

ENVIRONMENTAL QUALITY

CHAPTER 50

SOLID WASTE MANAGEMENT

Subchapter 11

Landfill Operating Criteria

Rule	17.50.1101	General Provisions
	17.50.1102	Definitions
	17.50.1103	Procedures for Excluding the Receipt of Hazardous Waste
	17.50.1104	Cover Material Requirements
	17.50.1105	Disease Vector Control
	17.50.1106	Explosive Gases Control
	17.50.1107	Air Criteria
	17.50.1108	Access Requirements
	17.50.1109	Run-on and Run-off Control Systems
	17.50.1110	Surface Water Requirements
	17.50.1111	Liquids Restrictions
	17.50.1112	Recordkeeping Requirements
	17.50.1113	Deed Notation
	17.50.1114	General Liability Insurance
	17.50.1115	Special Wastes
	17.50.1116	Operating Criteria
	17.50.1117	Operating Criteria for Class III Landfill Units
	17.50.1118	Operating Criteria for Class IV Landfill Units

Subchapter 11

Landfill Operating Criteria

17.50.1101 GENERAL PROVISIONS (1) All applicants, licensees, owners, and operators of solid waste management systems and facilities shall comply with this subchapter, except as otherwise specifically provided in this subchapter. Wherever there is a requirement imposed on an owner or operator in this subchapter, the licensee also shall comply with that requirement.

(2) Whenever a person, including an applicant or owner or operator, is required by this subchapter to submit a document for department approval of an action, the person may not take that action unless the person first submits a document containing all information necessary for the department to determine whether the action complies with the requirements of this subchapter and obtains department approval.

(3) When authorized by a court order or an agreement between the department and a landowner on whose property a violation of Title 75, chapter 10, part 2, MCA, or this subchapter has occurred, the department may act, either directly or through a third party, to physically remediate a violation of Title 75, chapter 10, part 2, MCA, or this subchapter.

(4) Whenever the department determines under this subchapter that any information, submittal, plan, factor, procedure, condition, criterion, requirement, or change is necessary to protect human health or the environment, it shall mail notification of the determination to the appropriate applicant, owner, operator, or licensee. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1102 DEFINITIONS In this subchapter, the following definitions apply:

(1) "Active life" has the meaning given in ARM 17.50.502.

(2) "Active portion" means that part of a facility or unit that has received or is receiving wastes and that has not been closed in accordance with ARM 17.50.1403.

(3) "Aquifer" means any geologic formation, group of formations, or part of a formation capable of yielding significant quantities of ground water to wells or springs.

(4) "Class II landfill facility" has the meaning given in ARM 17.50.504.

(5) "Class III landfill facility" has the meaning given in ARM 17.50.504.

(6) "Class IV landfill facility" has the meaning given in ARM 17.50.504.

(7) "Closure" has the meaning given in ARM 17.50.502.

(8) "Conditionally exempt small quantity generator wastes" means wastes from a generator defined in 40 CFR 261.5.

(9) "Department" has the meaning given in ARM 17.50.502.

(10) "Disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.

(11) "Existing," when used in conjunction with "Unit" or a type of unit, has the meaning given in ARM 17.50.502.

