



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

**1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023**

May 29, 2001

John Staskiewicz, Environmental Inspector
City of Fall River
Department of Public Health
One Government Center
Fall River, MA 02722

re: Solid Waste Disposal Regulations

Dear Mr. Staskiewicz:

We have prepared this letter in response to your correspondence dated April 17, 2001. It is our understanding that you have questions regarding the disposal of solid waste. In particular, you request EPA policy interpretation regarding the use of alternative cover material at solid waste landfills and the disposal of special waste at these landfills. Additionally, you asked why Massachusetts and Rhode Island have differing regulations regarding the disposal of special waste and the use of alternative cover material.

EPA's role in the regulation of landfills falls under the solid waste provisions (Subtitle D) of the Resource Conservation and Recovery Act (RCRA). The Federal role in Subtitle D was to establish regulatory direction by providing minimum nationwide permitting standards for protection of human health and the environment. The actual planning and implementation of solid waste programs under Subtitle D is a State and local function. Therefore, the use of alternative cover material and the disposal of special wastes at landfills is a State issue. On July 5, 1995, the EPA made the determination that the Massachusetts Subtitle D Municipal Solid Waste Landfill Permitting program met the minimum federal standards referenced earlier. In addition, on February 14, 2000, the EPA made the same determination for the State of Rhode Island. EPA has limited intervention authority related to Subtitle D issues in both States. Under the determination process the States were provided with discretion for alternative approaches which were protective of human health and the environment. As part of that determination, State statutes were required to meet the intent of the federal requirements, which gives them more flexibility when implementing their programs. However, they can also be more stringent. Therefore, States may have differing requirements in their solid waste rules, as appears to be the case between the two states mentioned.

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

John Staskiewicz

Page 2

May 29, 2001

If you need further assistance or information regarding this response, please contact Sharon Leitch in the Hazardous Waste Unit in our Office of Ecosystem protection. She may be reached at (617)918-1647.

Sincerely,



Marvin Rosenstein, Chief
Chemicals Management Branch

cc: Ken Rota, Chief, RCRA Technical Unit
David Webster, Chief, Massachusetts State Unit
Gary Gosbee, Chief, Hazardous Waste Unit
Jeff Fowley, Atty., Office of Regional Council



CITY OF FALL RIVER, MASSACHUSETTS

DEPARTMENT OF PUBLIC HEALTH
OFFICE OF THE BOARD OF HEALTH

April 17, 2001

APR 17 2001

cc: Gary
Mar
I guess he
wants a
written
response
May
5/1

Mr. Marvin Rosenstein
Chief Chemicals Management Branch
EPA Region I
1 Congress Street
Suite 1100 (CPT)
Boston, MA 02114-2023

Dear Mr. Rosenstein:

I spoke with Mr. David Webster by telephone on Wednesday, April 11, 2001. During that conversation we discussed several issues.

The first issue was regarding the scope of work for the clean up of the settling basins at PG&E Brayton Point Station. Mr. Webster indicated that he would try to get me a copy of the consent decree between PG&E and the Conservation Law Foundation.

David referred me to Gary Gosbe for information regarding the second and third issues.

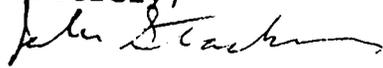
The second issue was to determine EPA policy regarding the use of alternative cover material at solid waste landfills, and the disposal of special waste at these landfills.

The third issue was why Massachusetts and Rhode Island have very different regulations regarding the disposal of special waste and the use of alternate cover material.

I called Gary Gosbe and left a message regarding these issues. I received a call from Sharon Leitch on April 17th. She was responding to my call to Gary Gosbe. We briefly discussed the issues listed above.

I look forward to receiving EPA's position on these issues.

Sincerely,



John Staskiewicz
Environmental Inspector

cc: D. Webster EPA Region I
D. Ellis, DEP, SERO
J. Smith