

County Landfill Ordinance



Capital Area Planning Council

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Disclaimer

This document is meant to be used as a guide for counties to prepare an ordinance that establishes guidelines of where solid waste disposal, processing, and storage facilities can be located. This document has been developed by solid waste professionals, not by legal professionals, to explain issues related to the siting of landfills. The ordinance that a county develops from this model must be reviewed by legal counsel to ensure it meets its legal obligation. This guide is not meant to be a substitute for sound legal advice.

Summary

In 1998, the State Senate Natural Resources Committee discussed local land use and landfills and gave the counties land use siting responsibilities. The counties would determine land use by designating areas where solid waste facilities could be located through ordinances. This responsibility placed on the counties allowed the state to maintain its focus on the technical aspects of the permitting process. In Texas, only a few counties have chose to develop ordinances. Travis, Chambers, Brazoria and Fort Bend Counties have all passed ordinances restricting the locating of solid waste facilities in their county.

There are several ways for counties to address solid waste facilities in their jurisdiction. Counties can make public comments during the Texas Commission on Environmental Quality (TCEQ) permitting process either for or against a facility trying to obtain a permit. Another option is to develop county-specific permitting program that is at least as stringent as TCEQ's. They can develop a MSW management plan with TCEQ approval. Lastly, a county can develop an ordinance that limits the locations that solid waste facilities can be located. This option does not require TCEQ approval. This last option is the focus of this document.

The authority to designate certain areas for waste disposal facilities is granted to the counties by the Texas Health & Safety Code Chapter 364. Counties may restrict solid waste facility operations in several ways, among these are prohibiting disposal, prohibiting processing, and designating areas suitable for solid waste facilities.

The Texas Administrative Code provides provisions for county governments to prohibit solid waste facilities, based on land use, as long as there are areas within the county designated as acceptable for these types of facilities. The model ordinance in this report provides a sample of land uses that can be addressed when developing an ordinance. It does not cover every circumstance that may arise, as many are site or county specific, but it does address common land use issues in the CAPCO region.

The first section is an outline of an ordinance with examples of sections taken from existing and drafted ordinances developed by Brazoria, Fort Bend, Chambers and Travis Counties. The outline model ordinance is followed by a section presenting notes on the ordinance sections. It gives a more thorough explanation of what each section in the ordinance requires. The last part of this document is a reference page that identifies Internet web sites that can be accessed to obtain state and federal regulations that drive solid waste management policy in Texas.

After the Solid Waste Summit of November 2003, CAPCO members expressed an interest to obtain guidance on the development of ordinances so that they might draft an ordinance. By beginning the process early, a county can minimize the chance of being placed in a situation of having to expedite an ordinance without the benefit of public

participation or a thorough review of the regulations, because of pending solid waste disposal facility permit approval. This document is meant to be used as a guidance document to help local county governments reduce conflicts between solid waste facilities, nearby land use, and natural resources.

Ordinance Prohibiting Solid Waste Disposal in (County Name) County

Sec. 1. General Provisions and Findings

Whereas, the Commissioners Court of (County Name) County, Texas, has both the responsibility and authority to protect the public health, safety and general welfare by prohibiting solid waste disposal in the unincorporated areas of (County Name) County, except for those areas designated as solid waste disposal sites, pursuant to the authority of the Texas Health and Safety Code § 363.112; and,

Whereas, solid waste disposal, especially the disposal of solid waste in landfills, is an activity that has high potential to negatively impact the health, safety, and welfare of any community; and,

Whereas, etc....

Each county should specify their particular provisions and findings here as needed.

Sec. 2. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

“Affected Area” refers to area of the county in which solid waste disposal is prohibited.

“Aquifer” refers to any subsurface geological formation, group of formations or part of a formation that is capable of yielding a significant amount of water to a well or a spring.

“Day Care Facility” refers to any real property used for the care of children or the elderly and is registered with the State of Texas as such.

“Executive Manager” refers to the person designated by the county to handle land use issues.

“Facility” refers to any structure or property that is used for processing, storage, or disposal of solid waste or solid waste handling equipment. Including all contiguous land, structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately owned solid waste facility consisting of several processing, storage, or disposal operational units such as one or more landfills, surface impoundments, or a combination of units.

