

US EPA ARCHIVE DOCUMENT

EPA—Resource Conservation and Recovery Act (RCRA)

Prerule Stage

future possibilities. The goals of the examination are to make the LDR program cheaper, smarter, cleaner, and more flexible. The Agency will develop an Advance Notice of Proposed Rulemaking (ANPRM) to present initial thinking and the results of some activities taken as part of the ongoing LDR Reinvention Project so that the public will have an opportunity to comment. A proposed and final rule will follow.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/00	
NPRM	01/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4093**Sectors Affected:** 325 Chemical Manufacturing; 331 Primary Metal Manufacturing; 2122 Metal Ore Mining; 32411 Petroleum Refineries

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RIN: 2050-AE53

3623. REVISIONS TO SOLID WASTE LANDFILL CRITERIA—LEACHATE RECIRCULATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949**CFR Citation:** 40 CFR 258**Legal Deadline:** None

Abstract: The Agency is reviewing and evaluating the technology of leachate recirculation in municipal solid waste landfills (MSWLFs). If sufficient data is found to justify a change in the regulations, we will propose to revise the regulations to allow leachate recirculation in units constructed with alternative liner designs resulting in a significant cost savings to some facilities.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/00	
NPRM	02/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal, Federal**Additional Information:** SAN No. 423**Sectors Affected:** 562 Waste Management and Remediation Services

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RIN: 2050-AE67

3624. • CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS (SECTION 610 REVIEW)**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610**CFR Citation:** 40 CFR 258**Legal Deadline:** None

Abstract: The Agency promulgated the Solid Waste Disposal Facility Criteria; Final Rule on October 9, 1991 (56 FR 50978). These Criteria established new national minimum standards for municipal solid waste landfills (MSWLFs). The rule provides considerable flexibility for all MSWLFs and contains a special exemption from the criteria's design and groundwater monitoring requirements for owners and operators of certain small MSWLF units. Small MSWLFs are defined as units that dispose of less than twenty (20) tons of municipal solid waste daily.

The small landfill exemption in Part 258 was originally invalidated by the United States Court of Appeals for the District of Columbia Circuit. However, in enacting the Land Disposal Program Flexibility Act of 1996 (LDPFA), Congress gave the statutory mandate for the exemption. The LDPFA reinstated the exemption from groundwater monitoring for qualifying small MSWLFs and EPA codified this requirement on September 25, 1996 (61

FR 50410). The LDPFA also directed the Agency to provide additional flexibility to small MSWLFs in the form of the minimum frequency of daily cover, the minimum frequency of monitoring for methane in landfill gas, and the infiltration barriers in the final cover. These requirements were codified on July 29, 1997 (62 FR 40708).

EPA delayed the effective date for compliance with the Financial Assurance requirements of the MSWLF rules until April 10, 1998 by a series of regulatory actions. The delayed effective date allowed EPA to codify the provisions from the LDPFA and to finalize new options for Financial Assurance tailored for local governments (61 FR 60328, November 27, 1996) and for Corporate Owners and Operators (63 FR 17706, April 10, 1998).

This new entry in the regulatory agenda announces that EPA will review the Part 258 regulations pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). EPA solicits comments on the following factors; (1) the continued need for the rule, (2) the nature of complaints or comments received concerning the rule from the public since promulgation; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

It is the Agency's view that there is a continued need for the rule; however, the Agency welcomes suggestions for reducing any unnecessary burden on small entities resulting from these rules. As detailed above, the Agency has made continuing efforts to minimize the burden on the owners and operators of small MSWLFs. This review is a major component in further improvements and, if possible, further reductions in burden. EPA will also welcome comments on any other aspect of the rule.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/99	

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Action	Date	FR Cite
End Comment Time	02/00/00	
End Review	10/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4350

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F-1999-MLFN-FFFFF to : RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA,HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically to: rcr-docket@epa.gov. Comments in electronic format should also be identified by the docket number F-1999-MLFN-FFFFF. All electronic comments must be submitted as an

ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments will be available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703-603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. For information on accessing paper and/or electronic copies of the document, see the Supplementary Information section.

For Further Information Contact: For general information, contact the RCRA Hotline at 800 424-9346 or TDD 800 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703 412-9810 or TDD 703 412-3323.

For information on specific aspects of this notice, contact Dwight Hlustick, Office of Solid Waste (5306W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 703-308-8647, [hlustick.dwight@epa.gov]

Supplementary Information: The fact sheet is available in electronic format on the Internet at <http://www.epa.gov/epaoswer/non-hw/muncpl/landfill.htm>

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RIN: 2050-AE75Environmental Protection Agency (EPA)
Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

3625. HAZARDOUS WASTE IDENTIFICATION RULE (HWIR): IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

Regulatory Plan: This entry is Seq. No. 113 in Part II of this issue of the **Federal Register**.

RIN: 2050-AE07**3626. HAZARDOUS WASTE MANIFEST REGULATION**

Regulatory Plan: This entry is Seq. No. 114 in Part II of this issue of the **Federal Register**.

RIN: 2050-AE21**3627. REMOVAL OF REQUIREMENT TO USE SW-846 METHODS (TEST METHODS FOR EVALUATING SOLID WASTE: PHYSICAL/CHEMICAL METHODS)**

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934 to 6939; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

CFR Citation: 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279

Legal Deadline: None

Abstract: The EPA Office of Solid Waste (OSW) has been actively working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, OSW has accelerated its review process for new methods by eliminating several unnecessary internal review steps, and by streamlining the internal approval process for each new method. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW-846 methods is required. As a second step for speeding up the approval process, OSW plans to remove the requirements to use SW-846 methods for other than method defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic

Leaching Procedure) from 40 CFR. This will likely lead to an even more streamlined approval process since SW-846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost-effective methods to attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply, faster and, in some cases, more accurately.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 398

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