

MONTHLY HOTLINE REPORT

January 1996

RCRA/UST, Superfund, and EPCRA



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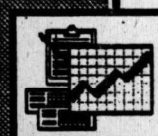
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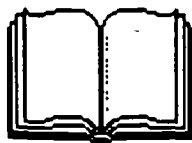
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RCRA/UST, Superfund, and EPCRA
National Toll-Free No.: 800-424-9346
Local: 703-412-9810

TDD National Toll-Free No.: 800-553-7672

This report is prepared and submitted in support of Contract No. 68-W0-0039.

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



MONTHLY HOTLINE REPORT

AVAILABILITY

ELECTRONIC AVAILABILITY

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

The complete text of the 1993, 1994, and 1995 Monthly Hotline Reports may be accessed via the Internet using a gopher. From the EPA Core Server at gopher.epa.gov, follow this pathway: EPA Offices & Regions --> Office of Solid Waste & Emergency Response --> OSW (RCRA) --> RCRA: General --> RCRA/UST, Superfund & EPCRA Hotline Reports.

The Hotline maintains an electronic mailing list named HOTLINE_OSWER. Subscribers will have Hotline announcements and Monthly Hotline Reports e-mailed to them as they are released, at no charge.

- To subscribe to the Hotline electronic mailing list send an e-mail to:
Listserver@unixmail.rtpnc.epa.gov
Subject: SUBSCRIBE TO LISTSERVERS
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your last name
For example, SUBSCRIBE
HOTLINE_OSWER JOHN SMITH
- To receive the Help file with useful commands for users send an e-mail to:
Listserver@unixmail.rtpnc.epa.gov
Subject: HELP
Message: HELP

National Technical Information Service (NTIS)

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

Yearly Subscription SUB-9224

January 1996 SUB-9224-96-001

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




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

MAR 22 1996

SUBJECT Revisions to Monthly Hotline Report

FROM.  Carrie VanHook, Office of Solid Waste

TO Monthly Hotline Report Recipients

Thank you to all of you who took the time to respond to our recent survey on the Monthly Hotline Report. We received 60 responses to our survey, providing us with many good suggestions for improving the Report. Based on the feedback we received, we are making the following changes beginning with the January 1996 Report.

Questions & Answers section: The survey results indicated that the Q & As are the most useful part of the Report. In addition to the highly technical Q & As in the Report, we will develop Q & As based on frequently asked questions to increase the number of Q & As in the Report

Federal Register section. We are continuing to provide summaries of final and proposed rules published in the Federal Register. For notices of state authorization and consent decrees/settlements we will not provide a summary, but will include a listing of the title and citation.

Call Analysis section: We have streamlined this section, and will only include statistics on who calls the Hotline (caller profile) and what they are calling about (hotline topics).

Timely Distribution: Because the Q & As require extensive EPA review, there is sometimes a delay in finalizing the Report. For subscribers who receive the Report electronically via the Hotline listserver, we will distribute the Federal Register and New Publications sections as soon as they are finalized and send out the Q & As later on when they are completed.

Information on Internet Access: We have included in the Federal Register and Publications sections information on how to access these documents on the Internet.

Listserver Service: For subscribers to the electronic listserver, in addition to the Monthly Hotline Report, we will continue to distribute information on all significant RCRA/UST, Superfund, and EPCRA rulemakings, as well as other "hot topic" information.

I hope that the revised Monthly Hotline Report continues to be a useful tool for you. If you have any comments or questions, please feel free to contact me at 703-308-7891 or at Vanhook Carie@epamail.epa.gov Thanks.



HOTLINE QUESTIONS AND ANSWERS

RCRA

1. Frequently Asked Questions on Composting

Does composting constitute source reduction or recycling in EPA's hierarchy of solid waste management?

Composting organic wastes after they are transported to a centralized municipal composting facility is a waste management activity characteristic of recycling. Composting organic waste at the point of generation such as in the yard of a home is a form of source reduction, since no formal waste management activity occurs (Characterization of Municipal Solid Waste in the United States, 1994 Update, November, 1994).

Must a centralized municipal solid waste composting facility obtain a permit before the facility may begin composting operations?

Although the federal regulations do not specifically address composting facilities, many individual state or county agencies have established permitting procedures to operate centralized solid waste composting facilities. States may require facilities to submit the following information: details of facility design, operating plans, description of incoming materials, monitoring plans, potential environmental releases, and potential markets for final compost product (Decision-Makers' Guide to Solid Waste Management, Volume II, August 1995).

