National Park Service, Interior

§ 6.4 Solid waste disposal sites not in operation on September 1, 1984.

(a) No person may operate a solid waste disposal site within the boundaries of a National Park System unit that was not in operation on September 1, 1984, unless the operator has shown and the Regional Director finds that:

(1) The solid waste is generated solely from National Park Service activities conducted within the boundaries of that unit of the National Park System;

(2) There is no reasonable alternative site outside the boundaries of the unit suitable for solid waste disposal;

(3) The site will not degrade any of the natural or cultural resources of the unit;

(4) The site meets all other applicable Federal, State and local laws and regulations, including permitting requirements;

(5) The site conforms to all of the restrictions and criteria in 40 CFR 257.3-1 to 257.3-8, and 40 CFR part 258, subparts B, C, D, E and F;

(6) The site will not be used for the storage, handling, or disposal of a solid waste containing:

(i) Hazardous waste;

(ii) Municipal solid waste incinerator ash;

(iii) Lead-acid batteries;

(iv) Polychlorinated Biphenyls (PCBs) or a PCB Item;

(v) A material registered as a pesticide by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) Sludge from a waste treatment plant, septic system waste, or domestic sewage;

(vii) Petroleum, including used crankcase oil from a motor vehicle, or soil contaminated by such products;

(viii) Non-sterilized medical waste;

(ix) Radioactive materials; or

(x) Tires;

(7) The site is located wholly on non-federal lands, except for NPS operated sites in units where nonfederal lands are unavailable, or unsuitable and there is no practicable alternative;

(8) The site is not located within the 500 year floodplain, or in a wetland;

(9) The site is not located within one mile of a National Park Service visitor center, campground, ranger station, entrance station, or similar public use facility, or a residential area;

(10) The site will not be detectable by the public by sight, sound or odor from a scenic vista, a public use facility, a designated or proposed wilderness area, a site listed on, or eligible for listing on, the National Register of Historic Places, or a road designated as open to public travel;

(11) The site will receive less than 5 tons per day of solid waste, on an average yearly basis; and

(12) The proposed closure and post-closure care is sufficient to protect the resources of the National Park System unit from degradation.

(b) A person proposing to operate a solid waste disposal site that was not in operation on September 1, 1984, must submit a request for a permit to the proper Superintendent for review by the Regional Director demonstrating that the solid waste operation meets the
(c) If the Regional Director finds that the permit request and environmental report do not meet the conditions of approval set forth in paragraph (a) of this section, the Regional Director must reject the application and notify the proposed operator of the reasons for the rejection.

§ 6.5 Solid waste disposal sites in operation on September 1, 1984.

(a) The operator of a solid waste disposal site in operation as of September 1, 1984, within the boundaries of a unit of the National Park System, having been in continuous operation on January 23, 1995, and who wishes to remain in operation, must submit to the proper Superintendent for review by the Regional Director, within 180 calendar days of January 23, 1995, a permit request and an environmental report as described in § 6.4(b) (1)–(9).

(b) Any operator who fails to submit a request as described in paragraph (a) of this section will not be allowed to continue operations and must immediately fulfill all applicable closure and post-closure care requirements. If the Regional Director may approve a request to allow the continued use of a solid waste disposal site only if the operator has shown and the Regional Director finds that:

(1) Adverse effects resulting from leachate, noise, odor, vehicular traffic, litter and other activities upon natural and cultural resources will be adequately mitigated;

(2) The proposed operator meets all other applicable Federal, State and local laws and regulations, including permit requirements;

(3) The site will no longer be used for the storage, handling or disposal of a solid waste containing:

(i) Hazardous waste;

(ii) Municipal solid waste incinerator ash;

(iii) Lead-acid batteries;