an area of 5.3 acres and an average depth of 20 feet. BSC's recalculation of the volume of the landfill is based upon an area of 153,240 square feet (approximately 3.5 acres) and an average depth of 21.7 feet. In addition, BSC's recalculation takes into account the side slope of the landfill, assuming a conservative side slope of 1:1 (vertical to horizontal). BSC submitted a surveyor's report of the area to support its revised estimate of waste volume. BSC stated that the original surface area estimate was based on the outside edge of the roads surrounding the landfill (approximately 5 acres) rather than on the edge of the waste surface outline (approximately 3.5 acres). BSC stated that the best estimate of the volume of waste contained in the landfill is approximately 110,000 cubic yards. The Agency reviews a petitioner's estimates and, on occasion, has requested a petitioner to re-evaluate estimated waste volume. EPA accepts BSC's modified estimate of 110,000 cubic yards.

EPA does not generally verify submitted test data before proposing delisting decisions. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The Agency, however, has maintained a spot-check sampling and analysis program to verify the representative nature of data for some percentage of the submitted petitions. A spot-check visit to a selected facility may be initiated before finalizing a delisting petition or after granting an exclusion.

D. Agency Evaluation

The Agency considered the appropriateness of alternative waste management scenarios for BSC's

mixture of ammonia still lime sludge and solid wastes and decided, based on the information provided in the petition, that disposal in a Subtitle D landfill is the most reasonable, worstcase scenario for this waste. Under a landfill disposal scenario, the major exposure route of concern for any hazardous constituents would be ingestion of contaminated groundwater. The Agency, therefore, evaluated BSC's petitioned waste using the EPA's Composite Model for Landfills (EPACML), as modified for delisting evaluations, which predicts the potential for groundwater contamination from wastes that are landfilled. The EPACML model is more sophisticated than the VHS model used previously by the Agency for evaluating BSC's petitioned waste. See 56 FR 32993 (July 18, 1991), 56 FR 67197 (December 30, 1991), and the RCRA public docket for these notices for a detailed description of the EPACML model, the disposal assumptions, the modifications made for delisting, and the benefits of replacing the VHS model with the EPACML model for delisting. This model, which includes both unsaturated and saturated zone transport modules, was used to predict reasonable worst-case contaminant levels in groundwater at a compliance point (i.e., a receptor well serving as a drinking-water supply). Specifically, the model estimated the dilution/ attenuation factor resulting from subsurface processes such as threedimensional dispersion and dilution from groundwater recharge for a specific volume of waste.

The Agency requests public comments on its use of the EPACML model as applied to the evaluation of BSC's waste. EPA will consider all comments on the validity of the EPACML model and its appropriateness for use here to evaluate the potential for groundwater contamination if BSC's petitioned wastes are disposed of in any Subtitle D landfill.

For the evaluation of BSC's petitioned waste, the Agency used the EPACML to evaluate the mobility of hazardous inorganic constituents detected in the extract of samples of BSC's petitioned waste. The Agency's evaluation, using BSC's estimated waste volume of 110,000 cubic yards and the maximum and 95% UCL leachate concentrations (see Table 2), generated the compliancepoint concentrations for the constituents of concern as shown in Table 5. (See docket for this rule for details in the use of the EPACML in evaluating BSC's waste).

The Agency did not evaluate the mobility of antimony, silver and thallium from BSC's petitioned waste because they were not detected in the leachate extracts using the appropriate SW-846 analytical test methods and adequate detection limits (see Table 2). The Agency believes that it is inappropriate to evaluate non-detectable concentrations of a constituent of concern in its modeling efforts for RCRA delistings if the non-detectable value was obtained using the appropriate analytical method. If a constituent cannot be detected (when using the appropriate analytical method with an adequate detection limit), the Agency believes it is reasonable to assume that the constituent is not present and therefore does not present a threat to either human health or the environment.

TABLE 5.—EPACML: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (MG/L) LANDFILL WASTE

Constituents	Compliance-Point Concen.		Levels of regu-
	Maximum ¹	95% UCL ²	latory concern 3
Arsenic	0.00071	0.0033	0.05
Barium	.031	.018	2.0
Cadmium	.00031	.00010	.005
Chromium	.0030	.00071	.1
Lead	.034	.0077	.015
Mercury	.000015	.0000083	.002
Nickel	.012	.0058	.1
Selenium	.00017	.000063	.05
Cyanide	.044	.00063	.2

¹ Using the maximum EP or TCLP leachate level from Table 2, whichever is greater, and based on a DAF of 48 calculated using the EPACML for one time volume of 110,000 cubic yards
² Using the 95% UCL level from EP or TCLP data, from Table 2, whichever is greater, and based on a DAF of 48 calculated using the

The petitioned waste exhibited maximum and 95% UCL arsenic,

barium, cadmium, chromium, mercury, nickel, selenium, and cyanide levels at

the compliance point below the healthbased levels used in delisting decision-

EPACML for one-time volume of 110,000 cubic yards.

3 See "Docket Report on Health-based Levels and Solubilities Used in the Evaluation of Delisting Petitions, Submitted Under 40 CFR § 260.20

and § 260.22", December 1994, located in the RCRA public docket.