Where are we Headed with Post-Closure?

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SWANA/KDHE SWM Conference & Operator Training Course
Kansas Star Conference Center, Mulvane
October 6, 2016

Our Mission: To protect and improve the health and environment of all Kansans.
Answer - The revision of existing post-closure care (PCC) requirements [KAR 28-29-121(p)] regulations with its accompanying steps.
Revision Steps by BWM Staff et al

1. Preparation of draft revised regulations.
2. Internal review of Step 1 regulations.
3. Selection of external review participants (Stakeholders) & their review of draft revision (Steps 1 & 2).
4. Incorporation of Stakeholder’s review results to prepare draft finalized regulations.
5. Review of Step 4 regulations by Department of Administration (DofA) & Attorney General (AG) for final BWM revisions.
6. Public notice & adoption of regulations
Estimated Time Frame

The revision process will begin after other pending regulation processes are completed in an estimated 6 to 9 months. It is expected that the internal preparation & review of revised PCC regulations will require about 3 months (Steps 1 & 2). The Stakeholder’s input (Steps 3 & 4) should take about 3 months. DofA, AG and BWM Steps 5 & 6 will require at least 9 months. The projected promulgation date is estimated to be about 1 ¼ years after revision initiation or beginning 2018 at the latest.
The opening question has been answered; now what?

I want to give you some tools to move forward if you want to be ready for closure and postclosure of your landfill or landfill units where the 30 year mandatory requirements can be reduced or terminated with monetary savings. The following resources listed on subsequent slides will greatly facilitate this process; but first an advertisement on the next slide.
So what’s the hurry for Subtitle D owners & operators given these time constraints?

Three reasons:

1. It takes time & talent (& money; a negative in the sense that an investment is required) to get a Reduction &/or Termination (R&/orT) Plan prepared & approved.

   Note: A R&/orT Plan is a prerequisite to shorten the 30 year PCC requirement (the BIG positive).

2. More reliable monitoring et al data are obtained which serve as the basis for a successful R&/orT plan.
So “What’s the hurry” reasons (continued).

3. “Time is awasting.” For example: a recent PCC webinar suggested that use of an Engineered Synthetic Turf System could result in annual PC financial assurance, maintenance cost savings of $900 per acre vs. a traditional vegetative soil final cover. “Time is money” and early PC can result in saving money.
There are several places to start gathering resources to prepare a PCC R&/orT Plan. I will list them and provide handouts to identify their contents:

1. BWM Website – see Handout of PCC R&/orT related policy, TGD et al documents along with numerous PPPs.
2. The latest BWM sponsored stakeholder’s meeting was the **PCC R&/or Termination Workshop** held at the Kansas Museum of History in Topeka on September 9, 2015. It was attended by representatives of 10 Subtitle D landfills and two consulting firms; hence, 8 landfills and many consulting firms were not represented. The workshop resources are listed on the previous handout.
Resources (continued)

3. See **Handout** entitled: “Revised Notes on PCC RTP Topeka Workshop.” These are comments, questions and answers given at the September 9, 2015 meeting.

4. See **Handout** entitled: “Memo for Subtitle D Owners/Operators” which are Carl’s thoughts regarding the successful, early closing a landfill unit or an entire landfill.
5. What’s coming?
   

b. Possible EPA Subtitle D Guidelines (as presented for Subtitle C last November).

c. Other states are working on PCC plans, e.g., Iowa and Missouri.
Summary of Key Points

• PCC Cost Estimates for Permit Renewals
  – Environmental monitoring activities defined

• Renewal Periods
  – Initially 30 years
  – Cost estimate & financial assurance can drop each year for 10 years
  – Then “rolling 20” will be required unless ....

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Summary (cont.)

- Develop a PCC R/T Plan w/ current guidance and future regulations
- Submit it for review and approval to the BWM
- Implement the approved PCC R/T plan
- Compile and analyze the data statistically, submit annual reports and 5-year reports to show leachate & air quality trends toward stabilization & equilibrium

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Summary (cont.)

• If reports show positive trends > equilibrium and stabilization

• PCC cost estimates and FA can continue downward toward 10 years of PCC

• If positive trends continue and can show equilibrium/stabilization, PCC cost estimates & FA can continue to decrease toward 0 years

• Certification of PCC completion

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Questions
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