

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 265**

[SWH-FRL-2784-5]

**Hazardous Waste Management System; Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency is today amending the interim status regulations for hazardous waste surface impoundments, land treatment units, and landfills (40 CFR Part 265, Subparts K, M, and N, respectively), issued under authority of the Resource Conservation and Recovery Act, as amended (RCRA).

Most of today's modifications to the interim status standards were proposed on July 26, 1982. However, the amendment to the land treatment rules is in response to comments received on the May 19, 1980, interim final promulgation of those rules. Today's modifications provide consistency between certain of the interim status requirements for surface impoundments, land treatment units, and landfills and those contained in the permitting rules of 40 CFR Part 264, that were also published on July 26, 1982.

Today's modifications include the following:

- (1) A variance to the two-foot freeboard requirement for surface impoundments.
- (2) Final cover performance requirements for landfills.
- (3) An additional variance allowing placement of some ignitable or reactive wastes in surface impoundments.
- (4) More definitive requirements regarding placement of containers in landfills.
- (5) A clarification of the allowable treatment mechanisms at land treatment units.

**EFFECTIVE DATE:** These final regulations become effective on October 23, 1985, which is six months from the date of promulgation, as RCRA section 3010(b) requires.

**ADDRESS:** The official docket for this regulation is located in Room S212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** RCRA hotline at (800) 424-9346 (in Washington, D.C., call 382-3000) or Kent Anderson, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, Washington, DC, 20460, telephone (202) 382-4654.

**SUPPLEMENTARY INFORMATION:****I. Authority**

These regulations are issued under the authority of sections 1008, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

**II. Background**

Subtitle C of the Resource Conservation and Recovery Act (RCRA) creates a "cradle-to-grave" management system intended to ensure that hazardous waste is safely treated, stored, or disposed. First, Subtitle C requires EPA to identify hazardous waste. Second, it creates a manifest system designed to track the movement of hazardous waste, and requires hazardous waste generators and transporters to employ appropriate management practices as well as procedures to ensure the effective operation of the manifest system. Third, owners and operators of treatment, storage, and disposal (TSD) facilities must comply with standards to protect human health and the environment that are established by EPA under section 3004 of RCRA. Ultimately, these standards for TSD facilities will be implemented through permits that are issued by authorized states or EPA to owners and operators of such facilities. However, until these permits are issued, existing facilities are controlled under the interim status regulations of 40 CFR Part 265. Under the interim status program, the owner or operator of a facility in existence on November 19, 1980, (or in existence on the effective date of statutory or regulatory changes under the Hazardous and Solid Waste Amendments of 1984 (HSWA) that render the facility subject to the requirement to have a permit under section 3005), who has complied with the notification requirements of section 3010 of RCRA, and applied for a permit (Part A application) in accordance with section 3005 of RCRA is treated as having been issued such a permit until the permit is issued or denied.

In regulations promulgated on July 26, 1982, (40 CFR Part 264, 47 FR 32274), EPA established permitting standards covering the treatment, storage, and disposal of hazardous wastes in surface impoundments, waste piles, land treatment units, and landfills. Owners

and operators of such facilities must meet these standards to receive a RCRA permit. Also included in the **Federal Register** on that date were a series of changes to the interim status requirements of Part 265, which were promulgated to ensure consistency with the new Part 264 standards. There were, however, a few additional Part 265 conforming changes that the Agency believed should first be proposed for public comment because, in most cases, the public had not had sufficient opportunity to comment on the appropriateness of applying them during the interim status period. The changes that were proposed on July 26, 1982, are today being made final.

In the promulgation of the Part 264 land treatment regulations on July 26, 1982, the Agency adopted an approach that had been suggested by commenters to the Part 265 interim status standards. These commenters had stated that the Agency position in Part 265 was not clear as to whether immobilization of hazardous waste constituents was an acceptable treatment mechanism and suggested that the Agency regard immobilization as acceptable. In the Part 264 land treatment requirements, the Agency clearly states that immobilization is an acceptable treatment mechanism. Today, the Agency is making a similar clarification to the interim status land treatment requirements.

**III. Discussion of Today's Amendments****A. Surface Impoundments—General Operating Requirements**

Section 265.222 contains the rules designed to prevent overtopping of impoundment dikes. The interim status regulations promulgated on May 19, 1980, contain a performance requirement for the prevention of overtopping, as well as a requirement for maintenance of a minimum freeboard of two feet. The Agency received numerous comments as a result of the May 19, 1980, rulemaking claiming that the two-foot requirement is redundant in light of the performance requirement to prevent overtopping. Many claimed that the two-foot minimum is, in some cases, either underprotective or overprotective.

