

Warrick Co. Farm Bureau Coop	RF272-93758	11/08/94
Mauston Farmers Coop Assn.	RF272-93765	
Montana-Dakota Utilities Co.	RF272-93779	

Dismissals

The following submissions were dismissed:

Name	Case No.
CSX Transportation, Inc	RF321-20757
Dennis McQuade	VFA-0006
E.C. Crosby & Sons, Inc	RF321-20695
Economy Rentals, Inc	RF272-93453
Elgin Wipf	RF321-11393
Englefield Oil Company	LEE-0148
Faulkner Bros., Inc	RF321-4676
Ferro Corporation	RF272-93208
International Business Machines Corp.	RF272-91403
McGil Specialized Carriers ...	RF321-19853
Petro Ltd	RF349-19
Ray's Gulf	RF300-13246
Rubicon Inc	RF321-18817
Sellers' Texaco	RF321-482
Wayne's Texaco	RF321-20660
Wempner's Texaco	RF321-12919

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holiday. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

February 2, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95-3139 Filed 2-7-95; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[SWH-FRL-5151-3]

Hazardous Waste Management System: Land Disposal Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval of application for a case-by-case extension of land disposal restrictions effective date.

SUMMARY: EPA is today approving the application submitted by Great Lakes Chemical Corporation (Great Lakes), requesting an extension of the June 30, 1994, effective date of the RCRA land disposal restrictions (LDR) treatment standards applicable to wastewaters with the hazardous wastes codes K117,

K118, K131, K132, and F039, to be granted such a request, the applicant must demonstrate, among other things, that there is insufficient capacity to manage its waste and that he has entered into a binding contractual commitment to construct or otherwise provide such capacity, but due to circumstances beyond its control, such capacity could not reasonably be made available by the effective date. As a result of this action, Great Lakes will be allowed to land dispose of its K117, K118, K131, K132, and F039 wastes, until June 30, 1995, without being subject to the land disposal restrictions applicable to such wastes. If warranted, EPA may grant a renewal of this extension, for up to one additional year, which, if requested and granted, would extend the effective date of the LDR for these wastestreams to June 30, 1996.

EFFECTIVE DATE: This approved extension of the LDR effective date becomes effective January 31, 1995.

ADDRESSES: The docket for this action is located at the EPA Region 6 office, 1445 Ross Avenue, Dallas, Texas 75202, and is available for review during normal business hours, 8:00 a.m. through 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline, at (800) 424-9346 (toll-free) or (703) 412-9810, in the Washington, DC metropolitan area or Gus Chavarria, Chief UIC Section, EPA—Region 6, telephone (214) 665-7166.

SUPPLEMENTARY INFORMATION:

I. Background

A. Congressional Mandate

Congress enacted the Hazardous and Solid Waste Amendments (HSWA) of 1984 to amend the Resource Conservation and Recovery Act (RCRA), to impose additional responsibilities on persons managing hazardous wastes. Among other things, HSWA required EPA to develop regulations that would impose restrictions on the land disposal of hazardous wastes. In particular, Sections 3004 (d) through (g) prohibit the land disposal of certain hazardous wastes by specified dates in order to protect human health and the environment except that wastes that meet treatment standards established by EPA are not prohibited and may be land disposed. Section 3004(m) requires EPA to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially

reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized."

In developing such a broad program, Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment, may not be available by the applicable statutory effective dates. Section 3004(h)(1) authorizes EPA to grant a variance (based on the earliest dates that such capacity will be available, but not to exceed two years) from the effective date which would otherwise apply to specific hazardous wastes. In addition, under Section 3004(h)(2), EPA is authorized to grant an additional capacity extension of the applicable deadline on a case-by-case basis for up to one year. Such an extension is renewable once for up to one additional year.

On November 7, 1986, EPA published a final rule (51 FR 40572) establishing the regulatory framework to implement the land disposal restrictions program, including the procedures for submitting case-by-case extension applications.

