional extensions also have been granted to all landfills required to comply with the financial assurance and final cover regulations.

The Part 258 regulations required existing landfills to comply with most requirements by October 9, 1993. EPA has extended the compliance date for eligible small landfills to April 9, 1994. Eligible landfills are those that accept less than 100 tons of solid waste per day; are located in a state that has submitted an application to EPA for approval of its permit program by October 9, 1993, or are located on Indian lands or Indian country; and are not on CERCLA's National Priorities List.

In the October 1, 1993, final rule, EPA also provided some regulatory relief for MSWLFs accepting waste resulting from the flooding in the Midwest. The effective date may be extended up to April 9, 1994, for existing landfills regardless of size, if a landfill owner or operator's state determines that an extension is needed to manage flood-related waste from federally designated disaster areas. These states also may allow their landfills up to six more months (beyond April 9, 1994) to comply with the federal regulations. Federal disaster areas covered by this extension are in the states of Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

For all landfills, the requirement to obtain financial assurance has been delayed from April 9, 1994, to April 9, 1995. EPA believes that the extension will allow adequate time to promulgate a financial test for local governments and an additional mechanism for corporations. EPA also has extended the time allowed to install a final cover for those landfills that cease receiving waste before the effective date of the regulations. A final cover that meets the federal criteria in 40 CFR §§258.60(a) or (b) must be installed in most cases by October 9, 1994.

In response to a court decision, the exemption from groundwater monitoring requirements for very small, arid, and remote landfills has been removed. The effective date for landfills previously qualifying for the exemption is October 9, 1995. EPA is still committed to investigating alternative groundwater monitoring requirements for this group and will continue to examine this issue.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Effective Date Delayed for Certain MSWLFs" (cont'd)

The above summary represents an overview of the new federal compliance dates. EPA strongly encourages owners and operators of MSWLFs to consult with their state or tribal government as they may have earlier effective dates or other requirements. (October 1993 Hotline Monthly Report)

"Procurement Requirements Applicable to Government Agencies"

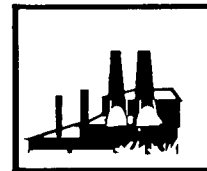
Key Words:

Federal agency;
procurement guidelines;
recycling; Subtitle D

QUESTION: One of the primary objectives of the Resource Conservation and Recovery Act (RCRA) is to conserve valuable material and energy resources (§1003(a)). Because the collective purchasing power of federal, state, and local governments has significant potential to expand markets for products made with recovered materials, RCRA §6002 requires government procuring agencies, when purchasing EPA-designated items, to select items with the highest amount of recovered material content practicable. All federal agencies must review and revise all of their specifications for products to eliminate language which discriminates against the use of recovered materials. In addition, each procuring agency subject to §6002 must establish an affirmative procurement program for each item designated by EPA. How does a government agency determine whether or not it must comply with the requirements of §6002?

ANSWER: A government agency should answer the following three questions to determine if it is subject to the requirements of §6002. First, does the government agency meet the definition of a procuring agency? The definition of procuring agency includes federal agencies, as well as state and local government agencies using federal funds, and their contractors. Specifically, RCRA §1004(17) defines a procuring agency as "...any federal agency, or any state agency or agency of a political subdivision of a state which is using appropriated federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract." For purposes of this definition, the use of appropriated federal funds includes the use of federal funds commingled with state or local funds.

The second question is, does the government agency purchase a product designated in an EPA guideline? The affirmative procurement program requirements in §6002 are limited to products specifically designated by EPA procurement guidelines. Procuring agencies, however, are encouraged to establish affirmative procurement programs for other available items made with recycled materials. In addition to designating which items are covered by §6002, EPA procurement guidelines provide recommendations for government agencies to carry out the responsibilities of §6002. To date, EPA has issued five procurement guidelines. The guidelines are found in 40 CFR



"Procurement Requirements Applicable to Government Agencies" (cont'd)

Parts 248, 249, 250, 252 and 253, and provide recommendations for the procurement of building insulation, cement and concrete containing fly ash, paper and paper products, re-refined lubricating oil, and retread tires, respectively.

Finally, does the government agency purchase \$10,000 or more worth of a product designated in an EPA guideline during the course of the current fiscal year or did the agency purchase \$10,000 or more worth of a designated item or functionally equivalent items during the preceding fiscal year? Each guideline specifies how "functional equivalence" should be interpreted to determine whether the government agency has reached the \$10,000 threshold. If the answer to all three of the above questions is yes, the agency must comply with the requirements of §6002. In other words, government agencies that meet the definition of a procuring agency and purchase \$10,000 or more worth of a product designated in a EPA guideline during the current fiscal year, or purchased \$10,000 or more worth of a designated item or functionally equivalent items during the preceding fiscal year, are required to comply with RCRA §6002. (August 1993 Monthly Hotline Report)

TSDFs

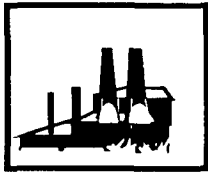
Key Words:

Closure; interim status;
TSDF

"Closure Timetable Following Termination of Interim Status"

QUESTION: According to 40 CFR §270.73(g), interim status terminates on November 8, 1992, for any facility, other than a land disposal or incinerator facility, that achieved interim status prior to November 8, 1984, unless the facility's owner or operator submitted a RCRA Part B permit application by November 8, 1988. A hazardous waste tank storage facility has operated under interim status since 1982, but the facility's owner/operator failed to submit a Part B permit application prior to the 1988 deadline. Assuming the facility does not have an approved closure plan, what deadlines must the owner/operator meet in submitting a closure plan and conducting closure activities in accordance with Part 265, Subpart G, following the loss of interim status in November 1992?

ANSWER: Because the owner/operator failed to submit a Part B permit application prior to November 8, 1988, the tank storage facility loses interim status on November 8, 1992 (§270.73(g)). Section 265.112(d)(3) requires the owner/operator to submit a closure plan to the Regional Administrator no later than 15 days after termination of interim status,



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Closure Timetable Following Termination of Interim Status" (cont'd)

except when a permit is issued simultaneously. Accordingly, the owner/operator of the tank storage facility was required to submit a closure plan no later than November 23, 1992.

Assuming the facility's closure plan is approved after November 8, 1992, the date of approval of the closure plan triggers the series of deadlines for subsequent activities. Within 90 days following approval of the closure plan, the owner/operator of the tank storage facility must treat, remove from the facility, or dispose of on-site all hazardous wastes in accordance with the approved closure plan (§265.113(a)). Similarly, within 180 days following approval of the closure plan the owner/operator must complete closure activities in accordance with the approved closure plan (§265.113(b)). The Regional Administrator may approve longer time periods if the owner/operator makes certain demonstrations, specified in §§265.113(a)(1) and 265.113(a)(2) for treatment, removal, or disposal of hazardous wastes and in §§265.113(b)(1) and 265.113(b)(2) for completion of closure activities.

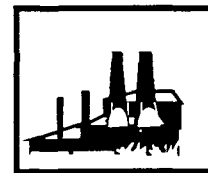
After final closure of the tank storage facility is complete, the owner/operator has up to 60 days to submit a certification of closure to the Regional Administrator (§265.115). This document, signed by both the owner/operator and an independent registered professional engineer, certifies that the facility has been closed in accordance with the specifications of the approved closure plan. Within 60 days after receiving a satisfactory certification of closure, the Regional Administrator will notify the owner/operator in writing that he/she is no longer subject to financial assurance requirements for final closure (§265.143(h)).
(June 1993 Monthly Hotline Report)

"Containment Buildings as Independent Hazardous Waste Management Units"

Key Words:

Containment building;
generator accumulation;
TSDF

QUESTION: EPA recently promulgated standards for a new hazardous waste management unit called a containment building under 40 CFR Parts 264 and 265, Subpart DD (57 FR 37194; August 18, 1992). EPA also amended §262.34(a)(1), allowing large quantity generators to accumulate and treat hazardous wastes on-site in containment buildings for 90 days or less without a permit or interim status. Must large quantity generators accumulating hazardous waste in containers or tanks under §§262.34(a)(1)(i) or (ii) now construct containment buildings to house their container or tank accumulation areas?



"Containment Buildings as Independent Hazardous Waste Management Units" (cont'd)

ANSWER: No, the new containment building regulations do not affect hazardous waste container, tank, or drip pad management standards at generator facilities and treatment or storage facilities operating under permits or interim status. EPA developed the containment building standards to provide large quantity generators and treatment and storage facilities with a new management unit for bulky, nonliquid hazardous wastes (e.g., lead-bearing materials from batteries) not amenable to accumulation, storage, or treatment in containers or tanks. Although a containment building can serve as a secondary containment system for hazardous waste tanks under certain conditions, there is no federal regulatory requirement to house existing containers, tanks, or other RCRA hazardous waste management units within a containment building (57 FR 37215; August 18, 1992). Containment buildings are intended to serve as independent hazardous waste management units. A large quantity generator accumulating hazardous wastes solely in containers, in tanks, or on drip pads in accordance with 40 CFR §§262.34(a)(1)(i), (ii), or (iii) is not required to comply with the standards for containment buildings specified in §262.34(a)(1)(iv). (November 1993 Monthly Hotline Report)

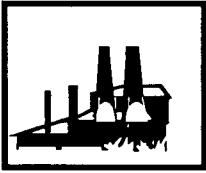
"Containment Buildings at Permitted and Interim Status Facilities"

Key Words:

Containment building;
interim status; permit; TSDF

QUESTION: EPA recently promulgated regulations for containment buildings, a new type of hazardous waste management unit used for treatment and storage of hazardous wastes. What procedures must permitted and interim status facilities follow when adding containment buildings?

ANSWER: On August 18, 1992, EPA promulgated a rule defining and establishing management standards for a new type of unit called a containment building (57 FR 37194; August 18, 1992). A facility operating under a RCRA permit may seek to add containment buildings to its permitted operations in two situations -- it may seek to convert existing units (e.g., enclosed waste piles) to containment buildings, or it may seek to construct new containment buildings. With respect to the first situation, EPA believes that many facilities will convert their existing enclosed waste piles to containment buildings (57 FR 37218). This will require a Class 2 modification (57 FR 37218; 40 CFR §270.42, Appendix I, Item I, 6). Construction to implement Class 2 changes generally may commence 60 days after submission of the permit modification request (§270.42(b)(8)). If the Agency does not respond within 90 days (or 120 days if the Agency requests



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

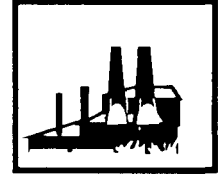
"Containment Buildings at Permitted and Interim Status Facilities" (cont'd)

an extension), the facility is automatically authorized to conduct the requested activity for 180 days. During this time, the facility is required to comply with applicable Part 265 standards in conducting the activity (§270.42(b)(6)(iii)). The construction of new containment buildings requires a Class 2 or 3 permit modification, depending on whether the addition of the buildings increases the facility's containment building storage or treatment capacity by more than 25 percent (57 FR 37281; §270.42, Appendix I, Item M, 1). Class 3 modifications are required at facilities with no existing containment building capacity. Class 3 permit modifications require formal EPA approval; there is no deadline for Agency action and no provision for automatic authorization in the absence of an Agency decision (53 FR 37919).

Permitted facilities may apply for a temporary authorization under §270.42(e). A temporary authorization may be granted for up to 180 days and may be reissued for an additional 180 days provided that the facility has submitted a request for a permit modification. Requests for temporary authorization must demonstrate compliance with Part 264 standards and also meet the criteria in §270.42(e) for approval.

A facility operating under interim status may add new treatment processes or additional treatment or storage capacity, such as containment buildings, by using existing procedures for changes during interim status under §§270.72(a)(2) and (a)(3). The facility must submit a revised Part A permit application and a justification explaining the need for the change, which must be approved by EPA before implementing any construction. According to §270.72(b), changes generally may not be made if they amount to reconstruction of the hazardous waste management facility. The Agency considers the facility "reconstructed" if the capital investment for the changes to the facility exceed 50 percent of the capital cost of a comparable, entirely new hazardous waste management facility (57 FR 37242). The reconstruction limit does not apply, however, if the changes are made in order to treat or store in tanks, containers, or containment building provided that the changes are made solely to comply with Part 268 (§270.72(b)(6)).

Containment buildings are not considered newly regulated units. In the August 18, 1992, Federal Register, EPA simply reclassified existing units, which may have been classified as indoor waste piles or certain miscellaneous units, as containment buildings in order to facilitate treatment of hazardous debris and other wastes. The procedural provisions for newly regulated units are thus not applicable to owners and operators of facilities that want to construct containment buildings. For instance,



"Containment Buildings at Permitted and Interim Status Facilities" (cont'd)

§§270.42(g) and 270.72(a)(6), which allow continued management of hazardous wastes in newly regulated units without prior Agency action, cannot be used to add containment buildings to a facility. Likewise, facilities that do not currently manage hazardous waste and want to begin managing hazardous waste in containment buildings or to construct containment buildings for the management of hazardous waste may not gain interim status. The facility must first obtain a RCRA permit before any construction or waste management activities may begin (57 FR 36241-36242).

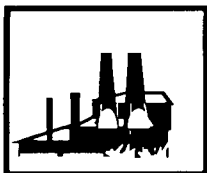
Generators also may add containment buildings for accumulating and treating hazardous wastes. Under §262.34, generators may accumulate or treat hazardous waste in on-site tanks or containers for up to 90 days without a permit as long as the applicable Part 265, Subpart I (for containers) or Subpart J (for tanks) standards are followed. The August 18, 1992, Federal Register also applied this provision to containment buildings. The units must be in compliance with Part 265, Subpart DD standards, and with certain recordkeeping requirements. (June 1993 Monthly Hotline Report)

"The Use of Maximum Contaminant Levels (MCLs) in Groundwater Monitoring"

Key Words:

Groundwater; MCLs; permit;
TSDF

QUESTION: Part 264, Subpart F outlines three phases of groundwater monitoring for permitted land-based hazardous waste management units: detection monitoring (§264.98), compliance monitoring (§264.99), and corrective action monitoring (§264.100). When a facility enters into compliance monitoring, the groundwater protection standard (GWPS) is established in the facility permit. Setting the GWPS involves designating hazardous constituents (§264.93), concentration limits (§264.94), point of compliance (§264.95), and the compliance period (§264.96). One of the following must be used in developing the concentration limits for the hazardous constituents: the background level of hazardous constituents found at the facility (§264.94(a)(1)), the maximum contaminant levels (MCLs) in Table 1 of §264.94(a)(2), or an alternate concentration limit (ACL) established in accordance with §264.94(a)(3). MCLs were originally established pursuant to the Safe Drinking Water Act (SDWA). Some of these MCLs were incorporated into Table 1 of §264.94(a)(2) on July 26, 1982 (47 FR 32274). Since 1982, several MCLs have changed under the SDWA regulations, but those changes have not been incorporated into Part 264, Subpart F. In addition, there are a number of MCLs that have never been incorporated into Table 1 of §264.94(a)(2). Can MCLs that have not been codified in Table 1 of §264.94(a)(2) be used as concentration limits when the groundwater protection standard is established in the facility permit?



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"The Use of Maximum Contaminant Levels (MCLs) In Groundwater Monitoring" (cont'd)

ANSWER: Yes, MCLs, promulgated under the SDWA, that have not been codified in Table 1 of §264.94(a)(2) may be used as concentration limits when establishing the GWPS in the facility's permit by designating them as ACLs under §264.94(a)(3). EPA encourages the use of these MCLs in developing ACLs under §264.94(a)(3). (May 1993 Monthly Hotline Report)

Used Oil

Key Words:

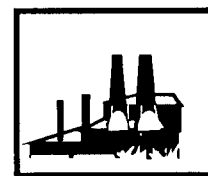
Hazardous waste definition;
ignitability characteristic;
mixture; toxicity
characteristic; used oil

"Mixtures of Used Oil and Characteristic Hazardous Waste"

QUESTION: A manufacturer generates used oil that exhibits the toxicity characteristic (TC) for lead (D008). On one occasion, the used oil is mixed with an unlisted spent solvent that is hazardous due to the characteristic of ignitability (D001) and the TC for benzene (D018). On another occasion, the used oil is mixed with a spent solvent that is hazardous solely because it exhibits the characteristic of ignitability (D001). After mixing, both wastestreams exhibit only the TC for lead and are sent to be burned for energy recovery in an industrial boiler. Do both mixtures qualify for regulation as used oil under 40 CFR Part 279 standards for used oil management?

ANSWER: The first mixture must be managed as hazardous waste (D008) and the second mixture must be managed as used oil. Section 279.10(b)(2) specifically addresses mixtures of used oil and characteristic wastes, drawing a critical distinction between the two mixtures described above. The first mixture is addressed in §279.10(b)(2)(i), which states that a mixture of characteristic hazardous waste and used oil must be handled as a hazardous waste if it displays any characteristics of hazardous waste. This section applies to any mixture of used oil and characteristic hazardous wastes, other than wastes that are hazardous solely because they exhibit the characteristic of ignitability. Since the first mixture contains a characteristic hazardous waste that is hazardous because of ignitability and toxicity, and the mixture continues to display the TC for lead, it is considered hazardous waste. In order to qualify for classification as used oil, this mixture must be free of all characteristics, including those originating from the used oil (D008) and those stemming from the hazardous waste (D001 and D018).

Section 279.10(b)(2)(iii) addresses the second mixture and is more specific. It dictates that a mixture of used oil and a characteristic hazardous waste, which is hazardous solely because it displays the characteristic of



"Mixtures of Used Oil and Characteristic Hazardous Waste" (cont'd)

ignitability, may continue to be managed as used oil provided that the resulting mixture is not ignitable. Since the second used oil/waste mixture is no longer ignitable, it is classified as used oil, even though it still displays the TC for lead (D008).

The difference in these two scenarios is that used oil that is mixed with a characteristic hazardous waste (other than a solely ignitable waste) must be free of all characteristics to qualify for classification as used oil, whereas used oil that is mixed with a waste that is hazardous solely due to ignitability needs only to be void of the ignitability characteristic to be considered used oil. The difference in the two scenarios is critical because used oil often inherently exhibits a characteristic of hazardous waste.

The standards in Part 279, while tailored to used oil handling, do not negate the requirements placed on handlers by the hazardous waste regulations, and mixing an ignitable waste with used oil to render the waste nonhazardous constitutes treatment of hazardous waste and is subject to all applicable hazardous management standards, including permitting (50 FR 49180; November 29, 1985).

