level (i.e., "delisting level") (see Section F—Verification Testing Conditions).

The Agency proposes to grant a conditional exclusion to DOE-RL, located in Richland, Washington, for the liquid wastes described in its petition as EPA Hazardous Waste Nos. F001, F002, F003, F004, F005, and F039 (derived from F001 through F005). The Agency's decision to exclude this waste is based on process descriptions, characterization of untreated 242-A Evaporator PC, and results from the analysis of liquid wastes generated by a pilot-scale ETF using surrogate test solutions. If the proposed rule becomes effective, the petitioned liquid wastes, provided the conditions of the exclusion are met, will no longer be subject to regulation under parts 262 through 268 and the permitting standards of part 270.

## E. Verification Testing Conditions

The testing requirements are to be conducted in two phases, initial and subsequent testing. The initial testing requirements apply to the first three verification tanks filled with treated effluent generated from the full-scale ETF at typical operating conditions. Following completion of testing requirements with the initial three verification tanks, the subsequent testing requirements would apply to every tenth verification tank filled with treated effluent.

If the final exclusion is granted as proposed, DOE will be required to: (1) Submit information on the operating parameters of the process units comprising the ETF; (2) collect and analyze a representative sample from each of the first three verification tanks filled with ETF effluent to verify that the units comprising the ETF meet the treatment capabilities of the pilot-scale units described in the petition; and (3) continue to collect and analyze representative samples from every tenth verification tank filled with ETF effluent to verify that the ETF effluent continues to meet the Agency's verification testing limitations (i.e., "delisting levels"). These proposed conditions are specific to the upfront exclusion petitioned for by DOE. The Agency may choose to modify these proposed conditions based on comments that may be received during the public comment period for this proposed rule. The proposed exclusion for DOE's Effluent Treatment Facility in Hanford, Washington, is conditional upon the following requirements:

(1) *Testing:* Sample collection and analyses (including quality control (QC) procedures) must be performed according to SW–846 (or other EPA- approved) methodologies. If EPA judges the treatment process to be effective under the operating conditions used during the initial verification testing, DOE may replace the testing required in Condition (1)(A) with the testing required in Condition (1)(B). DOE must continue to test as specified in Condition (1)(A) until notified by EPA in writing that testing in Condition (1)(A) may be replaced by Condition (1)(B).

(A) Initial Verification Testing: During the period required to fill the first three verification tanks (each designed to hold approximately 650,000 gallons) with effluents generated from an on-line, fullscale Effluent Treatment Facility (ETF), DOE must monitor the range of typical operating conditions for the ETF. DOE must collect a representative sample from each of the first three verification tanks filled with ETF effluents. The samples must be analyzed, prior to disposal of ETF effluents, for all constituents listed in Condition (3). DOE must report the operational and analytical test data, including quality control information, obtained during this initial period no later than 90 days after the first verification tank is filled with ETF effluents.

The Agency believes that an initial period of approximately 10 days (based on an estimated 3-day period to fill each of the first three verification tanks) is appropriate for DOE to collect sufficient data to verify that a full-scale treatment process comprised of units such as those described in the petition (e.g., ultraviolet/oxidation, reverse osmosis, ion exchange, etc.) is operating correctly. The initial verification testing conditions, if promulgated as proposed, will require a representative sample from each of the first three verification tanks filled with ETF effluents generated from an on-line, full-scale ETF. The Agency proposes this initial verification testing condition to ensure that the full-scale ETF is closely monitored during the start-up period, and to enable the collection of complete information characterizing the ETF effluents. If the Agency determines that the data from the initial verification period demonstrates that the treatment process is effective and that hazardous constituents of concern in the ETF effluents are consistently below delisting levels, EPA will notify DOE in writing that the testing conditions in (1)(A) may be replaced with the testing conditions in (1)(B).

(B) Subsequent Verification Testing: Following notification by EPA, DOE may substitute the testing conditions in this condition for (1)(A). DOE must continue to monitor operating conditions, and collect and analyze representative samples from every tenth verification tank filled with ETF effluents. These representative samples must be analyzed, prior to disposal of ETF effluents, for all constituents listed in Condition (3). If all constituent levels in a sample do not meet the delisting levels specified in Condition (3), DOE must analyze representative samples from the following two verification tanks generated prior to disposal. DOE may also collect and analyze representative samples more frequently.

The Agency believes that the concentrations of the constituents of concern in the ETF effluents may vary somewhat over time. As a result, in order to ensure that DOE's ETF can effectively handle any variation in constituent concentrations in the PC derived from the on-site double shell tanks, the Agency is proposing a subsequent testing condition. The proposed subsequent testing would verify that the ETF is operated in a manner similar to its operation during the initial verification testing and that the ETF effluents do not exhibit unacceptable levels of toxic constituents. Therefore, the Agency is proposing to require DOE to analyze representative samples from every tenth verification tank filled with ETF effluents as described in Condition (1)(B). The Agency believes that collecting representative samples from every tenth verification tank will ensure that the ETF is able to handle any potential variability in concentrations of those constituents of most concern. If DOE makes any significant changes in operating conditions as described in Condition (4), then DOE must reinstitute all testing in Condition (1)(A), pending a new demonstration under this condition for reduced testing.

Future delisting proposals and decisions issued by the Agency may include different testing and reporting requirements based on an evaluation of the manufacturing and treatment processes, the waste, the volume of waste, and other factors normally considered in the petition review process.

(2) Waste Holding and Handling: DOE must store as hazardous all ETF effluents generated during verification testing (as specified in Conditions (1)(A) and (1)(B)), that is until valid analyses demonstrates that Condition (3) is satisfied. If the levels of hazardous constituents in the samples of ETF effluents are equal to or below all of the levels set forth in Condition (3), then the ETF effluents are not hazardous and may be managed and disposed of in accordance with all applicable solid