

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

332 Shady Grove Church Road Winston-Salem, NC 27107

Tel (336) 769-0955 - Fax (336) 769-9198 - E-mail: davidmickey@bellsouth.net

www.bredl.org

February 16, 2009

Mr. Jason Wright
SCDHEC
2600 Bull Street
Columbia, SC 29201

**Re: Draft Permit for the Class 2 Landfill Expansion (Connecting Tract)
Facility ID No. 461001-1201 York County**

Dear Mr. Wright:

I write to provide comments and additional information regarding the proposed York County Construction and Demolition Debris & Land Clearing Debris (C&D+LCDLF) landfill expansion. My comments are on behalf of the members of the Blue Ridge Environmental Defense League.

The Blue Ridge Environmental Defense League is a regional, community-based, non-profit environmental organization founded in the mountains of North Carolina in 1984. Our founding principles are earth stewardship, environmental democracy, social justice, and community empowerment. We are a grassroots organization working with community groups to solve pressing local problems with citizens' campaigns. Since 1984 the Blue Ridge Environmental Defense League has expanded and now has many active chapters throughout North Carolina, South Carolina, Virginia, Tennessee and Alabama.

The SC Department of Health and Environmental Control (SCDHEC) has recently adopted new rules that would apply to this expansion and the closure of existing cells. The annual disposal tonnage increases to 95,632 tons, an increase of 50% over the 2007 actual tonnage of 63,039.

The South Carolina Solid Waste Management Annual Report for 2007 indicates that 34% of the states C&D waste was recycled. This report goes on to highlight recycling opportunities for construction and demolition materials. "Green building" proponents, such as the U. S. Green Building Council, require both recycled content and construction site recycling in their certification programs. Expanding recycling resources is necessary step if green building practices are to succeed.

York County provides very limited C&D recycling services. According to their mission statement, “Providing quality waste disposal services for municipal solid waste and construction, demolition, and land clearing debris for the citizens of York County that complies with federal, state, and local regulations”, legal disposal is their only goal. Even mulch from yard debris is not available to York County citizens. They do, however, recycle metal from mobile homes before disposal of the rest in the C&D landfill. (website accessed 2-16-09)

<http://www.yorkcountygov.com/Departments/DepartmentsNZ/PublicWorks/Divisions/SolidWasteDisposal/tabid/151/Default.aspx>

Deconstruction programs offer another opportunity for York County. Salvaging materials *before* buildings are demolished saves valuable architectural items such as doors, windows and moldings, puts more people to work and saves landfill space. The Deconstruction Institute in Florida

<http://www.deconstructioninstitute.com/index.php> and the Green Institute in Minnesota <http://www.greeninstitute.org/programs/reuse-deconstruction.htm> are examples of programs that save resources while providing good jobs.

The draft permit for this facility sets few limits on landfill operations. Comments in *italics* follow.

A. SPECIAL CONDITIONS

1. The Permittee shall adhere to the construction plans and design specifications dated March 17, 2008 for the Connecting Tract cells.
2. The Permittee shall adhere to the construction plans and design specifications submitted to the Department on September 9, 2003, addendum dated December 12, 2003, and the document entitled “Closure Plan (With Adjusted Property Line)” submitted by B.P. Barber and Associates, dated April 2006, for the subsequent operation of the existing Love Tract cells which will be closing shortly after the Connecting Tract cells are in operation.
3. The allowable rate of disposal for this facility is ninety-five thousand six hundred thirty two (95,632) tons per fiscal year (July 1 – June 30).

As noted above, this is a substantial increase in disposal with no apparent increase in recycling services by the county.

4. All waste, excluding non-friable asbestos-containing material, shall be covered at least every thirty (30) days with a minimum of six (6) inches of clean soil.

Any landfill that receives organic materials should have a daily cover to control problems with disease vectors, odors, potential fires, windblown litter and unwanted animals.

5. Non-friable asbestos-containing material shall be covered immediately upon receipt with at least six (6) inches of material that does not contain any asbestos, preferably soil.

B. General Permit Conditions

1. If the landfill should become inundated with water, all water shall be removed before continuing disposal of waste.

In general, rules should not allow the siting of landfills in areas that have the potential to be “inundated”. This apparently is not the case in South Carolina:

“A landfill located in a 100-year floodplain shall demonstrate that engineering measures have been incorporated into the landfill design to ensure the landfill will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the flood plain, minimize potential for floodwaters coming into contact with waste, or result in the washout of solid waste so as to pose a hazard to human health or the environment;”

C. Environmental Monitoring Permit Conditions

1. Upon obtaining data indicating that there may be environmental and/or health problems associated with the landfill, monitoring (including groundwater, surface water, and air quality monitoring) may be required by the Department, as appropriate, and based on a case-by-case evaluation to ensure protection of the environment.

