



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

09 NOV 2006

Mr. Brian Tormey
Chief
Energy and Waste Management Bureau
Iowa Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

Dear Mr. Tormey:

Thank you for your letter of June 2, 2006. I apologize for the delay in a response. I discussed your questions with representatives of the Office of Solid Waste and we drafted a response which I thought was sent to you months ago. Apparently it was never made final. Again I apologize for the lengthy delay. We have reviewed the information which you provided concerning the questions on the placement of solid waste in a new municipal waste unit that abuts an existing unit which is not compliant with the Municipal Solid Waste Landfill Design Criteria requirements at 40 C.F.R. Part 258.40.

The response is that the footprint of a new unit must be compliant with the liner requirements in 40 C.F.R. Part 258, which is either a State-approved alternative liner which meets the standards of 258.40(a)(1) or a composite liner which meets the standards of 258.40(a)(2). A new unit abutting an old unit or new units are no different. They must be underlain by an approved liner. That liner must be contiguous beneath the new unit which means that it has to be attached or connected appropriately to prevent the loss of leachate from the unit and to ensure protection of groundwater.

Your second question asks for confirmation that:

“... alternative liner approvals are left up to the State *applicant* as long as the point of compliance modeling shows that the alternative liner will provide adequate protection to the groundwaters and surface waters of that state.” (Italics added.)

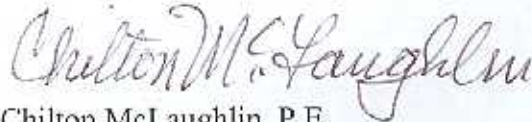
The Design criteria at 258.40(a)(1) states:

“In accordance with a design approved by the Director of an approved State or as specified in Part 248.40(e) for unapproved States. The design must ensure that the concentration values listed in Table 1 of this section will not be exceeded in the uppermost aquifer at the relevant point of compliance, as specified by the Director of an approved State under paragraph (d) of this section”

We do not read that the applicant has a role in the approval. That role is left to the Director of an approved State such as Iowa. We affirm that the Director of an approved State determines that the design criteria are satisfied.

I apologize again for the delay in getting this response to you. Please let me know if you require additional clarification.

Sincerely,

A handwritten signature in cursive script that reads "Chilton M. Laughlin". The signature is written in dark ink and is positioned above the typed name.

Chilton McLaughlin, P.E.
Environmental Engineer
Solid Waste and Pollution Prevention Branch