I–81, VA, Due: May 28, 1996, Contact: Ben Hark (304) 558–2885.
EIS No. 960181, Draft EIS, AFS, WA, North Sherman and Fritz Timber Sales, Implementation, Colville National Forest, Kettle Falls Ranger District, Ferry County, WA, Due: June 10, 1996, Contact: Meredith Webster (509) 738–6111.
EIS No. 960182, Draft EIS, NPS, WA, Elwha River Ecosystem Restoration Project, Implementation, Olympic National Park, Clallam County, WA, Due: June 25, 1996, Contact: Brian Winter (360) 452–0302.
EIS No. 960183, Final EIS, GSA, GA, Savannah Federal Building—United States Courthouse, Site Selection and Construction of Annex within the existing Federal Building Courthouse, Savannah, GA, Due: May 28, 1996, Contact: Phil Youngberg (404) 331–1831.
EIS No. 960184, Final EIS, FHW, WI, WI–100 and US 45 Interchange Roadway Improvements and Construction, Funding and COE Section 404 Permit, Milwaukee and Waukesha Counties, WI, Due: May 28, 1996, Contact: Richard C. Madrzak (608) 829–7510.
EIS No. 960185, Draft EIS, AFS, CA, Rock Creek Recreational Trails Management Plan, Implementation, Eldorado National Forest, Georgetown Ranger District, Eldorado County, CA, Due: June 10, 1996, Contact: Linda Earley (916) 333–4312.
EIS No. 960186, Draft Supplement, AFS, AK, Tongass Land Management Plan Revision (1996 DSEIS) New Information concerning Changes to the Management Plan, Implementation, Tongass National Forest, AK, Due: July 26, 1996, Contact: Beth Pendleton (907) 586–8700.
EIS No. 960187, Draft EIS, NOA, NJ, Mullica River—Great Bay National Estuarine Research Reserve Establishment, Site Designation and Plan Implementation, Ocean, Atlantic and Burlington Counties, NJ, Due: June 10, 1996, Contact: Dolores Washington (301) 713–3132 Ext. 113.
EIS No. 960188, Draft EIS, FRC, CA, New Don Pedro Reservoir Project (NDPP) (FERC. No. 2299–024), Reservoir Release Requirements for Fish, Continuation and Maintenance, Issuance of Licenses, Tuolumne River and San Joaquin River Turlock and Malesto Irrigation Districts, Stanislaus County, CA, Due: June 10, 1996, Contact: Monica A. Maynard (202) 219–2652.
EIS No. 960189, Final EIS, FRC, PR, Eco Ele'ctrica Liquefied Natural Gas (LNG) Import Terminal and Electric Cogeneration Project, Construction and Operation, Permits and Approvals, Guayanilla Bay, PR, Due: May 28, 1996, Contact: Chris Zerby (202) 208–0111.

Amended Notices

EIS No. 960135, Draft EIS, APH, Programmatic EIS—Veterinary Services (VS) Programs, Implementation, to Detect, Prevent, Control, and Eradicate Domestic and Foreign Animal Diseases and Pests, All 50 States and the United States Territories, Due: June 25, 1996, Contact: Dr. William E. Ketter (301) 734–8565.

Published FR 04–26–96—Review Period Extended.

Dated: April 22, 1996.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–10391 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5463–4]

Extension of the Policy on Enforcement of RCRA Sec. 3004(j) Storage Prohibition at Facilities Generating Mixed Radioactive/ Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement.

SUMMARY: EPA is announcing a limited extension of its policy (56 FR 42730, August 29, 1991) on the civil enforcement of the storage prohibition in sec. 3004(j) of the Resource Conservation and Recovery Act (RCRA) at facilities which generate ''mixed waste'' regulated under both the RCRA subtitle C hazardous waste program and the Atomic Energy Act (AEA). The policy affects only mixed wastes that are prohibited from land disposal under the RCRA land disposal restrictions (LDR) and for which there are no available options for treatment or disposal. This action renews the August 1991 policy for an additional two year period for some mixed wastes, based on EPA's determination that treatment technology and disposal capacity [1] for these mixed wastes are still not available.

