

US EPA ARCHIVE DOCUMENT

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL-4133-5]

Hazardous Waste Management System: Land Disposal Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice to Approve Hazardous Debris Case-By-Case Capacity Variance.

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**SUMMARY:** In response to the January 9, 1992, Proposed Rule on Land Disposal Restrictions (LDR) for Newly Listed Wastes and Hazardous Debris (see 57 FR 958), EPA received numerous comments regarding the availability of treatment capacity for hazardous debris, including comments from owners and operators of treatment, storage, and disposal facilities (TSDs), state regulatory agencies, Federal agencies, and industry trade associations. Most of the commenters indicated that owners and operators of TSDs will have an extremely difficult, if not impossible, task in obtaining treatment capacity that meets the proposed standards for hazardous debris, or that could meet the existing treatment standards, by May 8, 1992, when the national capacity variance for most debris expires. EPA agrees with these comments, which confirm its own independent study.

Under 40 CFR 268.5, EPA is therefore taking regulatory action to approve today a generic, one-year extension of the LDR effective date applicable to all persons managing hazardous debris. (This document explains more fully which hazardous debris is covered by the extension.) No further applications will be required from persons granted the extension by this action. However, EPA is requiring such persons to do certain recordkeeping, and to meet certain other requirements to qualify for the extension.

**EFFECTIVE DATE:** This document becomes effective on May 8, 1992.

**ADDRESSES:** The official record for this notice is identified as Docket Number F-92-CD2P-FFFFF, and is located in the EPA RCRA Docket, room 2427, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424-9346 toll-free or (703) 920-9810 locally. For information on specific aspects of this notice, contact William Kline, Office of Solid Waste, Capacity Programs Branch (OS-321W), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (703) 308-8440.

>>> Preamble has not been included in this file. <<<

## PART 268-LAND DISPOSAL RESTRICTIONS

1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. In § 268.35 paragraph (e) is revised to read as follows:

§ 268.35 Waste specific prohibitions-Third Third wastes.

(e) Effective May 8, 1993, debris that is contaminated with wastes listed in 40 CFR 268.10, 268.11, and 268.12, and debris that is contaminated with any characteristic waste for which treatment standards are established in subpart D of this part, are prohibited from land disposal.

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