

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 257, 261, and 271**

[FRL-5209-4]

RIN 2050-AE11

Criteria for Classification of Solid Waste Disposal Facilities and Practices; Identification and Listing of Hazardous Waste; Requirements for Authorization of State Hazardous Waste Programs**AGENCY:** Environmental Protection Agency.**ACTION:** Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing revisions to the existing Criteria for solid waste disposal facilities and practices. The proposed revisions would establish specific standards for non-municipal solid waste disposal facilities that receive conditionally exempt small quantity generator (CESQG) wastes. EPA is also proposing revisions to regulations for hazardous wastes generated by CESQGs. Today's proposal will clarify acceptable disposal options under Subtitle D of the Resource Conservation and Recovery Act (RCRA) by specifying that CESQG hazardous waste may be managed at municipal solid waste landfills subject to part 258 and at non-municipal solid waste facilities subject to the facility standards being proposed today.

The Agency is obligated to issue this proposal by Section 4010(c) of RCRA, and is issuing it today in partial settlement of a lawsuit brought by the Sierra Club to enforce the statutory mandate. The Agency generally believes that the facilities subject to today's proposal present a relatively small risk when compared to other conditions or situations, and that in a time of limited resources, EPA prefer to address higher priorities first. However, to satisfy its statutory and judicial obligations, today's proposal will clarify acceptable Subtitle D disposal options for non-municipal solid waste facilities that accept CESQG hazardous wastes. EPA has worked with the States, in their capacity as co-regulators, in developing standards that are flexible and efficient. To that end, EPA is proposing only the minimum standards described by the statute, and is offering maximum flexibility for states and facilities in meeting those standards. Indeed, in addition to proposing a flexible scheme modeled after the current part 258 Standards for municipal solid waste facilities, EPA is seeking comment on an

option which would set a performance standard—that covered facilities be operated in a manner that is protective of human health and the environment. Under this approach, States would have maximum flexibility in developing standards appropriate to facilities under their jurisdiction.

DATES: Comments on this proposed rule must be submitted on or before August 11, 1995. Both written and electronic comments must be submitted on or before this date.

ADDRESSES: Commentors must send an original and two copies of their comments to: RCRA Information Center (5305), U.S. Environmental Protection Agency, 401 M Street, SW. Washington, D.C. 20460. All comments must be identified by docket number F-95-NCEP FFFFFF. An original and two copies of Confidential Business Information (CBI) must be submitted under separate cover to: Document Control Officer (5305), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW. Washington, D.C. 20460.

Public comments and relevant documents are available for viewing in the EPA RCRA Information Center (RIC), located in Room M2616, at the EPA address above. The RIC is open for viewing from 9 to 4 Monday through Friday, except federal holidays. The public must make an appointment to review docket materials. Call (202) 260-9327 for appointments. Materials may be copied for \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For specific information on aspects of this proposed rule, please contact Paul Cassidy of the Industrial Solid Waste Branch of the Office of Solid Waste at 1-703-308-7281. For a paper copy of the **Federal Register** notice or for general information, please contact the RCRA Hotline at 1-800-424-9346 or at 1-703-412-9810.

SUPPLEMENTARY INFORMATION:**Official Record for Proposed Rule**

Both the **Federal Register** notice and the supporting material will be available in electronic format on the Internet system through the EPA Public Access Server @ gopher.epa.gov. The official record for this proposal, as well as the public version available through Internet will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed paper form as they are received and will place the paper copies in the official record, which will include all comments submitted directly in writing. The official record for this rulemaking is

the paper copy maintained at the address in **ADDRESSES**.

Electronic Filing of Comments

Comments may also be submitted electronically by sending electronic mail to RCRA-Docket @epamail.epa.gov. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments also will be accepted on disks in Wordperfect 5.1 file format or ASCII file format.

1. Through Gopher: Go to: gopher.epa.gov. From the main menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)". Finally, choose "Office of Solid Waste".

2. Through FTP: Go to: ftp.epa.gov.

Login: anonymous

Password: Your Internet Address

Files are located in /pub. All OSW files are in directories beginning with "OSW".

3. Through Telnet: Go to: gopher.epa.gov. Choose the EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions." Next, choose "Office of Solid Waste and Emergency Response (OSWER)." Then, choose "Office of Solid Waste."

4. Through MOSAIC: Go to: http://www.epa.gov. Choose the EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)". Finally, choose "Office of Solid Waste".

5. Through dial-up access: Dial 919-558-0335. Choose EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)". Finally, choose "Office of Solid Waste".

Supporting Documents

All of the main and secondary supporting documents that were used in the development of this proposal have been placed in the docket. EPA is making the main supporting documents (listed below) available in electronic format on the Internet System through the EPA Public Access Server at gopher.epa.gov. A paper copy of these main supporting documents is available for purchase through the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161. The phone number at NTIS is (703) 487-4650.