

National Park Service, Interior

§ 6.12

(10) Methods of excluding waste generated from non-National Park Service activities, except for a solid waste disposal site approved under § 6.5, or § 6.6, or § 6.7(c); and

(11) Methods of litter control.

(f) Any conflict between a requirement of the permit issued by the National Park Service and a requirement of State or local law will be resolved in favor of the stricter of the two requirements.

§ 6.10 Financial assurance.

(a) The Regional Director will not require a bond or security deposit for a solid waste disposal site for which the operator has established a bond under 40 CFR 258.74(b).

(b) The Regional Director will not require a bond or security deposit for a solid waste disposal site whose owner or operator is a State entity whose debts and liabilities are the debts and liabilities of a State.

(c) Upon approval of a request to operate a new, or continue an existing, solid waste disposal site, an operator who is not described in paragraphs (a) or (b) of this section must file with the Regional Director a suitable performance bond with satisfactory surety, payable to the Secretary of the Interior or the Secretary's designee. The bond must be conditioned upon faithful compliance with all applicable laws and regulations, and the permit requirements as approved. When bonds are to serve as security, an operator must provide a power of attorney to the Secretary or the Secretary's designee. The bond must be issued by a surety company listed and approved by the Department of the Treasury.

(d) In lieu of a performance bond, an operator may deposit with the Secretary or the Secretary's designee cash or negotiable bonds of the United States Government. The cash deposit or the market value of such securities must be at least equal to the required sum of the bond(s).

(e) The bond or security deposit will be established by the Regional Director in an amount equal to the estimated cost to accomplish all closure and post-closure care requirements as described in 40 CFR part 258, subpart F, but in no case less than \$25,000.

(f) The responsibility and liability of the operator (and the surety, if any) under the bond or security deposit must continue until the Regional Director determines that closure and post-closure care have been completed in accordance with the permit requirements. No portion of the performance bond or security deposit may be released until such a determination has been made.

(g) Within 30 calendar days after the Regional Director determines that all closure and post-closure care requirements have been successfully completed according to the permit, the Regional Director will notify the operator (and the surety, if any) that liability under the bond or security deposit has been terminated and the bond or security deposit released.

§ 6.11 Appeals.

(a) An applicant aggrieved by a decision of the Regional Director with regard to a permit request under this part may appeal, in writing, to the Director for reconsideration. The aggrieved applicant must file the appeal with the Director within 45 calendar days of notification to the applicant of the decision complained of. The appeal must set forth in detail the respects to which the decision of the Regional Director is contrary to, or in conflict with, the facts, the law, this part, or is otherwise in error.

(b)(1) Within 45 calendar days after receiving the written appeal of the aggrieved applicant, the Director will make a decision in writing. The Director's decision will include:

(i) A statement of facts;

(ii) A statement of conclusions; and

(iii) an explanation of the reasons upon which the conclusions are based.

(2) The decision of the Director will constitute the final administrative action of the National Park Service.

§ 6.12 Prohibited acts and penalties.

(a) The following are prohibited:

(1) Operating a solid waste disposal site without a permit issued under § 6.9 or, where applicable, without approval granted under § 6.7(c);

(2) Operating a solid waste disposal site without the proper amount or form

Pt. 7

36 CFR Ch. I (7-1-12 Edition)

of bond or security deposit, as prescribed by the Regional Director, when such a bond or security deposit is required by this part;

(3) Operating a solid waste disposal site in violation of a term or a requirement of a National Park Service issued permit; or

(4) Operating a solid waste disposal site in violation of 40 CFR Parts 257 or 258, or in violation of the equivalent State law or regulation.

(b) A person who violates a provision of paragraph (a) of this section is subject to:

(1) The penalty provisions of 36 CFR 1.3; and/or

(2) Revocation of the permit by the Regional Director if a permit exists; and/or

(3) Forfeiture of a bond or security deposit if a bond or security deposit is required under § 6.10.

**PART 7—SPECIAL REGULATIONS,
AREAS OF THE NATIONAL PARK
SYSTEM**

Sec.