On August 18, 1992, EPA published a final rule (57 FR 37194, 37252), establishing treatment standards under the land disposal restrictions (LDR) program for certain listed hazardous wastes, including the following:

1. K117—Wastewaters from the reactor vent gas scrubber in the production of ethylene dibromide via the bromination of ethylene.
2. K118—Spent adsorbent solids from the purification of EDB produced by bromination of ethylene.
3. K131—Wastewater from the reactor and acid dryer from the production of methyl bromide.
4. K132—Spent adsorbent and wastewater separator solids from the production of methyl bromide.

Because of a determination that available treatment, recovery, or disposal (TRD) capacity did not exist at that time for wastewaters K117, K118, K131, and K132 that are underground injected, EPA granted a two-year national capacity variance for these wastes. The variance expired June 30, 1994. The mixture of wastes for which Great Lakes requested an extension of the LDR treatment standards also will be subject to the treatment standards for F039 since that is a component of the

mixture. (See the footnote in 59 FR 41742.)

On August 15, 1994, EPA proposed to approve the case-by-case extension application submitted by Great Lakes Chemical Corporation for the K117, K118, K131, K132 and F039 wastes generated at its main plant (EPA I.D. ARD043195429) located in El Dorado, Arkansas. (See 59 FR 41741 for details of the proposed rule.) These waters was comprised of recovered groundwater, leachates from two on-site closed landfills, and process wastewater that are mixed prior to underground injection. The proposed extension would allow Great Lakes to continue disposing of these wastes in on-site underground injection wells until June 30, 1995, while they construct a treatment unit to treat the leachates to Best Demonstrated Advanced Technology (BDAT) standards. As discussed below, only one public comment was received in response to the proposed notice. The sole commenter was Great Lakes.

B. Applicant's Demonstrations Under 40 CFR 268.5 for Case-by-Case Extension

Case-by-case extension applications must satisfy the requirements outlined in 40 CFR 268.5. EPA believes that Great Lakes, owner/operator of the El Dorado, Arkansas facility, at which a treatment unit is being constructed to provide treatment of leachates to meet BDAT standards, has made the necessary demonstrations to be granted a case-by-case extension. Based on the timeline submitted by Great Lakes, projecting completion of the leachates treatment until by June 1995, EPA is granting an extension of the current LDR effective date, until June 30, 1995. The following is a discussion of each of the seven demonstrations of 40 CFR 268.5(a)(1)-(7) made by Great Lakes: Section 268.5(a)(1). The applicant has made a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage its waste in accordance with the effective date of the applicable restriction (i.e., June 30, 1994).

Great Lakes initially asked ten hazardous waste management facilities located throughout the nation whether they could treat the waste for which the case-by-case extension is being requested. As discussed in the proposed notice, five of these facilities indicated they, collectively, had between 298,000 to 385,000 gallons per day of available treatment capacity. Thus, there may be available treatment capacity to manage approximately two-thirds of the more than 500,000 gallons per day of waste being generated by Great Lakes, for

which a case-by-case extension was requested. In order to ship these wastes off-site, however, Great Lakes would need to obtain a permit and construct a transfer facility. Consequently, although off-site treatment capacity is available to treat a portion of Great Lakes' wastewaters, EPA believes considerably less time is necessary to construct the proposed treatment system and obtain the necessary permit modifications than it would take for Great Lakes to construct facilities to transport these wastewaters to off-site treatment. As noted in its public comments, Great Lakes, subsequent to EPA's notice proposing to grant the extension sought by Great Lakes, received information that a commercial facility may have sufficient capacity to manage the full quantity of leachates being generated daily at the El Dorado, Arkansas facility. (For further information, see public comment submitted by Great Lakes in response to the proposed approval of its case-by-case extension (59 FR 41741). This information can be found in Docket No. F-94-GLCP-FFFFF.) Great Lakes, given its extensive previous experience in evaluating the feasibility of using biological treatment for this waste, has expressed reservations regarding the acceptability of such treatment. In any case, as pointed out by Great Lakes, use of this treatment capacity, even if technically acceptable, poses the same permitting and construction requirements needed to use capacity at any other off-site commercial facility. Therefore, EPA continues to agree that the lack of transfer facilities needed by Great Lakes to use the available treatment capacity off-site to treat the wastes generated at its El Dorado, Arkansas facility provide an adequate basis to fulfill the requirements of this demonstration. Section 268.5(a)(2). The applicant has entered into a binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity that meets the treatment standards specified in 40 CFR Part 268, subpart D or, where treatment standards have not been specified, such treatment, recovery, or disposal capacity is protective of human health and the environment.

