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Gary



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

APR 2 1996

Mr. James V. Surwilo
Agency of Natural Resources
Department of Environmental Conservation
Waste Management Division
103 South Main Street
Waterbury, Vermont 05671-0404

Dear Mr. Surwilo:

This letter is in response to your letter of February 3, 1996, to Ms. Betsy Davis concerning possible revisions to Vermont's Solid Waste Management Rules and how those revisions might affect the previous Adequacy Determination made by EPA.

In your letter you made reference to Section 239.12 of the draft and asked if it had been finalized. On January 26, 1996, EPA published as a proposed rule (61FR2584) Subtitle D Regulated Facilities; State/Tribal Permit Program Determination of Adequacy; State/Tribal Implementation Rule (STIR). I have enclosed a copy for your use. The comment period for this proposed rule ends on April 25, 1996. The proposed rule modifies the earlier draft STIR; however, the Agency does not expect any disruption of previously approved programs.

We agree with your assessment that it may be preferable for Vermont to submit to the Regional Administrator a complete package of all proposed rules. This would allow the Regional Administrator, in accordance with 239.12 (e) the opportunity to make a determination whether the State Director must submit a revised application. If this is necessary, the Regional Administrator will inform the State Director in writing, specifying the required revisions and establishing a schedule for submission of the revised application.

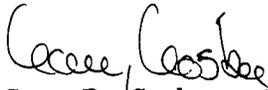
Relative to your brainstorming idea about streamlining the post-closure care process, our initial thought was that this change might not constitute a change that would require a revised application. The final decision would rest with formal notification by the State in accordance with 239.12(d) and our formal response as discussed earlier. However, it appears that Vermont's existing rules in this area are more stringent than the EPA Part 258 provisions and what the State may propose would remain more stringent. If this is the case, a revised application would not appear necessary.



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I apologize for the delay in getting back to you. The Subtitle D STIR Program is a new responsibility for me and I had to research information which took time. Please submit any correspondence relative to this issue to my attention with a copy to Ms. Davis. If you require, additional clarification or assistance please contact me at (617) 565-3725.

Sincerely,



Gary B. Gosbee, Chief
Hazardous Waste Program Unit
Office of Ecosystem Protection

enclosure:

cc: Betsy Davis, EPA, OEP, VT Unit
Kevin McSweeney, EPA, OEP