Pursuant to the terms of this policy, EPA will treat violations of section 3004(j) involving relatively small volumes of waste as reduced priorities among EPA's potential civil enforcement actions. EPA's primary concern is with (1) mixed waste facilities that are not pursuing environmentally responsible management of their stored mixed wastes, especially those storing large quantities of mixed waste, and (2) those that are storing wastes for which treatment technology is commercially available. Generators must explore all viable treatment and disposal alternatives during the next two years since new technologies may come on line at any time. If treatment technology and disposal capacity are available, it is incumbent upon the generator to use them. EPA anticipates employing RCRA § 3007 authority to ensure that this policy is not abused, with particular focus on ensuring that emerging treatment technologies are fully utilized and on confirming that those wastes for which no treatment exists are stored safely.

EFFECTIVE DATE: April 21, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Hunt, Federal, State and Tribal Programs Branch, Office of Solid Waste; Telephone (703) 308–8762.

SUPPLEMENTARY INFORMATION:

I. Background

A. Mixed Waste and the LDR Storage Prohibition

''Mixed wastes'' are wastes that contain both a hazardous waste component regulated under Subtitle C of RCRA and a radioactive component consisting of source, special nuclear, or byproduct material regulated under the AEA. EPA clarified that RCRA applies to wastes which contain both types of components on July 3, 1986 (51 FR 24504). The definition of mixed waste was added to the RCRA statute by the Federal Facility Compliance Act (FFCA) of 1992, 42 U.S.C. 6912, 6939, and 6961. Mixed wastes are a subset of hazardous wastes, and as such, are subject to the land disposal restrictions in 40 CFR Part 268. Currently, most mixed wastes are subject to the LDRs, except for some newly listed or identified hazardous wastes that are mixed with AEA radioactive materials and do not yet have EPA treatment standards. Certain newly listed wastes that are mixed with radioactive materials, and soil and debris contaminated with certain hazardous wastes (which also may be radioactive) are currently subject to variances from the LDR treatment standards (See 40 CFR 268.38).

[1] For purposes of this policy statement, ''available treatment technology and disposal capacity'' means that a facility is commercially available to treat or dispose of a particular waste and the facility has either (1) a RCRA permit or interim status; (2) a research, development, and demonstration permit under 40 CFR 270.65; or (3) a land treatment permit under 40 CFR 270.63.

The aspect of the LDRs affected by the policy extension set forth in this notice is the ''storage prohibition'' enacted in Hazardous and Solid Waste Amendments (HSWA) sec. 3004(j). This provision prohibits any storage of a land disposal prohibited waste (including mixed waste) except ''for the purpose of the accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.''

The storage prohibition has relevance to mixed waste management, since there currently is only one facility that EPA is aware of, Envirocare of Utah, Inc., that provides disposal capacity for certain types (i.e., mainly low activity and high volume mixed wastes) of commercially generated mixed waste. Also, there are limited treatment options for much of the mixed waste generated by commercial generators (e.g. nuclear power reactors, fuel cycle, and materials licensees) and by Federal agencies. EPA has previously concluded that storage of a waste pending development of treatment technology does not constitute storage to accumulate sufficient quantities to facilitate proper treatment or disposal. This interpretation was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Edison Electric Institute* v. *EPA*, 996 F.2d 326 (D.C. Cir. 1993). EPA, however, believes that because of the relatively small quantities of mixed waste that are generated by commercial facilities (typically two 55 gallon drums or less per year per facility), there has not, as yet, been sufficient economic incentive to develop and operate mixed waste treatment or disposal facilities to address many types of mixed waste. Therefore, commercial generators may have little option but to store those wastes for which treatment technology or disposal capacity is not yet available. This does not diminish the obligation of mixed waste generators to work to develop adequate treatment capacity.

B. Mixed Waste Treatment Technology and Disposal Capacity

Prior to issuing the 1991 policy (56 FR 42730, August 29, 1991) on the civil enforcement of the storage prohibition, EPA determined that inadequate treatment technology and disposal capacity existed to treat or dispose of many mixed waste streams. This determination was supported by data from several surveys conducted by States and Regional Low Level Waste Compacts, by information available in the Office of Technology Assessment's October, 1990 report on low-level waste issues (''Partnerships Under Pressure-Managing Commercial Low-Level Radioactive Waste''), and by commenters on EPA LDR rulemakings.

