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Municipal Solid Waste Landfills: U.S. Environmental Protection Agency Federal Register Notice Regarding Revision of Maximum Permit Term for Research, Development and Demonstration Permits

Arkansas Environmental, Energy, and Water Law Blog

05/10/2016

The United States Environmental Protection Agency ("EPA") published a final rule in the May 10th Federal Register Notice revising the maximum term for Municipal Solid Waste Landfill ("MSWLF") units operating under Research, Development and Demonstration ("RD&D") permits. See 81 Fed. Reg. 28720.

EPA is undertaking this rulemaking pursuant to various provisions of the Resource Conservation and Recovery Act ("RCRA") of 1976, as amended.

EPA began the RD&D permit program in 2004. The program allows landfill facilities to utilize "innovative methods that vary from the run-on control systems, liquids restrictions, and final cover criteria prescribed in 40 C.F.R. part 258.

RCRA has provisions that encourage research and development in regards to the development and application of new and approved methods of collecting and disposing of solid waste. The May 10th Federal Register Notice describes EPA work in researching advancement of landfill technology and interest in research and demonstration projects (citing topics such as the addition of liquids and leachate recirculation to accelerate biodegradation). Also described are EPA selection of four landfills to participate in its project XL program (involving the use of bioreactor technology or leachate recirculation).

The innovative methods may only be utilized if the systems are determined by the Director of an approved State to be at least as protective as those criteria. The current rule limits permits for RD&D units to three years. However, they are renewable three times for a total permit term of 12 years.

The final rule would allow the Director of an approved State to increase the number of permit renewals to six. As a result, a total permit term of up to 21 years is possible.

EPA also notes in the May 10th Federal Register Notice that it plans to publish an Advanced Notice of Proposed Rulemaking seeking comments on:

... the possibility of revising other sections of the MSWLF criteria (40 C.F.R. part 258) to authorize the operation of wetland fills and bioreactors and other possible changes that the national criteria on a permanent basis.

[Click here to download a copy of the Federal Register Notice.](#)