What markets are available for compost product material?

Many markets are available for composted material including the agricultural industry, the landscape industry, the nursery industry, public agencies, and residential property owners. New research and field work has also begun to open markets for tailored compost material in the commercial bioremediation industry to clean up contaminants in soil, water, and air. The quality of compost products and the demand for compost products will vary according to regional land and climate characteristics. As such, a centralized municipal compost facility should identify potential markets early and cater to those markets needs. For more information about compost markets refer to Markets for Compost (November 1993).

What percentage of yard trimmings are recycled in centralized municipal compost piles?

EPA has estimated that 32.8 million tons of yard trimmings were generated in 1993. Approximately 19.8 percent (or 6.5 million tons) of the 1993 quantity of yard trimmings were managed in centralized municipal compost facilities (Characterization of Municipal Solid Waste in the United States, 1994 Update, November, 1994). Many yard trimmings are also managed in backyard compost heaps. Since 1988, private and public compost facilities have increased from about 700 to 3,100 in 1994.

2. Contractors as Procuring Agencies

RCRA §6002 applies to procuring agencies that purchase \$10,000 or more of a designated item during the current fiscal year, or who purchased \$10,000 or more of a designated item or functionally equivalent items during the preceding fiscal year. A procuring agency is defined 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 (§1004(17))." If a federal agency is subject to §6002, will contractors with that federal agency automatically be subject to §6002?

No. Federal contractors with procuring agencies subject to §6002 are not automatically subject to the requirements of §6002. These contractors must buy an EPA-designated item with recycled content subject to certain conditions (e.g., availability, conformance with applicable performance standards) if they purchase \$10,000 or more of the item during the current year or purchased \$10,000 worth of the item in the preceding fiscal year, for use under the agency contract. For example, a federal contractor that purchases \$10,000 of office paper products during the current fiscal year for use on the federal contract would need to purchase recycled content paper. Thus, the contractor would need to ensure the paper purchased for the federal contract contained the highest amount of postconsumer recovered material practicable.

3. Conversion of Permitted or Interim Status Units to Generator Accumulation Units

A treatment, storage, or disposal facility (TSDF) stores hazardous waste in permitted

storage units. The owner or operator wishes to convert some of the permitted storage units into generator 90-day accumulation units used to manage wastes that are generated on site. What requirements must the owner or operator comply with before a permitted unit may operate as a generator 90-day accumulation unit?

Generally, an owner or operator removing a unit from the jurisdiction of a RCRA permit must first close the unit in accordance with all of the applicable closure provisions for permitted units. In this case, since the converted units will continue to store hazardous waste, conversion will not trigger closure requirements because the unit will not have received its final volume of hazardous waste (40 CFR Part 264.113(a)). Once the unit receives waste for the last time, the owner or operator must comply with the more stringent permitted closure provisions in 40 CFR Part 264 (Subpart G and the unit specific closure provisions), rather than the closure provisions for generator accumulation units referenced in §262.34(a). In addition, the owner or operator must maintain financial assurance pursuant to Part 264, Subpart H, until closure of the unit is complete (57 *ER* 37254; August 18, 1992). To indicate that hazardous waste management activities in the converted unit are no longer covered by the facility's permit, the facility must submit the appropriate permit modification.

Owners or operators converting interim status units to 90-day accumulation units also need not begin final closure until after the final receipt of hazardous waste (40 CFR Part 265.113(a)). Upon final closure, the owner or operator must comply with the interim status closure provisions in Part 265 (Subpart G and the unit specific closure provisions). As with permitted TSDFs, the owner or operator of interim status facilities must maintain financial

assurance pursuant to Part 264, Subpart H, until final closure is completed.

4. Corrective Action Beyond Interim Status Facility Boundary

RCRA §3004(v) requires owners/operators of permitted hazardous waste treatment, storage, and disposal facilities (TSDFs) to perform corrective action for any contamination that has migrated beyond the facility boundary. What authorities can EPA use to order corrective action for releases which have migrated beyond the boundary of an interim status facility?

EPA can invoke §3008(h) or §7003 authority to address releases that have migrated beyond an interim status facility boundary. Pursuant to §3008(h), EPA can order corrective action or bring suit for the "release of hazardous waste into the environment" from a facility that is interim status, should have had interim status, or formerly had interim status. This includes authority for releases which have migrated beyond the facility boundary. Although §3008(h) does not explicitly state that EPA can order corrective action beyond an interim status facility boundary, EPA interprets the §3008(h) statutory authority to be at least as broad as the permitted facility corrective action authorities in §§3004(u) and (v) (50 FR 28716; July 15, 1985). Thus, because §3004(v) explicitly provides authority for corrective action beyond a permitted facility boundary, §3008(h) provides parallel authority for releases beyond an interim status boundary.

