

GUIDANCE DOCUMENT

INERT WASTE LANDFILL OPERATIONS

REGULATORY AUTHORITY 391-3-4-.06

Solid waste consisting of earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves may be disposed of in an inert landfill. Inert landfills are regulated under the Permit By Rule provision of the Rules for Solid Waste Management.

The permit by rule provision found in 391-3-4-.06 allows for the disposal of these materials that will not or is not likely to produce leachate of environmental concern to be approved without going through a complicated solid waste permitting process such as required for the development of a municipal solid waste landfill.

An owner or operator of an inert landfill who simply follows the steps found in 391-3-4.06 is deemed to have a permit by rule. The operator must notify the Environmental Protection Division (EPD) within 30 days before or after he initiates the operation of the inert landfill that he is operating an inert landfill. In addition to this notification, which consists of a two page form, the operator must provide a location map, documentation from the host local jurisdiction which states that the operation is in compliance with local rules or ordinance such as erosion and sedimentation control, and a sketch of the site documenting conformance with the 100 foot buffer requirement from any property line or enclosed structure.

In addition to the notification requirement the following conditions apply to an inert waste landfill operation:

1. Only waste that will not or is not likely to produce leachate of environmental concern may be disposed of in an inert waste landfill. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trash, and land clearing debris such as stumps, limbs and leaves, area acceptable for disposal in an inert waste landfill.
2. No portion of waste disposal area shall be located within one hundred (100) linear feet of any property line or enclosed structure.
3. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume. A uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed inert waste material at least monthly.
4. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

A new condition for inert waste landfill operations was added to the August 20, 1997 Rules for Solid Waste Management. The requirement for a 100 foot buffer between the inert landfill and any property line or enclosed structure was added to reduce the possible impact that any methane migration resulting from a landfill operation might have on adjacent property owners or on site enclosed structures. Inert landfills may generate methane gas and that methane gas may migrate and collect in enclosed structures and result in an explosion.

Homebuilders in recent years have used inert landfills on individual home building lots as a means of disposal of the land clearing debris. This practice has resulted in numerous complaints from homeowners who discover the burial pits once the debris has decomposed, resulting in the formation of depressions. Under the August 20, 1007, Rule this practice will be prohibited unless the lot consists of several acres of land. Therefore, home builders will be required to use alternatives such as on-site grinding of the material for mulch, off-site disposal in an inert landfill or construction and demolition waste landfill, or off-site disposal of a wood recycling center.

A Notification of Permit by Rule Operations form is attached.

If you have any questions regarding this matter, please contact the nearest EPD Regional Office or the Solid Waste Management Program at (404) 362-2692.

FREQUENTLY ASKED QUESTIONS ABOUT INERT LANDFILL OPERATIONS

1. Can I dispose of construction and/or demolition material in an inert landfill?

No, general construction and demolition waste must be disposed of in a permitted construction and demolition or municipal solid waste landfill. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert landfill.

2. When a building is demolished, can the inert material be separated from the general construction and demolition waste and is disposed of on site as an inert landfill while the remaining demolition waste is taken to a permitted landfill?

Yes. However, special care must be taken to limit the waste disposed on in the inert landfill to that noted above.

3. What if I only dispose of broken asphalt or concrete in an inert landfill? Does it require monthly cover or deed notification?

Yes. These materials are classified as inert waste and therefore, if disposed of in an inert landfill must meet all the requirements of the permit-by-rule.

4. Can I make compost or mulch out of land clearing debris at my inert waste landfill?

Yard waste composting is exempt from regulation as solid waste handling facilities. To be considered exempt from regulation, yard trimmings must be kept separate from solid waste and must be converted to a usable compost or mulch product. A yard waste composting operation and inert waste landfill operation can be operated simultaneously at the same location provided all the requirements for the permit by rule for an inert waste landfill operation are met.

5. Can I get a waiver of one or more of the permit-by-rule requirements such as the buffer requirement?

No. You must meet all the conditions listed in the Rule in order to possess a permit-by-rule.

6. What waste can I place in an inert landfill?

Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert landfill.

7. What is the purpose of requiring that the location of the inert landfill be noticed on the property deed?

This will insure that future property owners are aware of the landfill operation prior to the purchase of the property.