

Subtitle D Program Overview

Purpose of Subtitle D

“[D]eveloping and encouraging methods for the disposal of solid waste which are environmentally sound and which maximize the utilization of valuable resources including energy and materials, which are recoverable from solid waste and to encourage resource conservation.” (42 *United States Code* (USC) 6941)

What is a “solid waste”?



Definition of Solid Waste

“The term ‘solid waste’ means any garbage, refuse, sludge, from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. . . .”

(42 USC 6903)

What Is The Relationship Between The Solid Waste Definition and Subtitles C and D?

- **RCRA regulates all solid waste as either hazardous or nonhazardous**
- **Subtitle D is concerned with nonhazardous solid waste.**
- **Hazardous waste is regulated under Subtitle C.**

What are The Three Major Subtitle D Programs?

- **Guidelines for the development and implementation of state plans - 40 CFR 256**
- **Criteria for classification of solid waste disposal facilities and practices - 40 CFR 257**
- **Criteria for municipal solid waste landfills - 40 CFR 258**

Guidelines For State Solid Waste Management Plans

40 CFR 256

- **Purpose of the guidelines is to assist states in developing and implementing EPA-approved solid waste management plans**
- **The guidelines outline the minimum requirements for state plans and detail how these plans are approved by EPA**
- **Each state plan reflects a state's unique solid waste management needs**

Solid Waste Disposal Criteria

40 CFR 257

- **EPA promulgated standards for solid waste disposal facilities and practices on September 13, 1979 (40 CFR 257).**
- **The criteria provide the basis for the prohibition on “open dumps.”**
- **The primary responsibility for implementing the criteria lies with states.**
- **The criteria include general environmental performance standards addressing eight major topics . . .**

Solid Waste Disposal Criteria (continued)

The eight major topics are:

- **Floodplains**
- **Endangered species**
- **Surface water**
- **Ground water**
- **Land application**
- **Disease**
- **Air**
- **Safety**

MSWLF Criteria

40 CFR 258

- **Developed by EPA under HSWA authority to improve upon the Part 257 criteria**
- **The regulations were promulgated October 9, 1991 and became effective October 9, 1993**
- **Primary responsibility still lies with states, as in 40 CFR 257**
- **These criteria apply only to MSWLFs. All other solid waste disposal facilities are regulated under 40 CFR 257 or Subtitle C**

MSWLF Criteria (continued)

Some of the important criteria under 40 CFR 258 include:

- **Procedures for excluding receipt of hazardous waste and PCBs**
- **Cover material requirements**
- **Run-on/Run-off control systems**
- **Surface water requirements**
- **Design criteria, including composite liner and leachate collection system**
- **Groundwater monitoring and corrective action**
- **Closure and post-closure care**

Subtitle D In Summary

- **Subtitle D is the provision of RCRA that deals with management of nonhazardous solid waste**
- **Subtitle D attempts to meet RCRA's intent of protecting human health and the environment by:**
 - **establishing criteria for disposal of nonhazardous solid waste**
 - **placing stringent regulations on MSWLFs that may receive small amounts of hazardous waste**
- **Subtitle D is a small part of a complex statute**