Section 7003 gives EPA the power to order corrective action or bring suit to abate imminent and substantial endangerment caused by the past or present handling, storage, treatment, transport, or disposal of any solid or hazardous waste. This broad and powerful authority is not limited to any particular kind

of RCRA site. Section 7003 is, therefore, also potentially applicable to contamination which has migrated beyond the boundary of an interim status facility.

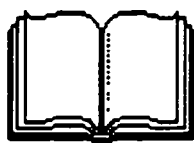
CERCLA

5. Discount Rates for Comparison of Remedial Alternatives

During the feasibility study phase of the Superfund response process, the project manager carefully estimates the costs of various remedial action alternatives. Present worth analysis is used to evaluate expenditures that occur over different time periods by discounting all future costs to a common base year, usually the current year (OSWER Directive 9355.2-01). By performing a present worth analysis, the cost of remedial action alternatives can be evaluated and compared with regard to the total cost of an action, even though the remedial action may take several years to complete. The figure derived from the present worth analysis represents the amount of money that, if invested in the base year and then disbursed over time, would reflect all remedial action costs. Has EPA recommended a certain discount rate to use in present worth calculations?

Yes. EPA recommends that project managers use a seven percent rate to conduct present worth calculations (OSWER Directive 9355.3-20). The preamble to the National Oil and Hazardous Substances Contingency Plan states, "EPA recognizes the importance of using an appropriate discount rate when deriving estimates of project costs. EPA will follow OMB circular A-94 . . ." (55 FR 8722-8723; March 8, 1990). The OMB Circular was revised on October 29, 1992, changing the discount rate to seven percent. In June 1993, EPA directed project managers to use the seven percent discount rate instead of the five

percent discount rate published in Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA: Interim Final (October 1988, OSWER Directive 9355.3-01). The seven percent rate should be applied to all sites which have a Record of Decision (ROD) planned for FY94 and thereafter (OSWER Directive 9355.3-20).



NEW PUBLICATIONS

HOW TO ORDER ...

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

EPA Publications are available through the Hotline. Use the EPA Order Number listed under the document.

RCRA/UST, Superfund, and EPCRA National Toll-Free No.: (800) 424-9346
Local: (703) 412-9810 TDD National Toll-Free No. (800) 553-7672

EPA Documents Available on the Internet

You may access certain documents electronically by using one of these servers:

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

RCRA

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Modules (Complete Set)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 135

This series of RCRA modules was developed as a training tool for RCRA/UST, Superfund and EPCRA Hotline Information Specialists. Each module provides a general overview of a specific RCRA regulatory topic. Each module contains an introduction, regulatory summary, and a regulatory developments section. Modules may be purchased as a set or individually, as noted below.

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Hazardous Waste Identification (40 CFR Part
261)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 143

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to Solid
and Hazardous Waste Exclusions (40 CFR Part
261.4)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 150

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Definition of Solid Waste and Hazardous
Waste Recycling (40 CFR Parts 261.2 and
261.9)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 168

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Generators (40 CFR Part 262)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 176

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Transporters (40 CFR Part 263)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 184

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Treatment, Storage, and Disposal Facilities (40
CFR Parts 264/265, Subparts A-E)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 192

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to Land
Disposal Restrictions (40 CFR Part 268)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 200

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Permits and Interim Status (40 CFR Part 270)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 218

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Containers (40 CFR Parts 264/265, Subpart I;
Section 261.7)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 226

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Tanks (40 CFR Parts 264/265, Subpart J)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 234

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to Drip
Pads (40 CFR Parts 264/265, Subpart W)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 242

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Containment Buildings (40 CFR Parts 264/
265, Subpart DD)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 259

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to Land
Disposal Units

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 267

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Miscellaneous and Other Units (40 CFR Part
264, Subpart X and 40 CFR Part 265, Subparts
P, Q, and R)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 275

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Hazardous Waste Incinerators (40 CFR Parts
264/265, Subpart O)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 283

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Boilers and Industrial Furnaces (40 CFR Part
266, Subpart H)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 291

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to Used
Oil (40 CFR Part 266, Subpart E, and Part 279)

