

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land Recycling and Waste Management

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TITLE: AREAS WHERE MUNICIPAL WASTE LANDFILLS (MWLF) ARE PROHIBITED

AUTHORITY: This document is established in accordance with Act 97 of 1980, the Solid Waste Management Act, as amended.

POLICY: This directive interprets Section 273.202 (a)(4) and 2273.202 (a) (7) concerning the isolation distance from a landfill to a stream.

PURPOSE: The purpose of this policy is to provide guidance on areas where municipal waste landfills are prohibited, specifically isolation distances to streams.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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LOCATION: Volume 06, Tab 02

Section 273.202(a)(4) states that no municipal waste landfill (except for areas permitted prior to April 9, 1988) can operate in a valley, ravine, or head of hollow where the operation would result in the elimination, pollution or destruction of a portion of the perennial stream, except that rechanneling may be allowed as provided in Chapter 105. Section 273.202(a)(7) states that no municipal waste landfill (except for areas permitted prior to April 9, 1988) can operate 100 feet from a perennial stream.

Section 273.20:2(a)(4) uses the term “rechanneling” in reference to Chapter 105. Chapter 105 uses the terminology “enclosures” and “channel changes”. “Rechanneling” should be interpreted to mean the moving of a channel and subsequently allowing the channel to be established to its former condition. therefore, a rechanneling does not mean “enclosure” of a stream. Total enclosure of a stream is not a proper way to protect the stream. Enclosure i. likely to be detrimental to aquatic life and other organisms that depend on the stream.

If a permit is obtained from the Bureau of Dams and Waterway Management, a municipal waste landfill may operate in this area if the stream rechanneling is designed adequately and will not result in the elimination, pollution, or destruction of a portion of the stream. The intent of the regulation is to protect perennial streams from any harmful effects that would result from the operation of a landfill. The issuance of a Chapter 105 permit does not ensure that the Bureau of Waste Management will approve the design. The Bureau of Waste Management will review all designs, but any possibility of harming the stream will result in denial. For example, the Bureau of Waste Management may determine that a *gaining* stream cannot be successfully rechanneled without causing harm to the state. Also, if it is determined that transforming a stream into a rock drain causes harm to aquatic life, the design should therefore be denied.

REFERENCES

Act 97 of 1980, The Solid Waste Management Act Municipal waste regulation, Chapter 273

DEFINITIONS. TERMS AND ABBREVIATIONS

Gaining Stream: Receives groundwater discharge; as one goes downstream the baseflow increases, even if no tributaries enter.

Losing Stream: As one goes downstream, less and less water is found in the channel.