

Kansas Department of Health and Environment
Bureau of Waste Management Policy 2014-P1

related to

Permit Renewal and Financial Assurance Requirements for Landfills Operating Postclosure Environmental Monitoring Systems

Purpose

This policy clarifies certain financial and reporting requirements that apply to the owners and operators of solid waste landfills that are operating environmental monitoring systems during the postclosure care period.

Background

The owner or operator (O/O) of each solid waste landfill is responsible for long-term care of the site for at least 30 years after the facility closes. The Kansas Department Health and Environment (KDHE) may extend the postclosure care (PCC) period beyond 30 years if necessary to protect public health and safety or the environment. Bureau of Waste Management (BWM) Policy 2014- P2 provides for the possibility of reducing and/or terminating some PCC activities before the end of the standard 30-year PCC period. The policy also states the criteria that must be met to reduce or terminate particular PCC activities, whether before or after the end of the 30-year PCC period.

Postclosure care activities for all landfill O/O include inspections and maintenance of the final cover system. The O/O of certain landfills are required to operate and maintain postclosure environmental monitoring systems, including: groundwater monitoring; leachate collection; landfill gas control; and other site-specific systems. BWM staff must provide regulatory oversight during the postclosure period, including periodic inspections of the final cover system and more intensive efforts when environmental monitoring continues after closure. Those extra efforts include the review of groundwater, leachate, and gas monitoring reports, inspection of monitoring systems, and reviews of postclosure cost estimates.

Postclosure permit renewal and financial assurance requirements for landfills include the following:

- The O/O of each landfill that is required to operate and maintain postclosure environmental monitoring systems must maintain postclosure financial assurance [KAR 28-29-2101(j)].
- The O/O of each landfill must maintain liability insurance during the postclosure care period in an amount determined by KDHE [KSA 65-3407(h)(3)]. For landfills that are not required to operate postclosure environmental monitoring systems, that amount is typically \$0.
- The O/O of each landfill that is operating under a permit issued by KDHE must pay the annual permit renewal fee [KAR 28-29-84]. This includes landfills that are operating postclosure environmental monitoring systems.

Action

Permit Renewal

For each landfill with environmental monitoring systems, the O/O must submit the following items to BWM each year for the duration of the postclosure care period:

- The permit renewal fee;
- A current postclosure cost estimate worksheet;
- A demonstration of financial assurance as required by KAR 28-29-2101 through 28-29-2113;
- A current certificate of liability insurance in accordance with KAR 28-29-2201; and
- An environmental monitoring report.

These items must be submitted to BWM before the annual permit renewal date, which will be the same date that was used for annual permit renewal during the active life of the facility.

The permit renewal fee, financial assurance, and other renewal requirements do not apply to the following landfills unless environmental monitoring becomes a requirement due to emergence of any threats to public health or safety or the environment:

- Landfills with no environmental monitoring activities, except the maintenance and repair of the final cover and/or gas monitoring in structures; and
- Municipal solid waste landfills that closed before the dates listed in KAR 28-29-100, in accordance with their consent agreements.

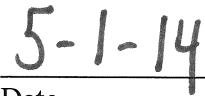
Calculation of Financial Assurance

- Financial assurance may be determined separately for each unit within the landfill.
- Financial assurance will be determined separately for each postclosure care activity being performed at the landfill or unit.
- If the O/O demonstrates to KDHE that a postclosure care activity can be conducted at a reduced level, the financial assurance for that activity may be correspondingly reduced.
- The O/O must continue to maintain 30 years of financial assurance (rolling 30) for each postclosure care activity until the O/O demonstrates to KDHE that the activity can be terminated in fewer than 30 years.
 - If the O/O can demonstrate that a postclosure care activity can be terminated in fewer than 30 years, the financial assurance for that activity may be based on the predicted termination date for that activity.
 - The predicted termination date must be adjusted, if necessary, based on periodic review and evaluation of data.
- The predicted termination date may be determined before or after closure of the landfill or unit.

This policy will remain in effect until it is revoked or until it is rendered obsolete by future amendments to solid waste law or regulations.



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Date