Great Lakes provided EPA with sufficient documentation, including purchase orders for equipment and a contract for the installation of equipment and the construction of the treatment system demonstrating that it is fully committed to construction of the necessary on-site treatment capacity. EPA is convinced that Great Lakes is making a good-faith effort to construct a treatment unit that will treat the K117,

K118, K131, K132, and K039 wastes generated at its El Dorado, Arkansas facility to BDAT standards. Another issue discussed in the proposed notice was EPA's recent proposal to list certain 2,4,6-tribromophenol (TBP) wastes as hazardous wastes and to add these wastes to the list of hazardous constituents in appendix VIII of 40 CFR part 261 (see 59 FR 24530, May 11, 1994). In its comments submitted in response to EPA's proposed approval of the case-by-case extension, Great Lakes noted that these TBP wastes are not and have never been generated at the El Dorado facility. EPA believes Great Lakes has provided the necessary documentation to meet the requirements of this demonstration.

Section 268.5(a)(3). Due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date. This demonstration may include a showing that the technical and practical difficulties associated with providing the alternative capacity will result in the capacity not being available by the applicable effective date.

As discussed in the proposed notice of approval of the Great Lakes application for a case-by-case extension of the LDR effective date, EPA believes that Great Lakes has made a good-faith effort to provide treatment capacity by the effective date. Great Lakes has aggressively pursued the development of technology capable of treating their wastes to BDAT standards. EPA believes Great Lakes has acted in good faith to provide the necessary treatment capacity but that such capacity could not reasonably be made available by June 30, 1994, the effective date of the land disposal restriction for these wastes. As such, EPA believes this demonstration of non-availability of capacity, due to circumstances beyond the applicant's control, is adequate for the purposes of this demonstration.

Section 268.5(a)(4). The capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application.

Great Lakes has shown that the treatment system to be constructed at its El Dorado, Arkansas facility has a design capacity of 28,800 gallons per day (20 gallons per minute) and thus has adequate capacity to treat the leachates that exceed BDAT treatment standards, generated at a rate of up to 10 gallons/minute, prior to its being managed by underground injection. Great Lakes believes that treatment of these leachates to BDAT standards will allow the remaining portion of the

500,000 gallons/day of generated wastes covered by this extension (i.e., those wastes currently mixed with the leachates) to meet BDAT standards without further treatment. As such, the planned treatment system is expected to have sufficient treatment capacity. Thus, EPA believes that Great Lakes has adequately demonstrated that the treatment unit to be constructed will provide the necessary treatment capacity to treat the entire quantity of these leachates for which Great Lakes is requesting a case-by-case extension.

Section 268.5(a)(5). The applicant provides a detailed schedule for obtaining operating and construction permits or an outline of how and when alternative capacity will be available.

Great Lakes has provided EPA with a detailed schedule for the construction and permitting of the treatment system to be constructed at its El Dorado, Arkansas facility. Although Great Lakes had planned to begin construction of the treatment system in March 1994, final approval of required State permits has not yet been received. Great Lakes continues to believe that the leachate treatment unit will achieve full operational status by June 30, 1995. EPA believes that Great Lakes has provided the necessary construction and permitting milestones for bringing its treatment system on-line and therefore meets the requirements of this demonstration.