“Fault” refers to an area that has fractured along the crust of the earth and has two sides that have moved in relation to each other.

“Floodplain” refers to any area in the 100-year floodplain that is susceptible to being inundated by water from any source or that is identified by the Federal Emergency Management Agency on flood insurance rate maps, flood boundary and floodway maps under the National Flood Insurance Act of 1968 (42 U.S.C. Sections 4001 through 4129).

“Health Care Facility” refers to any real property that provides medical care or treatment under the direction of a licensed physician to four or more persons unrelated to the proprietor or operator of the facility. Includes public or private hospitals, skilled nursing facility, intermediate care facility, ambulatory surgical facility, family planning clinic that performs ambulatory surgical procedures, rural or urban health initiative clinic, kidney disease treatment facility, inpatient rehabilitation facility, and any other facility designated a health care facility by federal law.

“Individual Residence” refers to any structure intended to serve as the primary residence of, and is inhabited by, a human being. A structure is presumed to be an individual residence if it is designed for human residential habitation.

“Industrial Solid Waste” means solid waste resulting from or incidental to a process of industry, manufacturing, mining, or agricultural operations.

“Historic Site” refers to any real property that is included on the National Register of Historic Places, designated as a Texas Historic Landmark, designated as a State Archeological Landmark; is determined to qualify as eligible property under criteria for inclusion on the National Register of Historic Places, as a Recorded Texas Historical Landmark or as a State Archeological Landmark; or has been designated as such by the actions of a county commissioners court or city council.

“Municipal Solid Waste” means solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and other solid waste other than industrial solid waste.

“Neighborhood” refers to any manufactured or mobile home development, apartment or condominium complex, subdivision, or community having a total of nine or more individual residences or residential units and an overall density of one residential unit or more per acre; an area designated as a residential zoning district by a governing ordinance or code or an area in which the principal permitted land use is for private residences; a subdivision for which a plat is recorded in the real property records of the county and a majority of the lots of which are subject to deed restrictions limiting the lots to residential use.

“Park” refers to any real property owned or operated or so designated by a unit of federal, state, or local government as such; and any land so designated in an adopted parks plan of a city or county.

“Places of Worship” refers to any enclosed structure that is owned by a religious institution or organization and that is used primarily as a place of regular group ceremony or meditation, education, and fellowship, the purpose of which is to manifest or develop reverence, homage, and commitment in behalf of religious faith.

“Public Surface Drinking Supply” refers to any surface water supply utilized for public drinking water supply.

“Scenic Road” refers to any road or highway in an area containing natural and scenic qualities of at least regional significance designated by federal, state, or local governments.

“School” refers to any real private or public property, attendance at which satisfies the compulsory school attendance requirements of §§25.085 and 25.086, Education Code, as they existed on the effective date of this ordinance.

“Solid Waste” means, subject to the limitations of 42 U. S. C. § 6903 (27) and 40 C. F. R. § 261.4 (a) garbage, rubbish, refuse, sludge, from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from commercial and institutional activities. The term:

(A) does not include:

- (i) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code;
- (ii) soil, dirt, rock, sand, and any other natural or man made inert solid waste materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or
- (iii) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by Railroad Commission of Texas under Section 91.101, Natural Resource Code, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the

Resource Conservation and Recovery Act, as amended (42 U.S.C. § 6901 et seq.); and,

(B) does not include hazardous substances

“Solid Waste Processing and or Disposal Facility” refers to any land, structures, appurtenances, and other improvements on land, used for management or disposal of solid waste, including any incinerator, landfill, transfer station, materials recovery facility, land application, beneficial use, or composting site. This includes both publicly and privately owned facilities.

“Tourist Attraction” refers to any area designated as such by the federal government, state, city council or county commissioners court.

“Water Well” refers to any well, registered with TWDB/TCEQ used to supply or is capable of supplying potable water.

“Wetlands” refers to a transitional land between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and conforms to the Army Corps of Engineers' definition.

