

STATE WATER RESOURCES CONTROL BOARD  
**RESOLUTION NO. 2005-0058**

CONSIDERATION OF THE ADOPTION OF PROPOSED REVISIONS  
TO  
THE STATE WATER POLICY  
FOR  
REGULATION OF MUNICIPAL SOLID WASTE

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted the Policy For Regulation of Municipal Solid Waste (Policy) in 1993 (Resolution No. 93-62).
2. United States Environmental Protection Agency (U.S. EPA) regulations governing municipal solid waste landfills are contained in Title 40, Code of Federal Regulations, Part 258.3. On March 22, 2004, the U. S. EPA amended Part 258 by adding section 258.4. This section allows states to issue research, development, and demonstration (RD&D) permits.
3. RD&D permits allow the use of innovative methods that may vary from other requirements in Part 258, in particular the liquids restrictions in section 258.28(a) that have limited the development of bioreactor landfills, which are known to accelerate the waste stabilization process. The RD&D permits can also include variances from federal run-on water and final cover requirements, particularly as these may relate to augmenting the efficiency of waste breakdown in a bioreactor landfill.
4. RD&D permits: must contain alternative requirements at least as protective as all Part 258 requirements; can remain in force for a period not to exceed three years; and may be renewed repeatedly for a total period not to exceed 12 years. As adopted by a regional water board, the RD&D permit would take the form of waste discharge requirements.
5. The State Water Board published a notice of public hearing on May 6, 2005, seeking written comments on proposed revisions to the Policy that would incorporate the U.S. EPA RD&D rule by reference and make various non-substantive changes. The State Water Board held a public hearing on this matter on July 6, 2005.
6. These revisions to the Policy will not become effective until approved by the State Office of Administrative Law (OAL) and U.S. EPA.
7. Nothing in this Resolution or the Policy precludes regional water boards from processing reports of waste discharge for RD&D projects or from adopting conditional or provisional waste discharge requirements for these projects, provided the waste discharge requirements clearly specify that the portions implementing 40CFR258.4 (i.e., the RD&D portions) will

not become effective until the RD&D revisions to the Policy are formally approved by OAL and U.S. EPA.

**THEREFORE BE IT RESOLVED THAT:**

The State Water Resources Control Board revises the Policy for Regulation of Municipal Solid Waste ([Resolution 93-62](#)) as indicated in the attached copy of the Policy.

**CERTIFICATION**

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 21, 2005.

  
Debbie Irvin  
Clerk to the Board