EPA generally agrees with these commenters and, in the Part 264 regulations, the Agency requires only that overtopping be prevented. As with most Part 264 requirements, this is implemented through the permitting process, when the applicant assesses the potential causes of overtopping (e.g., rainfall, run-on, equipment malfunctions and human error) and develops design

features and operating practices to prevent overtopping. During interim status, in the absence of Agency review provided by the permitting process, EPA is concerned that a general performance requirement, such as "prevent overtopping", may not be adequately self-implementing or readily enforced.

Therefore, the Agency is maintaining the two-foot minimum freeboard requirement in the interim status rules, but is allowing a variance if a qualified engineer certifies that alternate design features or operating procedures will prevent overtopping. Examples of alternate design features or operating procedures that may support the use of a freeboard of less than two feet include: (1) An impoundment cover to control rainfall and wind and wave action or (2) a combination of features or factors such as controls to reduce wind and wave action, level controls or emergency overflow structures, and local historic weather conditions. We believe that a qualified engineer can review a facility's characteristics that may contribute to the potential for impoundment overtopping and the impoundment's design and operating features to prevent such overtopping and adequately conclude whether overtopping is a realistic possibility. The owner or operator would also be required to maintain the certification and the basis for it at the facility for review during enforcement inspections. The Agency believes this approach to be self-implementable and to provide a degree of protection equivalent to that of the two-foot freeboard minimum. Only one comment was received on the July 26, 1982, proposal of this part 265 amendment. That comment supported the two-foot freeboard variance provision.

#### *B. Landfill Closure and Post-Closure Care*

The part 264 rules issued on July 26, 1982, for landfill closure and post-closure care are in many ways quite similar to the interim status requirements. The Part 264 rules are, however, more explicit and somewhat more environmentally protective. The Agency believes the more explicit Part 264 rules for landfills can readily be implemented during interim status as well since the existing review process for interim status closure and post-closure care plans will provide an opportunity for the Agency to review the specifics of the plans for compliance. Any problems with misinterpretation by the owner or operator would, therefore, be identified and rectified. In fact, the process during interim status is similar to the review process for closure and

post-closure care plans conducted during the permitting process. Therefore, the Agency is adopting, as Part 265 interim status requirements, the Part 264 closure and post-closure care requirements for landfills (§ 264.310), except for the § 264.310 leachate management requirements because existing units at interim status landfills are not required to have leachate collection and removal systems. (The HSWA require leachate collection systems for new units and lateral expansions and replacements of existing units at interim status facilities. The issue of post-closure operation and maintenance of leachate collection systems at these units will be addressed in rules under section 3004(o)(5)(A) of RCRA, as amended by HSWA.)

The new interim status requirements promulgated today have more explicit and stringent requirements governing the final cover for landfills than do the current interim status rules. The cover must now "minimize" infiltration instead of simply "controlling" it. In order to prevent the "bathtub" effect, it must be at least as impermeable as any bottom liner or any underlying subsoils that could potentially cause liquids to accumulate within the landfill. Therefore, if the bottom liner or underlying subsoil is highly impermeable, the cover will also have to be highly impereable. It must also accommodate settling and subsidence. The rationale for these requirements remains the same as that discussed in detail in the preamble to the Part 264 requirements promulgated on July 26, 1982 (47 FR 32320-32321).

The new interim status post-closure care requirements for landfills also contain some differences from the current rules. The new provisions require that erosion of the cover from precipitation be minimized. This requirement is as appropriate for interim status as for permitted units. The requirement that access be restricted to landfills during post-closure care has been dropped because it is redundant to § 265.117(b).

On July 26, 1982, changes to the surface impoundment closure and post-closure care requirements (§ 265.228) were also proposed. The proposed changes are related to clean-up policies being refined under the Agency's Superfund program. The Agency is currently examining the relevant issue in the context of both programs. Pending further analysis, we are not at this time making final the changes to § 265.228 that were proposed on July 26, 1982.

