generally make off-site treatment impractical. EPA has determined that sufficient alternative treatment capacity is not available, and today is proposing to grant a two-year national capacity variance for decharacterized wastewaters.

EPA estimates that approximately 90,000 tons of newly listed wastes included in today's proposal will require alternative treatment. In particular, approximately 4,500 tons of carbamate wastes (K156-K161, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, U409-U411) will require alternative treatment. Less than 100 tons of organobromine wastes (K140, U408) are expected to require alternative treatment capacity. In addition, 85,000 tons of spent aluminum potliners (K088) will require alternative treatment

capacity. Sufficient commercial capacity exists to manage all of these wastes, so EPA is not proposing to grant a national capacity variance for these wastes.

The quantities of radioactive wastes mixed with wastes included in today's proposal are generated primarily by the U.S. Department of Energy. EPA estimates that 820 tons of high-level waste and 360 tons of mixed low-level waste that may be affected by this proposal will be generated annually by DOE. In addition, there are currently 7,000 tons of high-level waste, 10 tons of mixed transuranic waste, and 2,700 tons of mixed low-level waste in storage that may be affected by this proposal. DOE currently faces treatment capacity shortfalls for high-level wastes and mixed transuranic wastes. Although DOE does have some available treatment capacity for mixed low-level wastes, most of this capacity is limited to treatment of wastewaters with less than

one percent total suspended solids and is not readily adaptable for other waste forms. DOE has indicated that it will generally give treatment priority to mixed wastes that are already restricted under previous LDR rules. Therefore, EPA is proposing to grant a two-year national capacity variance to radioactive wastes mixed with the hazardous wastes affected by today's proposal.

Table 1 lists each RCRA hazardous waste code for which EPA is today proposing LDR standards. For each code, this table indicates whether EPA is proposing to grant a national capacity variance for land-disposed wastes.<sup>20</sup> Also, EPA is proposing to grant a three month national capacity variance for all wastes in this proposed rule to handle logistical problems associated with complying with the new standards. EPA is soliciting comment on these variance determinations.

TABLE 1.—VARIANCES FOR NEWLY LISTED AND IDENTIFIED WASTES
["Yes" Indicates EPA is Proposing to Grant a Variance]

| Waste description                    | Surface-disposed wastes | Deep well-injected wastes           |
|--------------------------------------|-------------------------|-------------------------------------|
| Ignitable Wastes <sup>1</sup> (D001) | YES<br>YES              | YES.<br>YES.<br>YES.<br>YES.<br>NO. |
| Organobromine Wastes (K140, U408)    | NO                      | NO.<br>YES.                         |

<sup>&</sup>lt;sup>1</sup>The variance determinations listed here apply only to decharacterized wastewaters managed in CWA, CWA-equivalent, and SDWA systems.

<sup>2</sup>The variance determinations listed here apply only to newly identified decharacterized D012-D017 wastewaters managed in CWA, CWA-equivalent, and SDWA systems.

EPA is also proposing in this notice to prohibit placement of hazardous waste as fill material. To the extent this can be viewed as a new prohibition (which, given EPA's consistent interpretation that this activity should be occurring in regulated units, is unclear), EPA would not propose any type of capacity variance. Hazardous waste treatment residues satisfying LDR standards can be land disposed in subtitle C units, and there is no shortage of such disposal capacity. In addition, there may be opportunities for recycling hazardous waste treatment residues presently placed as fill (such as use in

asphalt, cement, or as light weight aggregate) which would provide adequate capacity.

## C. Requests for Comment

EPA is soliciting general comment and data on sources, quantities, and management practices of characteristic wastes, as well as presence and quantities of underlying hazardous constituents, from facilities managing their wastes using Subtitle D surface impoundments (CWA), or subsequent land disposal of treated wastewaters (CWA-equivalent), or Class I nonhazardous injection wells, or tanks. EPA requests specific information from facilities managing *de minimis* ICRT wastes, including information on waste sources, quantities, and management

practices, as well as underlying hazardous constituents.

EPA requests specific information on volumes of carbamate and organobromine wastes that are recycled, mixed with, or co-managed with other wastes, and the volumes and types of residuals that are generated by the various management practices applicable to these wastes. EPA is also soliciting information, including quantities, management practices, and waste characteristics, for soil and debris contaminated with carbamate and/or organobromine wastes. EPA also seeks comments from the aluminum industry on volumes of K088 generated and future management of this waste.

EPA is soliciting specific data on reactive wastes which are deactivated

equivalent, and SDWA systems.

3 The variance determinations given listed apply only to radioactive wastes mixed with decharacterized D001-D003 or newly identified D012-D017 wastes managed in CWA, CWA-equivalent, and SDWA systems; to radioactive wastes mixed with newly identified TC organic wastewaters; and to radioactive wastes mixed with spent aluminum potliners, carbamate production wastes, or organobromine production wastes.

<sup>&</sup>lt;sup>20</sup> The term "land-disposed wastes" denotes wastes that are managed in land-based units at any time during the waste's storage, treatment, or disposal.