off-site for treatment or recycling. These options would be cheaper for industrial waste facilities vs. continuation of CESQG on-site disposal and compliance with today's proposed standards (i.e., ground-water monitoring and corrective action).

The Agency wishes to emphasize that this proposal does not change the manner in which waste is determined to be hazardous. Generators of wastes have an obligation to determine through testing or their knowledge of the waste if a waste is a hazardous waste (40 CFR 262.11). The generator must then determine if any hazardous waste he generates is regulated hazardous waste, or conditionally exempt small quantity generator hazardous waste (40 CFR 261.5).

The Agency is requesting comment on the prevalence of manufacturing industries that manage CESQG hazardous wastes on-site along with volume estimates. The Agency is also interested in obtaining comments on the Agency's assumption that on-site disposal of CESQG hazardous waste at industrial waste facilities has decreased overall and will not continue in the future.

2. Commercial Off-Site Facilities

The second type of facility that in some cases receive CESQG waste is a commercial off-site facility that disposes of only industrial non-hazardous wastes with some amount of CESQG hazardous wastes being co-disposed at the facility. Based on information from the groups listed below, the Agency estimates that there are only 10–20 commercial off-site facilities that receive only non-hazardous industrial wastes. (Off-site commercial facilities that receive household hazardous waste are subject to the part 258 Criteria.) However, in meetings with the Environmental Industry Associations (EIA) (formerly known as the National Solid Waste Management Association) and Browning Ferris Industries, the Agency was told that as a general matter CESQG disposal is prohibited at these 10–20 facilities as a result of permitting conditions and due to decisions at the corporate level of the individual companies not to accept CESQG waste.

3. Construction and Demolition Landfills

The last group of facilities that receive CESQG wastes are construction and demolition waste landfills. The Agency's List of Construction and Demolition Waste Landfills estimates approximately 1900 construction and demolition waste facilities. These construction and demolition landfills dispose of construction waste and demolition debris (which generally refers to waste materials generated as a result of construction, renovation, or demolition). Many types of wastes are disposed of in construction and demolition landfills, such as metals, wood, concrete, dry wall, asphalt, rocks, soil, plastics, pipes and glass. Construction and demolition landfills may also receive CESQG hazardous waste materials, which could include things such as paints, adhesives, and roofing cements. Although the general term ''construction and demolition waste'' is used to describe all wastes generated in construction, renovation, and demolition activities, the specific types of waste generated are a direct result of the type of project. Construction of a new house, demolition of old buildings as part of a restoration of a downtown area, renovation of an old office building, and new highway construction all result in different types of construction and demolition waste materials being generated.

The report entitled ''Construction Waste and Demolition Debris Recycling . . . A Primer'' divided construction and demolition waste activities into five categories. These five categories and the typical construction and demolition waste materials associated with each category are presented below:

Roadwork Material: Mostly asphalt, concrete (with or without reinforcing bar), and dirt

Excavated Material: Mostly dirt, sand, stones (sometimes contaminated with site clearance wood waste and buried pipes)

Building Demolition: Mainly mixed rubble, concrete, steel beams, pipes, brick timber and other wastes from fittings and fixtures

Construction/Renovation: Mixed waste including wood, roofing, wall board, insulation materials, pieces of duct work and plumbing

Site Clearance: Mostly trees and dirt with the potential for some concrete, rubble, sand and steel

Some construction and demolition waste facilities may be subject to the requirements being proposed today. Construction and demolition waste facilities that receive wastes that are CESQG hazardous wastes will have to comply with the proposed changes in §§ 257.5 through 257.30.

CESQG hazardous wastes generated in construction, renovation, and demolition are most likely to be specific chemicals or products used in these activities. Listed below are typical examples of wastes generated by construction and demolition activities that may be CESQG wastes, if the wastes are hazardous and are generated under the CESQG limits (<100 kg per month, or less than 1 kg per month of acute hazardous waste):

- Excess materials used in construction, and their containers. Examples: adhesives and adhesive containers, leftover paint and paint containers, excess roofing cement and roofing cement cans.
- Waste oils, grease, and fluids. Examples: machinery lubricants, brake fluids, engine oils.
- Waste solvents or other chemicals that would fail a characteristic or that are listed as a hazardous waste that are removed from a building prior to demolition (e.g., ignitable spent solvents, spent acids or bases, listed spent solvents (F001–F005), or listed unused commercial chemical products that are to be discarded).

General construction and demolition debris (e.g., rubble from building demolition) would typically be hazardous waste only if it exhibits one of the four characteristics of hazardous waste: ignitability, corrosivity, reactivity, or toxicity (see subpart C of 40 CFR part 261). To determine if such debris is hazardous, the generator should use knowledge of the waste or test to determine if a representative sample of the waste exhibits any of the characteristics. See 40 CFR 262.11. See also Chapter nine of ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods'' (SW–846), Third Edition, on how to develop a sampling program. As an example, if a building is demolished, the generator should use his knowledge concerning the building debris, or test a representative sample of the building debris, to see if the building debris exhibits a characteristic of hazardous waste.

Prior to demolishing a building, the owner or the demolition company may choose to remove components of the building that contain concentrated constituents of concern such as lead pipe, lead flashing, mercury containing thermostats and switches, or mercury-containing lamps (light bulbs). This may be done for purposes of avoiding concern that the entire demolition rubble may exhibit the characteristic of toxicity, for recycling and resource conservation, or as required by state or local law. For purposes of resource conservation, the Agency encourages removal of items that may be cost-effectively recycled or reused. It should be noted that any removed items should be managed in compliance with applicable requirements, including, if the items exhibit characteristics, the