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The Future of Pre-Sub Title D Municipal Landfill Cleanups: Michael Grappé (Arkansas Department of Environmental Quality) Thirty-Second International Conference on Solid Waste Technology and Management Presentation

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Director of Special Projects, Michael Grappé, of the Arkansas Department of Environmental Quality presented a paper at the Thirty-Second International Conference on Solid Waste Technology and Management titled:

The Future of Pre-Sub Title D Municipal Landfill Cleanups ("Paper")

The conference was held from March 19th through the 22nd in Philadelphia, Pennsylvania.

The conference addressed a number of waste management, treatment and remediation issues.

A key focus of Mr. Grappé's *Paper* was smaller landfills owned and operated by county and city governments prior to the enactment of the Resource Conservation and Recovery Act ("RCRA") in 1976. As Mr. Grappé notes, such landfills were grandfathered in to this federal statute. In other words, despite the adoption of the RCRA Subtitle D regulations in 1991, such landfills were allowed to continue accepting municipal solid waste regardless of whether they were compliant with those programmatic requirements. Mr. Grappé notes that this potentially resulted in:

- Municipalities operating on a lower compliance scale than privately owned landfills
- Landfills that were more likely to be overfilled
- Minimal leachate controls

The *Paper* discusses the possibly resulting post-closure issues. These may include a need for state funds to address:

- Soil erosion and contamination
- Leachate leakage
- Implement reclamation/land reuse programs

Concern is expressed for whether the funds will be in place to address these issues.

The *Paper* includes suggestions for how governmental authorities might address these concerns. One suggestion is to initiate realistic funding of post-closure funds.

Mr. Grappe's *Paper* discusses Arkansas privately owned landfills that were previously closed. Funds the state has expended in addressing issues associated with one such Arkansas landfill are reviewed. He notes that the expenditures from the State of Arkansas were necessary because other sources of funding were not available. The significant cost associated with both the remaining and previously operated Class 1 municipal landfills is noted. The question posed is whether sufficient funds will be available to address post-closure issues.

The *Paper* notes that Arkansas is far from the only state dealing with these issues. Closure and post-closure costs in a number of other states are referenced.

Finally, the *Paper* identified potential strategies to address this issue. These include:

- Identifying all existing closed, inactive and operating landfills
- Assessing such landfills' current conditions
- Evaluating future remediation needs
- Understanding expected financial requirements
- Addressing laws that impede or prevent closure/post-closure activities to allow state agencies to work with municipalities to find financial solutions (instead of simply issuing consent orders/levying fines)

[A copy of the Paper can be downloaded here.](#)