Sec. 3. Approved Areas for Disposal in Unincorporated Areas of (County Name) County

(Areas where solid waste disposal will be permitted by county)

Sec. 4. Siting Criteria for Solid Waste Processing and Disposal Facilities

Processing and or disposal of solid waste may only occur if the following conditions are met:

- (a) facility perimeter is located at least 2,640 feet from a school;
- (b) facility perimeter is located a least 2,640 feet from public or private water wells;
- (c) facility perimeter is located at least 2,640 feet from neighborhoods;
- (d) facility perimeter is located at least 2,640 feet from individual residences;
- (e) facility perimeter is located at least 2,640 feet from day cares facilities;
- (f) facility perimeter is located at least 2,640 feet from places of worship;
- (g) facility perimeter is located at least 5,280 feet from areas of direct drainage to any public surface drinking supply;
- (h) facility perimeter is located at least 2,640 feet from historic site;
- (i) facility perimeter is located at least 2,640 feet from health care facilities;
- (j) facility perimeter is located at least 1,000 feet from areas of direct drainage to any recharge aquifers;
- (k) facility perimeter is located at least 500 feet from a the boundary of a 100-year floodplain;

- (l) facility perimeter is located at least 2,640 feet from a park;
- (m) facility perimeter is located at least 2,640 feet from a tourist attraction;
- (n) facility is not visible from a road designated as a scenic road;
- (o) facility perimeter is located at least 5,000 feet from the end of any airport runway utilized by piston driven aircraft;
- (p) facility perimeter is located at least 10,000 feet from the end of any airport runway utilized by turbojet powered aircraft;
- (q) facility perimeter is not located within the boundaries of any wetland area;
- (r) facility perimeter is not located within 200 feet of any fault areas that have shifted since the last Ice Age;
- (s) facility perimeter is not located within a seismic impact zone;
- (t) facility perimeter is not located within any unstable area;
- (u) facility does not create conditions which make traffic flow unsafe.

This section does not apply to:

- (a) areas within a municipality;
- (b) any area that has applied for a permit or received authorization from TCEQ prior to the issuance of this ordinance's effective date;
- (c) temporary sites established to handle demolition and debris from a natural disaster;

Unless restricted by state or federal law.

Sec. 5. Variances

- (a) If all requirements of this section are met to (*County Name*) County's satisfaction, (*County Name*) County shall issue a variance for the processing and disposal of solid waste in an area where it is otherwise declared inappropriate and prohibited.
- (b) A person seeking a variance shall submit to the Executive Manager the following information. The amount and detail of the information shall be commensurate with the volume of and potential for adverse impacts from the proposed processing and disposal activities, as determined by the Executive Manager.
 - (1) Satisfactory evidence of the impracticability of locating or having located a facility in an area identified in Section 3.
 - (2) Satisfactory assurances that the facility operator will comply with all necessary conditions and employ all necessary measures to protect public health, safety, and welfare by mitigating any adverse impacts on adjacent property, natural resources, and persons who reside, work, or recreate adjacent to the facility.
 - (3) Satisfactory evidence of the degree to which the proposed facility or expansion will contribute to meeting the solid waste management needs of the Capital Area Planning Council region.
 - (4) Copies of notices of violations, notices of enforcement, final judicial or administrative orders, agreed orders or settlements, and all other