- (12) "Facility" has the meaning given in ARM 17.50.502.
- (13) "Gas condensate" means the liquid generated as a result of a gas recovery process at a Class II landfill unit.
- (14) "Ground water" has the meaning given ARM 17.50.502.
- (15) "Group II waste" has the meaning given in ARM 17.50.503.
- (16) "Household waste" means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.
- (17) "Landfill" has the meaning given in ARM 17.50.502.
- (18) "Lateral expansion" has the meaning given in ARM 17.50.502.
- (19) "Leachate" has the meaning given in ARM 17.50.502.
- (20) "Liquid waste" means any waste material that is determined to contain "free liquids," as defined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication No. SW-846).
- (21) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25° C and atmospheric pressure.
- (22) "New," when used in conjunction with "unit" or a type of unit, has the meaning given in ARM 17.50.502.
- (23) "Open burning" means the combustion of solid waste without:
- (a) control of combustion air to maintain adequate temperature for efficient combustion;
 - (b) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
 - (c) control of the emission of the combustion products.
- (24) "Operator" has the meaning given in ARM 17.50.502.
- (25) "Owner" has the meaning given in ARM 17.50.502.
- (26) "Post-closure care" has the meaning given in ARM 17.50.502.
- (27) "Regulated hazardous waste" has the meaning given in ARM 17.50.502.
- (28) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.
- (29) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.
- (30) "Special waste" has the meaning given in ARM 17.50.502.
- (31) "Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility.
- (32) "Unit" has the meaning given in ARM 17.50.502.
- (33) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within a facility's property boundary.
- (34) "Wetlands" has the meaning given in 40 CFR 232.2. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1103 PROCEDURES FOR EXCLUDING THE RECEIPT OF HAZARDOUS WASTE (1) The owner or operator of a Class II landfill unit shall implement a program at the facility for detecting and preventing the disposal of regulated hazardous waste, as defined in 40 CFR Part 261 and polychlorinated biphenyls (PCB) waste, as defined in 40 CFR Part 761. This program must include, at a minimum:

(a) random inspections of incoming loads, unless the owner or operator takes other precautions to ensure that incoming loads do not contain regulated hazardous waste or PCB waste;

(b) maintaining records of any inspections;

(c) training of facility personnel to recognize regulated hazardous waste and PCB waste; and

(d) notification of the department if a regulated hazardous waste or PCB waste is discovered at the facility. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1104 COVER MATERIAL REQUIREMENTS (1) Except as provided in (2), the owner or operator of a Class II landfill unit shall cover disposed solid waste with six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.

(2) The owner or operator shall submit for departmental approval procedures for use of any alternative daily cover materials and include those procedures in the operation and maintenance plan required in ARM 17.50.508 and 17.50.509. The following criteria also apply:

(a) the procedures for the use of alternative daily cover materials must provide for the application of six inches of approved cover soil at least once per week;

(b) the owner or operator shall demonstrate in the operation and maintenance plan that the material used in, and the thickness of, the alternative daily cover will control disease vectors, fires, odors, blowing litter, and scavenging, and minimize leachate without presenting a threat to human health or the environment; and

(c) the owner or operator of a Class II landfill unit for which some portion will not receive additional waste within 90 days shall place on that portion an intermediate cover of at least one foot of approved cover soil, unless the owner or operator has submitted for department approval a demonstration that there is good cause for not covering. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1105 DISEASE VECTOR CONTROL (1) The owner or operator of a Class II landfill unit shall prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1106 EXPLOSIVE GASES CONTROL (1) The owner or operator of a Class II landfill unit shall ensure that:

(a) 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

(b) the concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

(2) The owner or operator of a Class II landfill unit shall implement a routine methane monitoring program to ensure that the standards of (1) are met.

(3) The minimum frequency of monitoring required in (2) is quarterly, except as provided in (7). The type and frequency of monitoring required in (2) must be determined based on the following factors:

(a) soil conditions;

(b) the hydrogeologic conditions surrounding the facility;

(c) the hydraulic conditions surrounding the facility;

(d) the location of facility structures and property boundaries.

(4) If methane gas levels exceeding the limits specified in (1) are detected, the owner or operator shall:

(a) immediately take all necessary steps to ensure protection of human health and notify the department;

(b) within seven days after detection, place in the operating record specification of the methane gas levels detected and a description of the steps taken to protect human health; and

(c) within 60 days after detection, submit for department approval, and implement, a remediation plan for controlling methane gas releases, place a copy of the plan in the operating record, and notify the department that the plan has been implemented.