AVAILABILITY: NTIS

NTIS ORDER NO.: PB96-780 309

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Financial Assurance (40 CFR Parts 264/265,
Subpart H)
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 317

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Closure/Post-Closure (40 CFR Parts 264/265,
Subpart G)
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 325

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Groundwater Monitoring
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 333

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Corrective Action
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 341

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to Air
Emission Standards
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 358

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to State
Programs
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 366

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Municipal Solid Waste Disposal Facility
Criteria
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 374

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to Solid
Waste Programs
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 382

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
RCRA Enforcement and Compliance
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 390

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
RCRA Statutory Overview
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 408

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Strategy for Hazardous Waste Minimization
and Combustion
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 416

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Petitions, Delistings, and Variances (40 CFR
Part 260, Subpart C)
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 424

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
Other Laws That Interface With RCRA
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-780 432

TITLE: RCRA/UST, Superfund & EPCRA
Hotline Training Module: Introduction to
RCRA Subtitle I: Underground Storage Tanks
(40 CFR Part 280)
AVAILABILITY: NTIS
NTIS ORDER NO.: PB96-125 752

CERCLA

TITLE: Establishing an Observed Release

AVAILABILITY: NTIS

NTIS ORDER NO.: PB94-963 314

This fact sheet describes an observed release, a component of the Hazard Ranking System (HRS) score calculation. It details the data required to establish an observed release, and the process used to document it. Efficient sampling also is emphasized to optimize the use of limited resources, which is especially important in light of conducting integrated assessments under SACM.

TITLE: Establishing Areas of Observed Contamination

AVAILABILITY: NTIS

NTIS ORDER NO.: PB94-963 312

This fact sheet address the use of analytical data to establish areas of observed contamination at hazardous waste sites when evaluating the soil exposure pathway under the HRS. The soil exposure pathway is evaluated only if observed contamination is established based on analytical data. An integrated sampling approach under SACM should be considered when planning the sampling strategy to establish observed releases.

TITLE: Establishing Background Levels

AVAILABILITY: NTIS

NTIS ORDER NO.: PB94-963 313

This fact sheet describes how to determine background levels for each migration pathway used to calculate an HRS score. The fact sheet emphasizes the necessity of efficient sampling, which is particularly important in light of conducting integrated site assessments under SACM.

TITLE: The Remedial Design/ Remedial Action Handbook

AVAILABILITY: NTIS

NTIS ORDER NO.: PB95-963 307

The purpose of this handbook is to provide Remedial Project Managers with an overview of the remedial design (RD) and remedial action (RA) processes. It should be most useful for federal-lead sites where the Superfund is used to finance the RD or RA.

EPCRA

TITLE: Risk Management Plan Data Elements: Draft

AVAILABILITY: Hotline

EPA ORDER NO.: N/A

The proposed CAA §112(r) Risk Management Program regulations require certain facilities with regulated substances to submit risk management plans. This document serves as draft guidance describing the types of information that EPA would like submitted in a risk management plan. The document proposes that the plans should include an executive summary, registration information, data on worst case and alternative releases for toxics and for flammables, a five-year accident history, a prevention program, and a emergency response program. Draft instructions accompany the data elements listing.

TITLE: Generic Guidance Risk Management Program (RMP) for Ammonia Refrigeration Facilities: Draft

AVAILABILITY: Hotline

EPA ORDER NO.: N/A

This generic guidance was developed to help owners and operators of ammonia refrigeration facilities comply with the EPA's CAA §112(r)

Risk Management Program regulations. It is intended to explain each of the program elements such a way that owners or operators will understand what is needed to develop an adequate program risk management for their facilities. Owners and operators who may be looking for help on where to start in the development of a risk management program, but have few resources to devote to this objective, can use this draft guidance for assistance. This document also serves as guidance for facilities that already have safety and prevention programs in place.

TITLE: Offsite Consequence Analysis
Guidance: Draft
AVAILABILITY: Hotline
EPA ORDER NO.: N/A

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

Electronic Availability

These three Risk Management Plan documents are currently available for downloading on EPA's Technology Transfer Network Bulletin Board System (TTNBBS),
ttnbbs.rtpnc.epa.gov.

To access the documents on TNN use the following steps:

- 1) Telnet to the TTN (ttnbbs.rtpnc.epa.gov)
- 2) Register or enter your name and password
- 3) Wait for the alerts to scroll
- 4) Enter "T" to get to the Bulletin Boards area
- 5) Enter "E" for the Clean Air Act Amendments BBS
- 6) Enter "S" to end the alerts
- 7) Enter "C" to open the CAA BBS menu
- 8) Enter "N" to list the available documents
- 9) Download desired document (downloading questions should be referred to the TTN Sysop).



