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Draft Rules Would Make Existing C&DD Landfills More Protective

Ohio EPA has released [draft rules](#) for existing construction and demolition debris (C&DD) landfills to make them more protective of the environment and public health, and is seeking public comments until February 28, 2011. This action follows the recent release of draft rules covering new and expanding C&DD facilities.

Under the draft rules released today, existing C&DD facilities would be required to significantly improve existing ground water monitoring systems so they are capable of detecting any ground water impacts associated with landfill operations. The draft rules also would require a contaminant detection to be assessed and would require the owner or operator of the facility to take necessary corrective action.

The draft rules also would add a first-time requirement for a five-year post-closure care period after closing an existing C&DD facility. During the five-year period, operators would be responsible to continue to care for and monitor ground water at the facility. The operator would also be required to establish sufficient financial assurance to cover the estimated costs of monitoring and care. Post-closure care could be extended beyond five years if necessary.

Furthermore, the draft rules would provide local health departments or Ohio EPA the authority to require a greater amount of financial reserve to close the facility, extending beyond the current \$13,000 per acre allowance. This amount has been shown to be inadequate for covering the expense of closing a C&DD landfill.

In 2005, the Ohio General Assembly required Ohio EPA to revise its construction and demolition debris disposal regulations. The Agency published draft regulations in 2006 and received extensive comments from the public. In response to comments received, Ohio EPA conducted a leachate study with results announced in 2009. The study found that leachate from Ohio C&DD landfills pose a threat to public health and the environment if released to ground water or surface water. Based on the results, and the legislative mandate, Ohio EPA has developed and released two separate draft C&DD rule packages for comment.

Comments on the closure, post-closure, and financial assurance draft rules that apply only to existing C&DD facilities can be [e-mailed](#) or mailed to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Michelle Braun, P.O. Box 1049, Columbus, Ohio 43216-1049, by February 28, 2011.

Comments on draft ground water monitoring rules that would provide criteria to determine which existing C&DD landfills would be required to do ground water monitoring are due by April 1, 2011.

The first draft rule package released by Ohio EPA applies only to new and expanding C&DD landfills. In addition, licensing and ground water monitoring rules that affect multiple landfill programs, including C&DD landfills, are currently open for public comment through April 1, 2011.

All of the draft rules can be viewed at www.epa.ohio.gov/Default.aspx?tabid=2574.

Ohio EPA will consider all comments submitted before formally proposing these rules. When the rules are formally proposed, Ohio EPA will hold a public hearing and offer another public comment period before adopting final rules.