establish a schedule (1) for reviewing and revising existing guidelines and standards and (2) for promulgating effluent guidelines for categories of sources of priority or nonconventional pollutants for which effluent limitations and pretreatment standards had not previously been published. The statutory deadline for such guidelines is no later four years after February 4, 1987, for categories identified in the first published plan.

The Natural Resource Defense Council (NRDC) and Public Citizen, Inc. filed suit against the Agency, alleging violation of Section 304(m) and other statutory authorities requiring promulgation of effluent limitations guidelines, new source performance standards, new source performance standards and pretreatment standards. (NRDC, et al. v. Reilly, Civ. No. 89-2980 (D.D.C.). Under the terms of a consent decree dated January 31, 1992, which settled the litigation, EPA agreed, among other things, to propose and promulgate 20 new guidelines establishing BPT, BCT and BAT limitations and pretreatment standards, including guidelines and standards for CWT facilities.

B. Summary of Public Participation

During the data gathering activities that preceded development of the proposed rules, EPA met with representatives from the industry, the Hazardous Waste Treatment Council, the National Solid Waste Management Association, and the Natural Resources Defense Council. Because most of the facilities affected by this proposal are indirect dischargers, the Agency has made a concerted effort to consult with State and local entities that will be responsible for implementing this regulation. EPA has met with pretreatment coordinators from around the nation and presented our regulatory approach before the Association of Metropolitan Sewerage Authorities to solicit feedback on implementation issues. Today's proposal solicits comment on many of the issues raised by EPA's co-regulators.

On March 8, 1994, EPA sponsored a public meeting, where the Agency shared information about the content and the status of the proposed regulation. The meeting was announced in the Federal Register, agendas and meeting materials were distributed at the meeting. The public meeting also gave interested parties an opportunity to provide information, data, and ideas on key issues. EPA's intent in conducting the public meeting was to elicit input that would improve the quality of the proposed regulations. At the public meeting, the Agency clarified that the public meeting would not replace the notice-and-comment process, nor would the meeting become a mechanism for a negotiated rulemaking. While EPA promised to accept information and data at the meeting and make good faith efforts to review all information and address all issues discussed at the meeting, EPA could not commit to fully assessing and incorporating all comments into the proposal. EPA will assess all comments and data received at the public meeting prior to promulgation.

C. The Land Disposal Restrictions Program

1. Introduction to RCRA Land Disposal Restrictions

The Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA), enacted on November 8, 1984, largely prohibit the land disposal of untreated hazardous wastes. Once a hazardous waste is prohibited from land disposal, the statute provides only two options for legal land disposal: meet the treatment standard for the waste prior to land disposal, or dispose of the waste in a land disposal unit that has been found to satisfy the statutory no migration test. A no migration unit is one from which there will be no migration of hazardous constituents for as long as the waste remains hazardous. RCRA Sections 3004 (d), (e), (g)(5). The treatment standards may be expressed as either constituent concentration levels or as specific methods of treatment. These standards must substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized. RCRA Section 3004(m)(1) For purposes of the restrictions, the RCRA program defines land disposal to include any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave.

2. BDAT and Land Disposal Restrictions Standards

EPA generated a set of hazardous waste treatability data to serve as the basis for land disposal restrictions standards. First, EPA identified Best Demonstrated Available Treatment Technology (BDAT) for each listed hazardous waste. BDAT was that treatment technology which EPA found to be the most effective for that waste and which was also readily available to generators and treaters. In some cases EPA designated as BDAT for a particular waste stream a treatment technology shown to have successfully treated a similar but more difficult to treat waste stream. This ensured that the land disposal restrictions standards for a listed waste stream were achievable since they always reflected the actual treatability of the waste itself or of a more refractory waste.

3. RCRA Phase 2 and the Centralized Waste Treatment Industry Effluent Guidelines

The RCRA Phase 2 final rule July 27, 1994, promulgated Universal Treatment Standards (UTS) for all constituents regulated by the RCRA Land Disposal Restrictions program. The UTS are a series of concentration levels for wastewater and nonwastewaters that provide a single treatment standard for each constituent regardless of the process generating it. Previously, many constituents were regulated with several numerical treatment standards depending on the identity of the original waste. Comments from generators and treaters supported the UTS as a means of simplifying compliance with LDR requirements by ensuring that only one treatment standard applies to any constituent in any waste residue.

While the UTS may not apply to those facilities addressed by the CWT effluent guidelines (due to the lack of land disposal), both involve many of the same wastewater and both are technology-based. Consequently, EPA is identifying the major differences between the development of the two rules.

4. General Differences in Approaches Between LDR UTS and Centralized Waste Treatment Industry Effluent Guidelines

Comparing the effluent guidelines proposed by today's rule for the Centralized Waste Treatment Industry with the UTS finalized in July 1994 shows that the RCRA and CWA approaches are similar in that both rules address many of the same waste streams and base treatment standards on many of the same wastewater treatment technologies. However, the two sets of treatment standards differ both in their format and in the numerical values set for each constituent.

The differences in format between effluent guidelines and LDR's are relatively straightforward. The effluent guidelines provide for several types of discharge (new vs. existing sources, pretreatment vs. direct discharge) while the LDR program makes no distinctions