

North Carolina Superfund Section

Inactive Hazardous Sites Branch

“Old Landfills”

105-187.63 Use of Tax Proceeds

- \$2/ton tax on MSW and C&D waste
- Less DOR collection costs (up to \$225K)
- Less permit applicant preparation costs (SB6)
- 50% to assess and mitigate old landfills

Pre-1983 Landfill

- G.S.130A-290(a)(22a) Pre-1983 landfill means any land area, whether publicly or privately owned, on which municipal solid waste disposal occurred prior to 1 January 1983 but not thereafter, but does not include any landfill used primarily for the disposal of industrial solid waste.

130A-310.6 (c)

- Assess pre-1983 landfills
- Determine priority for remediation
- Develop and implement a remedial action plan
- May use risk based approach

130A-310.6(d)

- Secretary may seek cost recovery from any PRP that owns or has control of a landfill if the PRP fails to cooperate with assessment and implementation of control and mitigation measures

Cooperation includes, but is not limited to:

- Granting access
- Allowing installation of monitoring wells
- Allowing installation and maintenance of improvements to the cap
- Allowing installation of security measures
- Agreeing to record and implement land use restrictions
- Provide access to any records

130A-310.6 (e)

- Secretary shall develop and implement a remedial action plan in order of priority

130A-310.6 (f)

- Reimburse to unit of local government the costs of voluntary assessment or remediation necessary to eliminate an imminent hazard if:

Requirements

- Plan approved by Department
- Certified accounting of costs
- Contracts complies with Articles 3D and 8 of Chapter 143 of the General Statutes
- Remedial action is limited to measures necessary to abate the imminent hazard

130A-310.6 (g)

- Department may take additional action necessary to remediate based on priority ranking

**Website to find list of pre-1983
landfills:**

http://www.wastenotnc.org/SFHOME/IHS_Landfill_List.pdf