Section 268.5(a)(6). The applicant has arranged for adequate capacity to manage its waste during an extension, and has documented the location of all sites at which the waste will be managed.

During the approved extension period, Great Lakes will inject these wastes into its on-site Class I wells it has been using for this purpose. Great Lakes has shown that these wells will have the necessary capacity available to manage these wastes during the approved extension. EPA believes that Great Lakes has met the requirements of this demonstration.

Section 268.5(a)(7). Any waste managed in a surface impoundment or landfill during the extension period will meet the requirements of 40 CFR 268.5(h)(2).

Great Lakes will not be using any surface impoundments or landfills to manage this waste during the extension period.

II. Response to Comments

Only one public comment was submitted in response to EPA's notice to propose approval of the case-by-case application submitted by Great Lakes. This sole comment was submitted by

the applicant, Great Lakes. Where appropriate in this notice, EPA has noted and addressed those issues raised by the applicant in its comments.

III. Consultation With State

In accordance with 40 CFR 268.5(e), EPA consulted with the State of Arkansas (Arkansas Department of Pollution Control and Ecology) to determine if the State had any permitting, enforcement, or other concerns regarding this respective facility that EPA should take into consideration in deciding to grant or deny Great Lakes' application for a case-by-case extension of the LDR effective date. The State of Arkansas encouraged EPA to approve the case-by-case application submitted by Great Lakes.

IV. EPA's Action

EPA believes that Great Lakes has made and is continuing to make a good-faith effort towards providing sufficient and appropriate treatment capacity for the K117, K118, K131, K132, and F039 wastes that are the subject of its case-by-case application. Therefore, EPA is approving an extension of the applicable LDR effective date for these wastes generated at the El Dorado, Arkansas facility, until June 30, 1995. As such, these wastes may be managed by underground injection until June 30, 1995 (unless the extension is renewed for up to one additional year, in which case the extension would expire no later than June 30, 1996), which the proposed treatment system is being constructed. This extension remains in effect unless the facility fails to make a good-faith effort to meet the schedule for completion, the Agency denies or revokes any required permit, conditions certified in the application change, or the facility violates any law or regulations implemented by EPA.

Having been granted this case-by-case extension of the LDR effective date, Great Lakes must immediately notify EPA of any change in the demonstrations made in the petition (40 CFR 268.5(f)). Great Lakes must also submit monthly progress reports that describe the progress being made towards obtaining adequate alternative capacity, identify any delay or possible delay in developing the capacity, and describe the mitigating actions being taken in response to the event (40 CFR 268.5(g)). (Sections 1006, 2002(a), 3001, and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924)).

Dated: January 31, 1995

O. Thomas Love,

Acting Director, Water Management Division.
[FR Doc. 95-3116 Filed 2-7-95; 8:45 am]

BILLING CODE 6560-50-P

[OPP-00401A; FRL-4935-7]

FIFRA Scientific Advisory Panel; Open Meeting; Change of Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: In the **Federal Register** of January 25, 1995, EPA announced a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) Subpanel on Plant Pesticides to review a set of scientific issues being considered by the Agency in connection with Monsanto's application for registration of a transgenic plant pesticide. This notice announces an agenda modification to the meeting. The Agency's original agenda focussed on the plant pesticide containing the active ingredient *Bacillus thuringiensis* subsp. tenebrionis delta endotoxin protein as produced by the CryIIIa gene and its controlling sequences in potatoes. The discussion will now include risk issues associated with the production of *Bacillus thuringiensis* tenebrionis delta endotoxin in other plants.

DATES: The meeting will be held on Wednesday, March 1, 1995, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at: Crystal Mall #2, 11th Floor Conference Room (Fish Bowl), 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: By mail: Robert B. Jaeger, Designated Federal Official, FIFRA Scientific Advisory Panel (7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 819B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5369 or 7351.

Copies of documents may be obtained by contacting: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128 Bay, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5805 or 5454.

SUPPLEMENTARY INFORMATION: For additional information concerning data