- compliance history information, for the facility in question and any other facility in the State of Texas under control of the same operator.
- (5) A certification that written notice of the variance request, including a request that written comments be submitted to (*County Name*) County before the public hearing under Subsection (c) below, and copies of all the information required were submitted to TCEQ and the homeowners association for each neighborhood within one mile of the area that is the subject of the request, and were also made available to the public at locations readily accessible to the owners of all public water wells, schools or day cares, places of worship, health care facilities, parks, historic facilities, and individual residences, and all residents of any neighborhood, that are closer to the area than the distances set out in Section 4.
- (c) The Executive Manager shall hold a public hearing on the requested variance after the Executive Manager has determined that the information provided is adequate, but in no event sooner than thirty days before the information was submitted and made available as required. If the variance is not protested either in written comments or at hearing, within twenty days after the hearing the Executive Manager shall issue a written determination of whether to issue the variance under Subsection (d) below. If the variance is protested either in written comments or at the hearing, or if the person requesting the variance submits a written appeal within ten days of an adverse determination by the Executive Manager, at the earliest practicable date the Commissioners Court shall determine whether to issue the variance under Subsection (d) below
- (d) (*County Name*) County shall issue a variance order authorizing, and specifically designating as an appropriate land use the processing and disposal of solid waste in the area if the following requirements are met.
- (1) The County finds that it is impracticable to process and dispose of the solid waste at a new facility located in an area described in Section 3.
- (2) Taking into account the information described and any other significant and reliable information obtained by the County, the County finds that there are adequate assurances that the operator will comply with all necessary conditions and employ all necessary measures to protect the public health, safety, and welfare by mitigating any adverse impacts on persons, property, and natural resources adjacent to the facility.
- (3) The County finds that the facility will provide an overall public health benefit in light of the solid waste management needs of the Capital Area Planning Council region.

Sec. 6. Civil Remedies and Penalties

The Commissioners Court of (*County Name*) County, Texas, may bring legal action to enjoin violations of this ordinance and seek judgment for any civil penalties.

Sec. 7. Severability

If any portion of this ordinance is deemed to be in violation of the statutes or the constitution of this state or the United States by a court of competent jurisdiction, said portion shall be severed, and the remaining portions of the ordinance shall remain in full force and effect.

Sec. 8. Withdrawal or Return of Permit

In the event that an application for permit or other authorization under Texas Health and Safety Code Chapter 361 which was pending before the Texas Commission of Environmental Quality at the time of the adoption of this Order for an area listed in Section 3 of this order is withdrawn by or returned to the applicant, or if a permit is overturned by a final appeal, then such area shall be removed from Section 3 of this Order and unincorporated areas of (*County Name*) County.

Model Ordinance Notes

The notes in this section refer back to the model ordinance numbering system so that the reader can easily reference back to each section for a more thorough explanation for each section.

Section 1 General Provisions

This section is an explanation of the issues the commissioner's court has identified.

Section 2 Definitions

This section is where each of the key words in the ordinance is explained in detail so that there is no confusion as to the interpretation of the term. It is very important that this section be carefully thought out as it is where the details of the ordinance are located. It can and likely will be challenged if there is a disagreement between the county and a potential landfill operator. This list is not inclusive, but instead serves as a foundation for many of the key locations that would be sensitive to a solid waste disposal facility.

It is important to be clear of the definitions, for example, solid waste processing and disposal facilities. The definition, as written in the model, would restrict the location of a material recovery facility or transfer station. While these types of facilities may be considered nuisances by neighbors they don't create some of the hazards that a landfill might such as methane gas or leachate, and as a result don't pose the same risk.

Section 3 Areas Approved for Disposal in Unincorporated Areas of County

This section is required by the Health & Safety Code if an ordinance such as this is adopted. Counties may designate areas of the county that are acceptable for the use of solid waste in two ways. First, counties may designate areas within their boundaries that would be acceptable if a solid waste facility operator requested a permit through the Texas Commission of Environmental Quality (TCEQ). A county may prefer to define an area by designating sensitive locations and establishing facility setbacks from those locations. Whichever method is used, counties must include acceptable areas if they also want to exclude other areas.

The following is an example of a metes and bounds description taken from an ordinance developed in Brazoria County.

AREA FOUR

The location of which is at 10310 FM 523, Clute, Texas

Beginning at the southeast corner of said Tract 23; Thence, Az. 86°55'39.029" in all a distance of 1332.925 feet to a 1" iron pipe set for corner, said corner being the southwest corner of Lot 3A; Thence, Az. 176° in all a distance of 2012.008 feet to a point for corner; Thence, Az. 86°55'39.029" in all a distance of 1046.250 feet to a point for corner; Thence, Az. 176° in all a distance of 1000.00 feet to a 1" iron pipe set for corner, said corner being the northeast corner of Tract 23; Thence, Az. 266°55'39.029" in all a distance of 2590.079 feet to a point for corner, said corner being the northeast corner of Tract 23; Thence Az. 00°18'30.893" in all a distance of 3107.293 feet to a point for corner and the POINT OF BEGINNING.

