

## 1. Municipal Solid Waste Landfill Criteria

*On October 9, 1991, EPA issued a final rule establishing minimum national standards for municipal solid waste landfills (MSWLFs). Most provisions of the rule will be effective October 9, 1993 (56 FR 51017). All MSWLF units that receive waste after October 9, 1991 (the date the rule was published), but stop receiving waste prior to the effective date must still meet certain final cover requirements at closure. If a landfill consists of three cells, and two of the cells closed before October 9, 1991, is the entire landfill subject to the new final cover requirements or just the one cell that received waste after the date of publication?*

The new final cover requirements only apply to the third cell that continued to receive waste after the publication date of the final rule for MSWLFs. The regulations state that the new final cover standards apply to MSWLF units receiving waste after October 9, 1991 (40 CFR §258.1). Each landfill cell constitutes a separate MSWLF unit. The two cells (units) which stopped receiving waste before publication of the final rule are not subject to the new final cover requirements or any other Part 258 requirement. The cell that continued to receive waste between the publication date in 1991 and the effective date in 1993 is subject only to the final cover requirements of 40 CFR §258.60(a). In addition to the new final cover standards, all Part 258 requirements will apply to the third MSWLF unit if it continues to receive waste after October 9, 1993. Note that states may have more stringent requirements regarding final cover, closure requirements, and solid waste facilities in general.