Note that Part 279 standards, other than those related to burning and marketing, are effective March 8, 1993, in unauthorized states only and in authorized states they are not effective until those states amend their program to incorporate the standards. Standards regarding the marketing and burning of used oil for energy recovery are simply transferred from existing Part 266 regulations and remain in effect. (February Monthly Hotline Report)

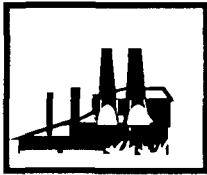
Waste Identification

Key Words:

Closed-loop; exclusion;
hazardous waste definition;
recycling; tank

"Closed-Loop Recycling Exclusion"

QUESTION: Under the closed-loop recycling exclusion in 40 CFR §261.4(a)(8), secondary materials that are reclaimed and returned to the original process or processes in which they were generated are excluded from Subtitle C of RCRA, provided they are reused in the production process and the criteria in 40 CFR §261.4(a)(8) are met. Would secondary materials managed in a system that includes storage in open-top tanks fall within the exclusion in §261.4(a)(8)?



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Closed-Loop Recycling Exclusion" (cont'd)

ANSWER: Secondary materials managed in a system that includes storage in open-top tanks may qualify for the closed-loop recycling exclusion as long as the system meets the four requirements in §261.4(a)(8). EPA views closed-loop recycling operations as an integral part of production processes, not as distinct waste management operations (51 FR 25443; July 14, 1986). Typically, owners or operators of such closed-loop recycling operations handle the secondary materials as commodities; i.e., in a manner designed to avoid loss or release. Although EPA does not preclude owners or operators from storing secondary materials in open-top tanks under the closed-loop recycling exclusion, there are other factors that prevent most materials, especially volatiles, from being stored in them. These factors include possible contamination from rain or dust and the threat of explosive conditions. Owners or operators of open-top tanks should therefore ensure secondary materials are managed as valuable materials prior to reclamation in order for the tank to be considered a part of a closed-loop recycling system and excluded under §261.4(a)(8). Determinations regarding the closed-loop recycling exclusion are usually case-specific. Thus, if EPA discovers a situation where highly volatile materials are stored in an open-top tank and large volumes of the materials are lost prior to reclamation, the exclusion may not apply because the secondary materials are not being managed to prevent loss or release prior to reclamation, causing the material to become regulated as a waste under Subtitle C of RCRA (51 FR 25443; July 14, 1986). (February Monthly Hotline Report)

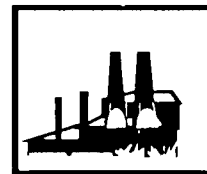
"Natural Gas Condensate: Regulatory Status"

Key Words:

Exemption; hazardous waste definition; natural gas condensate

QUESTION: Drilling fluids, produced waters, and other wastes associated with the exploration, development, and production of crude oil, natural gas, and geothermal energy are exempt from the definition of hazardous waste under 40 CFR §261.4(b)(5). Natural gas condensate is a light hydrocarbon liquid that sometimes forms through condensation of natural gas (hydrocarbon) vapors when natural gas is conveyed through a pipeline. Does natural gas condensate fall within the scope of this exemption when discarded?

ANSWER: Natural gas condensate meets the exemption in §261.4(b)(5) if it is produced by activities related to the exploration, development, and production of natural gas. It does not meet the exemption if it is produced by other activities, such as post-production transportation. While not a drilling fluid or a produced water, natural gas condensate can be produced by activities associated with locating natural gas, removing it from the



"Natural Gas Condensate: Regulatory Status" (cont'd)

ground, or purifying it. Natural gas is usually removed from the ground using an array of wells in one gas field. The natural gas from all wells is then aggregated and often sent to a gas plant to remove impurities such as water. This removal of impurities is considered a necessary part of the production process, and any wastes resulting from natural gas operations up through this point are exempt.

If condensate forms in a pipeline carrying natural gas from the gas field to the gas plant, this natural gas condensate is exempt as an associated waste under §261.4(b)(5). The key is that the activity producing the natural gas condensate must be uniquely associated with natural gas exploration, development, or production operations for the exemption to apply. Natural gas production operations encompass all processing facilities up to and including the gas plant, but not beyond.

If the natural gas condensate is generated by transportation or manufacturing operations beyond the production process, it is not exempt and would be regulated as a hazardous waste when discarded if it displays one or more characteristics of hazardous waste (58 FR 15284; March 22, 1993). For example, if condensate forms in a pipeline transporting the natural gas from the gas plant to market, this natural gas condensate is not exempt since it is generated during post-production transportation and not production operations. (July 1993 Monthly Hotline Report)

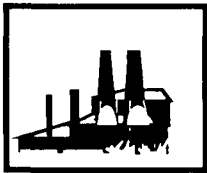
"Nitroglycerine Pills as Commercial Chemical Products"

Key Words:

Commercial chemical
product; hazardous waste
definition; P081

QUESTION: A pharmaceutical company manufactures pills that contain a low percentage of nitroglycerine, with inert ingredients making up the remainder of the content. The manufacturer must throw away a batch of pills that has exceeded its shelf life. When discarded, are the pills a hazardous waste? If so, what waste code would apply?

ANSWER: The pills discarded by the manufacturer are a hazardous waste with the waste code P081. Several hundred commercial chemical products are listed in 40 CFR §§261.33(e) and (f). Nitroglycerine is listed in §261.33(e) with the waste code P081. The Comment in §261.33(d) defines the term "commercial chemical product" as unused chemicals that are either (1) pure or technical grades, or (2) formulations that contain the listed chemical as the only active ingredient. The P- and U-listings apply to such unused formulations of commercial chemical products regardless of the concentration of the sole active ingredient; except for the listings for warfarin and salts (P001 and U248) and zinc phosphide (P122 and U249), there is no critical percentage or cut-off concentration of the sole active



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Nitroglycerine Pills as Commercial Chemical Products" (cont'd)

ingredient that will cause a waste to fall within, or be excluded from, the listing. In this example, the pills constitute a formulation containing nitroglycerine as the sole active ingredient. Since the pills have not been used for their intended purpose (simply incorporating the nitroglycerine into the formulation does not constitute use), and nitroglycerine is the only component serving the function of the product (i.e., as medicine), the discarded pills are appropriately classified as hazardous waste P081. (September 1993 Monthly Hotline Report)

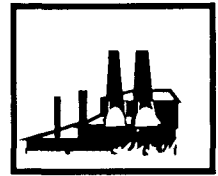
"Sample Holding Times and Validity of Analytical Results"

Key Words:

Hazardous waste definition;
sample; testing; toxicity
characteristic

QUESTION: When characterizing waste as hazardous or nonhazardous under RCRA Subtitle C, §262.11 provides that a generator has the option of either applying knowledge of the hazardous characteristics of the waste or testing the waste. If the generator chooses to test a waste to determine if it exhibits the toxicity characteristic under 40 CFR §261.24, the Toxicity Characteristic Leaching Procedure - Method 1311 (TCLP) must be used to generate a waste extract. This extract is then analyzed for the 39 constituents listed in Table 1 of §261.24. To ensure that accurate results are obtained, there are specific quality control measures for the extraction and analysis procedures, including limits on the amount of time samples can be held during testing. When these sample holding times are exceeded, can the results of constituent analysis on a TCLP extract still be used to determine if a waste exhibits the toxicity characteristic?

ANSWER: When sample holding times are exceeded, TCLP analytical results will be considered the minimum amount that could leach from the waste; an identical sample analyzed within the prescribed holding times might yield higher concentrations of toxicity characteristic constituents (Part 261, Appendix II, §8.4). EPA's manual Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (SW-846, Second Edition) defines sample holding time as the storage time allowed between field collection of a sample and completion of analysis in a laboratory. Specific maximum holding times are set for quality assurance and quality control purposes. Certain constituents in waste, such as volatile organic compounds, can degrade or volatilize over time. When constituents in a sample are lost through these natural chemical processes, analytical measurements become inaccurate. To limit sample degradation, maximum holding times are developed based on the propensity of the waste constituents to degrade or volatilize. General guidelines for sample holding times are presented in Volume 1, Chapters 2, 3, and 4 of SW-846, and additional method-specific requirements may appear in the individual test methods themselves. Outlined in section 8.4 of Method 1311 (Part 261, Appendix II), maximum



**"Sample Holding Times and Validity of Analytical Results"
(cont'd)**

TCLP sample holding times range from a total of 28 days for volatiles to 360 days for metals. These overall time frames are further broken down, specifying the length of time allowed for each step in the analytical process. For example, volatile samples are allowed 14 days for leachate extraction and another 14 days for constituent analysis, while the breakdown for semivolatiles allows 14 days for leachate extraction, 7 days for extract preparation, and 40 days for constituent analysis. When sample holding times are exceeded, measurements may be inaccurate and the TCLP analysis may be invalid or inconclusive.

When analysis is conducted after a sample holding time is exceeded, however, the results may still have limited applicability. Because some constituents are lost through volatilization or degradation while awaiting testing, constituent concentrations in expired samples will be lower than if the sample were fresh. If a sample exceeds a recommended holding time and analysis demonstrates that concentrations are above the regulatory threshold for one or more constituents, then these concentrations can be treated as minimum values and the waste is hazardous for the toxicity characteristic. No further testing is required. If, on the other hand, a sample exceeds a recommended holding time and analysis demonstrates that concentrations are below the regulatory threshold for one or more constituents, further testing may be necessary to demonstrate that the waste is nonhazardous. If the generator chooses to conduct further testing, additional samples would be required to ensure accurate measurement of constituents and to provide a definitive waste determination under RCRA Subtitle C. (June 1993 Monthly Hotline Report)

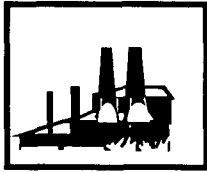
"Unused Formulations of Agent Orange"

Key Words:

Commercial chemical
product; hazardous waste
definition; F027

QUESTION: During the Vietnam War an estimated 44 million pounds of the herbicide Agent Orange were formulated for use as a defoliant. Currently there are several United States military posts in possession of unused formulations of this herbicide. Upon disposal, would the herbicide Agent Orange be regulated as a hazardous waste under RCRA Subtitle C?

ANSWER: Unused formulations of Agent Orange would meet the F027 hazardous waste listing when disposed of. The active herbicidal components of Agent Orange are equal quantities of 2,4,-dichlorophenoxyacetic acid (2,4-D) and 2,4,5-trichlorophenoxyacetic acid (2,4,5-T), which are both derived from the synthesis of chlorophenols and chlorophenoxy compounds. The listing description of F027 includes discarded unused formulations containing compounds derived from tri-,



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Unused Formulations of Agent Orange" (cont'd)

tetra-, or pentachlorophenol. Since Agent Orange contains a compound derived from the synthesis of trichlorophenol (i.e., 2,4,5-T), it is appropriately classified as F027 upon disposal. (June 1993 Monthly Hotline Report)

"Waste Classified As Both F005 and K086"

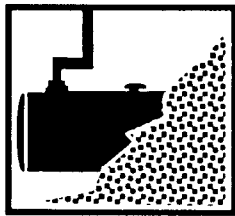
Key Words:

F005; hazardous waste
definition; K086; solvent

QUESTION: An ink manufacturer mixes inorganic pigments containing chromium and lead in a tub. After the ink is removed for use, the mixing tub is cleaned with a solvent wash that contains 80 percent toluene prior to use. The cleaning produces waste washes and sludges. When discarded, how should the ink manufacturer classify the washes and sludges?

ANSWER: The resulting washes and sludges generated from cleaning the mixing tub would be classified as both F005 and K086. The F005 listing applies to spent nonhalogenated solvents containing, before use, 10 percent or more by volume of one or more of a number of listed solvents, including toluene. The K086 listing covers solvent washes and sludges, caustic washes and sludges, and water washes and sludges generated by cleaning tubs and equipment used in the formulation of ink from pigments, dyes, soaps, and stabilizers containing chromium and lead. According to the background listing document for K086 (Identification and Listing of Hazardous Waste §§261.31 and 261.32 -- Listing of Hazardous Waste), when a tub used in formulating ink from pigments containing chromium and lead is washed with a solvent that will meet one of the F001-F005 listings when spent, the resultant solvent-wash wastes are considered hazardous wastes under the applicable F-listing and the K086 listing. If a caustic or water wash is used to clean the mixing tub instead of a solvent wash, the F005 listing would not apply since solvents were not used.

Regardless of the type of wash used, for purposes of Part 268, the ink manufacturer will also need to determine if the waste wash (K086) exhibits any characteristics pursuant to 40 CFR §262.11(c). The waste must then meet the applicable Part 268, Subpart D treatment standards for each waste code that is subject to the land disposal restrictions under Part 268 prior to disposal in a Subtitle C facility. (Note the exception in §268.9(b) for prohibited wastes that are both listed and characteristic, where the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste if the treatment standard for the listed waste addresses the constituent that causes the waste to exhibit the characteristic.) (May 1993 Monthly Hotline Report)



UNDERGROUND STORAGE TANKS (UST)

Financial Responsibility

Key Words:

Financial responsibility; local government; UST

"UST Financial Responsibility: Local Governments"

QUESTION: Local governments that own or operate underground storage tanks (USTs) are subject to the same financial responsibility requirements that apply to privately owned and operated USTs (40 CFR Part 280, Subpart H). What is the compliance date by which local governments must demonstrate financial responsibility?

ANSWER: On October 26, 1988, EPA promulgated regulations creating a variety of mechanisms that owners and operators of USTs could use to demonstrate financial responsibility (53 FR 43322). The Agency realized, however, that some of the mechanisms (e.g., the corporate test of self-insurance) were not appropriate for use by local governments. As a result, the Agency developed a rule that would establish four additional mechanisms to help local governments comply. The Agency also extended the compliance date for local governments to demonstrate financial responsibility to one year after the promulgation of these four additional mechanisms (55 FR 46022).

EPA published a final rule on February 18, 1993, which added a worksheet test, a bond rating test, a governmental guarantee, and a fund balance test to the allowable financial responsibility mechanisms (58 FR 9026). For purposes of calculating the compliance date, the mechanisms were considered promulgated as of the publication date, February 18, 1993. Local governments must therefore demonstrate financial responsibility by February 18, 1994, one year after the publication of the new mechanisms. (April 1993 Monthly Hotline Report)

Regulated Substances

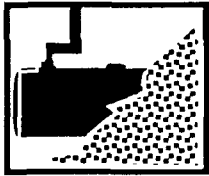
Key Words:

Mineral spirits; regulated substance; UST

"Mineral Spirits as a Regulated Substance Under the UST Regulations"

QUESTION: Do the underground storage tank (UST) regulations of 40 CFR Part 280 apply to tanks containing mineral spirits?

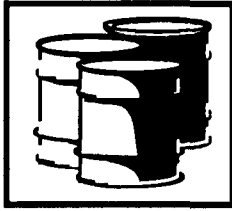
ANSWER: Part 280 does apply to underground tanks containing mineral spirits. The underground tank regulations apply to any UST holding



UNDERGROUND STORAGE TANKS (UST)

"Mineral Spirits as a Regulated Substance Under the UST Regulations" (cont'd)

regulated substances. The term "regulated substance" is defined as any CERCLA hazardous substance (except RCRA hazardous wastes) and petroleum, including crude oil or any fraction thereof that is a liquid at standard temperature and pressure (HSWA §9001(2) and 40 CFR §280.12). Mineral spirits, also known as stoddard solvent, naphtha, or white spirits, is a refined petroleum distillate from the light end of crude oil. It is not specifically identified as a hazardous substance under CERCLA §101(14). Mineral spirits, however, is considered a petroleum fraction. Underground tanks containing mineral spirits are therefore subject to regulation as petroleum USTs under Part 280. **(December 1993 Monthly Hotline Report)**



SUPERFUND (SF)

Cleanup Requirements

Key Words:

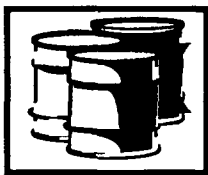
DNAPL; groundwater;
remediation; solvent

"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites"

QUESTION: Groundwater remediation at Superfund sites can be much more difficult when contaminants such as chlorinated solvents (e.g., tetrachloroethylene, methylene chloride, carbon tetrachloride), creosote, coal tar, wood preserving wastes (e.g., pentachloro-phenol), and some pesticides are present in their undiluted form. These contaminants are examples of compounds classified as dense nonaqueous phase liquids (DNAPLs). What are dense nonaqueous phase liquids? How can the likelihood of DNAPL presence at a Superfund site be estimated? What special precautions must be taken when DNAPLs are suspected to be present in the subsurface, and how should remediation be approached? Are there different cleanup standards for DNAPLs?

ANSWER: Dense nonaqueous phase liquids are contaminants that are immiscible with and more dense than water in their undiluted form, meaning they sink in water. A contaminant that is immiscible with water does not readily mix with water, but does slowly dissolve in it. Other contaminants such as crude oil, fuels, and other petrochemicals are light nonaqueous phase liquids (LNAPLs) which are less dense than water, hence they float on the water table. DNAPLs, because of their dense nature, migrate vertically downward, driven by gravity through soil and groundwater. Once in the ground, DNAPL migration is influenced by hydrogeologic features such as soil layering, impermeable layers, or bedrock, and DNAPLs can penetrate fractures in clay layers or bedrock. As DNAPLs migrate through the subsurface, a portion becomes trapped in pore spaces or fractures in the soil, while the portion not trapped can continue to migrate downward. The DNAPL that becomes trapped in the soil is called residual DNAPL, while the portion of the contaminant that can continue to migrate or form pools on impermeable layers (like clay) is called free-phase DNAPL. Once the contaminant becomes dissolved in the groundwater, it enters the aqueous (or dissolved) phase and is no longer categorized as a DNAPL. The following figure provides further clarification.

DNAPLs' strong tendency toward vertical migration can make site characterization difficult. The methods recommended for estimating the likelihood of DNAPL contamination at Superfund sites include reviewing the historical use of the site to determine if DNAPL chemicals were used, stored, or disposed of; measuring the relative concentration of contaminants



SUPERFUND (SF)

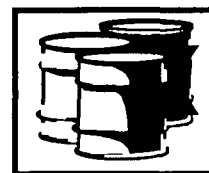
"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" (cont'd)

DNAPLs' strong tendency toward vertical migration can make site characterization difficult. The methods recommended for estimating the likelihood of DNAPL contamination at Superfund sites include reviewing the historical use of the site to determine if DNAPL chemicals were used, stored, or disposed of; measuring the relative concentration of contaminants present in the soil; and measuring the relative concentration of contaminants dissolved in groundwater for those contaminants that are DNAPLs in their undiluted form (OSWER Directive 9355.4-07FS).

