



North Carolina Department of Environment and Natural Resources
Division of Waste Management

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October 4, 2012

Ms. Gail G. Hay, P.E.
Manager, Technical & Planning Support Division
P.O. Box 3136
Greensboro, NC 27402-3136

Subject: Financial Assurance for Post-Closure Care
City of Greensboro C&DLF
Permit No. 41-03-CDLF, Guilford County, Document ID No. 17364

Dear Gail:

I reviewed the information that was sent to me earlier this year concerning the calculation of financial assurance for this landfill and have also reviewed the Solid Waste Management Rules. I cannot approve the calculation used for reducing the post-closure financial assurance based on the information I have reviewed. I believe there are several issues that need to be considered.

New rules that became effective in January of 2007, specifically addressed construction and demolition landfills (C&DLF) units on top of closed municipal solid waste landfills in 15A NCAC 13B .0547(4). Owners and operators were required to submit a permit application that included a closure and post-closure plan in accordance with Rule .1627 and financial assurance in accordance with Rule .1628.

15A NCAC 13B .1627(d) states that post-closure care must be conducted for 30 years after closure except as provided under 15A NCAC 13B .1627(d)(2). Post-closure care is stated to include maintaining the integrity and effectiveness of any cap system, maintaining and operating the leachate collection system, monitoring ground water and surface water, and maintaining and operating the gas monitoring system. The length of the post-closure care period may be reduced if the owner or operator demonstrates that the reduced period is sufficient to protect human health and the environment and the demonstration is approved by the Division of Waste Management (Division).

15A NCAC 13B .1628(c) (1) (D) addresses the process for reducing the post-closure care estimate and the amount of the financial assurance. It states that it can be reduced if the cost estimate exceeds the maximum costs of post-closure care remaining over the post-closure care period. Prior to any reduction of the post-closure cost estimate by the owner or operator, a written justification for the reduction must be submitted to the Division and approved. The

reduction justification and the Division approval must then be placed in the operating record. No reduction of post-closure cost estimate is allowed without Division approval.

When considering the post-closure care period, we also need to keep in mind the definition of closure. In NCGS 130A-290(a) (2), "closure" is defined as the cessation of operation of a solid waste management facility and the act of securing the facility so that it will pose no significant threat to human health or the environment. Although areas do meet the requirement for closure activities to be conducted and post-closure care to start, the landfill is still operating.

Per these rules, the City of Greensboro is required to present a demonstration or justification for any reduction in the post-closure care period or reduction in the post-closure cost and it must be approved by the Division. I could find no records of a justification of a reduction in post-closure care or costs submitted or an approval by the Division.

I cannot approve the practice of reducing post-closure care based on a percentage of the footprint that has been capped because it does not consider the common post-closure care that will be needed for 30 years after the closure of the facility, i.e., the entire C&DLF. If the City wishes to pursue a reduction based on partial closure, the request must explain the reduction in terms of specific post-closure care activities that will be reduced or eliminated.

If you have any further questions, please contact me at (919) 707-8257 or by email at pat.backus@ncdenr.gov.

Sincerely,

Patricia Backus, P.E.
Environmental Engineer
Solid Waste Section

cc: Dale Wyrick, P.E., Director, Field Operations Department
Ed Mussler, P. E., Permitting Branch Head
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