In 1992, EPA and NRC published a joint survey on commercial generators entitled ''National Profile on Commercially Generated Low-Level Radioactive Mixed Waste'' (NUREG/CR–5938, December, 1992). This survey supported the view that a treatment capacity shortfall existed for commercial low-level mixed waste streams. The Profile provided a snapshot of the commercial low-level mixed waste universe in 1990, and it estimated a treatment capacity shortfall of at least 12,000 cubic feet based on the treatment demand in 1990. The treatment/disposal capacity assessment for the 1992 Profile was based upon information from several companies that are still treating mixed waste (i.e., Diversified Scientific Services, Inc. (DSSI), NSSI Recovery Services, Inc. (NSSI), and Perma-Fix Environmental Services (PFF), formerly Quadrex Corporation. In addition, two companies had plans to treat mixed waste, Envirocare of Utah, Inc. (Envirocare), and Scientific Ecology Group, Inc. (SEG).[2] The enforcement policy was extended in April, 1994 (59 FR 18813, April 20, 1994) based upon an anticipated improvement in treatment technology and disposal capacity. Some improvements have occurred in the interim as noted in a Department of Energy (DOE) study of available, or soon to be available, treatment technologies for mixed waste. This study by the National Low-Level Waste Management Program at the Idaho National Engineering Laboratory was published in May 1995 under the title ''Mixed Waste Management Options: 1995 Update'' (DOE/LLW–219) and includes treatment options and waste acceptance criteria for mixed waste management facilities as of 1994 (in Appendices C–1 through C–4) and names and phone numbers for points of contact. The update describes four companies that are currently accepting and treating mixed wastes. EPA understands that DSSI in Kingston, Tennessee incinerates most types of liquid mixed wastes; Envirocare in Tooele County, Utah treats high volume mixed wastes and provides disposal services for mixed waste; PFF in Gainesville, Florida processes liquid scintillation materials for incineration; and NSSI in Houston, Texas processes mixed waste for off-site incineration or disposal. In addition, the study cites Scientific Ecology Group, Inc. (SEG) in Oak Ridge, Tennessee as a licensed processor of radiologically contaminated materials which has applied for a RCRA Part B permit for treating low-level hazardous wastes.

The study also lists (page 4–19) several treatment technologies being evaluated by DOE for applicability to treatment and disposal of mixed low-level radioactive waste, including biodegration, freeze, crystallization, biocatalytic destruction of nitrates, ion exchange and acid leaching for mercury removal, thermal treatment technologies for waste destruction such as plasma arc incineration and steam reforming, thermal vitrification, and thermosplastic encapsulation. In addition, EPA has become aware of an emerging treatment technology which has been developed by Molten Metal Technology, Inc. in Waltham, Massachusetts. Their patented quantum catalytic extraction process for the recycling of radiation contaminated hazardous wastes was tested in pilot demonstrations of the technology in 1995, and has been recognized as a Best Demonstrated Available Technology (BDAT) and a viable alternative to incineration for some hazardous wastes. The company anticipates a facility in Oak Ridge, Tennessee will be operational in 1996.

Recent EPA contact with company officials substantiated that DSSI currently has excess capacity for thermal treatment of liquid mixed wastes meeting their acceptance criteria. NSSI, a RCRA permitted treatment, storage and disposal facility for radioactive, hazardous and mixed wastes which accepts only private sector wastes, also has available capacity for mixed wastes meeting its acceptance criteria according to company personnel. NSSI is permitted for all EPA waste codes, and is licensed for all radionuclides, including special nuclear material. PFF, formerly Quadrex, has current treatment capacity for liquid scintillation cocktail fluids and ignitable wastes, and plans to apply for a RCA Part B permit modification to increase the number of waste codes it can accept. An amendment expanding PFF's radiation license was approved in 1996. SEG currently accepts radioactive waste, and intends to provide mixed waste treatment, including incineration, once its RCRA permit is approved. SEG may have some treatment capacity on-line by the end of the policy extension period. Envirocare received a mixed waste treatment permit in 1993. It provides treatment and land disposal facilities for mixed wastes meeting its