When DNAPLs are present in the subsurface, special precautions should be taken during site characterization. When characterizing the subsurface, EPA recommends that bore holes be drilled first in areas that are least likely to contain DNAPLs, such as areas away from suspected sources (this is referred to as an "outside-in" strategy). Drilling in suspected DNAPL areas should be minimized. When drilling in site areas where DNAPLs are suspected, drilling should cease when an impermeable layer such as clay is encountered. If the bore hole penetrates the impermeable layer and free-phase DNAPL is present, then the gravity-driven DNAPL will migrate down the hole. EPA also recommends that noninvasive methods such as geophysical or geochemical surveys be used to characterize subsurface conditions in order to reduce the number of bore holes needed for this purpose, and to minimize the risk of causing further DNAPL migration.

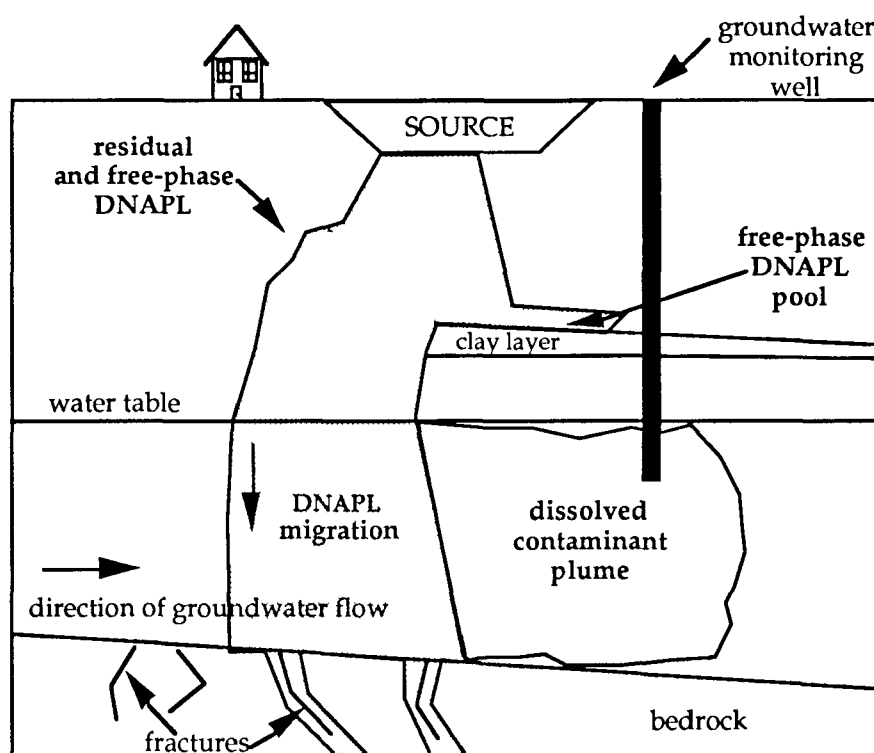
When DNAPL contamination is confirmed or highly suspected, the recommended approach to remediation at Superfund sites is to (1) contain the dissolved contamination plume, (2) contain or isolate areas containing subsurface DNAPLs from the dissolved plume, (3) extract the free-phase DNAPL to the extent possible, (4) where appropriate, restore groundwater in the dissolved plume to its current or potential use, and (5) consider using innovative cleanup technologies to remove as much DNAPL source material as possible. EPA also recommends that containment of the contamination plume be implemented as an early action.

The cleanup standards for the remediation of DNAPL-contaminated groundwater are dependent on the current or potential use of the groundwater. For example, groundwater that is a potential future source of drinking water usually must meet chemical-specific cleanup standards that are relevant and appropriate for drinking water. Such cleanup standards are generally attainable over site areas where only dissolved contaminants are present in groundwater. For those site areas where DNAPLs are present in their undiluted form and cannot be removed, it may be appropriate to consider waiving cleanup standards due to technical impracticability from



"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" (cont'd)

an engineering perspective, consistent with EPA guidance (OSWER Directive 9234.2-25). (October 1993 Monthly Hotline Report)



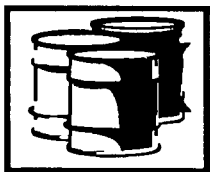
"Land Disposal Restrictions as ARARs at Superfund Sites"

Key Words:

ARAR; LDR; NCP;
placement; remediation; soil

QUESTION: During a remedial investigation at a National Priorities List (NPL) site, activities generate soil contaminated with a restricted RCRA hazardous waste. The soil is stored in containers within the area of contamination (AOC) for several months, and subsequently returned to its source. Does this on-site disposal activity require compliance with RCRA land disposal restrictions (LDR)?

ANSWER: In order to trigger LDR, on-site disposal activity must constitute placement of a restricted waste in a land disposal unit. According to the National Contingency Plan (NCP), placement occurs when wastes from different AOCs are consolidated into one AOC, when wastes are moved out of an AOC (for treatment or storage) and returned to the same or different



SUPERFUND (SF)

"Land Disposal Restrictions as ARARs at Superfund Sites" (cont'd)

AOC, or when wastes are excavated from an AOC, placed in a separate hazardous waste management unit such as an incinerator or tank that is within the AOC, and then redeposited into the same AOC (55 FR 9759; March 8, 1990).

The NCP further states that placement does not occur when wastes are treated in situ, capped in place, consolidated within the AOC, or processed within the AOC to improve its structural stability (but not in a separate hazardous waste management unit, such as a tank). The scenario presented in this question does not constitute placement because the definition of a hazardous waste management unit, such as a tank). The scenario presented in this question does not constitute placement because the definition of a hazardous waste management unit (40 CFR §260.10) states that "[a] container alone does not constitute a unit; the unit includes the containers and the land or pad upon which they are placed." Therefore, returning waste that has been stored within the AOC in containers (not tanks or other RCRA-regulated units) to its source does not constitute land disposal, as long as the containers are not managed in such a manner as to constitute a RCRA storage unit as defined in 40 CFR §260.10. (January 1993 Monthly Hotline Report)

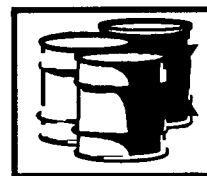
"State Authority in Selecting the Remedy at State-lead Superfund Sites"

Key Words:

Cooperative agreement;
NCP; remediation; state
program

QUESTION: CERCLA §121(f) provides for "substantial and meaningful" involvement by each state in the initiation, development, and selection of remedial actions to be undertaken at Superfund sites in that state. In addition, CERCLA §104(d)(1) provides for states to assume the lead at Fund-financed sites through Cooperative Agreements. The lead agency is responsible for preparing the Record of Decision (ROD) and other primary documents. If a state is designated as the lead agency at a Fund-financed site and there is controversy over the remedy, does the final authority over remedy selection rest with EPA or the state agency?

ANSWER: EPA retains final decision-making authority in selecting the remedy at Fund-financed sites even when the state is the lead agency. Before a state may proceed with a Fund-financed response action, EPA must first concur with and adopt the ROD. Pursuant to 40 CFR §300.515(e)(2)(ii), unless EPA's Assistant Administrator for Solid Waste and Emergency Response or Regional Administrator concurs in writing with a state-prepared ROD, EPA is not deemed to have approved the state decision and the remedy may not be initiated. According to the preamble to the



"State Authority In Selecting the Remedy at State-lead Superfund Sites" (cont'd)

National Contingency Plan (NCP), "EPA believes that, although Congress contemplated an increased role for states in the remedial process through the enactment of CERCLA §121(f), it should retain primary responsibility for the federal Superfund program." In addition, the NCP notes that retaining authority for final remedy selection within EPA (rather than dispersing it among the 50 states and EPA) furthers the goal for consistent implementation of remedies at sites (55 FR 8666, 8783). (June 1993 Monthly Hotline Report)

Financial

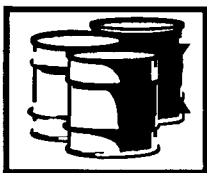
"De Micromis Superfund Settlements"

Key Words:

Liability; PRP; settlements

QUESTION: EPA generally chooses not to pursue enforcement activities against those potentially responsible parties (PRPs) who contributed only minuscule amounts of hazardous substances to a Superfund site. Despite this policy, very small PRPs remain vulnerable to third-party contribution actions in which larger PRPs sue to recover cleanup expenses. The mere legal fees incurred by minor PRPs in such contribution suits may easily exceed the portion of cleanup costs they could expect to pay under a typical EPA settlement or judgment. How can very small PRPs achieve fair resolution of their Superfund liability and protection from contribution actions?

ANSWER: PRPs who contributed only minuscule amounts of hazardous substances to a Superfund site are called "de micromis" parties. De micromis is a term EPA coined to denote PRPs who made a minuscule contribution to a Superfund site and to distinguish them from de minimis PRPs. De micromis PRPs may be eligible for de micromis settlements with EPA that provide resolution of liability and contribution protection. De micromis settlements form a subset of de minimis waste contributor settlements. De minimis settlements are used to expeditiously resolve the liability of PRPs who meet the statutory eligibility criteria of CERCLA §122(g)(1)(A). A de minimis waste contributor PRP's contribution of hazardous substances to a site must be minimal in amount and toxicity relative to other hazardous substances at the facility. The total value of a de minimis settlement must also represent only a minor portion of overall response costs for the site in question. De minimis settling parties typically provide EPA with a cash payment commensurate with their contribution of waste to a site. EPA typically grants the settling parties a covenant not to sue for past and future civil liability relating to the cleanup, as well as contribution protection. De minimis waste contributor settlements generate



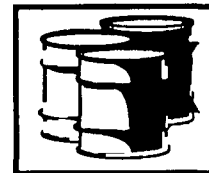
SUPERFUND (SF)

"De Micromis Superfund Settlements" (cont'd)

funds for site cleanup while eliminating further negotiation and litigation costs for both the PRPs and EPA.

Since the de micromis settlement is a type of de minimis settlement, PRPs seeking to resolve their liability as de micromis contributors must meet the CERCLA §122(g)(1)(A) eligibility criteria described above. In addition, PRPs qualify for de micromis settlements only if their hazardous substance contribution is below a maximum cut-off level established on a case-by-case basis for each Superfund site. EPA's Guidance on CERCLA Settlements with De Micromis Waste Contributors (OSWER Directive 9834.12; NTIS PB93 963 619) provides some examples of how de micromis contribution cut-off levels might be determined. A typical cut-off level is 0.001 percent of the total hazardous substance contribution; however, EPA has wide latitude in selecting a level appropriate to the site using a variety of equitable factors. For example, when PRPs have contributed only municipal solid waste to a site, the de micromis cut-off level may be adjusted to account for the relatively low toxicity of their hazardous substance contributions. In general, de micromis PRPs include small businesses, nonprofit organizations, and other entities that do not use significant amounts of hazardous substances. Although federal agencies and industrial PRPs can qualify as de micromis parties if they meet all eligibility requirements, de micromis settlements are never available to owners or operators of Superfund sites.

The payment amounts required of de micromis parties are usually based on the percentage of their contribution to overall site contamination. When all PRPs have contributed similar hazardous substances to a site, the de micromis settlement determination can be fairly straightforward. For example, a typical de micromis PRP responsible for 0.0001 percent of total hazardous substances at a site would pay that percentage of overall cleanup costs. If maximum site response costs were estimated at 30 million dollars, the de micromis party would settle with EPA for 30 dollars. Because contribution percentages are not always accurate indicators of a de micromis party's responsibility for contamination, payment calculation can be adjusted to reflect site-specific factors. For example, when de micromis parties have contributed only household waste to a site, their settlement payment calculation may be adjusted to reflect the comparatively low toxicity of their contribution. A PRP's inability to pay can also be considered when calculating settlement amounts. EPA typically grants the de micromis PRP a covenant not to sue, which includes a reopener clause allowing EPA to pursue enforcement action if new information should arise regarding the party's eligibility for the de micromis settlement. De micromis settlements also provide protection from third-party contribution suits under CERCLA §§113(f) and 122(g)(5).



"De Micromis Superfund Settlements" (cont'd)

Under traditional Superfund enforcement policy, minuscule hazardous substance contributors were not usually notified of their potential liability. EPA generally chose not to expend enforcement resources pursuing such PRPs. EPA's current policy is to exercise its discretion to enter into de micromis settlements in a number of situations. EPA may elect to identify eligible de micromis parties and offer them protection from third-party contribution actions through a de micromis settlement early in the enforcement process. Community relations mechanisms can be used to publicize the availability and benefits of de micromis settlements in such situations. EPA can also offer de micromis settlements later in the Superfund process to eligible parties already threatened or involved with contribution suits. Finally, qualified parties may at any time approach EPA and seek liability resolution and contribution protection through de micromis settlements. (September 1993 Monthly Hotline Report)

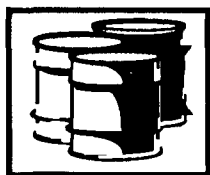
"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil"**Key Words:**

Exemption; liability;
recycling; used oil

QUESTION: CERCLA §114(c) exempts service station dealers from certain CERCLA liability provisions, specifically response costs, damages, and injunctive relief resulting from a release or threatened release of recycled used oil, if the dealer meets specific requirements. The exemption is applicable to generator liability under §107(a)(3) and transporter liability under §107(a)(4), and covers claims for both cost recovery under §107 and the injunctive relief provision in §106(a). The service station dealer (SSD) could still be held responsible for both injunctive relief under §106 and cost recovery under §§107(a)(1) and (2) arising from owner and operator liability. What requirements must an SSD meet in order to qualify for this exemption?

ANSWER: A service station dealer must satisfy three requirements to qualify for the exemption under CERCLA §114(c). First, the dealer must meet the definition of an SSD, which is defined in CERCLA §101(37) as any person who owns or operates a filling station, garage, or similar retail establishment that derives most of its business from fueling and servicing motor vehicles. The term also includes any government agency that establishes a facility solely for the purpose of accepting used oil. To meet the SSD definition, the owner or operator must also accept used oil from do-it-yourself (DIY) used oil handlers (i.e., people who remove used oil from household appliances or change their own oil) and deliver that used oil to a recycling facility.

The second requirement under §114(c)(1)(A) limits the exemption to used oil that is not mixed with a CERCLA hazardous substance. Section 114(c)(2) does allow the SSD to presume that certain used oil received from a DIY



SUPERFUND (SF)

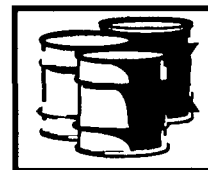
"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" (cont'd)

generator has not been mixed with a hazardous substance. The presumption specifically states that the used oil must be removed from the engine of a light duty motor vehicle or a household appliance, and must be presented to the SSD by the owner of the vehicle or appliance for collection, accumulation, and delivery to a used oil recycling facility.

The third requirement in §114(c)(1)(B) limits the exemption to used oil managed in compliance with regulations or standards promulgated pursuant to RCRA §3014 and other applicable authorities. Although this exemption has been part of CERCLA since the Superfund Amendments and Reauthorization Act was passed in 1986, SSDs were not eligible to assert the exemption because comprehensive used oil management standards were not promulgated until 1992 (57 FR 41566, 41583). In 1985, EPA promulgated standards pertaining to burning used oil for energy recovery (40 CFR Part 266, Subpart E), but these standards did not include requirements for corrective action for releases of used oil. The used oil management standards must provide corrective action standards in order to be considered comprehensive and trigger applicability of the liability exemption (CERCLA §114(c)(4)). On September 10, 1992, however, EPA issued comprehensive standards for the management of recycled used oil, codified as 40 CFR Part 279, under the authority of RCRA §3014 (57 FR 41566). In the rule, EPA prescribes standards for generators, collectors, transporters, processors, burners, and marketers of used oil that is being recycled. The new Part 279 standards also require corrective action by incorporating release response requirements into the regulations and by cross-referencing both 40 CFR Part 280, Subpart F for releases from underground storage tanks and 40 CFR Part 112 for spill prevention, control, and countermeasures.

SSDs in states without an authorized RCRA program are eligible for the liability exemption as of March 8, 1993, the effective date of the new Part 279 standards (§114(c)(4)). Because Part 279 was promulgated under RCRA authority, RCRA-authorized states need to adopt the new used oil regulations before they become effective in that state. SSDs in authorized states still qualify for the exemption, however, if they can demonstrate compliance with new Part 279 standards, regardless of the state's authorization status (57 FR 41583).

Once the three requirements outlined in CERCLA §114(c) have been met, an SSD can qualify for the liability exemption. Section 114(c)(1), however, only exempts SSDs from generator and transporter liability, not from liability as owners and operators of a facility. Thus, the exemption applies only to releases at facilities to which the SSD has sent its used oil for recycling or for management prior to recycling, not releases at the SSD's own facility. (May 1993 Monthly Hotline Report)



"TAGs Status at Superfund Sites Deferred to RCRA"

Key Words:

Corrective action; NPL;
remediation; TAG

QUESTION: EPA, under the authority of CERCLA §117(e), may award a technical assistance grant (TAG) of up to \$50,000 to qualifying groups of individuals affected by a National Priorities List (NPL) site to obtain assistance in interpreting and disseminating information related to site activities. When a site is listed or proposed for listing on the NPL, EPA has the "discretion to use its authorities under CERCLA, RCRA, or both to accomplish appropriate cleanup at a site" (55 FR 8698; March 8, 1990). A proposed or listed NPL site thus could be deferred to RCRA corrective action authorities for cleanup. What is the status of a TAG awarded at a proposed NPL site that is subsequently deferred to RCRA jurisdiction? Does the TAG remain valid, or must the grant money be returned to the Superfund?

ANSWER: As a policy, EPA does not provide TAGs for sites likely to be deferred to another authority. Nevertheless, once a TAG is appropriately awarded at a site, it will remain valid until the site no longer requires cleanup attention or poses a threat to human health and the environment.

Continuation of TAGs at sites that are deferred to RCRA is consistent with the objective of community involvement in the Superfund program. The January 3, 1990, memo from Don Clay to Norman Mineta states that "...terminating the grants based on administrative decision, rather than on cleanup of the sites, would convey a message entirely inconsistent with our commitment to public and community involvement in the process of cleaning up the nation's hazardous waste sites." If cost recovery action is initiated for the site, however, the cost of the TAG will be included in the recovery action. (July 1993 Monthly Hotline Report)

Superfund Progress

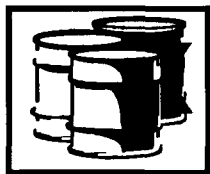
"Accelerating Superfund Cleanups"

Key Words:

NCP; remediation; removal;
SACM; site assessment

QUESTION: What is the Superfund Accelerated Cleanup Model (SACM), and how is it being implemented? Is information about the initiative available?