FEDERAL REGISTERS

FEDERAL REGISTER AVAILABILITY

You may order copies of all major RCRA, UST, Superfund, and EPCRA Federal Registers by calling the Hotline. RCRA/UST, Superfund, and EPCRA National Toll-Free No. (800) 424-9346
Local: (703) 412-9810 TDD National Toll-Free No. (800) 553-7672

Electronic Availability

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

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

Gopher: <gopher.epa.gov>

FTP: <ftp.epa.gov>

Modem: (919) 558-0335

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

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

FINAL RULES

RCRA

**"Louisiana; Codification of Prior
Underground Storage Tank (UST)
Program Approval"**

January 18, 1996 (61 ER 1211)

**"Arkansas; Codification of Prior
Underground Storage Tank (UST)
Program Approval"**

January 18, 1996 (61 ER 1213)

**"New Mexico; Codification of Prior
Underground Storage Tank (UST)
Program Approval"**

January 18, 1996 (61 ER 1216)

**"Oklahoma; Codification of Prior
Underground Storage Tank (UST)
Program Approval"**

January 18, 1996 (61 ER 1220)

**"Texas; Codification of Prior
Underground Storage Tank (UST)
Program Approval"**

January 18, 1996 (61 ER 1223)

CERCLA

**"National Priorities List; Anderson
Development Company Superfund
Site"**

January 26, 1996 (61 ER 2451)

EPA announced the deletion of the Anderson Development Company site, located in Adrian, Michigan, from the National Priorities List. The Agency published a notice of its intent to delete the site on August 30, 1995 (60 ER 13944). EPA and the State of Michigan have determined that no further cleanup under CERCLA is appropriate and that remedial actions at the site have been protective of public health and welfare and the environment.

"National Priorities List; Ossineke Groundwater Contamination Superfund Site"
January 31, 1996 (61 FR 3331)

EPA announced the deletion of the Ossineke Groundwater Contamination Site, located in Ossineke, Michigan, from the National Priorities List. The Agency published a notice of its intent to delete the site on August 11, 1995 (60 FR 41051). EPA and the State of Michigan have determined that no further cleanup under CERCLA is appropriate and that remedial actions at the site have been protective of public health and welfare and the environment.

PROPOSED RULES

RCRA

"Disposition of Cesium-137 Contaminated Emission Control Dust and Other Incident-Related Material; Proposed Staff Technical Position"
January 22, 1996 (61 FR 1608)

The Nuclear Regulatory Commission (NRC) proposed guidance on the disposal of certain cesium-137 contaminated mixed waste. Comments must be received by March 22, 1996.

"Supplemental Proposal to LDR Phase IV: Clarification of Bevill Exclusion for Mining Wastes, Changes to the Definition of Solid Waste for Mineral Processing Wastes, and Associated Issues"
January 25, 1996 (61 FR 2337)

EPA proposed to lift several regulatory obstacles to the safe recycling of mineral processing secondary materials and proposed

regulations to ensure that discarded mineral processing materials are properly treated and disposed. Specifically, EPA proposed to exclude secondary materials generated by and recovered within the mineral processing industry from RCRA Subtitle C if they meet specific guidelines and conditions. If materials do not meet the conditions excluding them from being wastes, and they test hazardous, they must be treated to meet the land disposal restrictions newly proposed in this rule.

EPA also addressed issues concerning mineral processing wastes which had been remanded by courts to EPA for further consideration. These issues include retaining the Toxicity Characteristic Leaching Procedure as the test for evaluating the toxicity characteristic for mineral processing wastes, responding to the vacatur of the mixture rule for Bevill wastes, and readdressing the regulatory status of several mineral processing listed wastes.

Finally, EPA proposed to exclude from RCRA jurisdiction two types of materials: processed scrap metal that is recycled, and shredded circuit boards destined for metal recovery that are managed in containers prior to recovery. Comments on this proposed rule must be submitted by March 25, 1996.