#### *C. Surface Impoundments—Ignitable or Reactive Waste*

The existing interim status limitations on placing ignitable or reactive waste in surface impoundments allow the practice only if the waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste, unless the surface impoundment is used solely for emergencies. The Part 264 requirements additionally allow the use of impoundments for ignitable or reactive waste if the waste is protected from conditions that could cause it to ignite or react. EPA does not expect this variance to be used much, but recognizes that protection from certain types of reactions may be practical. Design or operating practices that protect against ignition or reaction may include warning signs, fences, separation of impoundments, or covers. Since the management methods providing protection can be reviewed during permitting, we believe that the new variance provides additional flexibility to the owner or operator without sacrificing human health or environmental protection.

Adoption of the same variance during interim status, however, presents the same enforcement and self-implementation problems as adoption of the freeboard variance discussed in section A. The Agency is again addressing these difficulties by requiring that the owner or operator obtain certification from a qualified chemist or engineer that the design features of the facility or the operating practices employed will prevent ignition or reaction. EPA expects that a qualified engineer or chemist can evaluate the operation and adequately determine that it is safe. Enforcement of the rule can adequately be carried out by comparing the basis for the certification kept at the facility against actual practice.

Only one comment was received on this Part 265 amendment when it was proposed on July 26, 1982. That comment was in support of the greater flexibility offered by the variance provisions.

#### *D. Landfills—Special Requirements for Containers*

The existing interim status requirements mandate that empty containers be crushed flat prior to placement in a landfill. The purpose of this requirement is to minimize differential subsidence over time due to

the collapse of empty containers. Such subsidence poses a serious threat to the continuity and proper functioning of the final cover.

Commenters on this provision when it was promulgated on May 19, 1980, made three basic suggestions:

(1) Small containers should be exempted.

(2) EPA should provide guidance on when a container is empty or full for purposes of this rule, and

(3) EPA should provide guidance on how much crushing and shredding is necessary to comply.

The Agency agreed with all of these suggestions and, in § 264.315 (promulgated on July 26, 1982), addressed these comments (1) by exempting small containers such as ampules, and (2) by requiring that all containers be at least 90% full or crushed prior to being placed in a landfill. Similarly, we are today promulgating these requirements in § 265.315. The rationale for these requirements is discussed in the preamble to the July 26, 1982, issuance (47 FR 32331-32332).

We are, however, not yet able to provide more specific guidance in response to comment (3) regarding how much shredding or crushing is necessary to comply with the rule. In the *Federal Register* on July 26, 1982, we stated that we would prefer to set a performance limit on the required effectiveness of volume reduction and had considered imposing a requirement limiting maximum remaining void space after crushing to 10 percent of the precrushed volume. However, we lacked data at that time on the practicality of such a limit and requested comments on the level of performance that may practically be required.

Two sets of comments were received on the requirements for disposal of containers in landfills. One commenter stated that only 90 percent of the containers placed in a landfill should have to comply with the 90 percent full provision. We do not agree with this comment because the remaining 10 percent of totally empty containers would still cause damaging differential settlement. We also disagree with this commenter's contention that landfills located over substantial clay deposits are not sensitive to void space. Voids in a landfill, regardless of the underlying structure, can result in cover subsidence. The underlying soil structure is not relevant to the potential for void spaces in the waste to cause damage to the cover.

A second commenter addressed the issue of setting a performance limit on the volume reduction of empty

containers. The commenter contended that: (1) Requiring that containers be crushed to the "maximum practical extent" does not provide adequate guidance to landfill owners and operators, and that (2) the phrase, "maximum practical extent," suggests that factors other than absolute technological compatibility, such as cost, equipment availability, container design, and composition, can be considered in determining whether a container is crushed to the maximum practical extent. While EPA would prefer to make this requirement more specific, we do not yet have adequate information to structure a more explicit performance standard.

#### *E. Land Treatment—Interpretation of "Treatment"*

The current interim status requirements at § 265.272(a) prohibit the land treatment of hazardous waste "unless the waste can be made less hazardous or nonhazardous by biological degradation or chemical reactions occurring in or on the soil." The Agency has received some comments questioning whether immobilization of heavy metals is considered an acceptable "treatment" mechanism within the context of this provision. Several commenters expressed a concern that an overly strict interpretation of § 265.272(a) could result in the exclusion of certain wastes, such as oily wastes, from land treatment facilities, because they contain inorganic hazardous waste constituents. The intent of this amendment to § 265.272(a) is to clarify EPA's interpretation of acceptable "treatment" as it applies to land treatment under the interim status standards.