ANSWER: SACM, a new process for conducting Superfund site cleanups, expands the use of the removal program to accelerate the pace of cleanups. The overall goal of SACM is to speed cleanups and increase efficiency in the Superfund process. Under SACM site assessment activities will be consolidated to support both short-term cleanup activities and long-term remedial actions. EPA is testing the new model within the framework of



SUPERFUND (SF)

"Accelerating Superfund Cleanups" (cont'd)

CERCLA and the National Contingency Plan (NCP). This ensures that cleanups continue to be protective of human health and the environment and to allow for appropriate public involvement.

Implementation of SACM initiatives are the responsibility of the newly created Regional Decision Teams (RDTs). These teams decide whether a response is necessary, provide cross-program coordination of response planning, and ensure that response actions are consistent with the requirements contained in CERCLA and the NCP. These RDTs are currently responsible for implementing 13 pilot projects focused on use of SACM at several Superfund sites. At some of these pilots presumptive remedies are being used. This concept identifies cleanup techniques proven to be effective, and applies these techniques at sites with similar conditions, reducing the amount of time spent on selecting alternatives. Presumptive remedies are currently being applied at pilot projects involving wood treatment, municipal landfill, solvent, and groundwater sites. SACM implementation does not change the Superfund program's emphasis on enforcement first. When applying the principles of SACM, EPA is dedicated to maximizing potentially responsible party (PRP) involvement.

EPA has made considerable effort to communicate the progress, goals, objectives, and expectations for implementing SACM to federal and state agencies, environmental groups, and the general public. EPA published a series of fact sheets under publication number 9203.1-05I (Volume 1, Numbers 1-5, December 1992), as well as Guidance on Implementation of the Superfund Accelerated Cleanup Model (SACM) under CERCLA and the NCP (publication number 9203.1-03; July 7, 1992). EPA also publishes intermittent bulletins on the progress of pilot projects involving presumptive remedies under publication number 9203.1-02I (Volume 1, Numbers 1-3, April through August 1992). These guidance documents are available from the National Technical Information Service (NTIS). For NTIS order numbers and information on other SACM documents, please call the RCRA/Superfund/OUST Hotline at (800) 424-9346 or (703) 412-9810. (March 1993 Monthly Hotline Report)

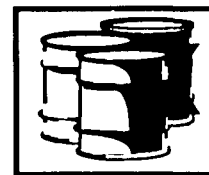
"Revitalization Initiatives for Superfund"

Key Words:

NCP; NPL; remediation

QUESTION: What are the latest developments in EPA's Superfund revitalization effort? How can information about this initiative be obtained?

ANSWER: In early 1992, EPA announced an initiative aimed at revitalizing the Superfund program by focusing on the goal of reducing the greatest amount of risk to human health and the environment in an

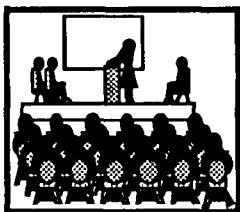


"Revitalization Initiatives for Superfund" (cont'd)

expedited, cost-effective manner. The Superfund Revitalization Office, consisting of EPA Headquarters and Regional personnel and representatives from other federal agencies was created to coordinate this initiative. Multiple EPA offices including the Superfund Revitalization Office, the Office of Emergency and Remedial Response, the Office of Waste Programs Enforcement, and the Office of Enforcement are working toward this common goal.

The objective of the revitalization plan is to make the Superfund process more effective, efficient, and equitable. To improve program effectiveness and accelerate the cleanup of Superfund sites, EPA is rethinking the way sites are evaluated and addressed. To better communicate the successful completion of cleanup activities to the public, EPA recategorized sites presently or formerly on the National Priorities List (NPL) and created the Construction Completion List (most recently published on March 2, 1993; 58 FR 12142). EPA is also improving the effectiveness of Superfund risk assessment and risk management. To achieve efficiency in contracts management procedures, EPA developed and implemented a long-term contracting strategy, improved the alternative remedial contracting strategy award fee process and lowered program management costs, and is developing several useful tools to enhance the speed and quality of the contract lab program analytical services. EPA targeted early enforcement as an important part of the equity initiative with increased use of de minimis settlements, study of mixed funding options, and voluntary cleanups. To test different aspects of the revitalization effort, EPA initiated 32 pilot projects which address over 60 Superfund sites.

In order for EPA to communicate its achievements to the public and solicit suggestions on how to make more improvements, an outreach strategy has been developed. Public forums are being held around the country involving representatives of states, local governments, industry, environmental groups, and the general public. The next forum is scheduled for May 19 and 20, 1993, in Dallas. To provide guidance on Superfund revitalization initiatives EPA published a fact sheet entitled Smart Moves in Superfund: Revitalization One Year Later (publication number 9202.1-021, January 1993) EPA also published the Compendium of Good Ideas: Volumes 1 and 2 (publication numbers 9202.1-10-1 and 9202.1-10-2, March 1993) which compiles information from meetings with each Regional office, including innovative ideas, successes, lessons learned, and concerns for the Superfund program. These guidance documents are available from the National Technical Information Service (NTIS). For NTIS order numbers and information on other revitalization documents, please call the RCRA/Superfund/OUST Hotline at (800) 424-9346 or (703) 412-9810. (March 1993 Monthly Hotline Report)



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

Emergency Planning and Release Notification

Key Words:

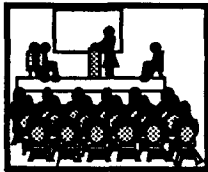
CAS number; commercial
chemical product;
hazardous chemical;
hazardous substance; toxic
chemical

"Chemicals Listed with Multiple Chemical Abstract Service Numbers"

QUESTION: The Chemical Abstract Service (CAS) maintains a computerized filing system that contains two main index files. The chemical abstract (CA) file provides bibliographic information referencing chemicals appearing in over 9,000 journals, papers, and symposiums from 1967 to the present. The CA file is an important tool for people interested in learning about the research, patents, and uses for specific chemicals. The chemical registry number file assigns CAS registry numbers to unique chemicals for purposes of identification. Assigning a CAS number to a particular chemical facilitates managing and regulating that chemical by universally identifying it with a specific number. Only one CAS number is assigned to each chemical. If chemicals are to be assigned only one CAS number, why are some chemicals listed with multiple Chemical Abstract Service (CAS) numbers in 40 CFR Table 302.4 and the Title III List of Lists?

ANSWER: There are two possible reasons for a chemical to have multiple numbers. The CAS numbers could refer to different forms of a chemical where each is considered unique for its particular properties and characteristics. The CAS registry number file includes the registry number, synonyms, chemical structure, and molecular formula for each chemical recorded in the file. If specific research has been done on a particular form of a chemical, a separate CAS number may be assigned to that particular form to facilitate the search process in the CA file. For example, sodium hypochlorite is listed with two CAS numbers, 7681-52-9 and 10022-70-5. The former refers to hypochlorous acid, the sodium salt form of sodium hypochlorite, while the latter refers to the pentahydrate form of sodium hypochlorite. Both forms could be called sodium hypochlorite, thus sodium hypochlorite has, in effect, two CAS numbers.

A chemical also may be listed with multiple CAS numbers when multiple numbers have been inadvertently assigned to the same chemical. This multiple assignment can occur when forms of a chemical are originally believed to be unique, but after further review by chemists are identified as the same chemical. In this case, all the CAS numbers are cross-referenced,



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" (cont'd)

allowing the chemical to be located with any assigned number. The misassigned numbers are deleted as registry numbers, but remain on file for referencing purposes. The CAS number first assigned is the more accurate number to use when denoting the chemical. Although all of the numbers will find the chemical, only the more accurate number will prompt the CAS registry file system to display the name, synonyms, and characteristics associated with the chemical. Chromic acid, listed with CAS numbers 1115-74-5 and 7738-94-5, illustrates this situation. After further review by chemists, the second CAS number, 1115-74-5, was deleted as a registry number, but remains on file for future reference. CAS number, 7738-94-5 is the more accurate number to identify chromic acid because it was the first registry number assigned. (February 1993 Monthly Hotline Report)

"Designation of Facility Emergency Coordinator"

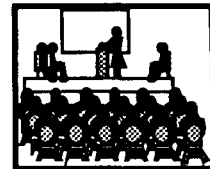
Key Words:

Emergency planning; facility
emergency coordinator;
LEPC

QUESTION: According to EPCRA §303(d)(1) and 40 CFR §355.30(c), the owner or operator of a facility must designate a representative to participate in the local emergency planning process as a facility emergency coordinator. The regulatory deadline for notifying the Local Emergency Planning Committee (LEPC) of this representative is on or before September 17, 1987, or 30 days after establishment of the LEPC, whichever is earlier. If a facility first becomes subject to the emergency planning requirements after September 17, 1987, when must the owner/operator of this newly regulated facility provide notification designating the emergency response coordinator?

ANSWER: A facility that becomes subject to the emergency planning requirements of EPCRA after September 17, 1987, must provide the name of its coordinator to the LEPC within 60 days. This is the same deadline provided under EPCRA §302(c) for a newly subject facility to notify the State Emergency Response Commission (SERC) and LEPC that it is subject to emergency planning.

The different deadline under §303(d)(1) for providing the name of the emergency coordinator to the LEPC was only to provide for transition at the time EPCRA was enacted. The statutory deadline for the §302(c) emergency planning notification to the SERCs was May 17, 1987, a few months prior to the August 17, 1987, date on which the LEPCs were required to be operational. Thus, the emergency planning notification had to be given to the SERCs before the LEPCs were formed. Since notification of the designated facility emergency coordinator is provided to the LEPC and not



"Designation of Facility Emergency Coordinator" (cont'd)

the SERC, the statute provided a grace period for naming the emergency coordinator until September 17, 1987, or 30 days after the LEPC was formed.

There is no longer any reason for this grace period and it is no longer applicable. At this time, the period for appointing the LEPCs has passed. Since the emergency planning notification for newly regulated facilities is to be provided to the SERC and the LEPC, the name of the facility coordinator should also be provided at the time the facility provides its emergency planning notification under §302(c). (July 1993 Monthly Hotline Report)

Hazardous Chemical Inventory Reporting

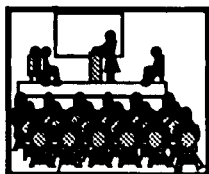
Key Words:

Exclusion; hazardous
chemical; manufactured
solid; polymer pellet; Tier I/II

"Polymer Pellet Reporting Under §§311 and 312"

QUESTION: If polymers are in pellet form and require material safety data sheets, are they exempt from the definition of hazardous chemical under SARA §311(e)(2)?

ANSWER: The §311(e)(2) exemption from the definition of hazardous chemical applies to "[a]ny substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use." Polymers in pellet form are manufactured items in a solid state and would not normally be a source of any hazardous chemical exposure, therefore the polymers in pellet form are normally exempt (52 FR 38344; October 15, 1987). Altering the solid state of the pellets (e.g., as part of a manufacturing process) creates a potential for exposure and would cause the polymers to become subject to the hazardous chemical threshold determinations (40 CFR §370.20(b)). When determining whether a threshold has been met, the weight of the polymer pellets "in process" are no longer exempted as solid manufactured items and should be added to the weight of the polymers not in pellet form and not otherwise exempt. If at any one time the polymers not subject to an exemption exceed the thresholds, then hazardous chemical reporting is required (40 CFR Part 370). (February 1993 Monthly Hotline Report)



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

"Proprietary Compounds and EPCRA §§311/312 Reporting"

Key Words:

Mixture; proprietary compound; Tier I/II

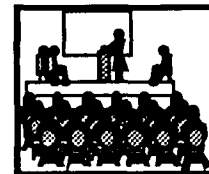
QUESTION: A facility is storing a product mixture on-site. Under OSHA regulations, the facility is required to retain a material safety data sheet (MSDS) for the mixture. According to the MSDS, the mixture contains a zinc compound, but no specific chemical identity or concentration information is provided. OSHA regulations allow chemical manufacturers to withhold this information from the MSDS under a trade secrecy claim (29 CFR §1910.1200(i)). From the MSDS, the owner/operator cannot tell whether the proprietary compound is a hazardous chemical (such as zinc silicofluoride) or an extremely hazardous substance (such as zinc phosphide).

To comply with EPCRA §§311 and 312 reporting requirements, the facility must determine whether this mixture exceeds the appropriate inventory threshold level. How would the facility make this determination? Once a quantity is calculated, should it be compared to the hazardous chemical threshold of 10,000 pounds, or should the facility owner or operator assume the compound is an extremely hazardous substance (EHS) and apply the lower threshold?

ANSWER: Pursuant to 40 CFR §§370.28(a)(1) and (2), a facility may report on a mixture as a whole or on each hazardous component of the mixture. The option of reporting by components, however, is not available if the components are not known. In this case, since the MSDS contains no information on the concentration of the proprietary zinc compound, the facility must report the mixture as a whole.

The next step in evaluating whether a facility is required to report under EPCRA §§311 and 312 is to compare the quantities stored on-site to the appropriate threshold level codified in 40 CFR §370.20(b). For hazardous chemicals that are not EHSs, reporting is required if the facility has over 10,000 pounds on-site at any one time. For extremely hazardous substances, reporting is necessary if the facility has the chemical on-site in quantities over 500 pounds or the threshold planning quantity (whichever is lower).

In this scenario, the specific identity of the chemical is not available to the facility owner or operator. Because the facility receives an MSDS for the mixture, the owner or operator knows that the mixture contains a hazardous chemical. While the owner or operator has a duty to make all reasonable efforts to determine whether or not the substance is an EHS, if



"Proprietary Compounds and EPCRA §§311/312 Reporting" (cont'd)

there is no information reasonably available to the owner or operator to make this determination, the regulations do not require reporting the mixture as an EHS. For the zinc compound mixture, the facility could assume the mixture contains a hazardous substance and apply the 10,000-pound threshold level to the overall weight of the mixture. In addition, the facility must state that it is "unknown" whether the mixture contains an EHS by writing this in the appropriate box on the applicable form. (December 1993 Monthly Hotline Report)

"Sheet Metal Reporting and the Exemption for Manufactured Solids Under §§311/312"

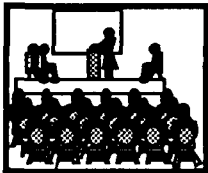
Key Words:

Exemption; manufactured solid; sheet metal; Tier I/II

QUESTION: A facility stores and processes sheet metal that contains a hazardous chemical requiring a material safety data sheet (MSDS) under OSHA's Hazard Communication Standard (29 CFR §1910.1200(c)). The sheet metal, when in storage, is considered a manufactured solid and is therefore excluded from the definition of hazardous chemical under EPCRA §311(e)(2). Does this exclusion still apply when the sheet metal is cut, welded, or brazed?

ANSWER: The exclusion for manufactured solids in EPCRA §311(e)(2) applies to "[a]ny substance present as a solid in any manufactured item to the extent exposure to that substance does not occur under normal conditions of use." Sheet metal is considered a "manufactured item" which is typically present as a solid. To determine whether or not the sheet metal falls under this exemption, the owner/operator of the facility must determine the extent of exposure to the substance under normal conditions of use at that facility. Storing, welding, and cutting can all be considered "normal conditions of use" at a facility. In this example, only the sheet metal in storage is exempt under §311(e)(2) because it does not create a potential for exposure to a hazardous chemical. Cutting, welding, brazing, or otherwise altering the form of the sheet metal does create a potential for exposure, negating the exclusion under §311(e)(2) and subjecting the weight of the maximum amount of sheet metal used in this fashion at any time to reporting requirements under 40 CFR §370.20(b).

The regulations at 40 CFR §370.20(b) state that a facility must submit an MSDS and a Tier I form (or Tier II form) for any hazardous chemical present at a facility in an amount greater than 10,000 pounds and for any extremely hazardous substance present at the facility in an amount greater than or



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

"Sheet Metal Reporting and the Exemption for Manufactured Solids Under §§311/312" (cont'd)

equal to 500 pounds or the threshold planning quantity, whichever is lower. The entire weight of the items to be altered (the non-exempt items) is counted toward the threshold, not just the weight of the hazardous chemical in the section of the item on which work is done. The weight of the entire piece of sheet metal is used because the sheet is the manufactured item; the exemption cannot apply to a portion of a manufactured item. (December 1993 Monthly Hotline Report)

Toxic Chemical Release Inventory

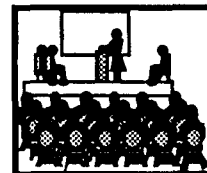
Key Words:

Exemption; PCBs; Form R; otherwise use threshold; release; TRI

"Light Fixtures as Structural Components Under EPCRA §313"

QUESTION: To reduce the use of polychlorinated biphenyls (PCBs) at a facility, the owner/operator removed the light fixtures equipped with PCB-filled ballasts and replaced them with light fixtures free of PCBs. The ballasts were disposed of off-site. Must the owner/operator report the PCBs found in the light fixture ballasts as otherwise used when making EPCRA §313 threshold and release determinations, or would this use of PCBs be exempt under 40 CFR §372.38(c)?

ANSWER: For purposes of EPCRA §313, the term "otherwise use" means any use of a listed toxic chemical at a facility that does not fall under the definitions of "manufacture" or "process" (40 CFR §372.3). In developing the definition of otherwise use, EPA exempted certain uses of toxic chemicals to narrow the types of activities covered by the threshold (40 CFR §372.38(c)). The structural component exemption limits the definition of otherwise use by excluding those activities involving toxic chemicals found at a facility in passive structures or equipment (53 FR 4500, 4506; February 16, 1988). The PCBs found in the light fixture ballasts are structural components of the facility and are therefore excluded from EPCRA §313 threshold and release determinations pursuant to 40 CFR §372.38(c)(1). Reporting the off-site disposal of these PCBs is not required under EPCRA §313. (November 1993 Monthly Hotline Report)



"Maximum Quantity Reporting at §313 Establishments"

Key Words:

Establishment reporting;
Form R; maximum amount
on-site; TRI

QUESTION: In Part II, Section 4.1 of the Form R, facilities must enter a range code indicating the maximum quantity of a toxic chemical on-site at any time during the reporting year. If a facility is reporting by establishment, should the quantity reported in Section 4.1 represent the maximum quantity at the establishment or the maximum quantity for the entire facility?

ANSWER: If a Form R is being submitted for "part of a facility" (i.e., an establishment or group of establishments), the range code selected for the maximum amount of a toxic chemical on-site should be reflective of the establishment or group of establishments, not of the entire facility.
(April 1993 Monthly Hotline Report)

"Personal Use Exemption and Refrigerants"

Key Words:

Form R; personal use
exemption; TRI

QUESTION: Would toxic chemicals used as refrigerants in a facility's air conditioning unit be exempt from EPCRA §313 reporting under the personal use exemption (40 CFR §372.38(c)(3))?

