

National Park Service, Interior

§ 6.10

waste minimization goals established by the NPS.

§ 6.9 Permits.

(a) A permit issued under this section is required to operate a solid waste disposal site within the boundaries of a unit of the National Park System, except as specified in § 6.2(c) or § 6.7(c).

(b) Upon receipt of a request under § 6.4, § 6.5 or § 6.6, the Regional Director will analyze whether a new site, or continued operation of an existing site, meets the approval conditions of § 6.4, or § 6.5 respectively. The Regional Director will also review the request under appropriate laws and executive orders, including, but not limited to the National Environmental Policy Act (43 U.S.C. 4321), the National Historic Preservation Act (16 U.S.C. 470), the Endangered Species Act (16 U.S.C. 1531-1543), and E.O. 11988, Floodplain Management (3 CFR, 1978 Comp., p. 117), and E.O. 11990, Wetland Protection (3 CFR, 1978 Comp., 121).

(c) The Regional Director must approve or deny a solid waste disposal site request under this part within 180 calendar days of receipt of the request. The 180 calendar days do not include any days required for consultation with State or Federal agencies under, but not limited to, the Endangered Species Act, the National Historic Preservation Act and the Coastal Zone Management Act, or days required to prepare an Environmental Impact Statement under the National Environmental Policy Act.

(d) If the Regional Director approves a solid waste disposal site request under § 6.4, § 6.5 or § 6.6, the Regional Director may issue, after operator compliance with § 6.10, a nontransferable permit, the term of which shall not exceed five years. The permittee may request a new five year permit upon expiration of an existing permit. The permit instrument will be Form 10-114 (OMB No. 1024-0026), Special Use Permit, available from the park Superintendent.

(e) A permit for a solid waste disposal site will prescribe the site capacity and the requirements under which the solid waste disposal site will be operated. The requirements must include, but are not limited to:

- (1) Hours of operation;
- (2) Number, frequency, size, gross weight and types of vehicles used, and access routes;
- (3) Type and height of perimeter fencing;
- (4) Compliance with all applicable Federal, State and local laws and regulations, including permit requirements;
- (5) Type and frequency of groundwater, surface water, explosive gas and other pertinent natural resource monitoring;
- (6) Rights and conditions of access for inspection by National Park Service and other responsible Federal, State or local officials;
- (7) Closure and post-closure care requirements;
- (8) Methods of pest and vermin control;
- (9) Methods of excluding hazardous waste, municipal solid waste incinerator ash, lead-acid batteries, PCBs and PCB Items, material registered by the Environmental Protection Agency as a pesticide, sludge from a waste treatment plant or septic system, domestic sewage, petroleum, including used crankcase oil from a motor vehicle and soil contaminated by such products, medical waste, radioactive materials and tires;
- (10) Methods of excluding waste generated from non-National Park Service activities, except for a solid waste disposal site approved under § 6.5, or § 6.6, or § 6.7(c); and
- (11) Methods of litter control.

(f) Any conflict between a requirement of the permit issued by the National Park Service and a requirement of State or local law will be resolved in favor of the stricter of the two requirements.

§ 6.10 Financial assurance.

(a) The Regional Director will not require a bond or security deposit for a solid waste disposal site for which the operator has established a bond under 40 CFR 258.74(b).

(b) The Regional Director will not require a bond or security deposit for a solid waste disposal site whose owner or operator is a State entity whose debts and liabilities are the debts and liabilities of a State.