

### §1310-D. Closure of open-municipal landfills

The provisions of this section govern open-municipal solid waste landfills. [PL 2001, c. 212, §4 (AMD).]

**1. Landfill ranking.** The department shall create and maintain a list of all open-municipal solid waste landfills ranked on the basis of the hazard each poses or potentially poses to the public health and environment. The list must establish no less than 2 categories of landfills: "high risk" landfills, which include those landfills that are known to pose a public health or environmental threat so immediate or substantial that corrective action must be taken without delay, and landfills that are not known to be "high risk." The department shall inform each affected municipality in writing whenever there are changes made to the priority list and publish the most current version of that list on or about February 1st of each year. All pertinent and related rules adopted by the department establishing standards governing landfill closure must be designed so that the costs of closure are coordinated with and reasonably proportionate to the relative public health risk and environmental risk indicated by the specific rank of the municipal landfill.

A. [PL 1993, c. 732, Pt. C, §6 (RP).]

B. [PL 1993, c. 732, Pt. C, §6 (RP).]

C. [PL 1993, c. 732, Pt. C, §6 (RP).]

D. [PL 1993, c. 732, Pt. C, §6 (RP).]

[PL 2001, c. 315, §1 (AMD).]

**2. Evaluation.** In response to the priorities established in the open-municipal solid waste landfill ranking and the objectives of paragraphs A to C, the commissioner shall conduct, subject to the availability of funding, environmental evaluations of each open-municipal solid waste landfill. The commissioner may employ private consultants to avoid additions to departmental staff and to accomplish the evaluations in a timely manner. The commissioner may utilize existing analyses of facilities, subject to the provisions of this subsection. Municipalities shall cooperate with the efforts of the department by providing reasonably available and relevant material that the department may require with regard to the purposes of this section. When the commissioner has sufficient knowledge of existing hazards to the environment and public health posed by a specific site, the commissioner may designate the landfill as a high-risk landfill and take measures necessary to effect proper closure of the landfill, notwithstanding the site's listed priority. In those cases, the commissioner shall ensure that the requirements of this subsection are met. The commissioner shall ensure that each evaluation achieves the following objectives:

A. To identify the actual hazards, if any, to the environment and public health posed by the landfill and to determine the closure requirements of the landfill; [PL 2001, c. 315, §1 (AMD).]

B. When appropriate, to establish a monitoring system, which may include monitoring wells and test borings sufficient to ensure identification and monitoring of potential hazards; [PL 1991, c. 519, §4 (AMD).]

C. When potential hazards are identified, to provide:

(1) A complete description of the movement of surface waters, ground waters and landfill gases on or near the landfill;

(2) An identification of pollutants in those waters;

(3) An evaluation of the scope, direction and rate of movement of the contamination plume, if any; and

(4) Any other information that the commissioner determines necessary to prepare the closure recommendations pursuant to this subchapter; [PL 2001, c. 315, §1 (AMD).]

D. To provide a recommended closure plan for the landfill. Closure recommendations must ensure a level or standard of control of pollutants in surface waters at least as stringent as the water quality criteria established under chapter 3, subchapter I, article 4-A. Those recommendations must also seek to achieve a level or standard of control of pollutants in ground water at least as stringent as the water quality criteria established under sections 465-C and 470, unless the commissioner finds that meeting those standards is technically and economically infeasible and that other measures can be implemented to ensure protection of public health and safety; and [PL 2001, c. 315, §1 (AMD).]

E. To consult with and involve the affected municipality or municipalities in the conduct of the evaluation and the analysis of its results. [PL 1987, c. 517, §25 (NEW).]  
[PL 2001, c. 315, §1 (AMD).]

**3. Closing orders.** The commissioner may incorporate the recommendations of the landfill evaluations into a department closing order subject to the following provisions.

A. The order must specify the use of compost or reclaimed soil materials for landfill cover to the maximum extent practical and consistent with sound environmental practices. Subject to sections 1310-F and 1310-G, a time schedule for implementation and all pertinent cost sharing must be included as part of the order. [PL 2001, c. 315, §1 (AMD).]

B. Any person who is aggrieved by the department order may appeal it as provided in section 341-D, subsection 4. [PL 1991, c. 519, §5 (RPR).]  
[PL 2001, c. 315, §1 (AMD).]

**4. Implementation.** The municipality owning or operating the landfill is the party responsible for the implementation of the plan issued by the commissioner.  
[PL 1993, c. 732, Pt. C, §9 (AMD).]

**5. Certification of completion.** A municipality that engages a contractor to close a landfill under an order issued by the department shall hire a licensed engineer independent of the contractor or the municipality to, at a minimum, monitor, evaluate and report on all on-site landfill closure activities performed by the contractor. Upon completion of the closure work in compliance with the order issued by the department, that engineer shall provide the department and municipality with a written report that certifies that the work performed by the contractor conforms with the order issued by the department and all applicable laws and regulations. The cost to the municipality to engage the licensed engineer is a cost of closure under section 1310-F. Following receipt of the engineer's report, the department shall accept, conditionally accept or reject the engineer's certification. If the department either conditionally accepts or rejects the certification, the department shall identify and direct the municipality to undertake any measures necessary for completion of the closure in compliance with the order.

[PL 1993, c. 732, Pt. C, §10 (AMD).]

## SECTION HISTORY

PL 1987, c. 517, §25 (NEW). PL 1989, c. 870, §3 (AMD). PL 1989, c. 890, §§A40,B235, 236 (AMD). PL 1991, c. 374, §4 (AMD). PL 1991, c. 519, §§4-6 (AMD). PL 1991, c. 759, §§1,2 (AMD). PL 1993, c. 732, §§C6-10 (AMD). PL 2001, c. 212, §4 (AMD). PL 2001, c. 315, §1 (AMD).

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