leachable lead levels are not a concern in BSC's waste.

Finally, the Agency calculated the average of the leachable lead data in Table 6 for the EP and TCLP data sets, disregarding whether the samples were collected using grab or compositing methods. The 95% UCL values (as shown in Table 2) are 0.37 mg/l for the EP data, and 0.059 mg/l for the TCLP data. When input into the EPACML, these values would yield compliance point concentrations of 0.0077 mg/l and 0.0012 mg/l, respectively, for the EP and TCLP data. Averaging all the EP and TCLP data yields a 95% UCL of 0.26 mg.l, which would lead to a compliance point concentration of 0.0054 mg/l. Thus, no matter how the data are averaged, the 95% UCL well compliance point would still be below the level of concern (0.015 mg/l). Therefore, for these reasons, the Agency believes that leachable lead concentrations in the petitioned waste would not cause this waste to be considered a hazardous waste for Subtitle C purposes and are not of concern.

As reported in Table 1, the maximum concentration of total cyanide in the petitioned waste is 43.1 mg/kg. Because reactive cyanide is a specific subcategory of the general class of cyanide compounds, the maximum level of reactive cyanide will not exceed 43.1 mg/kg. Thus, the Agency concludes that the concentration of reactive cyanide will be below the Agency's interim standard of 250 mg/kg. See "Interim Agency Thresholds for Toxic Gas Generation", July 12, 1985, internal Agency Memorandum in the RCRA public docket. Furthermore, the maximum reported level of reactive sulfide in BSC's waste is 140 mg/kg. This concentration is below the Agency's interim standard of 500 mg/kg. See the "Interim Agency Thresholds for Toxic Gas Generation" document cited above. Therefore, reactive cyanide and sulfide levels in BSC's petitioned waste would not cause this waste to be considered a hazardous waste for Subtitle C purposes and are not of concern.

The Agency also evaluated the mobility of the hazardous organic constituents detected in the extract of samples of BSC's petitioned waste using the EPACML. The Agency used the maximum reported leachate concentrations (see Table 4) and BSC's estimate of 110,000 cubic yards of accumulated waste as inputs in the EPACML in order to assess the potential impacts of these constituents upon the groundwater. The calculated compliance-point concentrations for the seven organic constituents detected in

sample extracts are presented in Table 7.

TABLE 7.—EPACML: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (MG/L) LANDFILL WASTE

Constituents	Maximum compli- ance- point con- stituents <sup>1</sup>	Levels of regulatory concern <sup>2</sup>
Ethyl benzene	0.00075 0.0018 0.00027 0.00058 0.00023 0.00013 0.0018	0.7 0.005 1.0 20.0 1 0.2 10

<sup>1</sup>Based on an estimated waste volume of 110,000 cubic yards in the landfill, the EPACML model calculated a dilution/attenuation factor of 48.

<sup>2</sup> 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.

The Agency believes that two of the seven constituents may not truly be present in the TCLP extract of BSC's waste. Methylene chloride is a common laboratory contaminant that also was observed in blanks for some of the samples. Furthermore, methylene chloride was not detected in any of the samples analyzed for total constituent levels. Similarly, 1,1,1 trichloroethane was not found in the total constituent analysis, and was detected only once out of eight samples in the TCLP analysis at a level (0.006 mg/l) close to the detection limit (0.005 mg/l). However, the Agency evaluated the reported maximum concentration for these two constituents to examine their potential risk. For all organics detected, the compliance point concentration (using maximum TCLP data in Table 7) are below the Agency's health-based level of concern.

The Agency did not evaluate the mobility of the remaining hazardous organic constituents from BSC's petitioned waste because they were not detected in the TCLP extracts using the appropriate SW–846 analytical test methods (see Table 4). As stated previously, for RCRA delistings, the Agency does not evaluate non-detectable concentrations of a constituent of concern in its modeling efforts if the non-detectable value was obtained using the appropriate analytical method.

The Agency concluded after reviewing BSC's processes that no other hazardous constituents, other than those tested for, are likely to be present in BSC's petitioned waste. The Agency

notes that, in its April 1989 proposal to deny BSC's petition, it concluded that BSC had failed to provide sufficient justification that the waste does not contain additional hazardous constituents. In particular, BSC had attempted to demonstrate, using an approach that relied on analyzing waste samples for a limited set of "indicator" parameters, that hazardous constituents were not present in the waste at levels of concern. The Agency believed that this original demonstration was inadequate for a number of reasons (see 54 FR 14101, April 7, 1989). As described previously in today's notice, BSC conducted additional sampling of the waste in June 1992, specifically analyzing samples for total constituent concentrations of 70 volatile organic and semivolatile organic constituents. Based on a re-evaluation of BSC's petition, including the new analytical results from the June 1992 sampling event, the Agency believes that no other hazardous constituents are likely to be present in BSC's petitioned waste. In addition, on the basis of test results and information provided by BSC, pursuant to § 260.22, the Agency concludes that the petitioned waste does not exhibit any of the characteristics of ignitability, corrosivity, or reactivity. See § 261.21, § 261.22, and § 261.23, respectively.

The Agency also re-evaluated groundwater monitoring data available for BSC's landfill, including data for groundwater samples collected from March 1985 through July 1992. The concentrations of all constituents monitored in the groundwater were detected in downgradient wells at concentrations below delisting healthbased levels, except for lead, benzene, bis(2-ethylhexyl)phthalate, 1,1dichloroethane, and 2,4,6trichlorophenol. During this monitoring period, these constituents were detected at concentrations above delisting healthbased levels in at least one upgradient well.

In its re-evaluation of the groundwater monitoring data, the Agency conducted statistical analyses for lead, bis(2ethylhexyl)phthalate, 2,4,6trichlorophenol, and 1,1-dichloroethane to determine if downgradient well concentrations statistically exceeded background well concentrations (see the docket for today's proposed rule). Based on the results of these analyses, the Agency concluded for the delisting evaluation that the downgradient concentrations of lead, bis(2ethylhexyl)phthalate, 1,1dichloroethane, and 2,4,6trichlorophenol are not significantly greater than background well concentrations. For this reason, the