Environmental Protection Agency

§ 258.13 Fault areas.

(a) New MSWLF units and lateral expansions shall not be located within 200 feet (60 meters) of a fault that has had displacement in Holocene time unless the owner or operator demonstrates to the Director of an approved State:

(1) Cause or contribute to significant degradation of wetlands. The owner or operator must demonstrate the integrity of the MSWLF unit and its ability to protect ecological resources by addressing the following factors:
   (i) Erosion, stability, and migration potential of native wetland soils, muds and deposits used to support the MSWLF unit;
   (ii) Erosion, stability, and migration potential of dredged and fill materials used to support the MSWLF unit;
   (iii) The volume and chemical nature of the waste managed in the MSWLF unit;
   (iv) Impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;
   (v) The potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and
   (vi) Any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected.

(b) For purposes of this section, wetlands means those areas that are defined in 40 CFR 232.2(r).

§ 258.12 Wetlands.

(a) New MSWLF units and lateral expansions shall not be located in wetlands, unless the owner or operator can make the following demonstrations to the Director of an approved State:

(1) Where applicable under section 404 of the Clean Water Act or applicable State wetlands laws, the presumption that practicable alternative to the proposed landfill is available which does not involve wetlands is clearly rebutted;

(2) The construction and operation of the MSWLF unit will not:
   (i) Cause or contribute to violations of any applicable State water quality standard,
   (ii) Violate any applicable toxic effluent standard or prohibition under Section 307 of the Clean Water Act,
   (iii) Jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973, and
   (iv) Violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary;

(3) The MSWLF unit will not cause or contribute to significant degradation of wetlands. The owner or operator must demonstrate the integrity of the MSWLF unit and its ability to protect ecological resources by addressing the following factors:
   (i) Erosion, stability, and migration potential of native wetland soils, muds and deposits used to support the MSWLF unit;
   (ii) Erosion, stability, and migration potential of dredged and fill materials used to support the MSWLF unit;
   (iii) The volume and chemical nature of the waste managed in the MSWLF unit;
   (iv) Impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;
   (v) The potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and
   (vi) Any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected.

(b) For purposes of this section, wetlands means those areas that are defined in 40 CFR 232.2(r).
§ 258.14 Seismic impact zones.

(a) New MSWLF units and lateral expansions shall not be located in seismic impact zones, unless the owner or operator demonstrates to the Director of an approved State/Tribe that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. The owner or operator must place the demonstration in the operating record and notify the State Director that it has been placed in the operating record.

(b) For the purposes of this section:

(1) **Seismic impact zone** means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth’s gravitational pull (g), will exceed 0.10g in 250 years.

(2) **Maximum horizontal acceleration in lithified earth material** means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

(3) **Lithified earth material** means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallisation of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.


§ 258.15 Unstable areas.

(a) Owners or operators of new MSWLF units, existing MSWLF units, and lateral expansions located in an unstable area must demonstrate that engineering measures have been incorporated into the MSWLF unit’s design to ensure that the integrity of the structural components of the MSWLF unit will not be disrupted. The owner or operator must place the demonstration in the operating record and notify the State Director that it has been placed in the operating record. The owner or operator must consider the following factors, at a minimum, when determining whether an area is unstable:

(1) On-site or local soil conditions that may result in significant differential settling;

(2) On-site or local geologic or geomorphologic features; and

(3) On-site or local human-made features or events (both surface and subsurface).

(b) For purposes of this section:

(1) **Unstable area** means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and Karst terranes.

(2) **Structural components** means liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the MSWLF that is necessary for protection of human health and the environment.

(3) **Poor foundation conditions** means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of an MSWLF unit.