[2] Reference in this policy to specific companies providing waste treatment or disposal should not be read as a specific endorsement of any company or technology nor as confirmation that the technology offered by any of these companies is appropriate for a particular waste, which can be determined only on a case by case basis.

acceptance criteria and the radionuclide limitations of its license and has capacity to treat 150 tons of waste per day. Thus, there has been some improvement in the mixed waste treatment capacity situation in the past two years.

Based on the ''Mixed Waste Treatment Study'' prepared for the Electric Power Research Institute and finalized in early 1996, EPA understands that there are still some mixed wastes for which treatment technologies or disposal facilities may not yet be available, particularly for nuclear utilities. The study was developed to provide member utilities with updated information on mixed waste storage and emerging treatment technologies, including catalytic extraction process, steam reforming, vitrification, and supercritical water oxidation. Many of these technologies appear promising, but are not currently operational.

In an effort to help generators locate mixed waste treatment, storage, and disposal facilities (TSDFs), EPA is developing an Interest Home Page that lists commercially available mixed waste TSDFs. This list should not be seen as complete or as a recommendation or endorsement of any of these facilities. This list only represents those companies that have expressed an interest in participating in EPA's Mixed Waste Internet HomePage. EPA does not endorse or promote technologies or companies that provide treatment, storage, or disposal capacity for any waste including mixed waste. Companies that wish to participate should contact EPA at the number listed for this Federal Register notice.

Thus, EPA is providing a limited extension of the enforcement policy for an additional two years. However, this extended policy applies only to those waste streams for which no treatment technology or disposal capacity is available. Generators should understand that any existing treatment technology or disposal capacity must be used. EPA does not intend to extend this policy on a routine or indefinite basis, and may withdraw this policy at any time. EPA's willingness to further extend the 1991 policy at this time is based on positive developments in treatment technology and disposal capacity during the past two years.

Prospects for new mixed waste treatment technology and disposal capacity continue to be driven largely by the treatment needs identified by the DOE, since DOE's waste volumes dwarf those of the commercial sector. The next few years will be significant for bringing on-line the facilities, the processes, and capacities identified in the site-specific treatment plans required by the Federal Facility Compliance Act for managing DOE's significant mixed waste inventories. EPA expects that the commercial and governmental generators affected by this policy extension will also be beneficiaries of the statutory and market forces that are currently addressing the treatment capacity issues within the DOE complex. Therefore, a two year limited extension of this policy should foster greater coordination of the solutions to the treatment capacity shortfall that affects all generators.

C. Need for Generators To Explore Treatment and Disposal Options

The land disposal restrictions found in Title 40 CFR Part 268 require generators to treat hazardous wastes to specified treatment standards. EPA emphasizes that generators must continue to explore all viable treatment alternatives during this extension since new technologies may come on line at any time. Generators should be prepared to demonstrate their good faith efforts at locating available capacity for each of their mixed wastes. In addition, generators should also explore the potential benefits of consolidating their wastes with like wastes from other generators, and developing or procuring treatment capacity to address more efficiently the waste streams that are pooled in this fashion. The option of consolidating the management of DOE and commercially generated wastes has been a topic of much discussion between DOE and those interests responsible for developing and regulating new commercial low-level radioactive waste facilities. EPA urges the continuation of these discussions, and the participation of the commercial generator interests in the debate.