- 7.1 Colonial National Historical Park.
- 7.2 Crater Lake National Park.
- 7.3 Glacier National Park.
- 7.4 Grand Canyon National Park.
- 7.5 Mount Rainier National Park.
- 7.6 Muir Woods National Monument.
- 7.7 Rocky Mountain National Park.
- 7.8 Sequoia and Kings Canyon National Parks.
- 7.9 St. Croix National Scenic Rivers.
- 7.10 Zion National Park.
- 7.11 Saguaro National Park.
- 7.12 Gulf Islands National Seashore.
- 7.13 Yellowstone National Park.
- 7.14 Great Smoky Mountains National Park.
- 7.15 Shenandoah National Park.
- 7.16 Yosemite National Park.
- 7.17 Cuyahoga Valley National Recreation Area.
- 7.18 Hot Springs National Park.
- 7.19 Canyon de Chelly National Monument.
- 7.20 Fire Island National Seashore.
- 7.21 John D. Rockefeller, Jr. Memorial Parkway.
- 7.22 Grand Teton National Park.
- 7.23 Badlands National Park.
- 7.24 Upper Delaware Scenic and Recreational River.
- 7.25 Hawaii Volcanoes National Park.
- 7.26 Death Valley National Monument.
- 7.27 Dry Tortugas National Park.
- 7.28 Olympic National Park.
- 7.29 Gateway National Recreation Area.

- 7.30 Devils Tower National Monument.
- 7.31 Perry's Victory and International Peace Memorial.
- 7.32 Pictured Rocks National Lakeshore.
- 7.33 Voyageurs National Park.
- 7.34 Blue Ridge Parkway.
- 7.35 Buffalo National River.
- 7.36 Mammoth Cave National Park.
- 7.37 Jean Lafitte National Historical Park.
- 7.38 Isle Royale National Park.
- 7.39 Mesa Verde National Park.
- 7.40 Hopewell Village National Historic Site.
- 7.41 Big Bend National Park.
- 7.42 Pipestone National Monument.
- 7.43 Natchez Trace Parkway.
- 7.44 Canyonlands National Park.
- 7.45 Everglades National Park.
- 7.46 Virgin Islands Coral Reef National Monument.
- 7.47 Carlsbad Caverns National Park.
- 7.48 Lake Mead National Recreation Area.
- 7.49 Cape Lookout National Seashore.
- 7.50 Chickasaw Recreation Area.
- 7.51 Curecanti Recreation Area.
- 7.52 Cedar Breaks National Monument.
- 7.53 Black Canyon of the Gunnison National Monument.
- 7.54 Theodore Roosevelt National Park.
- 7.55 Lake Roosevelt National Recreation Area.
- 7.56 Acadia National Park.
- 7.57 Lake Meredith National Recreation Area.
- 7.58 Cape Hatteras National Seashore.
- 7.59 Grand Portage National Monument.
- 7.60 Herbert Hoover National Historic Site.
- 7.61 Fort Caroline National Memorial.
- 7.62 Lake Chelan National Recreation Area.
- 7.63 Dinosaur National Monument.
- 7.64 Petersburg National Battlefield.
- 7.65 Assateague Island National Seashore.
- 7.66 North Cascades National Park.
- 7.67 Cape Cod National Seashore.
- 7.68 Russell Cave National Monument.
- 7.69 Ross Lake National Recreation Area.
- 7.70 Glen Canyon National Recreation Area.
- 7.71 Delaware Water Gap National Recreation Area.
- 7.72 Arkansas Post National Memorial.
- 7.73 Buck Island Reef National Monument.
- 7.74 Virgin Islands National Park.
- 7.75 Padre Island National Seashore.
- 7.76 Wright Brothers National Memorial.
- 7.77 Mount Rushmore National Memorial.
- 7.78 Harpers Ferry National Historical Park.
- 7.79 Amistad Recreation Area.
- 7.80 Sleeping Bear Dunes National Lakeshore.
- 7.81 Point Reyes National Seashore.
- 7.82 Apostle Islands National Lakeshore.
- 7.83 Ozark National Scenic Riverways.
- 7.84 Channel Islands National Park.
- 7.85 Big Thicket National Preserve.
- 7.86 Big Cypress National Preserve.