the unit-specific closure requirements set forth in the applicable unit technical standards subpart of 40 CFR 264 or 265 (e.g., subpart N for landfill units). Additionally, EPA recently promulgated a final rule that allows, under limited circumstances, regulated landfills, surface impoundments, or land treatment units to cease managing hazardous waste but to delay Subtitle C closure to allow the unit to continue to manage non-hazardous waste for a period of time prior to closure of the unit (see 54 FR 33376, August 14, 1989). Units for which closure is delayed continue to be subject to all applicable 40 CFR 264 and 265 requirements. Dates and procedures for submittal of necessary demonstrations, permit applications, and revised applications are detailed in 40 CFR 264.113 (c) through (e) and 265.113 (c) through (e).

VI. CERCLA Designation and Reportable Quantities

All hazardous wastes listed under RCRA and codified in 40 CFR 261.31 through 261.33, as well as any solid waste that exhibits one or more of the characteristics of a RCRA hazardous waste (as defined in Sections 261.21 through 261.24), are hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. See CERCLA Section 101(14)(C). CERCLA hazardous substances are listed in Table 302.4 at 40 CFR 302.4 along with their reportable quantities (RQs). RQs are the minimum quantity of a hazardous substance that, if released, must be reported to the National Response Center (NRC) pursuant to CERCLA § 103. In this rule, the Agency is listing the wastes in this action as CERCLA hazardous substances in Table 302.4 of 40 CFR 302.4. The RQ for each substance will be one pound as provided by statute for all newly designated hazardous substances until adjustment is made by regulation.

Reporting Requirements

Under section 102(b) of CERCLA, all hazardous substances newly designated under CERCLA will have a statutory RQ of one pound unless and until adjusted by EPA regulation. Under CERCLA section 103(a), the person in charge of a vessel or facility from which a hazardous substance has been released in a quantity that equals or exceeds its RQ must immediately notify the NRC of the release as soon as that person has knowledge thereof. The toll free number of the NRC is 1–800–424–8802; in the Washington, DC metropolitan area, the number is (202) 426–2675. In addition to this reporting requirement under CERCLA, section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) requires owners or operators of certain facilities to report the release of a CERCLA hazardous substance to State and local authorities. EPCRA section 304 notification must be given immediately after the release of a RQ or more to the community emergency coordinator of the local emergency planning committee for each area likely to be affected by the release, and to the State emergency response commission of any State likely to be affected by the release.

Releases equal to or greater than the one-pound statutory RQ are subject to the reporting requirements described above, unless and until the Agency adjusts the RQs for these substances in a future rulemaking.

The Agency is currently working on a proposed rule to adjust the RQ values for the constituents in this rule. This rulemaking is on an expedited schedule in order to minimize the time between the effective date of this listing and the publication of the adjusted RQs. The Agency anticipates that the adjusted RQs for many of the hazardous constituents in this rule will be higher than the statutory one-pound RQ. Once the RQ adjustment rule is proposed the Agency will take the proposed adjusted RQs into consideration when contemplating an enforcement action. It is important to note that while the Agency does not generally focus its enforcement resources on cases that involve statutory RQs where adjusted RQs are being promulgated, the Agency may pursue an enforcement action based on the specific facts of a situation in a case where an RQ for a hazardous constituent has been exceeded. In deciding upon an enforcement action under CERCLA for failure to report a release that equals or exceeds an RQ, the Agency generally considers the following factors: The quantity and relative toxicity of the released substance, the actual or threatened human health hazard or environmental damage, the egregious nature of the responsible party, the impact of the type of violation upon the regulatory program, the expected deterrent effort of prosecution, and the status of the proposed RQ adjustment rulemaking.

TABLE 3.—ONE-POUND STATUTORY RQS FOR K, P, AND U WASTES

Waste code	Constituent of concern	Statutory RQ (pounds)
K156	benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine	1
K157	carbon tetrachloride, chloroform, formaldehyde, methyl ethyl ketone, methyl chloride, methylene chloride, pyridine, triethylamine.	1
K158	benomyl, carbendazim, carbofuran, carbosulfan, methylene chloride	1
K159	benzene, butylate, eptc, molinate, pebulate, vernolate	1
K160	benzene, butylate, eptc, molinate, pebulate, vernolate	1
K161	arsenic, antimony, cadmium, metam-sodium, ziram	1
P185	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl]oxime (Tirpate)	1
U278	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate (Bendiocarb)	1
P188	Benzoic acid, 2-hydroxy-, compd. with (3as-cis)-1,2,3,3a,8,8a-hexahydro-l,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1) (Physostigmine salicylate).	1
P189	Carbamic acid, [(dibutylamino)thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester (Carbosulfan)	1
P190	Carbamic acid, methyl-, 3-methylphenyl ester (Metolcarb)	1
P191	Carbamic acid, dimethyl-,1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester (Dimetilan)	1
P192	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester (Isolan)	1
U409	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester (Thiophanate-methyl)	1
P194	Ethanimidothioc acid, 2-(dimethylamino)-N-[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester (Oxamyl)	1
U410	Ethanimidothioic acid, N,N'-[thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester (Thiodicarb)	1
P196	Manganese, bis(dimethylcarbamodithioato-S,S')- (Manganese dimethyldithiocarbamate)	1
P197	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]- (Formparanate)	1
P198	Methanimidamide, N,N-dimethyl-N'-[3-[[(methylamino)carbonyl]oxy]phenyl]-, monohydrochloride (Formetanate hydrochloride).	1