II. Summary of Policy

A. Storage Prohibition Policy Extension

In this notice, EPA is announcing a limited extension of its policy (56 FR 42730, August 29, 1991) on civil enforcement of the storage prohibition in section 3004(j) of RCRA at facilities which generate limited quantities of mixed wastes. This policy does not apply to those mixed wastes for which treatment technology and/or disposal capacity is currently available or becomes available during the effective period of this extension. This policy is not final agency action, but is intended solely as guidance. It is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. EPA officials may decide to follow the policy provided in this extension or to act at variance with the policy, based on an analysis of specific site circumstances. The Agency also reserves the right to change this policy at any time without public notice. EPA reserves the right to take any and all actions provided under RCRA with respect to activities at hazardous waste facilities and against persons who handle hazardous waste. The intent of the policy published on August 29, 1991 was to explain how RCRA section 3004(j) storage violations involving mixed wastes fit within the Agency's civil enforcement priorities. At that time, there was no available treatment technology or disposal capacity for most of the mixed wastes prohibited from land disposal. Treatment technology or disposal capacity is still unavailable for some of these mixed wastes as well as for additional mixed waste that became subject to the land disposal prohibitions during the initial extension of the mixed waste policy (April 20, 1994 to April 20, 1996). Generators and storers of these wastes continue to find it impossible to comply with the section 3004(j) storage prohibition for some of their mixed waste, for which there are no available options for treatment or disposal. At the same time, however, generators of the affected mixed waste, through prudent waste management practices, are required to store their mixed wastes for the limited duration of this policy extension in a manner that poses minimal risk to public health or the environment. Responsible management practices should, therefore, minimize the environmental risks from these section 3004(j) storage violations.

For mixed waste generators who are storing mixed wastes in an environmentally responsible manner as described in this policy where no viable treatment technology or disposal capacity exists or becomes available during this extension, EPA considers the violations of RCRA section 3004(j) involving relatively small volumes of waste to be reduced priorities among EPA's potential civil enforcement actions. Any enforcement activity arising from violations of section 3004(j) at these facilities will generally focus on determining whether these generators are managing their mixed wastes in an environmentally responsible manner and whether they are storing wastes for which treatment technology is commercially available (for example, most liquid mixed wastes). EPA's primary concern is with mixed waste generators that are not managing their stored mixed wastes in an

environmentally responsible manner, especially those storing large quantities of mixed waste.

This policy extension is limited in duration, and terminates on April 20, 1998. During the period that this policy is in effect, EPA will again evaluate data that becomes available on generation, treatability, and treatment technology and disposal capacity for the mixed wastes affected by this policy. EPA may address the issue of mixed waste regulation under a supplemental proposal on HWIR mixed waste exit criteria. Mixed waste facilities should keep apprised of developments in this area. The Agency strongly encourages those managing mixed waste to expeditiously explore and develop additional treatment technologies and to provide data to EPA concerning the availability of capacity.

As EPA explained in the August 1991 policy, the Agency recognizes a variety of indicators of environmentally responsible operation in determining the civil enforcement priority of section 3004(j) storage violations at particular mixed waste generator facilities. EPA believes that all of the factors described in the 1991 policy remain relevant to mixed waste generators during the period of this extension, except for the participation in the EPA/NRC profile which has been completed. These factors are described in Section IV of this document.

B. Limitations on Scope

This policy affects only the civil judicial and administrative enforcement priorities that would arise solely from the act of storing LDR mixed wastes in contravention of RCRA section 3004(j). The policy is also limited in scope to those mixed waste streams for which treatment technology or disposal capacity is not available. The mixed wastes covered by this policy must be mixed wastes when generated: for example, a generator may not commingle distinct hazardous and radioactive waste streams in order to come within the scope of this policy.

EPA intends that this policy apply both to the mixed wastes generated during the term of the policy, and to existing inventories of mixed wastes already in storage. The policy does not cover other violations of RCRA storage requirements, such as the storage facility standards of Subparts I through L and DD of 40 CFR Parts 264 (permitted facility standards) or 265 (interim status facility standards), or their State equivalents. EPA emphasizes that this policy does not affect any requirement under RCRA to obtain a storage permit, which is generally required if mixed wastes are stored for greater than 90 days. The policy does not extend to potential criminal violations of RCRA, for which prosecutorial discretion rests solely with the United States Attorney General.

