

§ 258.29

9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

(2) Gas condensate means the liquid generated as a result of gas recovery process(es) at the MSWLF unit.

[56 FR 51016, Oct. 9, 1991, as amended at 66 FR 42449, Aug. 13, 2001]

EFFECTIVE DATE NOTE: At 70 FR 34555, June 14, 2005, §258.28 was amended by revising paragraph (c)(1), effective July 14, 2005. For the convenience of the user, the revised text is set forth as follows:

§ 258.28 Liquids restrictions.

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(c) * * *

(1) Liquid waste means any waste material that is determined to contain "free liquids" as defined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846) which is incorporated by reference. A suffix of "B" in the method number indicates revision two (the method has been revised twice). Method 9095B is dated November 2004. This incorporation by reference was approved by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. This material is incorporated as it exists on the date of approval and a notice of any change in this material will be published in the FEDERAL REGISTER. A copy may be inspected at the Library, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW. (3403T), Washington, DC 20460, libraryhq@epa.gov; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

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§ 258.29 Recordkeeping requirements.

(a) The owner or operator of a MSWLF unit must record and retain near the facility in an operating record or in an alternative location approved by the Director of an approved State the following information as it becomes available:

(1) Any location restriction demonstration required under subpart B of this part;

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(2) Inspection records, training procedures, and notification procedures required in §258.20 of this part;

(3) Gas monitoring results from monitoring and any remediation plans required by §258.23 of this part;

(4) Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit as required under §258.28(a)(2) of this part;

(5) Any demonstration, certification, finding, monitoring, testing, or analytical data required by subpart E of this part;

(6) Closure and post-closure care plans and any monitoring, testing, or analytical data as required by §§258.60 and 258.61 of this part; and

(7) Any cost estimates and financial assurance documentation required by subpart G of this part.

(8) Any information demonstrating compliance with small community exemption as required by §258.1(f)(2).

(b) The owner/operator must notify the State Director when the documents from paragraph (a) of this section have been placed or added to the operating record, and all information contained in the operating record must be furnished upon request to the State Director or be made available at all reasonable times for inspection by the State Director.

(c) The Director of an approved State can set alternative schedules for recordkeeping and notification requirements as specified in paragraphs (a) and (b) of this section, except for the notification requirements in §258.10(b) and §258.55(g)(1)(iii).

§§ 258.30-258.39 [Reserved]

Subpart D—Design Criteria

§ 258.40 Design criteria.

(a) New MSWLF units and lateral expansions shall be constructed:

(1) In accordance with a design approved by the Director of an approved State or as specified in §258.40(e) for unapproved States. The design must ensure that the concentration values listed in Table 1 of this section will not be exceeded in the uppermost aquifer at the relevant point of compliance, as