

## National Park Service, Interior

## § 6.4

household, including, but not limited to, food waste, yard waste and ashes, but not including metal or plastic.

*Solid waste* means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, and contained gaseous material resulting from industrial, commercial, mining and agricultural operations or from community activities. "Solid waste" does not include a material listed under 40 CFR 261.4(a).

*Solid waste disposal site* means land or water where deliberately discarded solid waste, as defined above, is discharged, deposited, injected, dumped, spilled, leaked, or placed so that such solid waste or a constituent thereof may enter the environment or be emitted into the air or discharged into waters, including ground waters. Solid waste disposal sites include facilities for the incineration of solid waste and transfer stations. Facilities for the management of compostible materials are not defined as solid waste disposal sites for the purposes of this part.

### § 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 Regional Director demonstrating that the solid waste operation meets the

## §6.5

## 36 CFR Ch. I (7-1-10 Edition)

criteria in paragraph (a) of this section. The following information must be included in a permit request:

(1) A map or maps, satisfactory to the Regional Director, that adequately shows the proposed area of solid waste disposal, size of the area in acres, existing roads and proposed routes to and from the area of operations and the location and description of surface facilities;

(2) The name and legal addresses of the following:

(i) Owners of record of the land; and  
(ii) Any lessee, assignee or designee of the owner, if the proposed operator is not the owner of the land;

(3) The mode and frequency (in number of trips per day) of transport and size and gross weight of major vehicular equipment to be used;

(4) The amount of solid waste to be received, in average tons per day and average cubic yards per day;

(5) The estimated capacity of the site in cubic yards and tons;

(6) A detailed plan of the daily site operations;

(7) A plan for the reclamation and post closure care of the site after completion of solid waste disposal;

(8) Evidence that the proposed operator has obtained all other Federal, State and local permits necessary for solid waste disposal; and

(9) An environmental report that includes the following:

(i) A description of the natural and cultural resources and visitor uses to be affected;

(ii) An assessment of hydrologic conditions of the disposal site with projections of leachate generation, composition, flow paths and discharge areas and geochemical fate of leachate constituents;

(iii) An analysis of the quantitative and qualitative extent to which natural and cultural resources will be affected based on acceptable and appropriate monitoring of existing resource conditions;

(iv) Steps to be taken by the operator to prevent degradation of air and water quality, to manage pests and vermin, and to minimize noise, odor, feeding by native wildlife and conflicts with visitor uses;

(v) An analysis of alternative locations and methods for the disposal of the solid waste; and

(vi) Any other information required by the Regional Director to effectively analyze the effects that the proposed solid waste disposal site may have on the preservation, management and public use of the unit.

(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.

(c) 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;