EPA intends to apply this policy to executive branch federal facilities, except facilities owned or operated by the Department of Energy or by the joint Navy/DOE Naval Nuclear Propulsion Program (NNPP). The just-expired policy extension did not apply to any executive branch federal facility because section 102(c) of the Federal Facility Compliance Act (FFCA), Public Law 102–386 (October 6, 1992) (not codified), delayed the waiver of sovereign immunity with respect to fines and penalties for violations of RCRA section 3004(j) involving storage of mixed waste for three years from October 1992 to October 1995. The protection from fines and penalties obviated the need for applying this policy to executive branch federal facilities. Because the protection from fines and penalties has now expired, executive branch federal facilities are in the same situation as private facilities that generate and store mixed waste. Therefore, EPA believes it is appropriate to apply this policy to executive branch federal facilities in the same manner and to the same extent as it applies to private facilities.

EPA will not apply this policy to DOE or to NNPP facilities. For DOE and NNPP facilities, the delay of the waiver of sovereign immunity from fines and penalties for RCRA section 3004(j) violations continues beyond October 1995, so long as DOE and NNPP are in compliance with the requirements of FFCA section 102(c)(3)(B). Section 102(c)(3)(B) requires DOE and NNPP to be in compliance with an approved plan to develop treatment capacities and technologies to treat a facility's mixed waste and an order requiring compliance with such plan issued in accordance with RCRA section 3021(b). EPA believes that with respect to DOE and NNPP, enforcement of RCRA section 3004(j) should be based on RCRA section 3021, and not on the terms of this policy.

C. Effects of Violations

This policy affects only the civil enforcement priority that EPA will generally assign to section 3004(j) storage violations where the conditions of this policy have been met. If, however, a facility inspection or other information reveals significant RCRA violations—other than of section 3004(j)—or a pattern of violations which evidence a disregard for compliance with the RCRA hazardous waste regulations, EPA may attach a greater priority to all violations—including storage of mixed waste in violation of section 3004(j)— at that facility. In addition, if treatment technology and/or disposal capacity are available, it is incumbent upon the generator to use it. EPA anticipates employing RCRA section 3007 authority to ensure that this policy is not abused, with particular focus on ensuring that appropriate emerging treatment technologies and disposal capacity are fully utilized and on confirming that those wastes for which no treatment exists are stored safely.

III. Applicability

This policy applies to EPA enforcement activities in all States in which mixed waste falls within the jurisdiction of RCRA. It is not applicable in States where mixed waste is not regulated under RCRA, i.e., in States with final authorization which lack specific EPA approval of mixed waste regulatory programs. In those States where the State, as well as EPA, has authority to enforce the LDRs, this policy affects only the EPA enforcement programs.

RCRA mixed waste jurisdiction applies in States which are unauthorized for the ''base'' RCRA program (i.e., which do not have final authorization). As of March 15, 1996, seven States and Territories have not received RCRA base authorization. These States and Territories are: Alaska, American Samoa, Hawaii, Iowa, Northern Mariana Islands, Puerto Rico, and Virgin Islands. This policy applies in these States and Territories, where the EPA Regional Offices administer both the base RCRA mixed waste program and the LDRs.

RCRA mixed waste jurisdiction extends as well to authorized States that have been additionally authorized specifically for RCRA mixed waste programs. As of March 15, 1996, one Territory and 38 States are authorized to implement RCRA mixed waste programs. These States and Territory are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Guam, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. The RCRA section 3004(j) storage prohibition is an

element of the LDRs enacted in the Hazardous and Solid Waste Amendments (HSWA) of 1984. HSWA requires EPA to implement the LDR provisions as they apply to mixed waste until the authorized States receive approval from EPA to implement the LDR provision in lieu of the Agency. EPA therefore implements the LDRs, and this policy applies, in the States with authorized RCRA mixed waste programs, until the States have also been authorized for their LDR programs.

As of March 15, 1996, 30 States and one Territory with mixed waste programs had received final authorization to implement LDRs covering solvents and dioxins, and 22 States and one Territory have also received final authorization for or have adopted EPA's LDR rules through the Third Third. The 30 States and one Territory are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Guam, Kansas, Idaho, Illinois, Michigan, Minnesota, Missouri, Mississippi, Nevada, New York, North Carolina, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Wisconsin and Wyoming. These States' approved LDR authorities include State law counterparts to the RCRA section 3004(j) storage prohibition. As these States and Territories have independent authority to enforce the LDRs and section 3004(j), EPA's enforcement policy is not binding on them. Therefore, facility owners and operators should consult with the responsible officials in these States for clarification on these States' policy with respect to storage of LDR prohibited mixed waste.

