



## It's 1997...

### WASTE MANAGEMENT



### IN INDIAN COUNTRY

## DO YOU KNOW ABOUT THE UPCOMING MUNICIPAL WASTE LANDFILL DEADLINES?

If you own or operate a municipal solid waste landfill (MSWLF) in Indian Country, you will need to be familiar with the federal regulations governing municipal solid waste (MSW) disposal. These regulations specify safe design and management practices that control releases into ground water, location and operating procedures that protect human health, as well as closure procedures, including long-term monitoring of landfill conditions that will protect future generations. (The citation for the actual regulation, and other helpful guidance documents, are at the end of this tipsheet). Given the complexity of

the regulations, the U.S. Environmental Protection Agency (EPA) established different effective dates for various types of MSWLFs. With the different federal requirements affecting municipal solid waste disposal and the various effective dates, it's not surprising that some confusion exists about when and how tribes should be in compliance with the various regulations. The purpose of this tipsheet is to: (1) clarify the effective dates for EPA's MSWLF rules and (2) explain how you can realistically meet these deadlines and protect public health and the environment in your community.

## MSWLF DEADLINE IS COMING UP

If you're a qualifying small landfill owner or operator, the compliance date for your MSWLF is rapidly approaching. A qualifying small landfill receives less than 20 tons of waste per day (averaged yearly), has no evidence of ground-water contamination, and meets one of the following circumstances:

- ◆ The community has no practical waste management alternative, and the landfill is located in an area that receives less than 25 inches of precipitation annually; or
- ◆ The community undergoes an annual interruption of surface transportation, lasting at least 3 consecutive months, that prevents access to a regional facility.

Following several extensions to assist qualifying small landfill owners and operators, the effective date for compliance with the MSWLF standards is now set for October 9, 1997. By that date, you must decide whether you will continue to operate your qualifying small landfill. The requirements and compliance dates for a typical qualifying small tribal landfill are shown on the chart on the back.

If you are currently operating any other type of MSWLF, you should already be in compliance with the federal standards for municipal solid waste disposal. The effective date for compliance was October 9, 1993.

## DIFFERENT RULES, DIFFERENT DATES

The Indian Lands Open Dump Cleanup Act of 1994 (PL 103-399) is the source of some of the confusion over the effective date for MSWLF standards. This law requires the Director of the Indian Health Service to develop and implement a 10 year plan "to address solid waste disposal needs on Indian lands and Alaska Native lands." However, this statute also makes it clear that the requirements of the Resource Conservation and Recovery Act (RCRA), as implemented by the MSWLF rules, are not superseded. This means your first obligation is to comply with the MSWLF regulations.





## Will the deadline for qualifying small MSWLFs be extended?

EPA considers the requirements in the MSWLF regulations essential to safeguard the health of tribal communities and protect your lands. At the same time, the unique circumstances of qualifying small MSWLFs have delayed the effective date of the standards for these particular landfills twice to give you a chance to make an informed decision about continued operation. Further delay in the effective date may jeopardize tribal health and safety, and increase the potential for future clean-up costs. EPA believes that, at this time, you can meet the requirements for qualifying small MSWLFs described above without incurring substantial costs.

## What happens if I miss the deadline?

EPA's 1984 Indian Policy states that the Agency has been and will continue to "work cooperatively with tribal leadership" toward compliance with the MSWLF regulations. However, qualifying small MSWLFs that are not in compliance with the federal requirements by October 9, 1997, will be subject to the "citizen suit"

# IMPORTANT DATES TO REMEMBER FOR QUALIFYING SMALL MSWLFs



### IF YOU STOP OPERATING:

Action	Date
◆ Stop taking waste.	October 9, 1997
◆ Apply final cover.	October 9, 1998

### IF YOU CONTINUE TO OPERATE:

Action	Date
◆ Apply daily cover.	October 9, 1997
◆ Monitor for methane gas quarterly (at a cost of \$100 per quarter).	
◆ Prohibit disposal of liquid wastes.	
◆ Keep out regulated hazardous waste by conducting routine inspections.	
◆ Prepare plans for closure (including final cover) and post-closure care.	
◆ Obtain financial mechanisms (e.g., a trust fund) to cover costs of closure and post-closure care.	

provisions of RCRA. RCRA allows any person to sue owners and operators of MSWLFs (including those in Indian Country) who are alleged to be in violation of MSWLF requirements promulgated under this statute.

## How can I get more information?

The following publications applicable to this rulemaking are available

through the RCRA Hotline. To order, call 800 424-9346 (or TDD 800 553-7672 for the hearing impaired). In Washington, DC, the number is 703 412-9810 or TDD 703 412-3323. The RCRA Hotline is open Monday through Friday, 9 a.m. to 6 p.m. e.s.t. Many of these documents are also available via the Internet. Appropriate Internet "addresses" for these documents are provided.

### Available from RCRA Hotline:

#### **Decision-Maker's Guide to Solid Waste Management, Second Edition 530-R-95-023**

<http://www.epa.gov/epaoswer/non-hw/muncpl/dmg2.htm>

Contains technical and economic information to assist solid waste management practitioners in planning, managing, and operating MSW programs and facilities.

#### **Preparing No-Migration Petitions 530-R-96-020**

<http://www.epa.gov/epaoswer/non-hw/muncpl/landfill.htm>

Provides information to help owners and operators of small MSWLFs to develop and submit no-migration petitions to State permit authorities.

#### **Criteria for Solid Waste Disposal Facilities: A Guide for Owners/Operators 530/SW-91-089**

<http://www.epa.gov/epaoswer/non-hw/muncpl/criteria.htm>

Provides owners and operators of MSWLFs basic information on applicable RCRA regulations.

#### **Solid Waste Disposal Criteria, Final Rule OSWFR91004**

Not available electronically

Federal regulations that cover municipal solid waste landfill location and operation, design, ground-water monitoring and corrective action, closure and post-closure care, and financial assurance.

#### **Safer Disposal for Solid Waste: The Federal Regulations for Landfills 530/SW-91-092**

<http://www.epa.gov/epaoswer/non-hw/safedis.htm>

Summarizes Municipal Solid Waste Disposal Criteria, Final Rule. Gives owners, operators and local officials dates for compliance and additional sources of information.

### Available from National Technical Information Service by calling 703 487-4650:

#### **Municipal Solid Waste Disposal Facility Criteria: Technical Manual PB94-100 450**

Addresses general applicability of the Municipal Solid Waste Disposal Criteria. Includes the regulatory language, a general explanation of the regulations and who must comply with them, key technical issues that may need to be addressed to ensure compliance with a particular requirement, and information sources.