Section 4 Siting Criteria for Solid Waste Processing and Disposal Facilities

This section of the ordinance identifies areas that the county would like to prevent solid waste facilities from locating next to, for obvious safety and health reasons. Each of the locations and setbacks identified in this section must be reviewed and decided upon by each commissioners court to decide if it is applicable to their county. The distances identified in this section also may be changed to address county needs. Some have been mandated by state and or federal law. Counties may establish restrictions that are more or less stringent than current federal or state laws. If additional site restrictions are identified, be sure the location description is defined in the definition section.

The following is an expanded explanation of each of the possible locational restrictions and the distances included.

- a. Schools – Included for obvious reasons as the public sentiment for their children's health and safety equals and in most cases exceeds their own. Issues affecting a schools proximity to a solid waste facility may include traffic concerns, vectors drawn to a solid waste facility such as rodents, snakes, and mosquitos if tires are improperly stored before final disposition, odors, noise, contamination of ground water if school utilizes a water well for its water supply.
- b. Public or Private Water Wells – Water supplies can become contaminated from landfills that are unable to contain leachate. Leachate is the resulting liquid that has accumulated in a landfill after having percolated throughout the layers of trash. This leachate is a result of rainwater that falls onto the landfill, but also is a result of the liquid content of the buried waste. As this liquid moves through the trash it collects various chemicals that have been disposed. These chemicals can be from full or partially full household

hazardous waste that has been thrown away, or leaking batteries. If this leachate is able to migrate through the landfill liner and move, offsite contamination of wells may occur. State and federal regulations require the landfill to have monitor wells around the facility to detect these chemicals before off site migration occurs, but this is not a foolproof method as geologic formations may alter the flow of leachate allowing it to evade detection from monitor wells that are spaced too far apart.

- c. Neighborhoods – Issues relating to neighborhoods are odors, vectors, traffic, noise, and illegal dumping. The illegal dumping issue is a result of a landfill not being open when someone is ready to dispose of their material and instead of hauling back to their residence some people often find it easier to just dump it.
- d. Individual Residences – Issues relating to individual residences are odors, vectors, traffic, noise, and illegal dumping. The illegal dumping issue is a result of a landfill not being open when someone is ready to dispose of their material and instead of hauling back to their residence some people often find it easier to just dump it.
- e. Day Care Facility – Issues relating to day care facilities are odors, vectors, traffic, noise, and illegal dumping.
- f. Place of Worship – Issues relating to places of worship are odors, vectors, traffic, noise, and illegal dumping.
- g. Public Surface Drinking Supply – Landfills within the buffer zone of a public surface drinking supply threaten water quality should it experience an unexpected release.
- h. Historic Site – Issues relating to historic sites are odors, vectors, traffic, noise, and illegal dumping.
- i. Health Care Facility – Issues relating to health care facilities are odors, vectors, traffic, noise, and illegal dumping.
- j. Recharge Aquifer – Leachate migration and resulting groundwater contamination is of major concern of landfills situated over or within the recharge watershed.
- k. 100-year Floodplain – Landfills situated within the floodplain should be avoided due to the physical constraints the landfill structure may have upon water flow and also the impact the landfill would have if inundated and damaged from floodwaters. Engineered slopes can be washed away as well as the wastes they contain.
- l. Park – Issues relating to parks are odors, vectors, traffic, noise, and illegal dumping.
- m. Tourist Attraction – Issues relating to tourist attractions are odors, vectors, traffic, noise, and illegal dumping.

