



Department of
**Environment &
Conservation**

Update on Long-Term Custodial Care and Resubmittal of Closure/Post Closure Care Plans

TENNESSEE UNDERGROUND STORAGE TANKS and SOLID WASTE DISPOSAL CONTROL
BOARD MEETING

Historic Perspective

In October 1988, the EPA reported that Americans generated 160 million tons of municipal solid waste (MSW) each year. Of that, 131 million tons were sent to 6,500 municipal solid waste landfills (MSWLFs). The Agency also found that these landfills inconsistently used environmental controls, and that they posed significant threats to ground and surface water resources.

In the Same Year there were about 150 known operating MSW landfills in the State of Tennessee.

Historic Perspective

Later in 1991, new federal standards were established for municipal solid waste landfills. These regulations establish a protective, practical system for disposing of the nation's trash. They specify design, operating, and closure standards; restrict landfill locations; and require liners and groundwater monitoring.

TDEC operates an approved MSW permit program based upon these standards.

Historic Perspective

Based roughly upon the chart on the next page, landfills that did not close on an approved schedule based upon the new regulations were brought into a 30-year post closure period.

TDEC-DSWM keeps up with 115 “Old Closed Landfills” that predate modern closure standards & 92 landfills in “Post Closure Status”

Historic Perspective

	>100 TDP	<100 TPD AND OTHER CONDITIONS	<20 TPD AND OTHER CONDITIONS	RECEIVE FLOOD DEBRIS
GENERAL EFFECTIVE DATE	10/9/93	4/9/94	10/9/95	4/9/94-10/9/94 (STATE DETERMINES)
CLOSE IF STOP RECEIPT BEFORE EFFECTIVE DATE	10/9/94	10/9/94	10/9/96	10/9/95 (OR WITHIN 1 YEAR OF STATE-DETERMINED DATE)
GROUND-WATER MONITORING/ CORRECTIVE ACTION	PRIOR TO RECEIPT FOR NEW UNITS; 10/9/94-10/9/96 FOR EXISTING UNITS AND LATERAL EXPANSIONS	10/9/94-10/9/96 FOR EXISTING UNITS AND LATERAL EXPANSIONS	10/9/95 FOR NEW UNITS; 10/9/95 - 10/9/96 FOR EXISTING UNITS AND LATERAL EXPANSIONS	10/9/93 FOR NEW UNITS; 10/9/94 - 10/9/96 FOR EXISTING UNITS AND LATERAL EXPANSIONS
FINANCIAL ASSURANCE	4/9/95	4/9/95	10/9/95	4/9/95

Post Closure Care

Post-closure care (PCC) at a MSW landfill ensures that a solid waste facility is managed after final closure so that it does not pose a threat to human health and the environment. In Tennessee and many other states, 30 years has been considered the minimum period that PCC must be performed. There is no EPA or TN structured process for evaluating, optimizing, or potentially ending PCC

Post Closure Care

Through the provisions of 40 CFR Part 258.61(b)(1) and (2), the U.S. Environmental Protection Agency (EPA) allows directors of approved states to either decrease or increase the traditional 30-year PCC period based on threat

Post-Closure Care Period - For Class I and Class II disposal facilities, post-closure care must continue for 30 years after the date of final completion of closure of the disposal facility or facility parcel unless a shorter period is established in the approved closure/post-closure care plan. For Class III and IV disposal facilities, post-closure care must continue for 2 years after the date of final completion of closure of the facility or facility parcel. The post-closure care period may be reduced or extended based on cause by amendment of the approved closure/post-closure care plan as provided in subparagraph (2)(c) of Rule 0400-11-01-.03.

Long Term Custodial Care

For Class I and Class II facilities, a description of recommended inspection, monitoring, maintenance activities for long-term custodial care, during the 50-year period beginning upon certification of completion of post-closure to ensure the continued protection of human health and the environment. Facilities which utilize synthetic components in the final cover system must include an analysis of the life cycle of such components.

Resubmittal of the Plan

All Class I and Class II facilities must submit a new closure/postclosure care plan every 10 years from the date of the original permit or the date of approval of the most recent permit modification for an expansion. The resubmittal of a plan will be processed as a minor modification to the facility.

Resubmittal of the Plan

Resubmittal of the CPC is important because in Tennessee permits are issued for life of the landfill. In being able to revisit the CPC of a landfill permit, DSWM will be able to update itemized cost estimates which are the basis for financial assurance. Owners will be provided an opportunity to evaluate best available technology for closure. Class I and Class II owners will also plan for the long-term maintenance costs (custodial care) of the landfill beyond the Post-Closure period with no increase in required financial assurance. CPC resubmittal will be processed as a minor modification

Implementation of Rules

Letters were sent out November 3rd, 2020 to all operating Class I landfills asking for a timetable for the resubmittal of the closure/post closure care plan if applicable; and the submittal of the long-term custodial care plan.

Timetable is due by the end of the year, with the final submittal due by Jun 30, 2021

Class II letters will go out at the beginning of next year.

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