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## LANDFILLS, RECYCLING SOLID WASTE CHALLENGE PLANNERS

According to "Solid Waste Facts," a 1978 bulletin by the U.S. Environmental Protection Agency, over 150 million metric tons of "post-consumer" municipal solid waste and 300 million metric tons of non-hazardous industrial waste are produced in this country each year. Safe disposal of these wastes is an increasingly pressing environmental problem that may reach crisis proportions in the 1980s. At present, the basic disposal mechanism is the so-called "sanitary" landfill. The growing scarcity of suitable sites (there are already over 20,000 such fills nationwide covering a total of 500,000 acres, according to the report), fierce local opposition, and the strict requirements of the 1976 Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*, are forcing state and local governments to search for alternatives.

"We desperately need to develop a state-wide resource-recovery system," said Al Farling, Director of Public Works for York County, who has been trying for nearly three years to obtain a landfill permit for the Goodwin Neck Road site in York. He acknowledged that the main goal of RCRA is to encourage resource-recovery planning, but maintained that plan development is proceeding at far too slow a pace. "The trouble is that no one knows very much about recycling, or about sanitary landfills for that matter. We are really just getting our feet on the ground," he said.

Dr. W. Gulevich, the Chief of Technical Services for the Division of Solid and Hazardous Waste Management in Richmond, was more optimistic about the development of recovery programs. Gulevich pointed to one program that is already operational in Salem. Recycled waste is producing steam which is then sold to the Mohawk Rubber Company. Similar programs in Richmond, Hampton, and the Tidewater area should be operational in one to three years, he said in a February interview.

Still, it appears that landfills will continue to be a major part of any program of solid waste management for the foreseeable future. No method of recycling yet devised has proved one hundred percent efficient, necessitating disposal of the inert material that remains. More significantly, landfills are at present far cheaper than any comparable recycling system--averaging \$12.00 per ton of waste with an average initial investment of \$700,000, as opposed to \$15.00 to \$20.00 per ton and a \$13 million initial investment for a typical recycling operation, according to Farling.

There are basically four steps involved in obtaining a landfill permit:

1) **SITE SELECTION:** "Landfills and water are simply not compatible," said Dr. Gulevich. "Deep soil and a low water table are needed, with a barrier between the groundwater and the waste. The cheapest kind, of course, would be a natural clay which is found in the Piedmont area of Virginia."

2) **INITIAL INVESTIGATION:** The site must then be inspected by representatives from the Solid and Hazardous Waste Management Division of the Health Department and the State Water Control Board, along with a soil scientist. "I strongly recommend anyone seeking a permit to hire his own geologist," Farling said. "The people at the state level are not always as knowledgeable as they should be, and you can head off a lot of problems early on."

3) PRELIMINARY APPROVAL: The local representatives must approve any plan for the site before it can be submitted to the State Health Department for further consideration.

4) FINAL APPROVAL: It is at this point that the process breaks down because "there are no real guidelines," Farley stated. "Each engineer must simply convince the Health Department that he knows what he's talking about." Dr. Gulevich, on the other hand, saw the overall guidelines as impractical: "There are unique circumstances at every site. Each one must be evaluated on its own merits."

Both Gulevich and Farling agreed that local governments must develop greater expertise in this area. The RCRA, like the Clean Air Act, uses the state planning apparatus to develop a comprehensive, environmentally sound method of non-hazardous solid waste disposal, and provides local governments with an opportunity to formulate policy regarding the type and amount of growth desired in an area. A thorough discussion of the problem can be found in Ferrante and Capello, *A Look at the Regulation of Two Urban Problems: Solid Waste Management and Air Pollution Control*, 11 Urban Lawyer 515 (1979).

J.B.A.