As is reflected in the Part 264 regulations (§§ 264.271(a) and 264.273(a)), the Agency believes that hazardous waste may be rendered less hazardous or nonhazardous (i.e., treated) in soils through the chemical, biological, and physical processes of degradation, transformation, and immobilization. These processes, alone or in combination, reduce the hazardousness of a waste by altering the chemical or physical state of the hazardous constituents in the soil matrix, making them unavailable or less available for environmental contamination. For example, organic constituents may be completely degraded or transformed to nonhazardous constituents, while inorganic constituents may be effectively immobilized through chemical reactions or physical attenuation processes. The Agency is today modifying the language in

§ 265.272(a) to clarify that degradation, transformation, and immobilization are all considered effective treatment processes. This approach is consistent with that taken in the Part 264 regulations.

Degradation, transformation, and immobilization processes all play a role in achieving effective treatment of hazardous constituents at land treatment units. As used in the regulations, degradation refers to the chemical, biological, or physical decomposition of organic waste constituents to compounds of lower molecular weight, whereas transformation pertains to reactions in which waste constituents are chemically changed to different compounds of higher molecular weight. Immobilization includes physical and chemical reactions, such as soil sorption, precipitation, and cation exchange, that result in the attenuation of waste constituents in the soil matrix. At land treatment units, degradation and transformation are considered the primary treatment mechanisms for organic constituents, while immobilization is reserved as the primary mode of treatment only for the smaller inorganic components of the waste.

As discussed in the preamble to the July 26, 1982, regulations (47 FR 32325), the Agency does not consider dilution to be an acceptable treatment process. Dilution does not provide chemical, biological, or physical "treatment" of hazardous constituents. Rather, dilution allows wide dispersal of hazardous constituents in the soil matrix. Since they remain untreated, such constituents may eventually migrate and concentrate to unacceptable levels in ground water or surface water.

While the general philosophy of "treatment" (i.e., degradation, transformation, and immobilization) under the Part 265 and Part 264 regulations is identical, there remain two significant differences in the scope and implementation of the treatment standard. First, under Part 265, the treatment standard applies only to the *hazardous waste constituents* in the hazardous wastes being land treated. These include constituents that either cause the waste to exhibit the characteristic of EP toxicity (see Part 261, Subpart C, Table 1), or cause the waste to be listed as hazardous waste (see Part 261, Subpart D, Appendix VII). Under the Part 264 regulations, however, the Agency has expanded this requirement to include all *hazardous constituents* (see Part 261, Subpart D, Appendix VIII) present in the waste.

This difference reflects the more comprehensive regulatory approach taken under the Part 264 regulations.

Second, the determination that the treatment objective is being met under Part 265 is achieved through the use of unsaturated-zone and ground-water monitoring data from the full-scale operational land treatment unit. Continued land treatment without successful treatment determinations via monitoring data is a violation of the interim status standards. Under Part 264, however, all land treatment units (existing and new) are required to demonstrate prior to full-scale operation under Part 264 that all hazardous constituents in the waste can be successfully treated in the proposed unit. This demonstration information is used by the permit writer to define in the Part 264 permit specific design and operating conditions to assure successful treatment when the facility is fully operational.

#### IV. Effective Date

Pursuant to section 3010(b) of RCRA, today's amendments will be effective six months after promulgation.

#### V. State Authority

##### A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Authorization, either interim or final, may be granted to State programs that regulate the identification, generation, and transportation of hazardous waste and the operation of facilities that treat, store, or dispose of hazardous waste. Interim authorization is granted to States with programs that are "substantially equivalent" to the Federal program (Section 3006(c)). Final authorization is granted to States with programs that are equivalent to the Federal program, consistent with the Federal program and other State programs, and that provide for adequate enforcement (Section 3006(b)).

Under RCRA, prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), once EPA authorized a State program, EPA suspended administration and enforcement within the State of those parts of the Federal program for which the State was authorized. However, under section 3006(g) of HSWA, any requirement pertaining to hazardous waste promulgated pursuant to HSWA is effective in authorized States at the same time it is effective in

other States. EPA will administer and enforce the requirements in each State until the State is authorized with respect to such requirement. Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Today's modifications to Part 265 are not applicable in authorized States since the requirements are not being imposed pursuant to HSWA; the requirements will be applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements.

##### B. Effect on State Authorizations

As stated above, these final rules will not apply immediately in authorized States. States that have final authorization must revise their programs to include equivalent standards within a year of promulgation of these standards if only regulatory changes are necessary, or within two years of promulgation if statutory changes are necessary. These deadlines can be extended in exceptional cases (40 CFR 271.21(e)(3)).

