

PPC 9487.1984(03)

DESIGN AND OPERATING STANDARDS

PERMIT POLICY Q & A REPORT

SEPTEMBER 10, 1984

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1. Question: Can a facility comply with the liner requirements by placing waste below the saturated zone so that ground water flows into the cell, thus preventing waste migration out of the cell. 40 CFR 264.301(a).

Answer: No. The regulatory intent is that compliance with 264.301(a) is to be achieved by construction of a liner rather than reliance on hydrogeologic forces.

2. Question: Can an applicant receive a variance from a specific design or operating requirement when the regulations do not contain a variance provision for that standard?

Answer: No. The regulations have no general provision for waiving specific sections on a case by case basis. There are, however, instances where the regulations provide alternative means for complying with, or waiving, a specific section.

3. Question: Can a land disposal facility achieve compliance with the double liner requirement by installing a synthetic membrane over a clay liner or must both liners be synthetic? 40 CFR 264.301, 264.302.

Answer: Both liners must be synthetic. The land disposal regulations provide an exemption from Subpart F requirements for landfills if they meet certain requirements, one of which is that the landfill must be underlain by 2 liners, both of which meet the liner design and operating standards. Liners for landfills must be constructed of materials that prevent wastes from passing into the liners. Clay liners do not meet this standard.