(5) The remediation plan in (4)(c) must:

(a) describe the nature and extent of the problem and the proposed remedy;

(b) provide design plans for the proposed remedy; and

(c) for construction of all methane gas control systems required in this rule, contain a submission for department approval that includes plans, specifications, reports, and certifications to the same extent as required in ARM 17.50.1205.

(6) The department may establish alternative schedules for demonstrating compliance with (4)(b) and (c).

(7) The department may establish alternative frequencies for the monitoring requirement of (3), after public review and comment, for an owner or operator of a Class II landfill unit that disposes of 20 tons or less of municipal solid waste per day, based on an annual average. Any alternative monitoring frequencies established under this paragraph must:

(a) be based on the unique characteristics of small communities;

(b) take into account climatic and hydrogeologic conditions; and

(c) be protective of human health and the environment. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1107 AIR CRITERIA (1) The owner or operator of a Class II landfill unit shall ensure that the unit does not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the EPA Regional Administrator pursuant to section 110 of the Clean Air Act, as amended, or any other applicable air quality requirements.

(2) Open burning of solid waste is prohibited at all Class II landfill units, except that infrequent burning of agricultural wastes, silvicultural wastes, land-clearing debris, diseased trees, or debris from emergency cleanup operations, may occur only in compliance with the solid waste facility's operation and maintenance plan and a permit obtained under ARM Title 17, chapter 8, part 6. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1108 ACCESS REQUIREMENTS (1) The owner or operator of a Class II landfill unit shall control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes, by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1109 RUN-ON AND RUN-OFF CONTROL SYSTEMS (1) The owner or operator of a Class II landfill unit shall design, construct, and maintain:

(a) a run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a 25-year storm; and

(b) a run-off control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

(2) Run-off from the active portion of the landfill unit must be handled in accordance with 17.50.1110(1). (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1110 SURFACE WATER REQUIREMENTS (1) A Class II landfill unit may not:

(a) cause a discharge of a pollutant into state waters, including wetlands, that violates any requirement of the Montana Water Quality Act including, but not limited to, the Montana pollutant discharge elimination system (MPDES) or the requirements found in ARM Title 17, chapter 30, subchapter 13; or

(b) cause the discharge from a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or statewide water quality management plan that has been approved under 33 USC 1288 or 1329 (section 208 or 319 of the Federal Clean Water Act, as amended). (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1111 LIQUIDS RESTRICTIONS (1) Bulk or noncontainerized liquid waste may not be placed in a Class II landfill unit unless:

(a) the waste is household waste other than septic waste; or
(b) the waste is leachate or gas condensate derived from the Class II landfill unit and the Class II landfill unit, whether it is a new or existing Class II landfill unit, or lateral expansion of an existing Class II landfill unit, is designed with a composite liner and leachate collection and removal system as described in ARM 17.50.1204(1)(b). The owner or operator shall submit a demonstration to the department that the waste would meet the requirements of this rule, place the demonstration in the facility operating record, and notify the department that it has been placed in the operating record.

(2) Containers holding liquid waste may not be placed in a Class II landfill unit unless:

(a) the container is a small container similar in size to that normally containing household waste;
(b) the container is designed to hold liquids for use other than storage; or
(c) the waste is household waste. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1112 RECORDKEEPING REQUIREMENTS (1) The owner or operator of a Class II landfill unit shall record and retain at the facility, in an operating record or in an alternative location approved by the department, the following information, as it becomes available:

(a) any location restriction demonstration required under ARM Title 17, chapter 50, subchapter 10;

(b) inspection records, training procedures, and notification procedures required in ARM 17.50.1103;

(c) gas monitoring results and any remediation plans required by ARM 17.50.1106;

(d) any Class II landfill unit design documentation for placement of leachate or gas condensate in a Class II landfill unit, as required under ARM 17.50.1111(1)(b);

(e) any demonstration, certification, finding, monitoring, testing, or analytical data required by ARM Title 17, chapter 50, subchapter 13;

(f) closure and post-closure care plans and any monitoring, testing, or analytical data as required by ARM 17.50.1403 and 17.50.1404;

(g) any cost estimates and financial assurance documentation required by ARM 17.50.540; and

(h) any information demonstrating compliance with the small community exemption, as required by ARM 17.50.1203(2).