- n. Scenic Road – Landfills situated near scenic roads may spoil the view these roads once allowed and in the case of landfills with substantial height, may appear awkward in areas with relatively low slopes.
- o. Airport Runway (piston driven aircraft) – Established to address the hazard of birds and aircraft (RCRA Subtitle D)
- p. Airport Runway (turbojet powered aircraft) - Established to address the hazard of birds and aircraft. (RCRA Subtitle D)
- q. Wetlands – This type of area is designated by federal law. (RCRA Subtitle D)
- r. Fault – This type of area is designated by federal law. (RCRA Subtitle D)
- s. Seismic Impact Area – This type of area is designated by federal law. (RCRA Subtitle D)
- t. Unstable Area – This type of area is designated by federal law. (RCRA Subtitle D)
- u. Traffic – The locating of a landfill in an area with inadequate roads can present challenges to public works officials, police, and emergency personnel. Depending on the size of the landfill, traffic can expect to increase as well as the weight of the vehicles traveling on the roads. Landfills, even well maintained landfills, will allow mud to be brought onto the roadway from vehicles exiting the facility.

While Chapter 363.112 does not prohibit disposal in the ETJ of municipalities, other statutes address related issues. Chapter 361.162 (a) of the Texas Solid Waste Disposal Act states “Subject to the limitation under Sections 361.151 and 361.152, a county may designate land areas not in the territorial limits or extra territorial jurisdiction of a municipality as suitable for use as solid waste facilities.” Chapter 364.011 (a) of the County Solid Waste Control Act also states “Subject to the limitation provided by Sections 361.151 and 361.152 (Solid Waste Disposal Act), a commissioners court by rule may regulate solid waste collection, handling, storage, and disposal in areas of the county not in a municipality or the extraterritorial jurisdiction of a municipality.”

Also, it can apply only to facilities that have not applied for a permit or been issued a permit as of the effective date of the ordinance. This cannot be changed by a county ordinance. However, the county may decide to allow an exemption to a facility that has been temporarily setup to handle waste from a natural disaster as long as permission has been obtained from the TCEQ.

Section 5 Variances

This section may or may not be included by the county. If the county desires it may include this section to allow for site specific cases as long as the permit applicant can provide evidence that the facility will not be a threat to health or safety. It is not required to have this section, an example of the variances that Travis County has proposed has

been included in the model to serve as a guide to the typical language that may be included.

Section 6 Civil Remedies and Penalties

As in other ordinances, this section is an explanation of the result of noncompliance with the ordinance.

Section 7 Severability

As in this ordinance an explanation that federal and state law supersedes this ordinance.

Section 8 Withdrawal or Return of Permit

This section explains that any pending permit at TCEQ that does not go to final approval will be removed from Section 3

Other Important Notes

There are other requirements to be completed such as preparation of a Takings Impact Assessment, public hearing, and or publishing a copy of the proposed ordinance in the newspaper. It is essential to have your legal staff take into consideration all of the various regulations and their specific procedural requirements.

Statutes

The following regulations can be viewed over the Internet, in their entirety, to obtain a greater understanding of solid waste management in Texas. Due to the size of the documents only a web site address is listed that can be used to locate the document in its entirety.

Texas Health & Safety Code - Title 5

Chapter 361 - Texas Solid Waste Disposal Act

Chapter 363 – Comprehensive Municipal Solid Waste Management, Resource Recovery & Conservation Act

Chapter 364 – County Solid Waste Control Act

Texas Government Code – Chapter 2007

These statutes may be found on the internet at:
www.capitol.state.tx.us/statutes/hs.toc.htm

Resource Conservation and Recovery Act (RCRA) – Title 40, Chapter 1, Subchapter 1, Part 258

RCRA is the Resource Conservation and Recovery Act, which was enacted by Congress in 1976. RCRA's primary goals are to protect human health and the environment from the potential hazards of waste disposal, to conserve energy and natural resources, to reduce the amount of waste generated, and to ensure that wastes are managed in an environmentally sound manner. RCRA regulates the management of solid waste (e.g., garbage), hazardous waste, and underground storage tanks holding petroleum products or certain chemicals. Subtitle D focuses on state and local governments as the primary planning, regulating, and implementing entities for the management of non-hazardous solid waste, such as household garbage and non-hazardous industrial solid waste. In order to promote the use of safer units for solid waste disposal, EPA developed federal criteria for the proper design and operation of municipal solid waste landfills (MSWLF's) and other solid waste disposal facilities. Many states have adopted these criteria into their solid waste programs.

This regulation may be found on the Internet at:
www.epa.gov/epahome/cfr40.htm