

§6.11

36 CFR Ch. I (7-1-02 Edition)

(c) Upon approval of a request to operate a new, or continue an existing, solid waste disposal site, an operator who is not described in paragraphs (a) or (b) of this section must file with the Regional Director a suitable performance bond with satisfactory surety, payable to the Secretary of the Interior or the Secretary's designee. The bond must be conditioned upon faithful compliance with all applicable laws and regulations, and the permit requirements as approved. When bonds are to serve as security, an operator must provide a power of attorney to the Secretary or the Secretary's designee. The bond must be issued by a surety company listed and approved by the Department of the Treasury.

(d) In lieu of a performance bond, an operator may deposit with the Secretary or the Secretary's designee cash or negotiable bonds of the United States Government. The cash deposit or the market value of such securities must be at least equal to the required sum of the bond(s).

(e) The bond or security deposit will be established by the Regional Director in an amount equal to the estimated cost to accomplish all closure and post-closure care requirements as described in 40 CFR part 258, subpart F, but in no case less than \$25,000.

(f) The responsibility and liability of the operator (and the surety, if any) under the bond or security deposit must continue until the Regional Director determines that closure and post-closure care have been completed in accordance with the permit requirements. No portion of the performance bond or security deposit may be released until such a determination has been made.

(g) Within 30 calendar days after the Regional Director determines that all closure and post-closure care requirements have been successfully completed according to the permit, the Regional Director will notify the operator (and the surety, if any) that liability under the bond or security deposit has been terminated and the bond or security deposit released.

§6.11 Appeals.

(a) An applicant aggrieved by a decision of the Regional Director with re-

gard to a permit request under this part may appeal, in writing, to the Director for reconsideration. The aggrieved applicant must file the appeal with the Director within 45 calendar days of notification to the applicant of the decision complained of. The appeal must set forth in detail the respects to which the decision of the Regional Director is contrary to, or in conflict with, the facts, the law, this part, or is otherwise in error.

(b)(1) Within 45 calendar days after receiving the written appeal of the aggrieved applicant, the Director will make a decision in writing. The Director's decision will include:

- (i) A statement of facts;
- (ii) A statement of conclusions; and
- (iii) an explanation of the reasons upon which the conclusions are based.

(2) The decision of the Director will constitute the final administrative action of the National Park Service.

§6.12 Prohibited acts and penalties.

(a) The following are prohibited:

(1) Operating a solid waste disposal site without a permit issued under §6.9 or, where applicable, without approval granted under §6.7(c);

(2) Operating a solid waste disposal site without the proper amount or form of bond or security deposit, as prescribed by the Regional Director, when such a bond or security deposit is required by this part;

(3) Operating a solid waste disposal site in violation of a term or a requirement of a National Park Service issued permit; or

(4) Operating a solid waste disposal site in violation of 40 CFR Parts 257 or 258, or in violation of the equivalent State law or regulation.

(b) A person who violates a provision of paragraph (a) of this section is subject to:

(1) The penalty provisions of 36 CFR 1.3; and/or

(2) Revocation of the permit by the Regional Director if a permit exists; and/or

(3) Forfeiture of a bond or security deposit if a bond or security deposit is required under §6.10.