(2) The owner/operator shall notify the department when a document listed in (1) has been placed in, or added to, the operating record, and all information contained in the operating record must be furnished upon request to the department or be made available at all reasonable times for inspection by the department.

(3) The department may set, and an owner or operator shall comply with, alternative schedules for recordkeeping and notification requirements specified in (1) and (2), except for the notification requirements in ARM 17.50.1003(2) and 17.50.1307(7)(a)(iii).

(4) The department's regulatory program for solid waste does not include the requirements of 40 CFR Part 3, Electronic Reporting. Therefore, the owner or operator may not submit electronic documents to satisfy the requirements of subchapters 4 through 14. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1113 DEED NOTATION (1) The following requirements concerning deed notations apply to a solid waste landfill facility:

(a) Before the initial receipt of waste at the facility or, if the facility is licensed and accepting waste on February 12, 2010, by April 13, 2010, the owner of the land where a facility is located shall submit for department approval a notation to the deed to that land, or to some other instrument that is normally examined during title search. The notation must be submitted to the department on a form provided by the department and, if the notation covers less than all of the land in the deed, must be accompanied by a certified exhibit of the waste boundary that references the certificate of survey for the tract that encloses the facility. If the notation covers all of the land in the deed, then the notation must reference the certificate of survey for that land. The notation must, in perpetuity, notify any potential purchaser of the land that:

- (i) the land has been used as a solid waste management system; and
- (ii) its use is restricted under ARM 17.50.1404(3)(c).

(b) If the department approves the notation and exhibit, it shall notify the owner by mail.

(c) Within ten days after the department mails the approval to the owner, the owner shall record that notation with the county clerk and recorder in the county where the property is located and place a copy of the recorded notation and the exhibit in the facility operating record.

(d) The land use restrictions in (1)(a)(ii) apply during the post-closure care period and in perpetuity thereafter and are binding on all successors and assigns.

(e) The owner of the land where a solid waste management system is located may modify the waste disposal perimeter identified in the exhibit accompanying the notation only by following the process in (1)(a) through (c).

(2) For the purpose of this rule, "waste boundary" means the perimeter of the area approved by the department for disposal of solid waste that is located within the licensed boundary of a solid waste landfill facility. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1114 GENERAL LIABILITY INSURANCE (1) Before the initial receipt of waste at a solid waste management facility, or by April 13, 2010, if the facility is accepting waste, the owner or operator shall submit for department approval, and maintain in force during the active life of the facility, a policy of general liability insurance to cover bodily injury or property damage to third persons caused by sudden accidental occurrences at the facility in the minimum amount of \$1 million per occurrence with a minimum annual aggregate of \$2 million. The owner or operator shall place a copy of the approved policy in the facility operating record. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1115 SPECIAL WASTES (1) The owner or operator of a solid waste management facility shall manage the following special wastes according to the plan in ARM 17.50.509 and the following criteria:

- (a) asbestos-contaminated material, 40 CFR Part 61, subpart M, as adopted by reference in ARM 17.74.351;
- (b) infectious wastes, Title 75, chapter 10, part 10, MCA; and
- (c) any other special waste, in the manner determined by the department to be necessary to protect human health or the environment. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1116 OPERATING CRITERIA (1) An owner or operator of a solid waste management system shall construct, maintain, and operate that system in conformance with the requirements of this subchapter, the plan of operation and maintenance approved by the department, all local zoning, system planning, building, and protective covenant provisions, and any other legal requirements that may be in effect.