ANSWER: Yes, if the air conditioning unit is used solely for the purpose of maintaining employee comfort, the toxic chemicals used in the unit would be exempt from EPCRA §313 reporting under the personal use exemption. If, however, the air conditioning unit is integral to the facility's operation or activity (e.g., maintaining constant temperature and humidity for machinery or cold storage rooms), then the toxic chemicals used in the unit would not be exempted from EPCRA §313 reporting. (April 1993 Monthly Hotline Report)

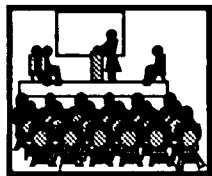
"Radioactive Cobalt"

Key Words:

CAS number; cobalt; Form
R; TRI

QUESTION: Must a facility consider the use of the radioactive cobalt metal Cobalt-60 (CAS number 10198-40-0) in its threshold calculations for cobalt (CAS number 7440-48-4)?

ANSWER: Cobalt-60 with CAS number 10198-40-0 is not on the list of toxic chemicals under EPCRA §313. The listed toxic chemical is cobalt with CAS number 7440-48-4. As such, Cobalt-60 is not reportable under EPCRA §313.
(April 1993 Monthly Hotline Report)



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

"Repackaging as Processing"

Key Words:

Form R; processing threshold; repackaging; TRI

QUESTION: A manufacturing facility receives shipments of an EPCRA §313 listed toxic chemical in rail cars. The toxic chemical is transferred from the rail cars into large tank trucks for distribution to customers. The quantity of the toxic chemical held in the tank trucks is approximately equivalent to the amount held in the rail cars. Would the transfer of the toxic chemical from the rail cars to the tank trucks be considered repackaging and therefore included in processing threshold determinations?

ANSWER: All activities involving the preparation of a listed toxic chemical, after its manufacture, for distribution in commerce are to be included in the processing threshold determination for that chemical. The Agency defines processing to include "...the preparation of a chemical for distribution in commerce in a desirable form, state, and/or quantity (i.e., repackaging)..." (53 FR 4506; February 16, 1988). The act of removing a toxic chemical from one container and placing it in another is considered repackaging, regardless of the size of the containers involved. As such, the facility must include any amounts transferred from the rail cars to the tank trucks in its processing threshold for that chemical. (March 1993 Monthly Hotline Report)

"Reporting 'Not Applicable' in Section 8.8 of the Form R"

Key Words:

Form R; pollution prevention; release; TRI

QUESTION: On the Form R, a facility owner/operator must provide information about routine and nonroutine releases for each reported toxic chemical. Specifically, in Section 8.8, an owner/operator must report the quantity of any release of a toxic chemical into the environment or transferred off-site as a result of a remedial action, catastrophic event, or one-time event not associated with production processes. If the facility did not experience any such release or transfer, must the owner/operator report zero, or may the owner/operator report "not applicable" (NA) in Section 8.8?

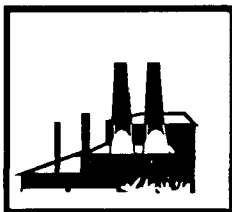
ANSWER: While either notation, NA or zero, may be entered in Section 8.8 of the Form R, they are not synonymous. If a remedial action, catastrophic event, or one-time event not associated with production processes results in a release into the environment or an off-site transfer of the toxic chemical and the annual aggregate release was less than 0.5 pound, then a facility owner/operator should enter zero in Section 8.8. An owner/operator should only report NA for Section 8.8 on the Form R if no release or transfer occurred as a result of these activities. (July 1993 Monthly Hotline Report)



PART 2: FEDERAL REGISTER SUMMARIES

The Federal Register summaries presented in this section include the major changes to 40 CFR regulations implementing RCRA, Superfund, UST, and the Emergency Planning and Community Right-to-Know Act during 1993. Both proposed and final rules with significant impact on these programs are included. This is not a complete list of all applicable FR notices for the year. For a comprehensive review of FR notices, the reader may wish to obtain FR reference materials or a subscription service. The summaries in this section are included to provide a convenient and easy-to-use overview.

The Federal Register summaries are grouped by program area and status (proposed, final) and presented chronologically within each section. Complete citations are provided for reference.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Proposed Rules

Citation:

February 11, 1993
(58 FR 8102)

"Modification of the Hazardous Waste Recycling Regulatory Program"

SUMMARY: EPA proposed a program under which certain common post-user items that are hazardous wastes (e.g., certain batteries, pesticides) would be collected under greatly streamlined requirements. The program would encourage proper treatment and recycling of these wastes. Comments must be submitted by April 12, 1993.

Citation:

February 12, 1993
(58 FR 8504)

"Exemption of Petroleum-Contaminated Media and Debris from Underground Storage Tanks (UST)"

SUMMARY: EPA proposed to exempt petroleum-contaminated media and debris generated by UST corrective actions from certain portions of EPA's hazardous waste regulations. The exemption would be limited to the 25 newly listed organic chemicals under the toxicity characteristic. Comments must be submitted on or before April 13, 1993.

Citation:

April 7, 1993
(58 FR 18062)

"Degradable Ring Rule"

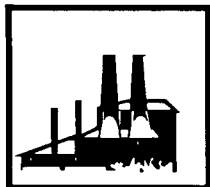
SUMMARY: EPA issued this proposed rule in response to Public Law 100-556, which requires that plastic ring carriers used for bottles and cans be made of degradable materials. Comments must be submitted on or before May 7, 1993.

Citation:

April 27, 1993
(58 FR 25706)

"Wood Surface Protection; Identification and Listing of Hazardous Waste"

SUMMARY: EPA proposed to list as hazardous certain wastes from the use of chlorophenolic formulations in the wood surface protection industry. Comments will be accepted until June 28, 1993.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Proposed Rules (cont'd)

Citation:

July 7, 1993
(58 FR 36367)

"Identification and Listing of Hazardous Waste; Treatability Studies Sample Exclusion"

SUMMARY: EPA proposed to revise the treatability sample exclusion rule under RCRA. This proposed rule would affect the amount of contaminated soils and debris that may be processed without complying with Subtitle C regulations, amending RCRA regulations at 40 CFR §§261.4(e) and (f). Comments on this proposed rule must be postmarked on or before September 7, 1993.

Citation:

September 14,
1993
(58 FR 48092)

"Land Disposal Restrictions for Newly Identified and Listed Hazardous Waste and Hazardous Sites"

SUMMARY: EPA proposed treatment standards for the newly identified organic toxicity characteristic wastes, and treatment standards for all newly listed coke by-product and chlorotoluene production wastes that must be met before these wastes are land disposed. EPA also proposed to revise previously promulgated treatment standards, and to modify the hazardous waste recycling regulations. Comments and data must be submitted on or before November 15, 1993.

Citation:

December 27, 1993
(58 FR 68353)

"Financial Assurance Mechanisms for Local Government Owners and Operators of Municipal Solid Waste Landfill (MSWLF) Facilities"

SUMMARY: EPA proposed to amend the financial assurance provisions of the MSWLF criteria, which were promulgated on October 9, 1991, under Subtitle D of RCRA. This proposed rule would add a financial test and a guarantee to the mechanism available for securing financial assurance by local governments. Comments must be submitted on or before February 25, 1994.

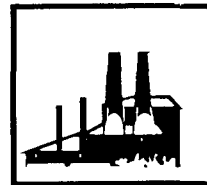
Final Rules

Citation:

February 3, 1993
(58 FR 6955)

"Virginia; Final Partial Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program"

SUMMARY: EPA granted final partial approval to Virginia's municipal solid waste landfill permit program. This determination was effective February 3, 1993.



Final Rules (cont'd)

Citation:

February 16, 1993
(58 FR 8658)

"Corrective Action Management Units and Temporary Units"

SUMMARY: EPA finalized provisions addressing two new units that will be used for remedial purposes under RCRA corrective action authorities: corrective action management units and temporary units. These final regulations are effective April 19, 1993.

Citation:

May 14, 1993
(58 FR 28506)

"Land Disposal Restrictions; Renewal of the Hazardous Debris Case-by-Case Capacity Variance"

SUMMARY: EPA renewed the extension of the case-by-case capacity variance to May 8, 1994, for all persons managing certain hazardous debris. This rule and the extension is effective on May 8, 1993.

Citation:

May 24, 1993
(58 FR 29860)

"Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes"

SUMMARY: This rule amended the land disposal restrictions treatment standards for certain wastes displaying the characteristic of ignitability or corrosivity. EPA takes this action to comply with the September 25, 1992, decision of the U.S. Court of Appeals in Chemical Waste Management v. EPA. This interim final rule is effective on May 10, 1993. Comments may be submitted on or before July 9, 1993.

Citation:

May 28, 1993
(58 FR 31114)

"Guidance for Hazardous Waste Generators on the Elements of a Waste Minimization Program"

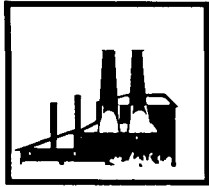
SUMMARY: EPA published this interim final guidance to assist hazardous waste generators and treatment, storage, and disposal facilities in complying with the waste minimization certification requirements of RCRA. EPA urges parties to submit comments by July 27, 1993.

Citation:

July 1, 1993
(58 FR 35454)

"Kentucky; Final Determination of Adequacy of State and Tribal Municipal Solid Waste Permit Program"

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA issued a final determination that Kentucky's municipal solid waste landfill (MSWLF) permit program is adequate to ensure compliance with the revised federal MSWLF criteria. This determination is effective on July 9, 1993.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Final Rules (cont'd)

Citation:

August 9, 1993
(58 FR 42466)

"Regulatory Determination; Wastes from the Combustion of Coal by Electric Utility Power Plants"

SUMMARY: As required by RCRA §3001(b)(3)(C), EPA presented the final regulatory determination on four large-volume wastes generated by the combustion of coal at electric utility plants. The Agency will continue to exempt fly ash, bottom ash, boiler slag, and flue gas emission control waste from regulation as hazardous wastes under RCRA Subtitle C. This rule is effective as of September 2, 1993.

Citation:

August 16, 1993
(58 FR 43350)

"Minnesota; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy for Minnesota's municipal solid waste landfill program. The determination of adequacy is effective August 16, 1993.

Citation:

August 31, 1993
(58 FR 46040)

"Hazardous Waste; Testing and Monitoring Procedures"

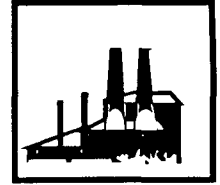
SUMMARY: EPA amended the RCRA hazardous waste regulations for testing and monitoring procedures. These amendments replace the current Second Edition, including Updates I and II, of the EPA-approved test methods manual Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA publication SW-846, by incorporating by reference the Third Edition into the RCRA regulations. The rule is effective on August 31, 1993.

Citation:

September 16,
1993
(58 FR 48518)

"South Carolina; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of full program adequacy for South Carolina's municipal solid waste landfill permit program. The determination of adequacy is effective September 16, 1993.



Final Rules (cont'd)

Citation:

September 16,
1993
(58 FR 48519)

**"Tennessee; Final Determination of Adequacy of State/Tribal
Municipal Solid Waste Permit Program"**

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of full program adequacy for Tennessee's municipal solid waste landfill permit program. The determination of adequacy is effective September 16, 1993.

Citation:

September 21,
1993
(58 FR 49046)

**"Georgia; Final Determination of Adequacy of State/Tribal
Municipal Solid Waste Permit Program"**

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of full program adequacy for Georgia's municipal solid waste landfill permit program. The determination of adequacy is effective September 21, 1993.

Citation:

September 21,
1993
(58 FR 49048)

**"Idaho; Final Determination of Adequacy of State/Tribal
Municipal Solid Waste Permit Program"**

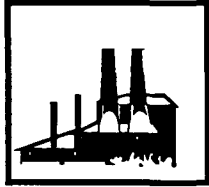
SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of full program adequacy for Idaho's municipal solid waste landfill permit program. The determination of adequacy is effective September 21, 1993.

Citation:

October 1, 1993
(58 FR 51343)

**"Colorado; Final Determination of Adequacy of State/Tribal
Municipal Solid Waste Permit Program"**

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy for Colorado's municipal solid waste landfill permit program. The determination of adequacy is effective October 1, 1993.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Final Rules (cont'd)

Citation:

October 1, 1993
(58 FR 51536)

"Solid Waste Disposal and Facility Criteria; Delay of Compliance and Effective Dates"

SUMMARY: EPA delayed the general date for compliance with the criteria for municipal solid waste landfills (MSWLFs) until April 9, 1994, for certain small landfills. EPA delayed the effective date of Subpart G, Financial Assurance, until April 9, 1995, for all MSWLFs. EPA also amended MSWLF criteria compliance dates concerning groundwater monitoring, final cover requirements, and certain MSWLFs in the Midwest receiving flood-related waste. This final rule is effective October 9, 1993.

Citation:

October 5, 1993
(58 FR 51821)

"North Dakota; Final Determination of Partial Program Adequacy of State/Tribal Municipal Solid Waste Permit Program"

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of partial program adequacy for North Dakota's municipal solid waste landfill permit program. The determination of adequacy is effective October 5, 1993.

Citation:

October 7, 1993
(58 FR 52300)

"California; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program"

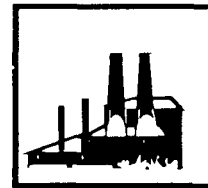
SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of full program adequacy for California's municipal solid waste landfill permit program. The determination of adequacy is effective October 7, 1993.

Citation:

October 7, 1993
(58 FR 52302)

"Kansas; Final Partial Program Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of partial program adequacy for Kansas' municipal solid waste landfill permit program. The determination of adequacy is effective October 7, 1993.



"Mississippi; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

October 7, 1993
(58 ER 52304)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy for Mississippi's municipal solid waste landfill permit program. The determination of adequacy is effective October 7, 1993.

**Final Rules
(cont'd)**

"North Carolina; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

October 7, 1993
(58 ER 52305)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy for North Carolina's municipal solid waste landfill permit program. The determination of adequacy is effective October 7, 1993.

"Oregon; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

October 7, 1993
(58 ER 52308)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy and tentative and final determination of adequacy for Oregon's municipal solid waste landfill permit program. The determination of partial adequacy is effective October 7, 1993. The determination of full program adequacy is effective December 6, 1993, pending public comment.

"South Dakota; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

October 8, 1993
(58 ER 52486)

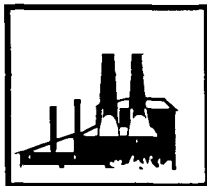
SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy for South Dakota's municipal solid waste landfill permit program. The determination of adequacy is effective October 8, 1993.

"Utah; Final Determination of Partial Program Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

October 8, 1993
(58 ER 52489)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of partial program adequacy for Utah's municipal solid waste landfill permit program. The determination of adequacy is effective October 8, 1993.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Wyoming; Final Determination of Partial Program Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

October 8, 1993
(58 FR 52491)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of partial program adequacy for Wyoming's municipal solid waste landfill permit program. The determination of adequacy is effective October 8, 1993.

Final Rules (cont'd)

"Illinois: Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

October 20, 1993
(58 FR 54145)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a tentative determination, public hearing, and public comment period concerning the adequacy of Illinois' municipal solid waste landfill permit program. The public hearing is scheduled for November 29, 1993. Comments must be received on or before November 29, 1993.

"Federal Acquisition, Recycling, and Waste Prevention"

Citation:

October 22, 1993
(58 FR 54911)

SUMMARY: President Clinton issued an Executive Order requiring all federal agencies to incorporate waste prevention and recycling daily operations and work. The order also requires EPA to propose procurement guidelines and guiding principles within 180 days.

"Louisiana; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

November 4, 1993
(58 FR 58860)

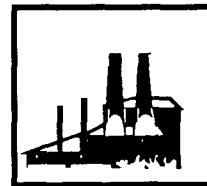
SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of full program adequacy of Louisiana's municipal solid waste landfill permit program. The determination of adequacy is effective November 4, 1993.

"Pennsylvania; Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

November 4, 1993
(58 FR 58862)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of tentative determination, public hearing, and public comment period concerning the adequacy of Pennsylvania's municipal solid waste landfill permit program. The public hearing is scheduled for December 22, 1993. Comments must be received on or before December 22, 1993.



"Indiana; Final Partial Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

November 8, 1993
(58 FR 59261)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of partial program adequacy for Indiana's municipal solid waste landfill permit program. The determination of adequacy is effective November 8, 1993.

**Final Rules
(cont'd)**

"Arkansas; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

November 9, 1993
(58 FR 59463)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy for Arkansas' municipal solid waste landfill permit program. The determination of adequacy is effective November 9, 1993.

"Burning and Hazardous Waste in Boilers and Industrial Furnaces"

Citation:

November 9, 1993
(58 FR 59598)

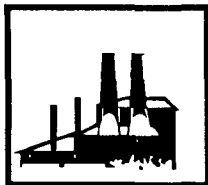
SUMMARY: EPA announced health-based limits for nonmetals that are used to determine whether residues from Bevell devices (e.g., cement kilns, primary smelters, coal-fired boilers) are exempt from the definition of hazardous waste. This rule replaces current limits needed to qualify for the Bevell exemption. This immediate final rule is effective October 15, 1993.

"Delaware; Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

November 15, 1993
(58 FR 60199)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of tentative determination, public hearing, and public comment period concerning the adequacy of Delaware's municipal solid waste landfill permit program. The public hearing is scheduled for December 27, 1993. Comments must be received on or before December 27, 1993.



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

"Missouri; Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

November 19, 1993
(58 FR 61090)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of tentative determination, public hearing, and public comment period concerning the adequacy of Missouri's municipal solid waste landfill permit program. The public hearing is scheduled for January 4, 1994. Comments must be received on or before December 20, 1993.

"Connecticut; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

December 15, 1993
(58 FR 65591)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of full program adequacy for Connecticut's municipal solid waste landfill permit program. The determination of adequacy is effective December 15, 1993.

Final Rules (cont'd)

"Alabama; Partial Program Adequacy Determination of State/Tribal Municipal Solid Waste Permit Program"

Citation:

December 17, 1993
(58 FR 65982)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a tentative determination, public hearing, and public comment period concerning the adequacy of Alabama's municipal solid waste landfill permit program. The public hearing is scheduled for February 10, 1994. Comments must be submitted on or before February 10, 1994.