Monitoring should be required as a permit condition and not implemented after the fact of an environmental release. Background water quality data are essential to establish a baseline and identify groundwater contamination from new cells. Monitoring of existing cells and adequate separation of monitoring wells is essential. Regular testing and reporting of water sampling for this landfill as well as other C&D landfills in the state. The rules indicate that this would be the case for York County:

“All Class Two landfills shall implement a groundwater monitoring program as follows: (1) New Class Two landfills, or lateral expansions of existing Class Two landfills shall submit a groundwater monitoring plan to monitor the entire landfill that meets the requirements of this Section as part of the permit application; and,

(2) Existing Class Two landfills shall, within 180 days of the effective date of this regulation, submit to the Department either a groundwater detection monitoring plan that meets the requirements of this Section, or written notification that the landfill plans to cease accepting waste within one year or less from the effective date of this regulation. Within 180 days of the Department's approval of the groundwater detection monitoring plan, the monitoring system shall be installed at the landfill. Facilities that cease accepting waste within one year of the effective date of this regulation are exempt from the groundwater monitoring requirements outlined herein. Landfills meeting this exemption shall submit a closure plan to the Department within 180 days of the effective date of this regulation. Additional time may be allowed for the installation of the groundwater monitoring system with prior approval from the Department." Groundwater monitoring is not optional and the permit language should reflect what is required.

As noted in DHEC guidance documents, Class 2 Landfills must also implement landfill gas monitoring: "A gas monitoring system shall be designed and installed as required on a case-by-case basis to ensure that gas generated at the landfill will not create a hazard to health, safety, or property." By allowing organic materials into the landfill, DHEC is permitting the formation of landfill gas and the potential for an explosion. Gas monitoring should be a requirement for York County.

Waste characterization is inadequate. In 1996 EPA completed a Hazardous Waste Characteristics Scoping Study to determine whether the tests for hazardous wastes fully protect public health and the environment. The study clearly shows that the current federal testing program allows some hazardous wastes to be disposed of as ordinary solid waste. But EPA has failed to implement the changes recommended by the Scoping Study. Wastes that are ignitable, corrosive, reactive or toxic are being disposed of in solid waste landfills.

The EPA identified major failures in hazardous waste protection.

The Scoping Study found that the tests and criteria used to determine if waste are *ignitable, corrosive, reactive or toxic* omit important factors, leading to incomplete assessment of hazardous waste.

Ignitability

The Study found that a gap exists in the present criteria because the EPA excludes liquids with flash points between 140 degrees and 200 degrees.

Corrosivity

The Study notes gaps exist because there is no test for solids and no test addresses corrosion of non-steel materials. The report noted in the inherent limitations of the pH test for corrosivity.

Reactivity

The Study finds gaps due to the lack of specificity in the definition of reactivity as well as its references to outdated regulations.

Toxicity

Most importantly, the Scoping Study concluded that the test for toxicity fails to consider hundreds of chemicals that cause waste to be hazardous to public health.

EPA's regulations require use of the Toxic Characteristic Leaching Procedure (TCLP) to identify wastes that are toxic. Of the hundreds of toxic chemicals that are used by industry, only 43 are subject to the TCLP test. If none of the 43 specific chemicals are found, but other dangerous toxic chemicals are present, the waste is not considered hazardous and is sent to municipal landfills and municipal incinerators. North Carolina, as well as South Carolina, regulations now accept the TCLP tests.

The TCLP test fails to accurately duplicate conditions commonly found in landfills and does not accurately predict long-term mobility of organic contaminants in wastes. Further, the toxicity test only addresses the health risks from drinking water contamination. Chemicals that are toxic through inhalation or would contaminate surface waters such as persistent and bio-accumulative toxics are not covered by the TCLP. The study notes that groundwater-modeling techniques used to set the toxicity characteristic levels have changed significantly since the TCLP was promulgated and that many states use more accurate alternative tests.

Reducing wastes in landfills benefits everyone by preventing air and water pollution, saving virgin resources, and avoiding future liabilities. The York County C&D Landfill expansion represents a lost opportunity to find alternatives to wasting. I urge the Division and DHEC to consider modifications to this permit as well as stronger regulations that will be more protective of human health and benefit both the economy and the environment of South Carolina.

Thank you for the opportunity to provide comments.

Sincerely,

David Mickey
Zero Waste Coordinator
Blue Ridge Environmental Defense League