"Subtitle D Municipal Solid Waste Facilities; State/Tribal Implementation Rule (STIR)"
January 26, 1996 (61 FR 2583)

RCRA requires states to adopt and implement permit programs to ensure compliance with the Federal Disposal Facility Criteria for municipal solid waste landfills (MSWLF). EPA determines the adequacy of the state permit programs. This proposed rule provides guidance to States and Indian Tribes in developing, implementing, and revising their

MSWLF permit programs. The STIR establishes criteria and procedures which EPA will use to determine whether a state permit program is adequate to ensure compliance with the Solid Waste Disposal Facility Criteria. So that management of MSW is equally protective on Indian lands, the STIR also gives Indian Tribes the right to apply for EPA approval of their landfill permit programs. Comments on this proposed rule must be submitted on or before April 25, 1996.

CERCLA

"National Priorities List; Folkertsma Refuse Superfund Site" January 29, 1996 (61 FR 2772)

EPA announced its intent to delete the Folkertsma Refuse Site, located in Walker, Michigan, from the National Priorities List. EPA and the State of Michigan have determined that responsible parties have implemented all appropriate response actions and that remedial activities conducted at the site to date have been protective of public health and welfare and the environment. Comments concerning the proposed deletion will be accepted on or before February 28, 1996.

"National Priorities List; 29th and Mead Ground Water Contamination Superfund Site" January 31, 1996 (61 FR 3365)

EPA announced its intent to delete the 29th and Mead Ground Water Contamination Site, located in Wichita, Kansas, from the National Priorities List. Because of the unique circumstances surrounding the site, the Agency has determined that no further federal actions under CERCLA are appropriate. The site will, instead, as a pilot project, be deferred to the State of Kansas and will be addressed by the

Kansas Department of Health and Environment. Comments concerning the proposed deletion will be accepted on or before March 1, 1996.

NOTICES



RCRA

"Mixed Waste Treatment Capability Deficiencies" January 25, 1996 (61 FR 2242)

The U.S. Department of Energy (DOE) Mixed Waste Focus Area identified thirty technologies deficient in mixed waste treatment capability. The Agency seeks interested parties who have technology available to address one or more of the technology deficiency areas. The Agency also seeks parties interested in participating in cooperative research and development leading to demonstration of technologies.

"New Mexico: Final Authorization of State Hazardous Waste Management Program Revisions" January 26, 1996 (61 FR 2450)

"Military Munitions Rule; Extension of Comment Period" January 30, 1996 (61 FR 2990)

EPA extended the comment period on its proposed military munitions rule (60 FR 56468; November 8, 1995) to February 2, 1996.

"Hazardous Waste Land Disposal Injection Restrictions; Case-by-Case Extension" January 30, 1996 (60 FR 3032)

EPA granted a one year case-by-case extension from LDR for Abbott Laboratories'

NOTICES

Class I Injection well, effective through September 19, 1996. The extension will allow EPA to complete the review of Abbott's non-migration petition application.

**"XL Community Pilot Programs;
Regulatory Reinvention (XL) Pilot
Projects"**
January 30, 1996 (61 FR 3032)

EPA referred the public to the November 1, 1995 (60 FR 55569), notice for a complete description of the XL (excellence and leadership) Community Pilot Program, rather than a December 12, 1995, notice. Additional information may be obtained by calling (703) 934-3241. To request documents be mailed or faxed, call (202) 260-8590.

CERCLA

**"Proposed Administrative Settlement;
Avtex Fibers Front Royal, Inc."**
January 19, 1996 (61 FR 1403)

**"Proposed Consent Decree; Wide
Beach Development Superfund Site"**
January 19, 1996 (61 FR 1405)

**"Proposed Consent Decree; Love Canal
Landfill Superfund Site"**
January 19, 1996 (61 FR 1405)

**"Proposed Consent Decree; Tri-State
Mint C Avenue Superfund Site"**
January 19, 1996 (61 FR 1405)

**"Consent Decrees; Millcreek Dump
Superfund Site"**
January 22, 1996 (61 FR 1602)

**"Proposed Administrative Settlement;
City Bumper Superfund Site"**
January 24, 1996 (61 FR 1929)

**"Proposed Administrative Settlement;
Ninth Avenue Dump Superfund Site"**
January 24, 1996 (61 FR 1929)

**"Proposed Partial Consent Decree;
Publicker Industries Superfund Site"**
January 24, 1996 (61 FR 1946)

**"Proposed Consent Decree; Abex
Superfund Site"**
January 25, 1996 (61 FR 2265)

**"Proposed Consent Decree; TH
Agriculture & Nutrition Superfund
Site"**
January 25, 1996 (61 FR 2265)

**"Proposed Administrative Settlement;
GE/Moreau Superfund Site"**
January 29, 1996 (61 FR 2823)

**"Proposed Administrative Settlement;
J&A Enterprises Superfund Site"**
January 29, 1996 (61 FR 2823)

**"Proposed Administrative Settlement;
Kin-Buc Landfill Superfund Site"**
January 29, 1996 (61 FR 2823)

**"Proposed Administrative Settlement;
Industri-Plex Superfund Site"**
January 29, 1996 (61 FR 2824)

**"Proposed Prospective Purchaser
Agreement; Kansas City Structural
Steel Superfund Site"**
January 29, 1996 (61 FR 2824)

