

US EPA ARCHIVE DOCUMENT



Environmental Fact Sheet

EPA Proposes Rule to Allow States to Issue Research Development and Demonstration Permits for Municipal Solid Waste Landfills

The Environmental Protection Agency (EPA) is proposing this action to add new provisions to the Criteria for Municipal Solid Waste Landfills (MSWLFs) that will allow approved states to issue research, development and demonstration (RD&D) permits for landfill operations. Today's action will allow State Directors of approved states to issue permits waiving specific requirements of the municipal solid waste landfill criteria in order to promote innovative technologies, provided landfill operators demonstrate there will be no increased risk to human health or the environment.

Background

On October 9, 1991, EPA issued revised Criteria for Municipal Solid Waste Landfills (56 FR 50978). These criteria, codified in 40 CFR part 258, establish minimum national standards to ensure that "no reasonable probability of adverse effects on health or the environment" (56 FR 50979) will result from solid waste disposal facilities receiving hazardous household waste and small quantity generator hazardous wastes. Today, EPA is proposing a provision in the MSWLF criteria allowing for the issuance of limited permits for research, development and demonstration projects. These provisions will allow State Directors of approved states to waive specific design and operational criteria, however, the following requirements cannot be waived: location restrictions, ground water monitoring, corrective action, financial assurance, exclusion of hazardous waste, and explosive gas controls.

Action

EPA is proposing this rule in the Federal Register in order to allow the Director of an approved state to issue research, development, and demonstration (RD&D) permits to owners and operators of municipal solid waste landfills. The Director of a non-approved state would not have the option of issuing RD&D permits. EPA is proposing this provision to stimulate the development of new technologies and alternative operational processes for the landfilling of municipal solid waste. This proposed rule would allow the state director to waive specific provisions in the MSWLF criteria, including the (1) operating criteria in Subpart C of 40 CFR Part 258 except procedures for excluding hazardous waste and explosive gas control; (2) all of the design criteria in subpart D of 40 CFR Part 258; and (3) all of the closure and post-closure care criteria in subpart F of 40 CFR Part 258.

In order to issue a RD&D permit waiving any of these criteria, the state director must be satisfied that a landfill operating under a RD&D permit will pose no additional risk to human health and the environment beyond that which would result from a landfill operating under the current MSWLF criteria. Today's proposal is modeled on the research, development and demonstration permit provisions in 40 CFR 270.65. That provision allows states with approved hazardous waste management programs to issue RD&D permits for innovative and experimental treatment technologies or processes at hazardous waste treatment facilities.

Respondents must send an original and two copies of their comments referencing docket number F-2002-RDMF-FFFFF to: (1) if using regular US Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0002, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Comments may also be submitted electronically through the Internet to: rcradocket@epa.gov. Comments in electronic format should also be identified by the docket number F-2002-RDMF-FFFFF and must be submitted as an ASCII file avoiding the use of special characters and any form of encryption..

For More Information

The Federal Register Notice, this fact sheet and related documents are available in electronic format at: <<http://www.epa.gov/epaoswer/non-hw/muncpl/mswlficr/index.htm>>. For additional information, or to order paper copies of any documents, call the RCRA Call Center. Callers within the Washington Metropolitan Area please dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers please call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Call Center operates weekdays, 9:00 a.m. to 5:00 p.m. Address written requests to: RCRA-Docket@epa.gov or RCRA Information Center (5305W), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0001.