

T-9.4 SWANA TECHNICAL POLICY

THE LONG-TERM MANAGEMENT OF MUNICIPAL SOLID WASTE LANDFILLS

I. POLICY

SWANA supports the following policy positions related to the long-term management (LTM) of municipal solid waste landfills:

1. Following termination of regulatory post-closure care (PCC) period, as recommended in T-9.3 Termination of Municipal Solid Waste Landfill Post-Closure Care Requirements, there should be provisions or institutional controls satisfactory to state, provincial or local regulatory agencies to provide LTM for closed landfills to ensure the final landfill cover system and other environmental control systems are effective in continuing to be protective of human health and the environment. These provisions may be developed through instruments, such as deed restrictions, environmental covenants (such as those in compliance with the Unified Environmental Covenants Act), and/or a maximum of standard landfill regulatory oversight, to be determined on a case-by-case basis, based in part on the risk potential of the landfill.
2. Regulatory agencies and landfill owner/operator should recognize that there are potential costs associated with facilities in LTM, including but not limited to inspections to verify the integrity of the landfill cover system and other environmental control systems, and/or corrective actions. Provisions identifying responsible parties for these costs should exist on a case-by-case basis as determined by the regulatory agency, landfill owner /operator, and/or host community, as applicable.
3. The LTM of a landfill facility may cease provided all parties involved (owner, municipality and state and provincial regulatory agencies) agree that based on site-specific data, that the organic or functionally stabilized waste mass poses an acceptable level of risk to potential receptors.

II. DISCUSSION

SWANA believes that LTM responsibilities are likely to extend beyond the end of the PCC period of landfills. Following approval of the termination of the PCC period by the applicable regulatory agency, it is likely that the owner/operator may no longer be actively operating, or phasing out operation of the leachate collection and treatment systems, completing landfill gas collection and monitoring, and conducting groundwater monitoring.

Few regulatory agencies have established specific requirements or guidance on what LTM would entail. There are however a couple of examples where state agencies have or are beginning to address LTM requirements.^{1,2}

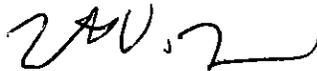
¹ The State of Florida guidance recognizes that once a landfill reaches stability, then PCC is complete and the facility can move into non-regulatory, “custodial” care. This level of care could include management activities such as: protecting the final cover, controlling site access, or maintaining institutional controls, if appropriate. See Florida DEP. (2016, February 20). LTC at Solid Waste Disposal Facilities. Guidance Document SWM-04.45.

² In June 2019, the State of Ohio released a draft guidance document entitled, “Process for Ending of Post-Closure Care at Solid Waste Landfills”. The state proposes to recognize a landowner’s obligation to ensure any threat to human health or the environment will be mitigated and includes requirements for maintaining the integrity of the final cover system and

SWANA believes that the potential of a closed landfill to impact human health and the environment, under most circumstances, may continue beyond the PCC period depending on site-specific conditions, including distance to nearby potential receptors. The risk to human health and the environment is primarily a function of the degree of degradation of the waste mass, and the long-term performance of the final landfill cover systems to restrict the introduction of liquid into the underlying solid waste materials. Since a fundamental premise of solid waste regulations is that the closed landfill serves to contain or entomb the waste in a relatively dry state, maintenance of the final landfill cover system beyond the PCC period is essential to control the long-term threat potential of the remaining un-degraded waste mass.

CERTIFIED to be correct and complete statement of the approved policy.

APPROVED by the Board
on the 6th day of December 2019



Art Mercer
Secretary

adhering to institutional controls established on the property. See <https://www.epa.ohio.gov/dmwm/#1127910587-june-27-2019--dmwm-releases-draft-guidance-for-ending-post-closure-care>