

**North Carolina Department of Environmental Quality
Division of Waste Management**

**Final Report on Optional Property Owner Suspension of Site Remedial
Action and Assumption of Risk**

February 1, 2020

The North Carolina Department of Environmental Quality's (DEQ) Pre-Regulatory Landfill Program (PRLF Program) is charged with conducting contaminant assessment and remediation of old landfills that existed prior to environmental regulations. Known as 'pre-1983 landfills,' these landfills are unlined, have no controls and received all local area wastes including chemical industry wastes, asbestos-bearing materials, and other hazardous materials presenting general wastes. If the site property owner cooperates with the PRLF Program by granting access to their property and signing land use restrictions, the PRLF Program will conduct and pay for all contaminant assessment and remediation expenses.

Session Law 2017-57 (SB 257) Section 13.4(c) requires the North Carolina Department of Environmental Quality (DEQ) to provide an annual report on the implementation of a modifying provision to statutes that govern the Pre-Regulatory Landfill Program, which gives property owners the option to suspend all requirements of the Program if the owner assumes all liability. The initial interim report was submitted on April 1, 2018 and recurring annual reporting is due on February 1 of each subsequent year until the department has issued either a final guidance document or final rules implementing Section G.S. 130A-310.6(c), as modified by Session Law 2017-57.

This Session Law modified NCGS 130A-310.6(c) to establish a provision to allow property owners to suspend the further application of requirements of the Program for mitigation of hazards at these landfills if the owner assumes all liability for potential on-site and off-site effects and provides financial assurance for any future impacts.

To date, no owners of properties containing a pre-1983 landfill have elected to request this option.

In 2018, the DEQ Division of Waste Management developed draft implementation rules, convened a stakeholder committee and received comments on the draft rules. After developing the draft rules, the Division instead elected to employ the statutory option of creating a guidance document, due to the lack of participation by any landfill owners. The Division incorporated stakeholder comments on the draft rules into the draft guidance document.

The guidance document, "Implementation Guidance for Optional Property Owner Suspension of Site Remedial Action and Assumption of Risk" has been completed and published in January 2020 on the DEQ's public website (<https://deq.nc.gov/about/divisions/waste-management/superfund-section/pre-regulatory-landfill-program>); therefore, this will be the final report to the legislature on this statutory provision.

Should any owner of property containing a pre-1983 landfill elect to suspend the further application of the Program's requirements, the Division of Waste Management will assist the owner with the request.