During the term of this policy, additional States may receive authorization for mixed waste or LDR programs. Facility owners and operators should track the authorization status of their State programs in order to ascertain whether they are covered by this policy, or whether other restrictions based on State law might apply to mixed waste storage.

IV. Highlights of Extended Enforcement Policy

In order to demonstrate that they are pursuing environmentally responsible management of their mixed wastes (and therefore should be accorded a reduced civil enforcement priority for sec. 3004(j) violations), facility owner/operators generating mixed wastes should be undertaking at least the following steps.

A. Inventory and Compliance Assessment of Storage Areas

Records should be maintained identifying each physical location or unit where mixed waste is stored, and identifying the method of storage [i.e., container or tank, see 40 CFR 264.73(b) or 265.73(b)]. An inspection of these storage areas for compliance with applicable RCRA standards for storage methods, including an assessment of compliance with the storage facility standards of 40 CFR Part 264 or Part 265 (interim status), Subparts I-J and DD, or the State counterparts to these standards should be performed regularly (see 40 CFR 264.15 or 265.15). The facility records should contain the results of the inspections as required by 40 CFR 264.73(b)(5) or 265.73(b)(5). EPA encourages facility owner/operators to take action promptly to correct any deficiencies, since EPA expects to focus its enforcement efforts regarding section 3004(j) violations on those situations where an inspection or other information reveals significant RCRA violation(s), or a pattern of violations that indicate a disregard for compliance with the RCRA Subtitle C requirements.

B. Identification of Mixed Wastes

Facility owner/operators should maintain sufficient information to identify their mixed wastes. The identification should include the RCRA waste codes for the hazardous components, the source of the hazardous constituents and discussion of how the waste was generated (if known), the generation rate and volumes of mixed wastes in storage, and any process information relied upon to identify mixed wastes or make determinations that wastes are prohibited by the LDRs (See 40 CFR 264.73 or 265.73).

C. Waste Minimization Plans

EPA understands that many mixed waste generators and facility owner/operators are undertaking active measures to avoid the generation of mixed wastes. Each mixed waste generator and facility owner/operator should develop a waste minimization plan (See 58 FR 31114, May 28, 1993, for guidance), and retain the plan at the facility. The plan should address process changes that can be made to reduce or eliminate mixed wastes, methods to minimize the volume of regulated wastes through better segregation of materials, and substitution of non-hazardous materials. The plan should include a schedule for implementation, projections of volume reductions to be achieved, and assumptions that are critical to the accomplishment of the projected reductions.

D. Good Faith Efforts

This policy is limited in scope to those LDR-prohibited mixed wastes for which no treatment technology or disposal capacity is available. As stated earlier, EPA recognizes that commercial treatment technology and disposal capacity do not exist for some types of mixed waste. However, since additional treatment technology or disposal capacity may become available in the future, facility owner/operators should be prepared to demonstrate that good faith efforts have been undertaken to ascertain whether treatment technology and disposal capacity is available for each of their mixed wastes and to utilize such treatment technology and disposal capacity.

Dated: April 19, 1996.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

Michael M. Stahl,

Acting Assistant Administrator, Office of Enforcement and Compliance Assurance.

[FR Doc. 96–10380 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5463–5]

Gulf of Mexico Program Issue Committee and Technical Advisory Committee Co-Chairs Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Meeting of the Issue Committee and Technical Advisory Committee Co-Chairs of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program's Issue Committee and Technical Advisory Committee Co-Chairs will hold a meeting at the Naval Research Laboratory Main Conference Room, Stennis Space Center, Mississippi.

FOR FURTHER INFORMATION CONTACT: James D. Giattina, Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, at (601) 688–3726.

SUPPLEMENTARY INFORMATION: A meeting of the Issue Committee and Technical Advisory Committee Co-Chairs of the Gulf of Mexico Program will be held May 15–16, 1996, at the Naval Research Laboratory Main Conference Room,