

# **Interim Report to the North Carolina General Assembly**

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## ***Implementation of Session Law Provision on Pre-Regulatory Landfill Assumption of Risk***

April 2018

### **DIVISION OF WASTE MANAGEMENT**



**NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Pursuant to SL 2017-57 (SB 257) Section 13.4(c)**

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

**Report on Implementation of Session Law Provision on  
Pre-Regulatory Landfill Assumption of Risk**

**April 2018**

Session Law 2017-57 (SB 257) Section 13.4(c) requires the North Carolina Department of Environmental Quality to provide an annual report on the implementation of a modifying provision to statutes that govern the Pre-Regulatory Landfill Program. The report is due February 1 annually, with the first being due April 1, 2018.

The provision allows owners of property to have reduced or no application (suspension) of the Pre-Regulatory Landfill Program for mitigation of hazards at these landfills if the owner assumes all liability for on- and off-property effects. An owner of a Pre-Regulatory Landfill site can make this decision. Thus far, no owners have elected to request this option.

The Department of Environmental Quality Division of Waste Management believes rules are necessary to clarify the process. The Division of Waste Management is currently developing draft rules and a stakeholder committee to evaluate and further develop the rules for implementation. The stakeholder committee will be reviewing and modifying the draft rule this summer. The rules will be pre-reviewed by the Rules Review Commission's legal staff. The official rule-making process will follow.

Rules are not mandatory for owners to apply for this suspension of the program. Thus far, no owners have sought approval or inquired of this new option. Should any party apply, the Division of Waste Management will work with them on the request and use feedback from the stakeholder group to help guide decision-making until formal rules are established.