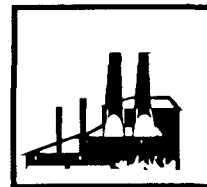
"Nebraska; Final Partial Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

December 17, 1993
(58 FR 65985)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of partial program adequacy for Nebraska's municipal solid waste permit program. The determination of adequacy is effective December 17, 1993.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)



"Texas; Final Partial Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

December 17, 1993
(58 FR 65986)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of final determination of partial program adequacy for Texas' municipal solid waste landfill permit program. The determination of adequacy is effective December 17, 1993.

"Montana; Final Determination of Partial Adequacy of State/Tribal Municipal Solid Waste Permit Program"

Citation:

December 21, 1993
(58 FR 67408)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of partial program adequacy for Montana's municipal solid waste landfill permit program. The determination of adequacy is effective December 21, 1993.

"Michigan; Partial Program Adequacy Determination of State/Tribal Municipal Solid Waste Permit Program"

Citation:

December 22, 1993
(58 FR 67786)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a tentative determination, public hearing, and public comment period concerning the adequacy of Michigan's municipal solid waste landfill permit program. The public hearing is scheduled for February 3, 1994. Comments must be received on or before February 4, 1994.

Final Rules (cont'd)

"Oklahoma; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

December 28, 1993
(58 FR 68643)

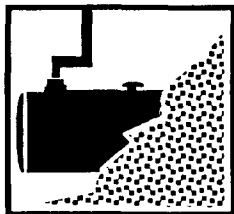
SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a final determination of full program adequacy for Oklahoma's municipal solid waste landfill permit program. The determination of adequacy is effective December 28, 1993.

"Nevada; Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"

Citation:

December 30, 1993
(58 FR 69362)

SUMMARY: Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a tentative determination, public hearing, and public comment period concerning the adequacy of Nevada's municipal solid waste landfill permit program. The public hearing is scheduled for January 31, 1994. Comments must be received on or before January 31, 1994.



UNDERGROUND STORAGE TANKS (UST)

Proposed Rules

Citation:

August 17, 1993
(58 FR 43770)

"Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements"

SUMMARY: EPA proposed a rule to allow certain members of the regulated community to become part of a new compliance group subject to a new financial responsibility compliance date of December 31, 1998. The members of the proposed group include petroleum marketers with 1 to 12 USTs at more than 1 facility, local governments, and Indian tribes that meet certain additional federal criteria. Comments must be received on or before October 1, 1993.

Final Rules

Citation:

February 3, 1993
(58 FR 6894)

"Rhode Island; Final Approval of State Underground Storage Tank Program"

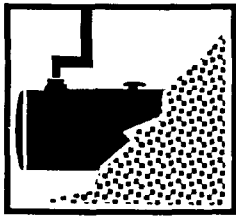
SUMMARY: EPA granted final approval to Rhode Island to operate its underground storage tank program. This final approval will be effective March 5, 1993.

Citation:

February 18, 1993
(58 FR 9026)

"Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements"

SUMMARY: EPA promulgated four additional assurance mechanisms for use by local government entities that own or operate USTs. These mechanisms will help local governments comply with the UST financial responsibility requirements and add to the mechanisms previously identified in 53 FR 43322. The financial responsibility compliance date for local governments is February 18, 1994.



UNDERGROUND STORAGE TANKS (UST)

Final Rules (cont'd)

Citation:

September 8, 1993
(58 FR 47217)

"Washington; Final Approval of State Underground Storage Tank Program"

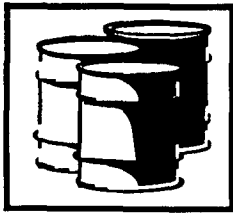
SUMMARY: EPA gave notice that the State of Washington has received final approval to operate its underground storage tank program under RCRA Subtitle I. Final approval will be effective October 8, 1993.

Citation:

November 2, 1993
(58 FR 58624)

"New Hampshire; Approval of State Underground Storage Tank Program"

SUMMARY: EPA intends to approve New Hampshire's underground storage tank program under RCRA Subtitle I. Final authorization will be effective January 3, 1994, unless EPA publishes a prior action withdrawing this immediate final rule. Comments must be received on or before December 2, 1993.



SUPERFUND (SF)

Proposed Rules

Citation:

February 17, 1993
(58 FR 8824)

"Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities"

SUMMARY: These new regulations promulgated pursuant to the Oil Pollution Act of 1990 propose to require owners and operators of certain onshore facilities to prepare response plans for responding to a worst-case discharge of oil and to a substantial threat of such a discharge. These facility response plans should be consistent with the current CERCLA National Contingency Plan. Comments must be submitted on or before April 19, 1993.

Citation:

May 10, 1993
(58 FR 27507)

"National Priorities List (NPL); Proposed Rule No. 14"

SUMMARY: EPA proposed to add 26 new sites to the NPL. Comments must be submitted by June 9, 1993, for two of the proposed sites, and July 9, 1993, for the remaining.

Citation:

June 23, 1993
(58 FR 34018)

"National Priorities List (NPL); Proposal to Add 17 Sites"

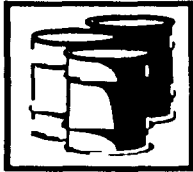
SUMMARY: EPA proposed to add 17 sites to the NPL; 7 in the general Superfund section and 10 in the federal facilities section. This proposal increases the number of proposed sites to 71, and the total number of final and proposed sites to 1,270. Comments must be submitted on or before July 23, 1993, for the South Weymouth Materials Technology Laboratory and Portsmouth Naval Shipyards Sites. Comments must be submitted on or before August 23, 1993, for all other sites in this proposal.

Citation:

October 21, 1993
(58 FR 54474)

"Radiation Site Cleanup Regulations"

SUMMARY: EPA announced the development of regulations that will set forth requirements for cleanup levels for sites contaminated with radionuclides. These regulations will apply to sites subject to the Atomic Energy Act and to CERCLA sites. Comments must be submitted on or before December 20, 1993.



SUPERFUND (SF)

Proposed Rules (cont'd)

Citation:

October 22, 1993
(58 FR 54702)

"National Oil and Hazardous Substances Pollution Contingency Plan (NCP)"

SUMMARY: EPA proposed revisions to the NCP as a result of Oil Pollution Act and Clean Water Act requirements. These revisions are intended to enhance the current framework, standards, and procedures for oil and hazardous substance spill response. Comments must be received on or before December 20, 1993.

Citation:

October 22, 1993
(58 FR 54836)

"Reportable Quantity Adjustments"

SUMMARY: EPA proposed changes to the designation, reportable quantities, and notification requirements under CERCLA and EPCRA. The list of hazardous air pollutants and wastes listed or proposed to be listed under RCRA. Comments must be submitted on or before December 20, 1993.

Final Rules

Citation:

January 15, 1993
(58 FR 4816)

"Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases"

SUMMARY: EPA issued this final rule to provide reimbursement to local governments for costs of temporary emergency measures taken to prevent or mitigate injury to human health or the environment. This rule is effective October 14, 1992.

Citation:

January 21, 1993
(58 FR 5460)

"Superfund Response Claims Procedures"

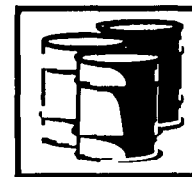
SUMMARY: EPA promulgated this rule to establish the procedures for filing, evaluating, and resolving claims against the Superfund. These claims must be for costs incurred in responding to releases or threats of releases of hazardous substances, pollutants, or contaminants. This final rule is effective February 22, 1993.

Citation:

January 25, 1993
(58 FR 5972)

"Superfund Response Action Contractor Indemnification"

SUMMARY: EPA issued final guidance to implement §119 of CERCLA. Section 119 provides the President with discretionary authority to indemnify response action contractors for releases of a hazardous substance, pollutant, or contaminant arising out of negligence in conducting response action activities. This final guidance is effective January 25, 1993.



Final Rules (cont'd)

Citation:

February 5, 1993
(58 FR 7189)

National Priorities List; Deletion of the Waste Research and Reclamation Site"

SUMMARY: EPA announced the deletion of the Waste Research and Reclamation Site in Eau Claire, Wisconsin, from the National Priorities List. EPA and the State of Wisconsin have determined that all appropriate Fund-financed responses under CERCLA have been implemented. This deletion is effective February 5, 1993.

Citation:

February 8, 1993
(58 FR 7492)

"National Priorities List; Deletion of the Pioneer Sand Company Site"

SUMMARY: EPA announced the deletion of the Pioneer Sand Company Site in Pensacola, Florida, from the National Priorities List. EPA and the State of Florida have determined that all appropriate Fund-financed responses under CERCLA have been implemented. This deletion is effective February 8, 1993.

Citation:

February 8, 1993
(58 FR 7704)

"Administrative Hearing Procedures for Claims Asserted Against the Fund"

SUMMARY: When EPA denies all or part of a claim against the Fund for costs incurred in conducting a preauthorized response action, the claimant may require a hearing to review that decision. This interim final rule establishes procedures to request such a hearing and governs the course of the proceeding following the request. This rule is effective February 8, 1993. Comments must be submitted on or before April 9, 1993.

Citation:

March 2, 1993
(58 FR 12142)

"Categorization of National Priorities List (NPL) Sites"

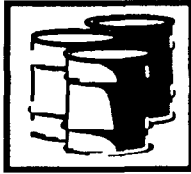
SUMMARY: EPA introduced the Superfund Construction Completion List (CCL), which is a mechanism for better communicating Superfund progress to the public. This first CCL contains 155 sites.

Citation:

March 22, 1993
(58 FR 15287)

"National Priorities List; Deletion of the Woodbury Chemical Company Site"

SUMMARY: EPA announced the deletion of the Woodbury Chemical Company Site in Commerce City, Colorado, from the National Priorities List. EPA and the State of Colorado have determined that all appropriate response actions have been implemented at the site. This deletion is effective March 22, 1993.



SUPERFUND (SF)

Final Rules (cont'd)

Citation:

May 28, 1993
(58 FR 30989)

"National Priorities List; Deletion of the Suffern Village Wellfield Site"

SUMMARY: EPA announced the deletion of the Suffern Village Wellfield Site in Suffern, New York, from the National Priorities List. EPA and the State of New York have determined that no further cleanup by responsible parties is appropriate under CERCLA. This deletion is effective May 28, 1993.

Citation:

June 30, 1993
(58 FR 35314)

"Reportable Quantity (RQ) Adjustments for Lead Metal, Lead Compounds, Lead-Containing Hazardous Wastes, and Methyl Isocyanate"

SUMMARY: EPA promulgated RQ adjustments for 30 hazardous substances. Adjusted RQs were proposed for these hazardous substances on May 8, 1992 (57 FR 20014). These hazardous substances include lead metal, 12 lead compounds, 15 wastestreams listed under RCRA, RCRA characteristic wastes that fail the TCLP for lead, and methyl isocyanate.

Citation:

September 1, 1993
(58 FR 46087)

"National Priorities List; USDA Pesticides Lab Site"

SUMMARY: EPA announced the deletion of the U.S. Department of Agriculture Pesticide Lab in Yakima, Washington, from the National Priorities List. This action was taken because EPA and the State of Washington determined that no further cleanup under CERCLA is appropriate. The deletion is effective September 1, 1993.

Citation:

September 22,
1993
(58 FR 49200)

"Amendment to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); Procedures for Planning and Implementing Off-Site Response Actions"

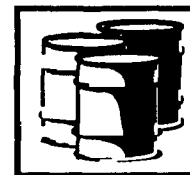
SUMMARY: EPA amended the NCP to include procedures that must be observed when a response action under CERCLA involves off-site management of CERCLA hazardous substances, pollutants, or contaminants. This rule revises the previous off-site policy published in the Federal Register on November 5, 1985 (50 FR 45933). This rule is effective October 22, 1993.

Citation:

October 6, 1993
(58 FR 52018)

"National Priorities List; LaBounty Site"

SUMMARY: EPA announced the deletion of the LaBounty Site in Charles City, Iowa, from the National Priorities List. This action was taken because EPA and the State of Iowa determined that no further cleanup under CERCLA was appropriate. This action is effective October 6, 1993.



Final Rules (cont'd)

Citation:

October 21, 1993
(58 FR 54297)

"National Priorities List; Aidex Corporation Site"

SUMMARY: EPA announced the deletion of the Aidex Corporation Site in Glenwood, Ohio, from the National Priorities List. This action was taken because EPA and the State of Ohio determined that no further cleanup under CERCLA is appropriate. The deletion is effective October 21, 1993.

Citation:

November 9, 1993
(58 FR 59369)

"National Priorities List; Hydro-Flex Corporation, Inc., Site"

SUMMARY: EPA announced the deletion of the Hydro-Flex Corporation, Inc., Site in Topeka, Kansas, from the National Priorities List. This action was taken because EPA and the State of Kansas determined that no further cleanup under CERCLA is appropriate. The deletion is effective November 9, 1993.

Citation:

November 19, 1993
(58 FR 61029)

"National Priorities List; Plymouth Harbor/Cannons Site"

SUMMARY: EPA announced the deletion of the Plymouth Harbor/Cannons Site in Plymouth, Massachusetts, from the National Priorities List. This action was taken because EPA and the Commonwealth of Massachusetts determined that no further cleanup under CERCLA is appropriate. The deletion is effective November 19, 1993.

Citation:

December 2, 1993
(58 FR 63531)

"National Priorities List; Charlevoix Municipal Well Site"

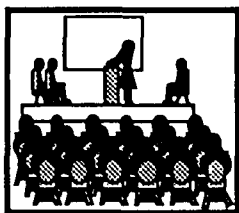
SUMMARY: EPA announced the deletion of the Charlevoix Municipal Well Site in Charlevoix, Michigan, from the National Priorities List. This action was taken because EPA and the State of Michigan determined that no further cleanup under CERCLA was appropriate. This action is effective December 2, 1993.

Citation:

December 30, 1993
(58 FR 69238)

"National Priorities List; Mobray Engineering Company Site"

SUMMARY: EPA announced the deletion of the Mobray Engineering Company Site in Greenville, Alabama, from the National Priorities List. This action was taken because EPA and the State of Alabama determined that no further cleanup under CERCLA is appropriate. The deletion is effective December 30, 1993.



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

Proposed Rules

Citation:

July 6, 1993
(58 FR 36180)

"Toxic Chemical Release Reporting, Glycol Ethers Category"

SUMMARY: EPA proposed to redefine the glycol ethers category on the list of toxic chemicals subject to reporting under EPCRA §313. The proposed change would remove high molecular weight as well as surfactant glycol ethers, but retain all glycol ethers known or reasonably anticipated to cause adverse human health effects. Written comments on this proposed rule must be received on or before September 7, 1993.

Final Rules

Citation:

August 6, 1993
(58 FR 41981)

"Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements"

SUMMARY: President Clinton issued an Executive Order requiring all federal agencies to comply with EPCRA and the Pollution Prevention Act of 1990 (PPA). Federal agencies that own or operate a "facility," as defined in EPCRA §329(4), must comply with EPCRA and PPA provisions if applicable thresholds are met. Federal agencies must submit a preliminary list of facilities that potentially meet reporting requirements to EPA by December 31, 1993.

Citation:

October 5, 1993
(58 FR 51785)

"Toxic Chemical Release Reporting; Di-n-octyl Phthalate"

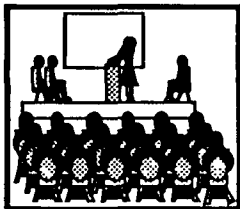
SUMMARY: Pursuant to EPCRA §313(d)(3), EPA deleted di-n-octyl phthalate from the list of toxic chemicals. This rule is effective October 5, 1993.

"Toxic Chemical Release Reporting; Addition of Ozone Depleting Chemicals"

Citation:

December 1, 1993
(58 FR 63496)

SUMMARY: EPA added 11 hydrochlorofluorocarbons (HCFCs) to the list of toxic chemicals subject to reporting under EPCRA §313 and PPA §6607. The first reports that include these chemicals will be due July 1, 1995, to cover the 1994 reporting year.



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

Final Rules (cont'd)

"Toxic Chemical Release Reporting; Addition of RCRA Chemicals"

Citation:

December 1, 1993
(58 FR 63500)

SUMMARY: EPA added 21 chemicals and 2 chemical categories to the list of toxic chemicals subject to reporting under EPCRA §313 and PPA §6007. All of these chemicals and chemical categories appear on the RCRA list of hazardous wastes at 40 CFR §261.33(f). The first reports that include these chemicals will be due July 1, 1995, to cover the 1994 reporting year.

ACCIDENTAL RELEASE PREVENTION PROGRAM (CAA §112(r))

Proposed Rules

"List of Regulated Substances and Thresholds for Accidental Release Prevention; Requirements for Petitions"

Citation:

January 19, 1993
(58 FR 5102)

SUMMARY: EPA published a proposed rule under the Clean Air Act (CAA) provisions for accidental release prevention. The rule proposes a list of chemicals and threshold quantities that will identify facilities subject to subsequent accident prevention regulations. The proposed list contains 3 categories: 100 toxic substances, 62 flammable substances, and commercial explosives as defined by DOT. The requirements for the petition process that will be used to add or delete chemicals from the final list is also included in this proposed rule. Comments must be submitted by March 22, 1993.

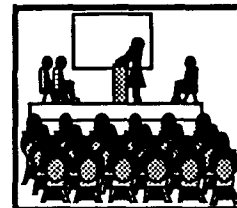
"Risk Management Programs for Chemical Accidental Release Prevention"

Citation:

October 20, 1993
(58 FR 54190)

SUMMARY: EPA published a proposed rule under the Clean Air Act provisions for accidental release prevention. The rule proposes regulations that would require development and implementation of risk management programs at facilities that manufacture, process, use, store, or otherwise handle regulated substances in quantities that exceed specified thresholds. Comments must be submitted on or before February 16, 1994. The first in a series of public meetings on this rule will be held on November 30, 1993, from 9 am to 5 pm, at Temple Mica, 600 M Street, SW, Washington, DC. A notice will be published in the Federal Register with more information on additional public hearings.

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)



ACCIDENTAL RELEASE PREVENTION PROGRAM (CAA §112(r)) (cont'd)

Final Rules

"Hydrogen Fluoride Study; Report to Congress"

Citation:

November 2, 1993
(58 FR 58548)

SUMMARY: EPA announced the availability of the study of commercial and industrial uses of hydrofluoric acid and the hazards it may present to human health and the environment, as mandated by CAA §112(n)(6). Comments must be submitted on or before December 15, 1993.



