

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-7480-7]

RIN 2090-AA29

Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, NY

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental proposal; request for comment.

SUMMARY: The Environmental Protection Agency is publishing this site-specific proposal, which supplements the previously published proposed rule for this pilot project under the Project eXcellence and Leadership Program (Project XL). This supplemental proposal is being issued in light of new data received by EPA concerning the cadmium levels in the wastewater treatment sludge that is the focus of this site-specific rulemaking. In particular, this rulemaking effort will allow for the implementation of a pilot project under Project XL that will provide site-specific regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), as amended, for the International Business Machines Corporation (IBM) East Fishkill semiconductor manufacturing facility in Hopewell Junction, New York. The principal objective of this pilot project is to determine whether the wastewater treatment sludge resulting from the treatment of wastewaters from electroplating operations (and therefore meeting the listing description for F006 Hazardous Waste) at IBM's East Fishkill facility may be used as an ingredient in the manufacture of cement in an environmentally sound manner without RCRA regulatory controls.

DATES: Public Comments: Comments on this supplemental proposal must be received on or before May 14, 2003. All comments should be submitted in writing or electronically according to the directions below in the

SUPPLEMENTARY INFORMATION section.

Public Hearing: Commenters may request a public hearing on or before April 28, 2003, and should specify the basis for the request. If EPA determines there is sufficient reason to hold a public hearing, it will do so by May 5, 2003, during the last week of the public comment period. Requests for a public hearing should be submitted according to the information below in the **ADDRESSES** section. If a public hearing is

scheduled, the date, time, and location will be available through a **Federal Register** document or by contacting Mr. Sam Kerns at the U.S. EPA Region 2 office (*see FOR FURTHER INFORMATION CONTACT* section, below).

ADDRESSES: Comments may be submitted electronically, by mail, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section.

Request for a Hearing: Requests for a hearing should be mailed to the Environmental Protection Agency, EPA Docket Center (EPA/DC), RCRA Docket (5305T), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please send an original and two copies of all comments, and refer to Docket Number F-2002-IB3P-FFFFF. A copy should also be sent to Mr. Sam Kerns at the U.S. EPA Region 2 office. Mr. Kerns may be contacted at the following address: U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866, (212) 637-4139.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Kerns, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866. Mr. Kerns can be reached at (212) 637-4139 (or kerns.sam@epa.gov). Further information on today's action may also be obtained on the world wide web at <http://www.epa.gov/projectxl/>.

SUPPLEMENTARY INFORMATION:

Outline of Today's Supplemental Proposal

The information presented in this preamble is organized as follows:

- I. General Information
 - A. How Can I get Copies of This Document and other Related Information?
 - B. How and To Whom Do I Submit Comments?
 - C. How Should I Submit CBI to the Agency?
 - D. What Should I Consider as I Prepare My Comments for EPA?
- II. Authority
- III. Background
 - A. How does this Supplemental Proposal relate to the original proposal published on June 6, 2001 (66 FR 30349)?
 - B. Brief Summary of the June 6, 2001 Proposed Rule
- IV. Discussion of Certain Comments Received on the June 6, 2001 Proposed Rule
 - A. Shenandoah Road Superfund Site Stakeholders
 - B. Environmental Technology Council
- V. Discussion of the Change From the June 6, 2001 Proposed Rule
- VI. Statutory and Executive Order Reviews
 - A. Executive Order 12866
 - B. Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996
 - C. Paperwork Reduction Act

- D. Unfunded Mandates Reform Act
- E. Executive Order 13132
- F. Executive Order 13175
- G. Executive Order 13045
- H. Executive Order 13211
- I. National Technology Transfer and Advancement Act of 1995
- J. Executive Order 12898
- VII. RCRA & Hazardous and Solid Waste Amendments of 1984
 - A. Applicability of Rules in Authorized States
 - B. Effect on New York

I. General Information

A. How Can I Get Copies of This Document and Other Related Information?

I. Docket. EPA has established an official public docket for this action under Docket ID No. F-2002-IB3P-FFFFF. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the RCRA Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1742, and the telephone number for the RCRA Docket is (202) 566-0270. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cents per page.

II. Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not