

1. Monofills Exempt from the Minimum Technological Requirements

RCRA Section 3004(o)(3) exempts certain monofills from the minimum technological requirements (MTR) for hazardous waste surface impoundments, landfills, and waste piles. How is "monofill" defined? What monofills are exempt?

RCRA contains no general statutory or regulatory definition of a "monofill." RCRA Section 3004(o)(3) states that the MTR requirements "may be waived by the Administrator for any monofill, if -

- "(A) such monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand,
- "(B) such wastes do not contain constituents which would render the wastes hazardous for reasons other than the Extraction Procedure ('EP') toxicity characteristics set forth in regulations under this subtitle, and
- "(C) such monofill meets the same requirements as are applicable in the case of a waiver under Section 3005(j)(2) or (4)."

Section 3005(j)(2) provides that the unit must have at least one liner, for which there is no evidence of leakage; be located more than one-quarter mile from an underground source of drinking water; and be in compliance with the applicable groundwater monitoring requirements, found in 40 CFR Parts 264/265, Subpart F. Section 3005(j)(4) requires that the unit be "located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time."

For a monofill to be exempt from MTR, it must meet the above criteria, as set forth in the unit-specific exemptions: Section 264.221(e) for surface impoundments; Section 264.251(e) for waste piles; and Section 264.301(e) for landfills.