PART 3: INDICES

This section provides three indices to help you select and access the questions and answers in Part 1 and the Federal Register summaries in Part 2. The first index references the questions and FR summaries by subject. The questions and FR summaries that address that topic are listed below each key word. For example, to find questions dealing with solvents, you would look in the key word index for the word "solvent" and find two questions referenced under that subject: "Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" and "Waste Classified as Both F005 and K086." The reference provides the page number for full text and is coded with a capital letter to indicate the relevant program (i.e., R=RCRA, S=Superfund, U=UST, and E=EPCRA).

The second index organizes the questions and FR summaries by regulatory citation, beginning with 40 CFR Part 238. This index is useful for identifying questions affecting specific portions of the regulations. For example, under the heading "40 CFR Part 248-250, 252, 253 - Guidelines for Federal Procurement" is a question entitled "Procurement Requirements Applicable to Government Agencies" and a Federal Register notice from October 22, 1993, regarding procurement guidelines and guiding principles.

Similarly, the third index organizes the questions by statutory citation. For example, the question entitled "Maximum Quantity Reporting of §313 Establishments" is referenced under "Section 313 - Toxic Chemical Release Forms."

These three indices allow the reader flexibility in searching for a specific topic or getting an overview of the scope of the questions by selecting the approach most useful to the reader.

KEY WORD INDEX

ARAR

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23 (S)

Boilers and industrial furnaces (BIFs)

58 FR 59598; November 9, 1993 p. 51 (R)

Case-by-case extension

"Soil Case-by-Case Extension" p. 3 (R)

CAS number

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33 (E)
"Radioactive Cobalt" p. 39 (E)

Claims

58 FR 5460; January 21, 1993 p. 58 (S)
58 FR 7704; February 8, 1993 p. 59 (S)

Clean Air Act (CAA)

58 FR 5102; January 19, 1993 p. 64 (E)
58 FR 54190; October 20, 1993 p. 64 (E)
58 FR 58548; November 2, 1993 p. 65 (E)

Closed-loop

"Closed-Loop Recycling Exclusion" p. 13 (R)

Closure

"Closure Timetable Following Termination of Interim Status" p. 7 (R)

Cobalt

"Radioactive Cobalt" p. 39 (E)

Commercial chemical product

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33 (E)
"Nitroglycerin Pills as Commercial Chemical Products" p. 15 (R)
"Unused Formulations of Agent Orange" p. 17 (R)

Construction completion category

58 FR 12142; March 2, 1993 p. 59 (S)

Containment building

"Containment Buildings as Independent Hazardous Waste Management Units" p. 8 (R)
"Containment Buildings at Permitted and Interim Status Facilities" p. 9 (R)

Cooperative agreement

"State Authority in Selecting the Remedy at State-lead Superfund Sites" p. 24 (S)

Corrective action

"TAGs Status at Superfund Sites Deferred to RCRA" p. 29 (S)
58 FR 8658; February 16, 1993 p. 45 (R)

Degradable ring

58 FR 18062; April 7, 1993 p. 43 (R)

DNAPL

"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" p. 21 (S)

Emergency planning

"Designation of Facility Emergency Coordinator" p. 34 (E)

Establishment reporting

"Maximum Quantity Reporting at §313 Establishments" p. 39 (E)

Exclusion/Exemption

"Closed-Loop Recycling Exclusion" p. 13 (R)
"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" p. 27 (S)
"Light Fixtures as Structural Components Under EPCRA §313" p. 38 (E)
"Natural Gas Condensate: Regulatory Status" p. 14 (R)
"Personal Use Exemption and Refrigerants" p. 39 (E)
"Polymer Pellet Reporting Under §§311 and 312" p. 35 (E)
"Sheet Metal Reporting and the Exemption for Manufactured Solids Under §§311/312" p. 37 (E)
58 FR 8504; February 12, 1993 p. 43 (R)
58 FR 36367; July 7, 1993 p. 44 (R)
58 FR 42466; August 9, 1993 p. 46 (R)

F005

"Waste Classified as Both F005 and K086" p. 18 (R)

F027

"Unused Formulations of Agent Orange" p. 17 (E)

F033

58 FR 25706; April 27, 1993 p. 43 (R)

Facility emergency coordinator

"Designation of Facility Emergency Coordinator" p. 34 (E)

Federal agency

"Procurement Requirements Applicable to Government Agencies" p. 6 (R)

Federal facility

58 FR 41981; August 6, 1993 p. 63 (E)

LEGEND:

(E) = EPCRA (S) = SUPERFUND
(R) = RCRA (U) = UST

Financial responsibility

"UST Financial Responsibility: Local Governments" p. 19 (U)
58 FR 9026; February 18, 1993 p. 55 (U)
58 FR 43770; August 17, 1993 p. 55(U)
58 FR 68353; December 27, 1993 p. 44 (R)

Form R

"Light Fixtures as Structural Components Under EPCRA §313" p. 38 (E)
"Maximum Quantity Reporting at §313 Establishments" p. 39 (E)
"Personal Use Exemption and Refrigerants" p. 39 (E)
"Radioactive Cobalt" p. 39 (E)
"Repackaging as Processing" p. 40 (E)
"Reporting 'Not Applicable' in Section 8.8 of the Form R" p. 40 (E)
58 FR 36180; July 6, 1993 p. 63 (E)
58 FR 51785; October 5, 1993 p. 63 (E)
58 FR 63496; December 1, 1993 p. 63 (E)
58 FR 63500; December 1, 1993 p. 64 (E)

Generator accumulation

"Containment Buildings as Independent Hazardous Waste Management Units" p. 8 (R)

Groundwater monitoring

"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" p. 21 (S)
"The Use of Maximum Contaminant Levels (MCLs) in Groundwater Monitoring" p. 11 (R)

Hazardous chemical

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 38 (E)
"Polymer Pellet Reporting Under §§311 and 312" p. 35 (E)

Hazardous substance

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33 (E)

Hazardous waste definition

"Closed-Loop Recycling Exclusion" p. 13 (R)
"Mixtures of Used Oil and Characteristic Hazardous Waste" p. 12 (R)
"Natural Gas Condensate: Regulatory Status" p.14 (R)
"Nitroglycerine Pills as Commercial Chemical Products" p. 15 (R)
"Sample Holding Times and Validity of Analytical Results" p. 16 (R)
"Unused Formulations of Agent Orange" p. 17 (R)
"Waste Classified as Both F005 and K086" p. 18 (R)

LEGEND:

(E) = EPCRA (S) = SUPERFUND
(R) = RCRA (U) = UST

Ignitability characteristic

"Mixtures of Used Oil and Characteristic Hazardous Waste" p. 12 (R)
58 FR 29860; May 24, 1993 p. 45 (R)

Interim status

"Closure Timetable Following Termination of Interim Status" p. 7 (R)
"Containment Buildings at Permitted and Interim Status Facilities" p. 9 (R)

K086

"Waste Classified as both F005 and K086" p. 18 (R)

LDR

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23 (S)
"Soil Case-by-Case Extension" p. 3 (R)
58 FR 28506; May 14, 1993 p. 45 (R)
58 FR 29860; May 24, 1993 p. 45 (R)
58 FR 48092; September 14, 1993 p. 44 (R)

Liability

"De Micromis Superfund Settlements" p. 25 (S)
"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" p. 27 (S)

Local Emergency Planning Committee (LEPC)

"Designation of Facility Emergency Coordinator" p. 34 (E)

Local government

"UST Financial Responsibility: Local Governments" p. 19 (U)
58 FR 4816; January 15, 1993 p. 58 (S)

Manufactured solid

"Polymer Pellet Reporting Under §§311 and 312" p. 35 (E)
"Sheet Metal Reporting and the Exemption for Manufactured Solids Under §§311/312" p. 37 (E)

Maximum amount on-site

"Maximum Quantity Reporting at §313 Establishments" p. 39 (E)

MCL

"The Use of Maximum Contaminant Levels (MCLs) in Groundwater Monitoring" p. 11 (R)

Mineral spirits

"Mineral Spirits as a Regulated Substance Under the UST Regulations" p. 19 (U)

Mixture

"Mixtures of Used Oil and Characteristic Hazardous Waste" p. 12 (R)
"Proprietary Compounds and EPCRA §§311/312 Reporting" p. 36 (E)

Municipal solid waste landfill

"Effective Date Delayed for Certain MSWLFs" p. 4 (R)

Natural gas condensate

"Natural Gas Condensate: Regulatory Status" p. 14 (R)

NCP

"Accelerating Superfund Cleanups" p. 29 (S)

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23 (S)

"Revitalization Initiatives for Superfund" p. 30 (S)

"State Authority in Selecting the Remedy at State-lead Superfund Sites" p. 24 (S)

58 FR 8824; February 17, 1993 p. 57 (S)

58 FR 54702; October 22, 1993 p. 58 (S)

NPL

"Revitalization Initiatives for Superfund" p. 30 (S)

"TAGs Status at Superfund Sites Deferred to RCRA" p. 29 (S)

58 FR 7189; February 5, 1993 p. 59 (S)

58 FR 7492; February 8, 1993 p. 59 (S)

58 FR 12142; March 2, 1993 p. 59 (S)

58 FR 15287; March 22, 1993 p. 59 (S)

58 FR 27507; May 10, 1993 p. 57 (S)

58 FR 30989; May 28, 1993 p. 60 (S)

58 FR 34018; June 23, 1993 p. 57 (S)

58 FR 46087; September 1, 1993 p. 60 (S)

58 FR 49200; September 22, 1993 p. 60 (S)

58 FR 52018; October 6, 1993 p. 60 (S)

58 FR 54297; October 21, 1993 p. 61 (S)

58 FR 59369; November 9, 1993 p. 61 (S)

58 FR 61029; November 19, 1993 p. 61 (S)

58 FR 63531; December 2, 1993 p. 61 (S)

58 FR 69238; December 30, 1993 p. 61 (S)

Otherwise use threshold

"Light Fixtures as Structural Components Under §313" p. 38 (E)

P081

"Nitroglycerine Pills as Commercial Chemical Products" p. 15 (R)

PCBs

"Light Fixtures as Structural Components Under EPCRA §313" p. 38 (E)

Permit

"Containment Buildings at Permitted and Interim Status Facilities" p. 9 (R)

"The Use of Maximum Containment Levels (MCLs) in Groundwater Monitoring" p. 11 (R)

Personal use exemption

"Personal Use Exemption and Refrigerants" p. 39 (E)

Placement

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23 (S)

Pollution prevention

"Reporting 'Not Applicable' in Section 8.8 of the Form R" p. 40 (E)

Polymer Pellet

"Polymer Pellet Reporting Under §§311 and 312" p. 35 (E)

Potentially responsible party (PRP)

"De Micromis Superfund Settlements" p. 25 (S)

Processing threshold

"Repackaging as Processing" p. 40 (E)

Procurement guidelines

"Procurement Requirements Applicable to Government Agencies" p. 6 (R)

Proprietary compound

"Proprietary Compounds and EPCRA §§311/312 Reporting" p. 36 (E)

Radiation sites

58 FR 54474; October 21, 1993 p. 57 (S)

Recycling

"Closed-Loop Recycling Exclusion" p. 13 (R)

"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" p. 27 (S)

"Procurement Requirements Applicable to Government Agencies" p. 6 (R)

58 FR 8102; February 11, 1993 p. 43 (R)

58 FR 54911; October 22, 1993 p. 50 (R)

Regulated substance

"Mineral Spirits as a Regulated Substance Under the UST Regulations" p. 19 (U)

Release

"Light Fixtures as Structural Components Under EPCRA §313" p. 38 (E)

"Reporting 'Not Applicable' in Section 8.8 of the Form R" p. 40 (E)

Remediation

"Accelerating Superfund Cleanups" p. 29 (S)

"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" p. 21 (S)

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23 (S)

"Revitalization Initiatives for Superfund" p. 30 (S)

"State Authority in Selecting the Remedy at State-lead Superfund Sites" p. 24 (S)

"TAGs Status at Superfund Sites Deferred to RCRA" p. 29 (S)

58 FR 5972; January 25, 1993 p. 58 (S)

Removal

"Accelerating Superfund Cleanups" p. 29 (S)

LEGEND:

(E) = EPCRA (S) = SUPERFUND
(R) = RCRA (U) = UST

Repackaging

"Repackaging as Processing" p. 40 (E)

Reportable quantity

58 FR 35314; June 30, 1993 p. 60 (S)

58 FR 54836; October 22, 1993 p. 58 (S)

SACM

"Accelerating Superfund Cleanups" p. 29 (S)

Sample

"Sample Holding Times and Validity of Analytical Results" p. 16 (R)

Settlements

"De Micromis Superfund Settlements" p. 25 (S)

Site assessment

"Accelerating Superfund Cleanups" p. 29 (S)

Soil

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23 (S)

"Soil Case-by-Case Extension" p. 3 (R)

Solvent

"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" p. 21 (S)

"Waste Classified as Both F005 and K086" p. 18 (R)

State program

"State Authority in Selecting the Remedy at State-lead Superfund Sites" p. 24 (S)

58 FR 6894; February 3, 1993 p. 55 (U)

58 FR 6955; February 3, 1993 p. 44 (R)

58 FR 35454; July 1, 1993 p. 45 (R)

58 FR 47217; September 8, 1993 p. 56 (U)

58 FR 48518; September 16, 1993 p. 47 (R)

58 FR 48519; September 16, 1993 p. 47 (R)

58 FR 49046; September 21, 1993 p. 47 (R)

58 FR 49048; September 21, 1993 p. 47 (R)

58 FR 51343; October 1, 1993 p. 47 (R)

58 FR 51536; October 1, 1993 p. 47 (R)

58 FR 51821; October 5, 1993 p. 48 (R)

58 FR 52300; October 7, 1993 p. 48 (R)

58 FR 52302; October 7, 1993 p. 48 (R)

58 FR 52304; October 7, 1993 p. 48 (R)

58 FR 52305; October 7, 1993 p. 48 (R)

58 FR 52308; October 7, 1993 p. 49 (R)

58 FR 52486; October 8, 1993 p. 49 (R)

58 FR 52489; October 8, 1993 p. 49 (R)

58 FR 52491; October 8, 1993 p. 49 (R)

58 FR 54145; October 20, 1993 p. 50 (R)

58 FR 58624; November 2, 1993 p. 56 (U)

58 FR 58860; November 4, 1993 p. 50 (R)

58 FR 58862; November 4, 1993 p. 50 (R)

58 FR 59261; November 8, 1993 p. 50 (R)

58 FR 59463; November 9, 1993 p. 51 (R)

58 FR 60199; November 15, 1993 p. 51 (R)

58 FR 61090; November 19, 1993 p. 51 (R)

58 FR 65591; December 15, 1993 p. 51 (R)

58 FR 65982; December 17, 1993 p. 52 (R)

58 FR 65985; December 17, 1993 p. 52 (R)

58 FR 65986; December 17, 1993 p. 52 (R)

58 FR 67408; December 21, 1993 p. 52 (R)

58 FR 67786; December 22, 1993 p. 52 (R)

58 FR 68643; December 28, 1993 p. 53 (R)

58 FR 69362; December 30, 1993 p. 53 (R)

Subtitle D

"Effective Date Delayed for Certain MSWLFs" p. 4 (R)

"Procurement Requirements Applicable to Government Agencies" p. 6 (R)

58 FR 6955; February 3, 1993 p. 44 (R)

58 FR 35454; July 1, 1993 p. 45 (R)

58 FR 43350; August 16, 1993 p. 46 (R)

58 FR 48518; September 16, 1993 p. 47 (R)

58 FR 48519; September 16, 1993 p. 47 (R)

58 FR 49046; September 21, 1993 p. 47 (R)

58 FR 49048; September 21, 1993 p. 47 (R)

58 FR 51343; October 1, 1993 p. 47 (R)

58 FR 51536; October 1, 1993 p. 48 (R)

58 FR 51821; October 5, 1993 p. 48 (R)

58 FR 52300; October 7, 1993 p. 48 (R)

58 FR 52302; October 7, 1993 p. 48 (R)

58 FR 52304; October 7, 1993 p. 48 (R)

58 FR 52305; October 7, 1993 p. 49 (R)

58 FR 52308; October 7, 1993 p. 49 (R)

58 FR 52486; October 8, 1993 p. 49 (R)

58 FR 52489; October 8, 1993 p. 49 (R)

58 FR 52491; October 8, 1993 p. 49 (R)

58 FR 54145; October 20, 1993 p. 50 (R)

58 FR 58860; November 4, 1993 p. 50 (R)

58 FR 58862; November 4, 1993 p. 50 (R)

58 FR 59261; November 8, 1993 p. 50 (R)

58 FR 59463; November 9, 1993 p. 51 (R)

58 FR 60199; November 15, 1993 p. 51 (R)

58 FR 61090; November 19, 1993 p. 51 (R)

58 FR 65591; December 15, 1993 p. 51 (R)

58 FR 65982; December 17, 1993 p. 52 (R)

58 FR 65985; December 17, 1993 p. 52 (R)

58 FR 65986; December 17, 1993 p. 52 (R)

58 FR 67408; December 21, 1993 p. 52 (R)

58 FR 67786; December 22, 1993 p. 52 (R)

58 FR 68353; December 27, 1993 p. 44 (R)

58 FR 68643; December 28, 1993 p. 53 (R)

58 FR 69362; December 30, 1993 p. 53 (R)

Tank

"Closed-Loop Recycling Exclusion" p. 13 (R)

LEGEND:

(E) = EPCRA (S) = SUPERFUND

(R) = RCRA (U) = UST

Technical Assistance Grants (TAGs)

"TAGs Status at Superfund Sites Deferred to RCRA" p. 29 (S)

Testing

"Sample Holding Times and Validity of Analytical Results" p. 16 (R)

58 FR 46040; August 31, 1993 p. 46 (R)

Tier I/II

"Polymer Pellet Reporting Under §§311 and 312" p. 35(E)

"Proprietary Compounds and EPCRA §§311/312 Reporting" p. 36 (E)

"Sheet Metal Reporting and the Exemption for Manufactured Solids Under §§311/312" p. 37 (E)

Toxic Chemical

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33 (E)

58 FR 36180; July 6, 1993 p. 63 (E)

58 FR 51785; October 5, 1993 p. 63 (E)

Toxicity Characteristic

"Mixtures of Used Oil and Characteristic Hazardous Waste" p. 12 (R)

"Sample Holding Times and Validity of Analytical Results" p. 16 (R)

"Soil Case-by-Case Extension" p. 3 (R)

Toxic Release Inventory (TRI)

"Light Fixtures as Structural Components Under EPCRA §313" p. 38 (E)

"Maximum Quantity Reporting at §313 Establishments" p. 39 (E)

"Personal Use Exemption and Refrigerants" p. 39 (E)

