

**PROPOSED EMERGENCY AMENDMENTS TO TITLE 27 TO INCORPORATE  
SUBTITLE D FLEXIBILITIES (40 CFR, PART 258)**

**Title 27, Division 2, Subdivision 1, Chapter 1**

**§20060. CIWMB - Applicability of Federal Subtitle D Related Standards to Small Landfills. (T14: portions of §17258.1)**

(a) MSWLF units that meet the conditions of 40 CFR 258.1(f)(1) and received waste after October 9, 1991 but stopped receiving waste before October 9, 1997, are exempt from all the requirements promulgated as a result of 40 CFR 257 and 258, except the final cover minimum standards specified in Section 21140 and all other applicable requirements of Chapters 3 and 4 of this subdivision. The final cover must be installed by October 9, 1998. Owners and operators of MSWLF units described in this paragraph that fail to complete cover installation by October 9, 1998 will be subject to all the requirements of this subdivision, unless otherwise specified.

(b) MSWLF units that receive 20 tons or less of municipal solid waste per day, based on an annual average, may be allowed alternative frequencies for cover requirements and landfill gas monitoring requirements subject to the criteria set forth in sections 20680 and 20919.5.

**Title 27, Division 2, Subdivision 1, Chapter 3, Subchapter 4**

**Article 2. Daily and Intermediate Cover**

**§20680. CIWMB Daily Cover. (T14: §17258.21)**

(a) Except as provided in ¶ (b), ~~(f)~~ and §20690, ~~or otherwise specified in 40 CFR Part 258,~~ the owners or operators of all municipal solid waste landfill units shall cover disposed solid waste with a minimum of six inches of compacted earthen material at the end of each operating day, or at more frequent intervals if necessary, to control vectors, fires, odors, blowing litter, and scavenging. For the purposes of this section, the operating day shall be defined as the hours of operation specified in the solid waste facility permit, and may extend for more than 24 hours if operations are continuous.

(b) The EA, with concurrence by the CIWMB, may grant a temporary waiver from the requirements of ¶(a) if the owner or operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical.

(c) Earthen material or alternative cover materials of alternative thickness shall be placed over all surfaces of disposed solid waste for other than municipal solid waste landfill units, as required by the EA to control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. This requirement shall also apply to municipal solid waste landfills which qualify for a delay in the general compliance date. ~~or additional flexibility as specified in 40 CFR Part 258.~~

(d) For the purposes of this section, earthen material shall include contaminated soil as defined in Title 14, California Code of Regulations, §17361(b), and soil with contaminants other than petroleum hydrocarbons which has been approved for use as landfill daily cover by the RWQCB, and any other governmental agencies from which approval is required, such as the Department of Toxic Substances Control and Air Pollution Control District or Air Quality Management District.

(e) For waste classification, composition, and liquid percolation requirements of daily cover, refer to the SWRCB requirements set forth in §20705 of this article.

(f) For those MSWLFs that accept for disposal 20 tons or less of municipal solid waste per day based on an annual average, the EA, with concurrence by the Board, may establish alternative frequencies for cover after consideration of the unique characteristics of small communities, climatic and hydrogeologic conditions, and protection of human health and the environment. Any proposal to allow an alternative frequency shall be available for public review for a minimum of 30 days to allow affected parties the opportunity to comment. Documentation of the considerations, public comment and Board concurrence for any alternative frequency shall be placed in the operating record. The Executive Director or the LEA may condition, limit, suspend, or terminate an operator's use of an alternative monitoring frequency if it is determined that the alternative frequency would cause harm to public health and safety, or the environment.

Note: Authority cited: Section 40502, 43020, 43021, 43030 Public Resources Code. Reference: Sections 40508, 42245, 43020, 43021 and 43103. Public Resources Code; and Code of Federal Regulations Section 258.21(c).

## **Article 6. Gas Monitoring and Control at Active and Closed Disposal Sites**

### **§20919.5 CIWMB Explosive Gases Control. (T14: §17705)**

(a) Owners or operators of all MSWLF units must ensure that:

- (1) The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components); and
- (2) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

(b) Owners or operators of all MSWLF units must implement a routine methane monitoring program to ensure that the standards of paragraph (a) are met.

- (1) The type and frequency of monitoring must be determined based on the following factors:

- (i) soil conditions;
- (ii) the hydrogeologic conditions surrounding the facility;
- (iii) the hydraulic conditions surrounding the facility; and
- (iv) the location of facility structures and property boundaries.

(b)(2) Except as provided in ¶ (f), the minimum frequency of monitoring shall be quarterly.

(c) If methane gas levels exceeding the limits specified in ¶ (a) are detected, the owner or operator must:

- (1) Immediately take all necessary steps to ensure protection of human health and notify the EA; and
- (2) Within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and
- (3) Within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the EA that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy; and
- (4) The EA, with concurrence by the CIWMB pursuant to 40 CFR 258.23(c)(4) may establish schedules for demonstrating compliance with ¶ (c)(2) and ¶ (c)(3).

(d) For purposes of this section, "lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25 degrees Celsius and atmospheric pressure.

(e) The EA shall forward notifications and approvals pursuant to §20919.5(c)(1) and (c)(3) to the CIWMB pursuant to 40 CFR 258.23(c)(1) and (c)(3).

(f) For those MSWLFs that accept for disposal 20 tons or less of municipal solid waste per day based on an annual average, the EA, with concurrence by the Board, may establish alternative frequencies for explosive gas monitoring after consideration of the unique characteristics of small communities, climatic and hydrogeologic conditions, and protection of human health and the environment. Any proposal to allow an alternative frequency shall be available for public review for a minimum of 30 days to allow affected parties the opportunity to comment. Documentation of the considerations, public comment and Board concurrence for any alternative frequency shall be placed in the operating record. The Executive Director or the LEA may condition, limit, suspend, or terminate an operator's use of an alternative monitoring frequency if it is determined that the alternative frequency would cause harm to public health and safety, or the environment.

Note: Authority cited: Section 40502 Public Resources Code.

Reference: Sections 43020, 43021 and 43103, Public Resources Code; and Title 40, Code of Federal Regulations, Section 25823.