

## **Pre-Regulatory Landfill Program Summary**

In July 2008, the General Assembly ratified Senate Bill 1492 to address pre-1983 municipal landfills and dumps that operated largely before solid and hazardous waste disposal regulations. An owner or a potentially responsible party through cooperation with assessment and remedial activities of these old landfill and dump sites will not have to pay for these activities. Cooperation with assessment and implementation of control and mitigation measures may include, but are not limited to, granting access to the site, allowing installation of monitoring wells (groundwater) and probes (landfill gas), allowing installation and maintenance of improvements to the landfill cap, allowing installation of security measures, agreeing to record and implement land-use restrictions, and providing access to any records regarding the landfill. If a property owner or responsible party fails to fully cooperate with assessment of the site and implementation of control and mitigation measures, the State may seek cost recovery for any costs incurred to address the site.

Prior to the passage of this law, owners and operators of the landfill property and other responsible parties were obligated to fund any required assessment and cleanup work to address the public health and environmental hazards posed by these sites. As part of this legislation a state-wide disposal tax on solid waste was established. 50% of the tax funds the program's assessment and mitigation of the hazards at these landfills; 37.5% goes to local governments to enhance local recycling programs and provide for the management of difficult to manage solid waste; 12.5% goes to the Solid Waste Management Trust fund.

These pre-1983 landfills and dumps are defined as any land area, whether publicly or privately owned, on which municipal solid waste disposal ended prior to January 1, 1983. So any municipal landfill that continued to accept waste after that date is under the jurisdiction of the Solid Waste Section. Waste disposal sites that primarily accepted industrial waste are not eligible under this program.

The Pre-Regulatory landfill program was established in 2009 within the Inactive Hazardous Sites Branch to administer this work. The first steps of this program were to locate all the known sites and to determine what immediate exposure risks existed. In most cases, the information on these sites was very limited. Location, use and receptor research at each known site was identified and then prioritized for priority action.

There are currently 677 eligible old landfills and dumps cataloged. The program continues to gather information about pre-1983 landfills that will allow the state and local governments to control risks and allow safe reuse. This information will assist health departments and community planners within the local government to make informed decisions about appropriate development on and in the vicinity of the unregulated landfills. This may include using the otherwise idle landfill as a green space or other safe development that benefits the community.

Provided there is availability of state funds and cooperation, a risk based remedy will be implemented on the town's property. Land Use Restrictions and deed notice are part of a risk based remedy that is needed to protect the remediated property and prevent exposure; yet there are opportunities for the town to reuse the property for passive activities. The Pre-Regulatory Landfill staff is available to provide the town guidance for safe reuse development.