States that submit official applications for final authorization less than 12 months after promulgation of these standards may be approved without including equivalent standards. However, once authorized, a State must revise its program to include equivalent standards within the time period discussed above. The process and schedule for revision of the State programs is described in amendments to 40 CFR 271.21 published on May 22, 1984. (See 49 FR 21678.)

It should be noted that authorized States are only required to revise their programs when EPA promulgates standards more stringent than the existing standards. Under section 3009 of RCRA, States cannot be prohibited from imposing standards that are more stringent than those in the Federal program. Some of the standards promulgated today are considered to be less stringent than the existing Federal requirements. Those less stringent provisions appear in §§ 265.222, 265.229, and 265.272(a). Authorized States are not required to revise their programs to adopt requirements equivalent to those listed above.

#### VI. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact

Analysis. As stated in the proposed rule on July 26, 1982, the Agency does not believe these conforming changes will result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or in domestic or export markets. In addition, the Part 265 conforming changes do not impose any requirements beyond those required for permitting facilities under Part 264. The effect of the Part 265 conforming changes is only to impose these requirements somewhat sooner, thus the impact is not significant. Therefore, EPA does not expect today's rule to be subject to the major rule provisions of Executive Order 12291.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

#### VII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, (5 U.S.C. 601 *et seq.*), EPA must prepare a regulatory flexibility analysis for all regulations that may have a significant impact on a substantial number of small entities. The Agency conducted such an analysis on the Part 264 land disposal regulations and published a summary of the results in the **Federal Register**, Vol. 48, No. 15 on January 21, 1983. The additional burdens imposed by this regulation are not considered significant. In addition they do not impose any requirements beyond those required for permitting facilities under Part 264.

#### VIII. Paperwork Reduction Act

The certification requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2050-0007.

#### IX. Lists of Subjects in 40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

Dated: April 15, 1985.

Lee M. Thomas,  
Administrator.

For the reasons set out in the preamble, Part 265, Subparts K, M, and

N, of Title 40 of the Code of Federal Regulations are amended as follows:

**PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

1. The authority citation for Part 265 continues to read as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. In 40 CFR Part 265, Subpart K, §§ 265.222 and 265.229 are revised to read as follows:

**§ 265.222 General operating requirements.**

(a) A surface impoundment must maintain enough freeboard to prevent any overtopping of the dike by overflowing, wave action, or a storm. Except as provided in paragraph (b) of this section, there must be at least 60 centimeters (two feet) of freeboard.

(b) A freeboard level less than 60 centimeters (two feet) may be maintained if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of his knowledge and opinion, prevent overtopping of the dike. The certification, along with a written identification of alternate design features or operating plans preventing overtopping, must be maintained at the facility.

(Approved by the Office of Management and Budget under the control number 2050-0007)

**§ 265.229 Special requirements for ignitable or reactive waste.**

Ignitable or reactive waste must not be placed in a surface impoundment unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 or 261.23 of this chapter; and

(2) Section 265.17(b) is complied with; or

(b)(1) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and

(2) The owner or operator obtains a certification from a qualified chemist or engineer that, to the best of his knowledge and opinion, the design features or operating plans of the facility will prevent ignition or reaction; and

(3) The certification and the basis for it are maintained at the facility; or

(c) The surface impoundment is used solely for emergencies.

(Approved by the Office of Management and Budget under the control number 2050-0007)

3. In 40 CFR Part 265, Subpart M, § 265.272 is amended by revising paragraph (a) to read as follows:

**§ 265.272 General operating requirements.**

(a) Hazardous waste must not be placed in or on a land treatment facility unless the waste can be made less hazardous or nonhazardous by degradation, transformation, or immobilization processes occurring in or on the soil.

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4. In 40 CFR Part 265, Subpart M, §§ 265.310 and 265.315 are revised to read as follows:

**§ 265.310 Closure and post-closure care.**

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(1) Provide long-term minimization of migration of liquids through the closed landfill;

(2) Function with minimum maintenance;

(3) Promote drainage and minimize erosion or abrasion of the cover;

(4) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator must comply with all post-closure requirements contained in §§ 265.117-265.120 including maintenance and monitoring throughout the post-closure care period. The owner or operator must:

(1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events;

(2) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F of this part;

(3) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(4) Protect and maintain surveyed benchmarks used in complying with § 265.309.

**§ 265.315 Special requirements for containers.**

Unless they are very small, such as an ampule, containers must be either:

(a) At least 90 percent full when placed in the landfill; or

(b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

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