

Revision Checklist 100 Summary

Rule Title:	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units; Final Rule
Checklist Title:	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units
Reference:	57 <u>FR</u> 3462-3497
Promulgation Date:	January 29, 1992
Effective Date:	July 29, 1992
Cluster:	RCRA II
Provision Type:	HSWA/Non-HSWA
Linkage:	Checklists 17 H, 77, 137, 157
Optional:	No

Summary: This final rule modifies the existing regulations concerning double-liner and leachate collection and removal systems for hazardous waste surface impoundments, landfills and waste piles. The rule also requires owners and operators of hazardous waste surface impoundments, landfills and waste piles to install and operate leak detection systems at such time as these units are added, laterally expanded, or replaced. The January 29, 1992 final rule applies to such units regardless of their permit status, including facilities that were issued permits prior to November 8, 1984. The rule replaces the double-liner and leachate collection system standards codified on July 15, 1985 (Revision Checklist 17H), and amended on May 9, 1990 (Revision Checklist 77). EPA has not included additional leak detection standards for permitted land treatment units in this final rule because existing unsaturated zone monitoring requirements in 40CFR 264.278 and 265.278 for such units are sufficient to ensure the detection of leaks at the earliest practicable time. The January 29, 1992 rule finalizes EPA's proposed actions of March 28, 1986 and May 29, 1987, and completes the Agency's statutory rulemaking responsibilities imposed by RCRA §§3004(o)(4) and 3004(o)(5)(A).

The Agency is requiring owners and operators of units affected by this rule to develop a construction quality assurance (CQA) program for various components of surface impoundments, waste piles, and landfills. The program will be implemented through a construction quality assurance plan that the owner or operator will prepare to ensure that the constructed unit meets or exceeds all design criteria, plans and specifications.

State Authorization: EPA promulgated most of this rule in response to the requirements of HSWA, with the exception of the Construction Quality Assurance Program (CQA) as it applies to final cover requirements. EPA will implement the HSWA provisions in authorized States until States modify their programs and such modifications are approved by EPA. The non-HSWA provisions are applicable in only those States that are unauthorized. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law.

Both the HSWA and non-HSWA provisions are included in RCRA Cluster II. States may apply for either interim or final authorization for the HSWA provisions; only final authorization is available for the non-HSWA provisions. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 100, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry. The following entry should be placed at Subsection XVI Y in the Model Attorney General's Statement.

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Y. State statutes and regulations include specific Part B information requirements for surface impoundments, waste piles and landfills regarding liners; leachate collection, detection, and removal systems; and the construction quality assurance program requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 270.4(a), 270.17(b)&(c), 270.18(c)&(d), and 270.21(b)&(c) as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

Attorney General's Statement Entry. The following entry should be placed at Subsection XVII C in the Model Revision Attorney General's Statement.

C. State statutes and regulations require owners and operators of new units, expansions, and replacement units at surface impoundments, waste piles, and landfills to meet the monitoring and inspection Construction Quality Assurance (CQA) program, double liner, leachate collection and removal systems, leak detection systems, action leakage, response action plan and closure/post-closure care requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 264.19, 264.221-223, 264.226, 264.228, 264.251-264.254, 264.301-264.304, 264.310, 265.19, 265.221-265.223, 265.226-265.228, 265.254, 265.255, 265.259, 265.260, 265.301-265.304 and 265.310 as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General