(2) In addition to the requirements of ARM 17.50.509, the owner or operator of a solid waste management facility shall satisfy the following general operating requirements:

- (a) all solid waste management must be confined to areas within the facility that can be effectively maintained and operated in compliance with this subchapter. The areas to which waste is confined must be created and maintained by supervision, fencing, signs, or similar means approved by the department;
- (b) the owner or operator shall take effective measures to control litter at landfill facilities;
- (c) salvaging of materials by the public is prohibited unless the owner or operator submits for department approval a demonstration that it can be done in a manner protective of human health and the environment;
- (d) a resource recovery, recycling, or solid waste treatment facility and components must be designed, constructed, maintained, and operated to control litter, insects, rodents, odor, residues, wastewater, and air pollutants;

(e) a container at a transfer station used as part of a management system for Group II solid wastes must be maintained and kept in a sanitary manner and emptied at least once per week; and

(f) a solid waste management facility must be designed, constructed, and operated in a manner to prevent harm to human health and the environment.

(History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1117 OPERATING CRITERIA FOR CLASS III LANDFILL UNITS

(1) The owner or operator of a Class III landfill unit:

(a) may accept only Group III wastes;

(b) shall cover the wastes at least every three months with not less than six inches of a department-approved cover soil;

(c) may not place bulk or noncontainerized liquid waste in the unit;

(d) shall comply, to the same extent required of a Class II landfill unit, with:

(i) ARM 17.50.1107, pertaining to air quality;

(ii) ARM 17.50.1108, pertaining to access; and

(iii) ARM 17.50.1109, pertaining to run-on control systems;

(e) shall, if the unit has been licensed for the sole or primary purpose of storage, treatment, processing, or disposal of waste tires, comply with the recordkeeping requirements of ARM 17.50.1112, the general requirements of 75-10-250, MCA, and the financial assurance requirements of 75-10-216, MCA; and

(f) shall comply with the requirements of ARM 17.50.1113, concerning a deed notation. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

17.50.1118 OPERATING CRITERIA FOR CLASS IV LANDFILL UNITS

(1) The owner or operator of a Class IV landfill unit:

(a) shall control litter, odor, wastewater, and leachate;

(b) shall apply an approved cover at least every three months unless more frequent cover is needed to control litter or minimize leachate;

(c) may not accept liquid paints, solvents, glues, resins, dyes, oils, pesticides, putrescible organic materials, or any other household hazardous wastes. If these wastes have not been removed from buildings prior to demolition, the owner or operator of a Class IV landfill unit may not accept the wastes as demolition waste;

(d) shall provide cost estimates and financial assurance for closure and post-closure care to the same extent as required for a Class II landfill unit in ARM 17.50.540; and

(e) shall comply with the requirements of ARM 17.50.1113 concerning a deed notation.

(2) The owner or operator of a Class IV landfill unit shall comply, to the same extent required for a Class II landfill unit, with the:

- (a) waste screening requirements in ARM 17.50.1103;
- (b) disease vector control requirements in ARM 17.50.1105;
- (c) explosive gas control requirements in ARM 17.50.1106;
- (d) air criteria requirements in ARM 17.50.1107;
- (e) access requirements in ARM 17.50.1108;
- (f) run-on and run-off control systems requirements as in ARM 17.50.1109;
- (g) surface water requirements in ARM 17.50.1110;
- (h) bulk liquids requirements in ARM 17.50.1111;
- (i) recordkeeping requirements in ARM 17.50.1112; and
- (j) ground water monitoring requirements in ARM Title 17, chapter 50, subchapter 13, unless the owner or operator obtains department approval of a demonstration that there is no potential for migration of a constituent in Appendix I or II to 40 CFR Part 258 (July 1, 2008) pursuant to ARM Title 17, chapter 50, subchapter 13, or a demonstration that such monitoring is not required to protect human health and the environment. (History: 75-10-204, MCA; IMP, 75-10-204, MCA; NEW, 2010 MAR p. 317, Eff. 2/12/10.)

