Dated: March 6, 1979.

THOMAS C. JORLING,
Assistant Administrator.

[FR Doc. 79-7304 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1073-1]

DISPOSAL OF PCB CONTAMINATED SOIL AND DEBRIS; CITIZENS' PETITION

Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Request for comments on citizen's petition.

SUMMARY: The Environmental Protection Agency (EPA) requests comments from interested persons regarding a citizens' petition filed by the State of North Carolina requesting an amendment of the PCB Marking and Disposal Rule (40 CFR 761, 43 FR 7150-7184, February 17, 1978) to provide EPA Regional Administrators the discretion to approve additional disposal methods for soil and debris contaminated with PCBs. Currently, the regulations only authorize EPA-approved high temperature incineration or chemical waste landfills for disposal of such materials. Comments will aid the Agency in responding to this petition. The complete petition is included in the SUPPLEMENTARY INFORMATION, below.

DATE: Comments should be submitted by April 11, 1979.

ADDRESS: Comments on the petition should be sent to: Office of Toxic Substances, TS-794, United States Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Attention: Harold J. Snyder, Jr. (Re: North Carolina Petition).

FOR FURTHER INFORMATION CONTACT:

Harold J. Snyder, Jr., address as above, Phone: (202) 755-8023.

SUPPLEMENTARY INFORMATION: On February 6, 1979, the State of North Carolina submitted to the EPA a "Petition for Amendment of a Rule under TOSCA" pursuant to section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620. Under TSCA, EPA has 90 days to respond to this citizen's petition. This petition is related to the current controversy in North Carolina over disposal of soil and debris contaminated by a PCB dumping incident which occurred along more than 200 miles of highway.

All comments filed in response to this notice will be available for viewing and copying from 8 a.m. to 4 p.m., Monday through Friday (excluding holidays) in Room 709, East Tower, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone: (202) 755-6958.

The petition reads as follows:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF THE ADMINISTRATOR

PETITION FOR AMENDMENT OF A RULE UNDER TOSCA

To: Douglas M. Costle, Administrator, United States Environmental Protection Agency.

Pursuant to Section 21 of the Toxic Substances Control Act, P.L. 94-469, (hereinafter TOSCA) the State of North Carolina hereby petitions the Administrator to amend 40 CFR 761.10(b) to allow the Regional Administrators discretion to approve additional methods of disposal for soil and debris which have been contaminated by PCB's as a result of a spill.

NECESSITY FOR AMENDMENT

The current rule regarding soil and debris contaminated with PCB's restricts the methods of disposal to incineration or chemical waste landfill. On the other hand dredge spoils and municipal sewage treatment sludge may be disposed of by incineration, landfilling, or by a method to be determined be a Regional Administrator upon a finding that one of the specifically authorized methods is not reasonable or appropriate.

It is the contention of the State of North Carolina that the Regional Administrators should be given the same latitude to approve alternate methods of disposal for PCB contaminated soil and debris. It is North Carolina's view that in certain circumstances disposal of soil and debris by incineration or landfill is inappropriate and unreasonable for technical, environmental or economic reasons.

The Environmental Protection Agency modified its proposed regulations for PCB disposal during the hearing and comment phase of the rulemaking to allow discretion to Regional Administrators to approve alternate methods of disposal of municipal sewage treatment sludge and dredge spoil. In the explanation of its modification Environmental Protection Agency stated:

"These changes respond to comments that the proposed disposal requirements lacked necessary flexibility and would be impossible to comply with where * * * very large quantities of material contaminated at a low level with PCB's were concerned." FEDERAL REGISTER, Vol. 43, No. 34, p. 7152. North Carolina believes that alternate methods of disposal for large volumes of soil and debris contaminated at low levels should be reviewed in the same light as dredge spoil and sewage sludge.

PROPOSED AMENDMENTS

North Carolina proposes that the Environmental Protection Agency adopt one of the following amendments to 40 CFR 761.10(b) or any similar amendment which will give the Regional Administrator discretion to approve additional methods of disposal of large quantities of soil and debris contaminated at low levels with PCB's.

(1) Amend 40 CFR 761.10(b)(3) to add a new sub subdivision (iii) as follows:

"(iii) Upon application, a disposal method to be determined by the Agency's Regional Administrator in the EPA Region in which the PCB mixture is located. Applications for disposal in a manner other than prescribed in (i) or (ii) above must be made in writing to the Regional Administrator. The application must contain information that disposal in an incinerator or chemical waste landfill is not reasonable and appropriate, based on technical, environmental or economic considerations and information that the alternate disposal method will provide adequate protection to health and the environment. The Regional Administrator may request other information he or she believes to be necessary for evaluation of the alternate disposal method(s). Any approvals by the Regional Administrator shall be in writing and may contain any appropriate limitations on the approved alternate method for disposal. In addition to these regulations to ensure that the discharges of soil and debris which can be defined as PCB mixtures are adequately controlled to protect the environment from all contaminants contained therein. The person to whom such approval is issued must comply with all limitations contained in the approval."

(2) Amend 40 CFR 761.10(b)(4) by rewriting the portion thereof that precedes sub subdivision (i) as follows:

"(4) All dredge spoils and municipal sewage treatment sludges, that are PCB mixtures and all soil and debris of more than 10 thousand cubic yards which have been contaminated with PCB's as a result of a spill or series of spills shall be disposed of."

CONCLUSION

The petitioner requests the Administrator to promptly commence an appropriate proceeding in accordance with section 9 of the Toxic Substances Control Act to amend 40 CFR 761.10(b) as proposed herein.

This the 2d day of February, 1979.

Respectfully submitted,

JAMES B. HUNT, JR.,
Governor.

RUFUS L. EDMISTEN,
Attorney General.

HERBERT L. HYDE,
Secretary of Crime Control and Public Safety.

W. A. RAINEY, JR.,
Special Deputy Attorney General, North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602, (919) 733-5725.

EPA invites comment from all interested parties.

Dated: March 7, 1979.

STEVEN JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 79-7305 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1073-4; PP 9G2069/T161]

PESTICIDE PROGRAMS

Notice of Establishment of a Temporary Tolerance; Glyphosate

Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO

MONS 011349