



Should Landfills be Redeveloped?

What do Various States Think?

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Should Landfills Be Redeveloped?



Benefits:

- Saves greenspaces outside of urban areas
- Many located near urban development centers
- Infrastructure may already exist

Concerns:

- Methane
- Toxic gases/VOCs
- Odor/Dust Control During Development
- Disturbance of the cap/liner; surface water infiltration
- Utility Lines Acting As Conduits
- Dewatering/Waste Disposal
- Settlement
- Worker Safety
- Legal Issues

Poll of the Various States:



Questions Asked:

- 1) Does your state allow the development of closed landfills?
- 2) Do you have a permitting or review process?
- 3) Is the redevelopment of methane generating fills allowed?
- 4) What liability scheme applies, i.e. strict vs. causation?
- 5) If the state has Brownfield incentives, can these be used at landfills?

States that Responded: Alaska, California, Florida
Illinois, Massachusetts, New Jersey, Ohio, Oregon,
Rhode Island, Texas, Utah, Washington and Wisconsin

Summary of Responses:



1) It is allowed?

- No states prohibited landfill redevelopment – all had been asked at some point
- UT had been asked, but no developments
- All other states had some development, even AK
- CA restricted to commercial and industrial only; FL used to but is now considering a condo development
- Some states like NJ encouraged the use of landfill space; others allowed but would try and relocate either the development or the waste if possible
- Predominance of Home Depots

Summary of Responses:



2) Is there a permitting or review process?

- Many states dealt with landfill redevelopment through their solid waste programs, so the permit was through modification of their post-closure plans: AK, FL, IL, MA, OH, OR, UT, WA
- Other states have developed specific permit processes: NJ, TX, WI
- CA reviewed such proposals through their CEQA process; can lead to a Waste Discharge Registration, much like a permit
- RI has developed a Landfill Cleanup Program that combines staff from their environmental remediation group with their solid waste management group

Summary of Responses:

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3) Can methane generating fills be redeveloped?

- None prohibited development based on methane
- TX had a residential development evacuated for 5 years because of methane and odors, but it was corrected and reinhabited
- RI expressed greater concern for vinyl chloride and other toxic gases
- NJ expressed that methane was just another contaminant and was dealt with on a site specific basis
- FL didn't see the point in removing waste to try and prevent methane generation because of lateral migration; just insured the development was designed for methane
- No state had fire or explosion attributed to methane

Summary of Responses:

4) What liability scheme, i.e. strict vs. causation?

- Almost all states have some version of strict joint and several liability
- Many offered some form of a prospective purchaser Agreement for developers: AK, NJ, OR, RI, WA, WI
- IL has a liability scheme that is causation based, but its language includes the word “allows” so property owners still could be held liable for “allowing” a release to continue even if they didn’t cause it
- CA recently passed a bill allowing a developer to limit liability, but only on “unlisted” sites, and most LF’s are listed
- UT had a bill pending to allow for a limited release
- TX allows some release if developer enters their Voluntary Cleanup Program

Summary of Responses:



5) Are Brownfield incentives allowed?

- For states that had Brownfield incentives, almost all allowed them to be used at landfills: FL, IL, NJ, OH, OR, WA
- Only MA did not allow landfills to use their Brownfield program
- FL has a 35% tax credit for costs integral to site rehabilitation
- NJ allowed up to 75% capture of sales and business taxes attributable to the new development
- AK is hoping to use its Brownfield program to close landfills that have no other funding source, but the process is still in development

Resources:



States that Offer Landfill Redevelopment Guidance:

- 1) FL: *Guidance for Disturbance and Use of Old Closed Landfills (May 3, 2001)*
- 2) NJ: *Technical Manual for Sanitary Landfill Permits and Approvals (March 1999)*, available on their website
- 3) TX: TCEQ codified rules *Subchapter T: Use of Land Over Closed Municipal Solid Waste Landfills*, available on their website
- 4) WI: Permit applications and guidance materials are available on their website

Landfill Redevelopment Project in Rhode Island:

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Save The Bay – Narragansett Bay



Explore the Bay Education Center:
Chose to build on a former Landfill
-Close to urban core and children
-Demonstrate the reuse of a Brownfield
-Preserved pristine estuary for wildlife

Landfill Redevelopment Project in Rhode Island:

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Construction Issues:

- The site had to be capped
- Levels of methane up to 50%

Development to Include:

- Educational Center
- Boathouse and Storage
- Interpretive Trail & Boardwalk
- Outdoor Amphitheater

Landfill Redevelopment Project in Michigan:

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Former Ford - Allen Park
Clay Mine Landfill



- Mix of retail and restaurants
- Anchor stores comfortable with the site
- Vertical condominium concept
- "TIF funding essential"

Landfill Redevelopment Project in Michigan:

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Construction:

- Mainly used for non-putrescible wastes; some methane
- Welded FML under the slab with methane collection

Landfill Redevelopment Project in Michigan:

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Construction:

- Pre-loading of areas where buildings will be located
- Use of expanded foam blocks as fill under the slab

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