

§ 6.6

36 CFR Ch. I (7-1-13 Edition)

and environmental report that the Regional Director determines meet the conditions set forth in paragraph (c) of this section.

(e) *Site expansions.* (1) A request for an existing solid waste disposal site to continue operations by expanding its capacity, laterally or vertically, is considered a request for a new solid waste disposal site and is subject to the conditions of § 6.4(a), except as provided in paragraph (e)(2) of this section.

(2) A request for an existing solid waste disposal site to continue operations by expanding its capacity, laterally or vertically, will be judged by the approval conditions of paragraph (c) of this section if the operator shows that:

(i) The solid waste is generated solely from sources within the boundaries of the unit;

(ii) The area proposed for site expansion encompasses only nonfederal lands owned or leased by the operator; and

(iii) the solid waste disposal site lacks road, rail, or adequate water access to any lands outside the unit for all or substantial portions of the year.

(f) After January 23, 1995, an operator of an NPS-approved existing landfill solid waste disposal site may convert that site to a transfer station only after submitting a request under paragraph (a) of this section, and only after receiving approval from the Regional Director under paragraph (c) of this section. The Regional Director may approve such a request, if in addition to meeting the standards of paragraph (c) of this section, the Regional Director finds that the conversion to a transfer station better protects the unit's natural or cultural resources than the existing land-fill operation.

§ 6.6 Solid waste disposal sites within new additions to the National Park System.

(a) An operator of a solid waste disposal site located on lands or waters added to the National Park System, by act of Congress or by proclamation, after January 23, 1995, will not be permitted to dispose of solid waste after expiration of the permit or license in effect on the date of the land's or water's designation as being within a National Park System unit's boundaries.

The operator must then immediately fulfill all applicable closure and post-closure care requirements.

(b) An operator of a solid waste disposal site located on lands or waters designated as being within the boundaries of a unit of the National Park System established or expanded after January 23, 1995, who wishes to remain in operation for the duration of the existing permit or license, must submit to the Regional Director, within 180 calendar days of the land's or water's designation as being within a National Park System unit boundaries, a permit request and environmental report as described in § 6.4(b) (1)–(9).

(c) Any operator who fails to submit a request as described in paragraph (b) of this section will be subject to the penalty provisions of § 6.12.

(d) If the Regional Director finds that the permit request and the environmental report do not meet the conditions for approval set forth in § 6.5(c), the Regional Director will reject the request and notify the proposed operator of the reasons for the rejection. Within 90 calendar days of such notice, the operator of the solid waste disposal site must cease disposing of solid waste at the site. The operator may resume disposing of solid waste only upon submission and approval of a permit request and environmental report that the Regional Director determines meet the conditions set forth in § 6.5(c).

§ 6.7 Mining wastes.

(a) Solid waste from mining includes but is not limited to mining overburden, mining byproducts, solid waste from the extraction, processing and beneficiation of ores and minerals, drilling fluids, produced waters, and other wastes associated with exploration, development, or production of oil, natural gas or geothermal energy and any garbage, refuse or sludge associated with mining and mineral operations.

(b) A person conducting mining or mineral operations on January 23, 1995, and not governed by a plan of operations approved under 36 CFR part 9, Minerals Management, or pursuant to the terms of a Federal mineral lease, may continue to operate a solid waste disposal site within the boundaries of a