

**§ 258.22**

**40 CFR Ch. I (7-1-05 Edition)**

vectors, fires, odors, blowing litter, and scavenging.

(b) Alternative materials of an alternative thickness (other than at least six inches of earthen material) may be approved by the Director of an approved State if the owner or operator demonstrates that the alternative material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.

(c) The Director of an approved State may grant a temporary waiver from the requirement of paragraph (a) and (b) of this section if the owner or operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical.

(d) The Director of an Approved State may establish alternative frequencies for cover requirements in paragraphs (a) and (b) of this section, after public review and comment, for any owners or operators of MSWLFs that dispose of 20 tons of municipal solid waste per day or less, based on an annual average. Any alternative requirements established under this paragraph must:

- (1) Consider the unique characteristics of small communities;
- (2) Take into account climatic and hydrogeologic conditions; and
- (3) Be protective of human health and the environment.

[56 FR 51016, Oct. 9, 1991, as amended at 62 FR 40713, July 29, 1997]

**§ 258.22 Disease vector control.**

(a) Owners or operators of all MSWLF units must prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment.

(b) For purposes of this section, *disease vectors* means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.

**§ 258.23 Explosive gases control.**

(a) Owners or operators of all MSWLF units must ensure that:

- (1) The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive

limit for methane in facility structures (excluding gas control or recovery system components); and

(2) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

(b) Owners or operators of all MSWLF units must implement a routine methane monitoring program to ensure that the standards of paragraph (a) of this section are met.

(1) The type and frequency of monitoring must be determined based on the following factors:

- (i) Soil conditions;
- (ii) The hydrogeologic conditions surrounding the facility;
- (iii) The hydraulic conditions surrounding the facility; and
- (iv) The location of facility structures and property boundaries.

(2) The minimum frequency of monitoring shall be quarterly.

(c) If methane gas levels exceeding the limits specified in paragraph (a) of this section are detected, the owner or operator must:

- (1) Immediately take all necessary steps to ensure protection of human health and notify the State Director;
- (2) Within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and
- (3) Within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the State Director that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy.

(4) The Director of an approved State may establish alternative schedules for demonstrating compliance with paragraphs (c) (2) and (3) of this section.

(d) For purposes of this section, *lower explosive limit* means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25° C and atmospheric pressure.

(e) The Director of an approved State may establish alternative frequencies for the monitoring requirement of paragraph (b)(2) of this section, after public review and comment, for any owners or operators of MSWLFs that

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dispose of 20 tons of municipal solid waste per day or less, based on an annual average. Any alternative monitoring frequencies established under this paragraph must:

- (1) Consider the unique characteristics of small communities;
- (2) Take into account climatic and hydrogeologic conditions; and
- (3) Be protective of human health and the environment.

[56 FR 51016, Oct. 9, 1991, as amended at 62 FR 40713, July 29, 1997]

### § 258.24 Air criteria.

(a) Owners or operators of all MSWLFs must ensure that the units not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the Administrator pursuant to section 110 of the Clean Air Act, as amended.

(b) Open burning of solid waste, except for the infrequent burning of agricultural wastes, silvicultural wastes, landclearing debris, diseased trees, or debris from emergency cleanup operations, is prohibited at all MSWLF units.

### § 258.25 Access requirements.

Owners or operators of all MSWLF units must control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.

### § 258.26 Run-on/run-off control systems.

(a) Owners or operators of all MSWLF units must design, construct, and maintain:

- (1) A run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a 25-year storm;
  - (2) A run-off control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- (b) Run-off from the active portion of the landfill unit must be handled in accordance with § 258.27(a) of this part.

[56 FR 51016, Oct. 9, 1991; 57 FR 28627, June 26, 1992]

### § 258.27 Surface water requirements.

MSWLF units shall not:

(a) Cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements, pursuant to section 402.

(b) Cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or State-wide water quality management plan that has been approved under section 208 or 319 of the Clean Water Act, as amended.

### § 258.28 Liquids restrictions.

(a) Bulk or noncontainerized liquid waste may not be placed in MSWLF units unless:

(1) The waste is household waste other than septic waste;

(2) The waste is leachate or gas condensate derived from the MSWLF unit and the MSWLF unit, whether it is a new or existing MSWLF, or lateral expansion, is designed with a composite liner and leachate collection system as described in § 258.40(a)(2) of this part. The owner or operator must place the demonstration in the operating record and notify the State Director that it has been placed in the operating record; or

(3) The MSWLF unit is a Project XL MSWLF and meets the applicable requirements of § 258.41. The owner or operator must place documentation of the landfill design in the operating record and notify the State Director that it has been placed in the operating record.

(b) Containers holding liquid waste may not be placed in a MSWLF unit unless:

(1) The container is a small container similar in size to that normally found in household waste;

(2) The container is designed to hold liquids for use other than storage; or

(3) The waste is household waste.

(c) For purposes of this section:

(1) *Liquid waste* means any waste material that is determined to contain "free liquids" as defined by Method