



California Integrated Waste Management Board

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Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

September 16, 2003

Ms. Joan Davidson
1525 Via Arco
Palos Verdes, California 90274

POSTCLOSURE LAND USES ON LANDFILLS

Dear Ms. Davidson:

You have previously requested California Integrated Waste Management Board (CIWMB) staff's opinion on the propriety of redeveloping closed landfills. This letter is intended to supplement previous telephone conversations and email correspondence between you and CIWMB staff.

Current CIWMB regulations prescribe development standards for postclosure land uses (PCLUs) within 1,000 feet of a landfill footprint [Title 27, California Code of Regulations, Section 21190 (27 CCR 21190)]. These regulations do not prohibit development but contain standards that are designed primarily to prevent damage to the environmental control systems at the closed landfill and to protect the public health and safety from landfill gas migration. However, these regulations are only applicable to "onsite" development within 1,000 feet of a landfill footprint. Therefore, neither the CIWMB, nor the Solid Waste Local Enforcement Agency (LEA), can enforce these regulations outside the established property boundary of the disposal site even if the proposed development is less than 1,000 feet from the landfill footprint.

Furthermore, for PCLUs on landfills closed prior to the effective date of the CIWMB closure regulations in 1989 are only subject to LEA and Regional Water Quality Control Board (RWQCB) approval – and not CIWMB approval – unless the LEA, RWQCB, or project proponent requests CIWMB staff review and/or approval.

The most conservative approach, as espoused by CIWMB staff, would be to leave the landfill as non-irrigated open space. Since the primary goal for a cap for a closed landfill is to prevent infiltration of water and migration of landfill gas, any uses on a landfill, such as golf course, park, ball fields, etc., which would require irrigation would make the primary goal more difficult to obtain. Also, structures built on the landfill have to be engineered to contend with differential settlement.

California Environmental Protection Agency

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Although maintaining a closed landfill as non-irrigated open space may be the most benign environmentally, CIWMB staff realizes that because of development potential, especially in urban areas, this is not often a likely scenario. Therefore, the aforementioned regulations (27 CCR 21190) were developed to address proposed PCLUs on closed landfills to address the public health and safety and environmental issues. Please note that the CIWMB (and LEA) are not land use control agencies. In other words, CIWMB does not approve nor disapprove PCLUs; CIWMB staff only indicates whether a proposed PCLU complies with our regulations. It is the responsibility of the local planning agency to determine whether a particular PCLU is appropriate for a closed landfill.

Should you have any questions or comments concerning the above matter, please contact me at (916) 341-6318 or email at mwochnic@ciwmb.ca.gov.

Sincerely,

Michael B. Wochnick, P.E., Manager
Closure, Remediation, and Technical Services

Enclosure: 27 CCR 21190