surface, not from wells) to meet the standard at the lowest possible cost.

In order to give the regulated community a better idea of how the ground-water monitoring and corrective action requirements could be written using a general performance standard approach, the Agency has developed the following examples of general performance language for each of the main elements of a ground-water and corrective action program.

For § 257.22, ground-water monitoring systems, the regulatory language for the general performance approach could require that the owner/ operator install a ground-water monitoring system capable of detecting contamination that would consist of a sufficient number of wells, installed at appropriate locations and depths, to yield ground-water monitoring samples from the uppermost aquifer that represent both the quality of background ground-water and the quality of groundwater passing the point of compliance. However, this section would not specify how the monitoring wells should be cased or the proper depth and spacing of the wells. The part 258 approach establishes the point of compliance for units under today's proposed rulemaking to no more than 150 meters from the edge of a unit boundary. However, a general performance standard could be written to allow states to set the point of compliance at other protective locations. The Agency specifically requests comment on whether a flexible approach to establishing the point of compliance is particularly well suited to low-risk facilities such as those addressed by this rulemaking, and if so, which factors should be considered in making a determination at these facilities.

The Agency also is currently evaluating a performance-based approach to locating the point of compliance for clean-up of releases in the hazardous waste program as part of the corrective action rule development in subpart S of 40 CFR part 264. The states are participating in the subpart S rulemaking as co-regulators. Point of compliance options under consideration include: The unit boundary, the facility boundary, use of a buffer zone and anywhere in the plume of contamination beyond the unit boundary. We are contemplating that the subpart S approach could provide a basis for flexible, site-specific decision making for waste management facilities covered by today's rule.

For § 257.23, ground-water sampling and analysis requirements, the regulatory language for the general performance language could require that

the owner/operator establish a groundwater monitoring program that includes consistent sampling and analysis procedures that ensure monitoring results that provide an accurate representation of background groundwater quality and down-gradient ground-water quality. The Agency would also state that the sampling and analysis procedures should also ensure that appropriate sampling and analytical methods are used and that ground-water quality data is based on appropriate statistical procedures. However, the regulatory language would not require that any specific statistical test be used nor would the regulatory language require that general performance standards be met as a condition of using an alternative statistical test.

For § 257.24, detection monitoring program, the regulatory language for the general performance language could require that the owner/operator establish a list of indicator or detection parameters that are monitored for and that enable the owner/operator to detect contamination. The Agency would also state that the monitoring frequency should be determined based on site specific factors and that the owner/ operator must also establish a process for assessing any potential contamination, based on the statistical procedures established in § 257.23. However, EPA's regulatory language would not specify any factors that an owner/operator should consider in selecting his/her indicator/detection monitoring parameters nor would the regulatory language specify the sitespecific factors that would need to be evaluated by the owner/operator in determining the frequency of

For § 257.25, assessment monitoring program, the regulatory language for the general performance standard approach could require that the owner/operator establish a process for assessing any potential contamination based on (1) additional monitoring for hazardous constituents that are expected to be present at the facility and (2) the establishment of background standards and health-based standards for the constituents that are monitored. The Agency would also state that the process must allow for a comparison, based on the statistical procedures established in § 257.23, of those background and health-based standards in order to determine when a health-based standard has been exceeded and to allow for the assessment of corrective measures when it is determined that an exceedance has occurred. However, the regulatory language would not specify any steps that must be complied with as part of

the process in assessing the monitoring program.

For § 257.26, assessment of corrective action, the regulatory language for the general performance standard approach could require that the owner/operator assess the potential range of corrective measures that could be used to meet the performance standard established in § 257.27. However, the regulatory language would not list any factors that should be considered by the owner/operator in assessing any potential remedy. It may allow the States flexibility to use a different risk assumption than those in part 258 to establish triggers for corrective action.

For § 257.27, selection of remedy, the regulatory language for the general performance standard approach could require that the owner/operator select the most appropriate remedy that (1) controls the source of releases to the maximum extent possible, (2) attains the health-based standard(s) developed in the assessment monitoring program, and (3) protects human health and the environment. The Agency would also state that the owner/operator would also need to establish a time period for initiating and completing the selected remedy. However, the regulatory language would not list any factors that an owner/operator should consider in selecting the remedy, in establishing a schedule for initiating and completing the remedy, or in deciding that remediation is not necessary.

For § 257.28, implementation of the corrective action program, the regulatory language for the general performance standard approach could require that the owner/operator implement the selected remedy, based on the schedule established in § 257.27, and attain compliance with the healthbased standards established in § 257.25. The Agency would also state that the implementation of the corrective action program should include a consideration of interim measures that may need to be considered during corrective action and a consideration of alternative corrective measures if, after implementation of the selected remedy, the health-based standards in § 257.25 are not being achieved. However, the regulatory language would not list any factors that an owner/operator should consider in developing interim measures or in the selection of an alternative remedy.

The Agency believes that the general performance standard approach has some advantages. The approach would offer more flexibility to States to determine how best to run their State program for non-municipal solid waste facilities that receive CESQG hazardous waste, while allowing States to tailor