NOTICES

**"Proposed Administrative Settlement;
Ramapo Landfill Superfund Site"
January 29, 1996 (61 FR 2825)**

**"Proposed Administrative De Minimis
Settlement; Sidney Landfill Superfund
Site"
January 29, 1996 (61 FR 2826)**

EPCRA

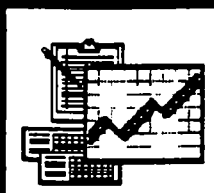
**"Toxic Chemical Release Inventory;
Additional Time to Report"
January 29, 1996 (61 FR 2722)**

EPA announced that facilities required to submit Toxic Release Inventory reports for calendar year 1995 will be allowed an extra month in which to report. Because of unforeseen circumstances, EPA has been delayed in developing and distributing the reporting package (the Form R) for the 1995 reporting year. EPA is therefore allowing covered facilities until August 1, 1996, to file those reports.

CAA

**"Risk Management Programs Under
CAA §112(r)(7); Draft Guidances"
January 30, 1996 (61 FR 3031)**

EPA announced the availability of three draft guidance documents related to the accidental release prevention provisions under §112(r) of the Clean Air Act. Draft versions of Offsite Consequence Analysis, Generic Guidance Risk Management Program (RMP) for Ammonia Refrigeration Facilities, and Risk Management Plan Data Elements are currently available for review.



CALL ANALYSES

CALLER PROFILE

RCRA/UST Hotline

Regulated Community	3,389
Citizens	158
State & Local Govt./Native American	175
Federal Agencies	73
Educational Institutions	99
EPA	43
Media	2
Interest Groups	8
Congress	2
International	8
Other	58
Referrals*	223
Transfers to EPCRA/Superfund Hotline*	163
Document Retrieval Line*	76
Message Retrieval Line*	778
TOTAL	5,255

* No caller profile data available.

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

Manufacturers		Consultants/Engineers	1,518
		Attorneys	251
Food/Tobacco	32	Citizens	143
Textiles	16	Public Interest Groups	17
Apparel	6	Educational Institutions	64
Lumber & Wood	12	EPA	43
Furniture	12	Federal Agencies	62
Paper	9	GOCOs	1
Printing & Publishing	19	Congress	2
Chemicals	118	State Officials/SERC	41
Petroleum & Coal	32	Local Officials/LEPCs	46
Rubber and Plastics	19	Fire Departments	13
Leather	6	Hospitals/Laboratories	19
Stone, Clay & Glass	17	Trade Associations	8
Primary Metals	16	Union/Labor	0
Fabricated Metals	30	Farmers	2
Machinery (Excluding Electrical)	14	Distributors	80
Electrical&Electronic Equipment	16	Insurance Companies	2
Transportation Equipment	20	Media/Press	5
Instruments	6	Native Americans	0
Misc. Manufacturing	243	International	3
		Other	152
		Referrals*	268
Subtotal	643	Transfers to RCRA/UST Hotline*	320
		Document Retrieval Line*	0
		Message Retrieval Line*	139
		TOTAL	3,842

* No caller profile data available.

