

mixture. (See the footnote in 59 FR 41742.)

On August 15, 1994, EPA proposed to approve the case-by-case extension application submitted by Great Lakes Chemical Corporation for the K117, K118, K131, K132 and F039 wastes generated at its main plant (EPA I.D. ARD043195429) located in El Dorado, Arkansas. (See 59 FR 41741 for details of the proposed rule.) These wastes were comprised of recovered groundwater, leachates from two on-site closed landfills, and process wastewater that are mixed prior to underground injection. The proposed extension would allow Great Lakes to continue disposing of these wastes in on-site underground injection wells until June 30, 1995, while they construct a treatment unit to treat the leachates to Best Demonstrated Advanced Technology (BDAT) standards. As discussed below, only one public comment was received in response to the proposed notice. The sole commenter was Great Lakes.

#### *B. Applicant's Demonstrations Under 40 CFR 268.5 for Case-by-Case Extension*

Case-by-case extension applications must satisfy the requirements outlined in 40 CFR 268.5. EPA believes that Great Lakes, owner/operator of the El Dorado, Arkansas facility, at which a treatment unit is being constructed to provide treatment of leachates to meet BDAT standards, has made the necessary demonstrations to be granted a case-by-case extension. Based on the timeline submitted by Great Lakes, projecting completion of the leachates treatment until by June 1995, EPA is granting an extension of the current LDR effective date, until June 30, 1995. The following is a discussion of each of the seven demonstrations of 40 CFR 268.5(a)(1)–(7) made by Great Lakes: Section 268.5(a)(1). The applicant has made a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage its waste in accordance with the effective date of the applicable restriction (i.e., June 30, 1994).

Great Lakes initially asked ten hazardous waste management facilities located throughout the nation whether they could treat the waste for which the case-by-case extension is being requested. As discussed in the proposed notice, five of these facilities indicated they, collectively, had between 298,000 to 385,000 gallons per day of available treatment capacity. Thus, there may be available treatment capacity to manage approximately two-thirds of the more than 500,000 gallons per day of waste being generated by Great Lakes, for

which a case-by-case extension was requested. In order to ship these wastes off-site, however, Great Lakes would need to obtain a permit and construct a transfer facility. Consequently, although off-site treatment capacity is available to treat a portion of Great Lakes' wastewaters, EPA believes considerably less time is necessary to construct the proposed treatment system and obtain the necessary permit modifications than it would take for Great Lakes to construct facilities to transport these wastewaters to off-site treatment. As noted in its public comments, Great Lakes, subsequent to EPA's notice proposing to grant the extension sought by Great Lakes, received information that a commercial facility may have sufficient capacity to manage the full quantity of leachates being generated daily at the El Dorado, Arkansas facility. (For further information, see public comment submitted by Great Lakes in response to the proposed approval of its case-by-case extension (59 FR 41741). This information can be found in Docket No. F-94–GLCP–FFFFF.) Great Lakes, given its extensive previous experience in evaluating the feasibility of using biological treatment for this waste, has expressed reservations regarding the acceptability of such treatment. In any case, as pointed out by Great Lakes, use of this treatment capacity, even if technically acceptable, poses the same permitting and construction requirements needed to use capacity at any other off-site commercial facility. Therefore, EPA continues to agree that the lack of transfer facilities needed by Great Lakes to use the available treatment capacity off-site to treat the wastes generated at its El Dorado, Arkansas facility provide an adequate basis to fulfill the requirements of this demonstration. Section 268.5(a)(2). The applicant has entered into a binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity that meets the treatment standards specified in 40 CFR Part 268, subpart D or, where treatment standards have not been specified, such treatment, recovery, or disposal capacity is protective of human health and the environment.

Great Lakes provided EPA with sufficient documentation, including purchase orders for equipment and a contract for the installation of equipment and the construction of the treatment system demonstrating that it is fully committed to construction of the necessary on-site treatment capacity. EPA is convinced that Great Lakes is making a good-faith effort to construct a treatment unit that will treat the K117,

K118, K131, K132, and K039 wastes generated at its El Dorado, Arkansas facility to BDAT standards. Another issue discussed in the proposed notice was EPA's recent proposal to list certain 2,4,6-tribromophenol (TBP) wastes as hazardous wastes and to add these wastes to the list of hazardous constituents in appendix VIII of 40 CFR part 261 (see 59 FR 24530, May 11, 1994). In its comments submitted in response to EPA's proposed approval of the case-by-case extension, Great Lakes noted that these TBP wastes are not and have never been generated at the El Dorado facility. EPA believes Great Lakes has provided the necessary documentation to meet the requirements of this demonstration.

Section 268.5(a)(3). Due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date. This demonstration may include a showing that the technical and practical difficulties associated with providing the alternative capacity will result in the capacity not being available by the applicable effective date.

As discussed in the proposed notice of approval of the Great Lakes application for a case-by-case extension of the LDR effective date, EPA believes that Great Lakes has made a good-faith effort to provide treatment capacity by the effective date. Great Lakes has aggressively pursued the development of technology capable of treating their wastes to BDAT standards. EPA believes Great Lakes has acted in good faith to provide the necessary treatment capacity but that such capacity could not reasonably be made available by June 30, 1994, the effective date of the land disposal restriction for these wastes. As such, EPA believes this demonstration of non-availability of capacity, due to circumstances beyond the applicant's control, is adequate for the purposes of this demonstration.

Section 268.5(a)(4). The capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application.

Great Lakes has shown that the treatment system to be constructed at its El Dorado, Arkansas facility has a design capacity of 28,800 gallons per day (20 gallons per minute) and thus has adequate capacity to treat the leachates that exceed BDAT treatment standards, generated at a rate of up to 10 gallons/minute, prior to its being managed by underground injection. Great Lakes believes that treatment of these leachates to BDAT standards will allow the remaining portion of the