

Regulatory response to closed landfills

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The universe of closed landfills is large and diverse. Regulatory response to this is remarkably consistent, simple and thus far free from demand for change. When active landfills become closed are included the universe becomes more diverse and of course larger.

The universe of closed landfills includes inactive pre-regulatory landfills (old town dumps), landfills closed under pre-subtitle D regulations, landfills closed under subtitle D regulations, and closed industrial monofills. The universe of active landfills includes lined constructed prior to sub-title D landfills, lined sub-title D landfills, construction and demolition landfills on top of MSW landfills and various industrial landfills.

The regulatory response is that if contamination of groundwater is detected, then an assessment of the contamination is started and if necessary a corrective action plan implemented. The plan may range form continued monitoring to active treatment of ground water. As long as contamination is detected, the landfill site must be monitored.

Other factors that may influence future decisions to require continued monitoring are the potential for methane migration or generation of additional leachate. Site specific factors such as the amount of buffer between the actual footprint of the landfill and the boundary of the site, land use of surrounding property and planned subsequent use of the site may be considered. Financial Assurance may also be a factor.

Environmental program regulatory response has largely been driven by the identification or emergence of problems, not anticipation of problems. The expectation that the future will be different is somewhat unrealistic. However, several factors could change what has become the typical response mode.

One factor that always must be considered is the possibility of legislative actions. The history of legislative involvement in what are considered technical decisions by some is long and occasionally surprising. The capacity of citizen action groups to influence landfill owner decisions is emerging as a factor to consider. With time and scientific support, regulators and/or the regulated community could identify parameters to make the decision to cease monitoring possible.