

## §§ 5.11–5.12 [Reserved]

## § 5.13 Nuisances.

The creation or maintenance of a nuisance upon the federally owned lands of a park area or upon any private lands within a park area under the exclusive legislative jurisdiction of the United States is prohibited.

## § 5.14 Prospecting, mining, and mineral leasing.

Prospecting, mining, and the location of mining claims under the general mining laws and leasing under the mineral leasing laws are prohibited in park areas except as authorized by law.

## PART 6—SOLID WASTE DISPOSAL SITES IN UNITS OF THE NATIONAL PARK SYSTEM

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AUTHORITY: 16 U.S.C. 1, 3, 4601-22(c).

SOURCE: 59 FR 65957, Dec. 22, 1994, unless otherwise noted.

## § 6.1 Purpose.

(a) The regulations contained in this part prohibit the operation of any solid waste disposal site, except as specifically provided for, and govern the continued use of any existing solid waste disposal site within the boundaries of any unit of the National Park System.

(b) The purpose of the regulations in this part is to ensure that all activities within the boundaries of any unit of the National Park System resulting from the operation of a solid waste disposal site are conducted in a manner to prevent the deterioration of air and water quality, to prevent degradation of natural and cultural, including ar-

cheological, resources, and to reduce adverse effects to visitor enjoyment.

(c) The regulations in this part interpret and implement Pub. L. 98-506, 98 Stat. 2338 (16 U.S.C. 4601-22(c)).

## § 6.2 Applicability and scope.

(a) The regulations contained in this part apply to all lands and waters within the boundaries of all units of the National Park System, whether federally or nonfederally owned, and without regard to whether access to a solid waste disposal site requires crossing federally-owned or controlled lands or waters.

(b) The regulations contained in this part govern:

(1) The use of solid waste disposal sites not in operation on September 1, 1984, including the approval of new solid waste disposal sites;

(2) The continued use or closure of solid waste disposal sites that were in operation on September 1, 1984;

(3) The continued use or closure of solid waste disposal sites on lands or waters added to the National Park System after January 23, 1995.

(c) Exceptions.

(1) The regulations contained in this part do not govern the disposal of residential or agricultural solid wastes in a site by a person who can show that he or she:

(i) Resides within the boundaries of the unit;

(ii) Generates the residential or agricultural solid waste within the boundaries of the unit;

(iii) Disposes of the solid waste only on lands that the person owns or leases within the unit;

(iv) Does not engage in a solid waste disposal practice that poses a reasonable probability of adverse effects on health or the environment, as described by the criteria in 40 CFR part 257, Criteria For Classification Of Solid Waste Disposal Facilities and Practices found at 40 CFR 257.3-1 to 257.3-8; and

(v) Is not required to possess a State or local permit or license for the disposal of solid waste.

(2) The exemption in paragraph (c)(1) of this section does not apply to agricultural solid waste consisting of a chemical used as a pesticide, an item

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used to apply, or a container used to store, a pesticide.

(3) Manure and crop residue returned to the soil as a fertilizer or soil conditioner are not solid wastes for purposes of this part, and do not require a request, environmental report, financial assurance or permit issued under this part.

(d) The conditions in § 6.4(a) govern the establishment of new, or the expansion of existing, solid waste disposal sites operated by the National Park Service. The conditions in § 6.5(c) govern the continued use of existing solid waste disposal sites operated by the National Park Service. However, the permit, financial assurance, administrative and penalty provisions of this part do not apply to any solid waste disposal site operated by the National Park Service.

#### § 6.3 Definitions.

The following definitions apply to this part:

*Agricultural solid waste* means solid waste that is generated by the rearing or harvesting of animals, or the producing or harvesting of crops or trees.

*Boundaries* means the limits of lands or waters that constitute a unit of the National Park System as specified by Congress, denoted by Presidential Proclamation, recorded in the records of a State or political subdivision in accordance with applicable law, published pursuant to law, or otherwise published or posted by the National Park Service.

*Closure and Post-closure care* means all of the requirements prescribed by 40 CFR part 258, Criteria For Municipal Solid Waste Landfills at 40 CFR 258.60 and 258.61.

*Compostible materials* means organic substances that decay under natural and/or human-assisted conditions within relatively short time intervals, generally not in excess of ninety days.

*Degrade* means to lessen or diminish in quantity, quality or value.

*Hazardous waste* means a waste defined by 40 CFR part 261, Identification And Listing Of Hazardous Waste. Hazardous waste does not include any solid waste listed under 40 CFR 261.4(b).

*Leachate* means liquid that has percolated through solid waste and has ex-

tracted, dissolved or suspended materials in it.

*Mining overburden* means material overlying a mineral deposit that is removed to gain access to that deposit.

*Mining wastes* means residues that result from the extraction of raw materials from the earth.

*National Park Service activities* means operations conducted by the National Park Service or a National Park Service contractor, concessionaire or commercial use licensee.

*National Park System* means any area of land or water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational or other purposes.

*Natural resource* means the components of a park, both biotic and abiotic, including but not limited to, vegetation, wildlife, fish, water, including surface and ground water, air, soils, geological features, including subsurface strata, the natural processes and interrelationships that perpetuate such resources, and attributes that contribute to visitor enjoyment.

*Operator* means a person conducting or proposing to conduct the disposal of solid waste.

*PCBs or PCB item* means an item as defined in 40 CFR part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution In Commerce, And Use Prohibitions at 40 CFR 761.3(x).

*Residential solid waste* means waste generated by the normal activities of a household, including, but not limited to, food waste, yard waste and ashes, but not including metal or plastic.

*Solid waste* means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, and contained gaseous material resulting from industrial, commercial, mining and agricultural operations or from community activities. "Solid waste" does not include a material listed under 40 CFR 261.4(a).

*Solid waste disposal site* means land or water where deliberately discarded solid waste, as defined above, is discharged, deposited, injected, dumped, spilled, leaked, or placed so that such