HOTLINE TOPICS

RCRA

RCRA GENERAL 415

SUBTITLE C

Hazardous Waste Id. - General 850¹

Characteristics 520¹

Listings 368¹

Mixture Rule 64

Derived-From 57

Contained-In Policy 77

Sampling 56

Solid and Hazardous Waste Exclusions 113

Radioactive Mixed Waste 19

Delisting Petions 20

Definition of Solid Waste/Hazardous Waste Recycling 231¹

Large Quantity Generators 323¹

Small Quantity Generators 166

CESQGs 108

Transporters 58

Exports/Imports 37

TSDFs

General Facility Standards 167

Unit Standards 67

Air Emissions 311¹

Combustion - General 33

BIFs 26

Incinerators 22

Draft Strategy 14

Waste Minimization 39

LDR

Applicability 173¹

Notifications/Certification 62

Treatment Standards 141¹

Permits and Permitting 91

State Programs 62

Financial Assurance 39

Closure/Post-Closure 45

Corrective Action 127

Enforcement 63

Hazardous Waste Data 54

Test Methods 28

Indian Lands 3

Used Oil Standards 133

Military Munitions 40

OTHER WASTES

Ash 3

Bevill Amendment (Mining Waste) 48

Medical Wastes 105

Oil and Gas 25

SUBTITLE D

Household Hazardous Wastes 117

Subtitle D - General 79

Technical Standards 23

Industrial Wastes 7

Municipal Wastes 43

Indian Lands 3

Financial Assurance 9

Solid Waste Recycling/Markets -

General 208¹

Aluminum 6

Batteries 13

Glass 11

Paper 17

Plastics 21

Tires 15

Used Oil 47

Composting 13

Procurement 26

Source Reduction/Pollution Prevention 62

Grants and Financing 9

TOTAL 6,132*

* Includes 1,786 RCRA document requests.

UST

General/Misc. 205¹

Applicability/Definitions 92

Regulated Substances 28

Standards for New Tank Systems 72¹

Tank Standards and Upgrading 79

Operating Requirements 61

Release Detection 131¹

Release Reporting & Investigation 30

Corrective Action for USTs 89

Out-of-Service/Closure 41

Financial Responsibility 133¹

State Programs 34

Liability/Enforcement 33

LUST Trust Fund 29

TOTAL 1,057*

* Includes 971 UST document requests.

¹ Hot topics for this month

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

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

General Title III Questions	397¹
Trade Secrets	5
Enforcement	15
Liability/Citizen Suits	1
Training	4
Chemical-Specific Information	20

Emergency Planning (§§301-303):

General	118
Notification Requirements	10
SERC/LEPC Issues	28
EHSs/TPQs	52
Risk Communication/ Hazards Analysis	20
Exemptions	6

Emergency Release Notification (§304):

General	27
Notification Requirements	34
Reportable Quantities	34
CERCLA §103 vs. SARA §304	27
ARIP/AHEDB/ERNS	8
Exemptions	7

Hazardous Chemical Reporting**(§§311-312):**

General	201
MSDS Reporting Requirements	110
Tier I/II Requirements	378¹
Thresholds	103
Hazard Categories	35
Mixtures Reporting	60
Exemptions	107

Toxic Chemical Release Inventory (§313):

General	161 ¹
Reporting Requirements	190¹
Thresholds	84
Form R Completion	191¹
Supplier Notification	22
NOTEs/NOSEs/NONs	45
Voluntary Revisions	22
Pollution Prevention 33/50	11
Public Access to Data	51
TRI Database	36
Petitions	11
TRI Expansion	51¹
Exemptions	39

Special Topics:

CAA §112	
General	32
RMPs	142¹
List of Regulated Substances	27
Federal Facilities Executive Order	17

TOTAL 2,939*Includes 967 Emergency Planning and Community
Right-to-Know document requests**SUPERFUND**

General/Misc.	172
Access & Information Gathering	17
Administrative Improvements	
General	51
Environmental Justice/Brownfields	233¹
SACM/Presumptive Remedies	17
Soil Screening Levels	46
Administrative Record	7
ARARs	53
CERCLIS	66
Citizen Suits	2
Claims Against Fund	3
Clean-Up Costs	19
Clean-Up Standards	59
Community Involvement	18
Contract Lab Program (CLP)	7
Contractor Indemnification	1
Contracts	3
Definitions	44
Enforcement	30
Federal Facilities	19
Hazardous Substances	70
HRS	11
Liability	64
Local Gov't Reimbursement	3
Natural Resource Damages	5
NCP	17
Notification	48
NPL	139¹
Off Site Rule	9
OSHA	6
PA/SI	15
PRPs	23
RD/RA	19
Reauthorization	17

¹ Hot topics for this month

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

Remedial	59
Removal	21
RI/FS	20
Risk Assess./Health Effects	48
ROD	30
RQ	185 ¹
Settlements	15
SITE Program	36
State Participation	13
State Program	12
TAGs	2
Taxes	16

Special Topics	
Oil Pollution Act	8
SPCC Regulations	9
Radiation Site Cleanup	30

TOTAL 1,817*

*Includes 478 Superfund document requests.

TOTAL HOTLINE QUESTIONS, DOCUMENT REQUESTS AND REFERRALS:	11,945
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¹ Hot topics for this month

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