"Radioactive Cobalt" p. 39 (E)

"Repackaging as Processing" p. 40 (E)

"Reporting 'Not Applicable' in Section 8.8 of the Form R" p. 40 (E)

58 FR 36180; July 6, 1993 p. 63 (E)

58 FR 51785; October 5, 1993 p. 63 (E)

58 FR 63496; December 1, 1993 p. 63 (E)

58 FR 63500; December 1, 1993 p. 64 (E)

TSDF

"Closure Timetable Following Termination of Interim Status" p. 7 (R)

"Containment Buildings as Independent Hazardous Waste Management Units" p. 8 (R)

"Containment Buildings at Permitted and Interim Status Facilities" p. 9 (R)

"The Use of Maximum Contaminant Levels (MCLs) in Groundwater Monitoring" p. 11 (R)

Underground Storage Tank (UST)

"Mineral Spirits as a Regulated Substance Under the UST Regulations" p. 19 (U)

"UST Financial Responsibility: Local Governments" p. 19 (U)

58 FR 6894; February 3, 1993 p. 55 (U)

58 FR 8504; February 12, 1993 p. 43 (R)

58 FR 9026; February 18, 1993 p. 55 (U)

58 FR 43770; August 17, 1993 p. 55 (U)

58 FR 47217; September 8, 1993 p. 56 (U)

58 FR 58624; November 2, 1993 p. 56 (U)

Used oil

"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" p. 27 (S)

"Mixtures of Used Oil and Characteristic Hazardous Waste" p. 12 (R)

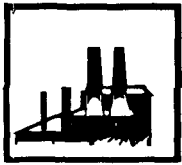
Waste minimization

58 FR 31114; May 28, 1993 p. 45 (R)

LEGEND:

(E) = EPCRA (S) = SUPERFUND
(R) = RCRA (U) = UST

REGULATORY CITATION INDEX



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

40 CFR Part 238 - Degradable Plastic Ring Carriers

58 FR 18062; April 7, 1993 p. 43

40 CFR Part 248-250, 252, 253 - Guidelines for Federal Procurement

"Procurement Requirements Applicable to Government Agencies" p. 6

58 FR 54911; October 22, 1993 p. 6

40 CFR Part 258 - Criteria for Municipal Solid Waste Landfills

"Effective Date Delayed for Certain MSWLFs" p. 4

58 FR 6955; February 3, 1993 p. 44

58 FR 35454; July 1, 1993 p. 45

58 FR 43350; August 16, 1993 p. 46

58 FR 48518; September 16, 1993 p. 46

58 FR 48519; September 16, 1993 p. 47

58 FR 49046; September 21, 1993 p. 47

58 FR 49048; September 21, 1993 p. 47

58 FR 51343; October 1, 1993 p. 47

58 FR 51536; October 1, 1993 p. 48

58 FR 51821; October 5, 1993 p. 48

58 FR 52300; October 7, 1993 p. 48

58 FR 52302; October 7, 1993 p. 48

58 FR 52304; October 7, 1993 p. 48

58 FR 52305; October 7, 1993 p. 49

58 FR 52308; October 7, 1993 p. 49

58 FR 52486; October 8, 1993 p. 49

58 FR 52489; October 8, 1993 p. 49

58 FR 52491; October 8, 1993 p. 49

58 FR 54145; October 20, 1993 p. 50

58 FR 58860; November 4, 1993 p. 50

58 FR 58862; November 4, 1993 p. 50

58 FR 59261; November 8, 1993 p. 50

58 FR 59463; November 9, 1993 p. 51

58 FR 60199; November 15, 1993 p. 51

58 FR 61090; November 19, 1993 p. 51

58 FR 65591; December 15, 1993 p. 51

58 FR 65982; December 17, 1993 p. 52

58 FR 65985; December 17, 1993 p. 52

58 FR 65986; December 17, 1993 p. 52

58 FR 67408; December 21, 1993 p. 52

58 FR 67786; December 22, 1993 p. 52

58 FR 68353; December 27, 1993 p. 44
58 FR 68643; December 28, 1993 p. 53
58 FR 69362; December 30, 1993 p. 53

40 CFR Part 261 - Identification and Listing of Hazardous Waste

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33
"Closed-Loop Recycling Exclusion" p. 13
"Natural Gas Condensate: Regulatory Status" p. 14
"Nitroglycerine Pills as Commercial Chemical Products" p. 15
"Sample Holding Times and Validity of Analytical Results" p. 16
"Unused Formulations of Agent Orange" p. 17
"Waste Classified as Both F005 and K086" p. 18

58 FR 8504; February 12, 1993 p. 43
58 FR 25706; April 27, 1993 p. 43
58 FR 36367; July 7, 1993 p. 44
58 FR 42466; August 9, 1993 p. 46
58 FR 46040; August 31, 1993 p. 46

40 CFR Part 262 - Standards Applicable to Generators of Hazardous Waste

58 FR 31114; May 28, 1993 p. 45

40 CFR Parts 264/5 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (TSDFs)

"Closure Timetable Following Termination of Interim Status" p. 7
"Containment Buildings as Independent Hazardous Waste Management Units" p. 8
"The Use of Maximum Contaminant Levels (MCLs) in Groundwater Monitoring" p. 11

58 FR 8658; February 16, 1993 p. 45

40 CFR Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

58 FR 59598; November 9, 1993 p. 51

40 CFR Part 268 - Land Disposal Restrictions (LDR)

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23
"Soil Case-by-Case Extension" p. 3

58 FR 28506; May 14, 1993 p. 45
58 FR 29860; May 24, 1993 p. 45
58 FR 48092; September 14, 1993 p. 44

40 CFR Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program

"Containment Buildings at Permitted and Interim Status Facilities" p. 9

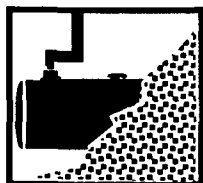
40 CFR Part 273 - Standards for Special Collection System Wastes

58 FR 8102; February 11, 1993 p. 43

40 CFR Part 279 - Standards for the Management of Used Oil

"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" p. 27

"Mixtures of Used Oil and Characteristic Hazardous Waste" p. 12



UNDERGROUND STORAGE TANKS (UST)

40 CFR Part 280 - Underground Storage Tanks

"Mineral Spirits as a Regulated Substance Under the UST Regulations" p. 19

"UST Financial Responsibility: Local Governments" p. 19

58 FR 9026; February 18, 1993 p. 55

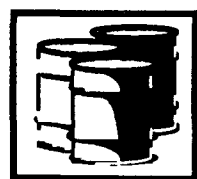
58 FR 43770; August 17, 1993 p. 55

40 CFR Part 281 - Approval of State Underground Storage Tank Programs

58 FR 6894; February 3, 1993 p. 55

58 FR 47217; September 8, 1993 p. 56

58 FR 58624; November 3, 1993 p. 56



SUPERFUND (SF)

40 CFR Part 300 - National Oil and Hazardous Substance Pollution Contingency Plan

"Accelerating Superfund Cleanups" p. 29

"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" p. 21

"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23

"Revitalization Initiatives for Superfund" p. 30

"State Authority in Selecting the Remedy at State-lead Superfund Sites" p. 24

"TAGs Status at Superfund Sites Deferred to RCRA" p. 29

58 FR 5972; January 25, 1993 p. 58

58 FR 7189; February 5, 1993 p. 59

58 FR 7492; February 8, 1993 p. 59

58 FR 8824; February 17, 1993 p. 57

58 FR 12142; March 2, 1993 p. 59

58 FR 15287; March 22, 1993 p. 59
58 FR 27507; May 10, 1993 p. 57
58 FR 30989; May 28, 1993 p. 60
58 FR 34018; June 23, 1993 p. 57
58 FR 46087; September 1, 1993 p. 60
58 FR 49200; September 22, 1993 p. 60
58 FR 52018; October 6, 1993 p. 60
58 FR 54297; October 21, 1993 p. 61
58 FR 54702; October 22, 1993 p. 58
58 FR 59369; November 9, 1993 p. 61
58 FR 61029; November 19, 1993 p. 61
58 FR 63531; December 2, 1993 p. 61
58 FR 69238; December 30, 1993 p. 61

40 CFR Part 302 - Designation, Reportable Quantities, and Notification
"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33

58 FR 35314; June 30, 1993 p. 60
58 FR 54474; October 21, 1993 p. 57
58 FR 54836; October 22, 1993 p. 58

40 CFR Part 305 - CERCLA Administrative Hearing Procedures for Claims Against the Superfund

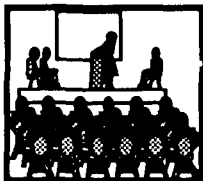
58 FR 7704; February 8, 1993 p. 59

40 CFR Part 307 - CERCLA Claims Procedure

58 FR 5460; January 21, 1993 p. 58

40 CFR Part 310 - Reimbursements to Local Governments for Emergency Responses to Hazardous Substance Releases

58 FR 4816; January 15, 1993 p. 58



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

40 CFR Part 355 - Emergency Planning and Notification

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33

"Designation of Facility Emergency Coordinator" p. 34

58 FR 41981; August 6, 1993 p. 63

40 CFR Part 370 - Hazardous Chemical Reporting: Community Right-to-Know

"Polymer Pellet Reporting Under §§311 and 312" p. 35

"Proprietary Compounds and EPCRA §§311/312 Reporting" p. 36

"Sheet Metal Reporting and Exemption for Manufactured Solids Under §§311/312" p. 37

58 FR 41981; August 6, 1993 p. 63

40 CFR Part 372 - Toxic Chemical Release Reporting: Community Right-to-Know Section 372.3

"Repackaging as Processing" p. 40

58 FR 41981; August 6, 1993 p. 63

Section 372.38

"Light Fixtures as Structural Components Under EPCRA §313" p. 38

"Personal Use Exemption and Refrigerants" p. 39

Section 372.65

"Chemicals Listed with Multiple Chemical Abstract Service Numbers" p. 33

"Radioactive Cobalt" p. 39

58 FR 36810; July 6, 1993 p. 63

58 FR 51785; October 5, 1993 p. 63

58 FR 63496; December 1, 1993 p. 63

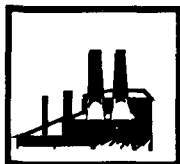
58 FR 63500; December 1, 1993 p. 64

Section 372.85

"Maximum Quantity Reporting at §313 Establishments" p. 39

"Reporting 'Not Applicable' in Section 8.8 of the Form R" p. 40

STATUTORY CITATION INDEX



RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Subtitle B - Office of Solid Waste; Authorities of the Administrator and Interagency Coordinating Committee

58 FR 18062; April 7, 1993 p. 43

Subtitle C - Hazardous Waste Management

Section 3001 - Identification and listing of hazardous waste

"Closed-Loop Recycling Exclusion" p. 13

"Natural Gas Condensate: Regulatory Status" p. 14

"Nitroglycerine Pills as Commercial Chemical Products" p. 15

"Sample Holding Times and Validity of Test Results" p. 16

"Unused Formulations of Agent Orange" p. 17

"Waste Classified as Both F005 and K086" p. 18

58 FR 8102; February 11, 1993 p. 43

58 FR 8504; February 12, 1993 p. 43

58 FR 25706; April 27, 1993 p. 43

58 FR 36367; July 7, 1993 p. 44

58 FR 42466; August 9, 1993 p. 46

58 FR 46040; August 31, 1993 p. 46

Section 3002 - Standards applicable to generators of hazardous waste

58 FR 31114; May 28, 1993 p. 45

Section 3004 - Standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities

"Closure Timetable Following Termination of Interim Status" p. 7

"Containment Buildings as Independent Hazardous Waste Management Units" p. 9

"Soil Case-by-Case Extension" p. 3

"The Use of Maximum Contaminant Levels (MCLs) in Groundwater Monitoring" p. 11

58 FR 8658; February 16, 1993 p. 45

58 FR 28506; May 14, 1993 p. 45

58 FR 29860; May 24, 1994 p. 45

58 FR 48092; September 14, 1993 p. 44

58 FR 59598; November 9, 1993 p. 51

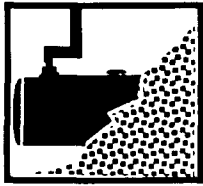
Section 3005 - Permits for treatment, storage, and disposal of hazardous waste
"Containment Buildings at Permitted and Interim Status Facilities" p. 9

Section 3008 - Federal enforcement
58 FR 8658; February 16, 1993 p. 45

Section 3014 - Restrictions on recycled oil
"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" p. 27
"Mixtures of Used Oil and Characteristic Hazardous Waste" p. 12

Subtitle D - State or Regional Solid Waste Plans
"Effective Date Delayed for Certain MSWLFs" p. 4
"Procurement Requirements Applicable to Government Agencies" p. 6

58 FR 6955; February 3, 1993 p. 44
58 FR 35454; July 1, 1993 p. 45
58 FR 43350; August 16, 1993 p. 46
58 FR 48518; September 16, 1993 p. 46
58 FR 48519; September 16, 1993 p. 47
58 FR 49046; September 21, 1993 p. 47
58 FR 49048; September 21, 1993 p. 47
58 FR 51343; October 1, 1993 p. 47
58 FR 51536; October 1, 1993 p. 48
58 FR 51821; October 5, 1993 p. 48
58 FR 52300; October 7, 1993 p. 48
58 FR 52302; October 7, 1993 p. 48
58 FR 52304; October 7, 1993 p. 48
58 FR 52305; October 7, 1993 p. 49
58 FR 52308; October 7, 1993 p. 49
58 FR 52486; October 8, 1993 p. 49
58 FR 52489; October 8, 1993 p. 49
58 FR 52491; October 8, 1993 p. 49
58 FR 54145; October 20, 1993 p. 50
58 FR 54911; October 22, 1993 p. 50
58 FR 58860; November 4, 1993 p. 50
58 FR 58862; November 4, 1993 p. 50
58 FR 59261; November 8, 1993 p. 50
58 FR 59463; November 9, 1993 p. 51
58 FR 60199; November 15, 1993 p. 51
58 FR 61090; November 19, 1993 p. 51
58 FR 65591; December 15, 1993 p. 51
58 FR 65982; December 17, 1993 p. 52
58 FR 65985; December 17, 1993 p. 52
58 FR 65986; December 17, 1993 p. 52
58 FR 67408; December 21, 1993 p. 52
58 FR 67786; December 22, 1993 p. 52
58 FR 68353; December 27, 1993 p. 44
58 FR 68643; December 28, 1993 p. 53
58 FR 69362; December 30, 1993 p. 53



UNDERGROUND STORAGE TANKS (UST)

SUBTITLE I, RCRA

Section 9001 - Definitions and exemptions

"Mineral Spirits as a Regulated Substance Under the UST Regulations" p. 19

Section 9003 - Release detection, prevention, and correction regulations

"UST Financial Responsibility: Local Governments" p. 19

58 FR 9026; February 18, 1993 p. 55

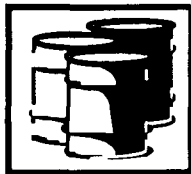
58 FR 43770; August 17, 1993 p. 55

Section 9004 - Approval of State programs

58 FR 6894; February 3, 1993 p. 55

58 FR 47217; September 8, 1993 p. 56

58 FR 58624; November 2, 1993 p. 56



SUPERFUND (SF)

Section 101 - Definitions

58 FR 54474; October 21, 1993 p. 57

Section 102 - Reportable quantities and additional designations

58 FR 35314; June 30, 1993 p. 60

58 FR 54836; October 22, 1993 p. 58

Section 105 - National contingency plan

58 FR 7189; February 5, 1993 p. 59
58 FR 7492; February 8, 1993 p. 59
58 FR 8824; February 17, 1993 p. 57
58 FR 12142; March 2, 1993 p. 59
58 FR 15287; March 22, 1993 p. 59
58 FR 27507; May 10, 1993 p. 57
58 FR 30989; May 28, 1993 p. 60
58 FR 34018; June 23, 1993 p. 57
58 FR 46087; September 1, 1993 p. 60
58 FR 49200; September 22, 1993 p. 60
58 FR 52018; October 6, 1993 p. 60
58 FR 54297; October 21, 1993 p. 61
58 FR 54702; October 22, 1993 p. 58
58 FR 59369; November 9, 1993 p. 61
58 FR 61029; November 19, 1993 p. 61
58 FR 63531; December 2, 1993 p. 61
58 FR 69238; December 30, 1993 p. 61

Section 112 - Claims procedure

58 FR 5460; January 21, 1993 p. 58
58 FR 7704; February 8, 1993 p. 59

Section 114 - Relationship to other law

"Liability Exemption Under CERCLA for Service Station Dealers Managing Used Oil" p. 27

Section 117 - Public participation

"TAGs Status at Superfund Sites Deferred to RCRA" p. 29

Section 119 - Response action contractors

58 FR 5972; January 25, 1993 p. 58

Section 121 - Cleanup standards

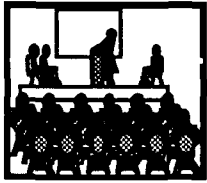
"Dense Nonaqueous Phase Liquid (DNAPL) Contamination at Superfund Sites" p. 21
"Land Disposal Restrictions as ARARs at Superfund Sites" p. 23
"State Authority in Selecting the Remedy at State-lead Superfund Sites" p. 24

Section 122 - Settlements

"De Micromis Superfund Settlements" p. 25

Section 123 - Reimbursement to local governments

58 FR 4816; January 15, 1993 p. 58



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

Sections 302/303 - Substances and facilities covered and notification/ comprehensive emergency response plans

"Designation of Facility Emergency Coordinator" p. 34

Sections 311/312 - Material safety data sheets/emergency and hazardous chemical inventory forms

"Polymer Pellet Reporting Under §§311 and 312" p. 35

"Proprietary Compounds and EPCRA §§311/312 Reporting" p. 36

"Sheet Metal Reporting and the Exemption for Manufactured Solids Under §§311/312" p. 37

Section 313 - Toxic chemical release forms (Form R)

"Light Fixtures as Structural Component Under EPCRA §313" p. 38

"Maximum Quantity Reporting at §313 Establishments" p. 39

"Personal Use Exemption and Refrigerants" p. 39

"Radioactive Cobalt" p. 39

"Repackaging as Processing" p. 40

"Reporting 'Not Applicable' in Section 8.8 of the Form R" p. 40

58 FR 36180; July 6, 1993 p. 63

58 FR 51785; October 5, 1993 p. 63

58 FR 63496; December 1, 1993 p. 63

58 FR 63500; December 1, 1993 p. 64

Section 329 - Definitions

58 FR 41981; August 6, 1993 p. 63