

Landfill Regulation: Is the State Needed Here?

A North Carolina moratorium on the construction of new landfills expired on August 1, 2007. With the moratorium's expiration, state legislators are now proposing the Solid Waste Management Act of 2007 (SB 1492), a bill that would not only deny counties the right to approve their own landfill construction projects, but also mandate additional landfill fees and a \$2 per ton state tax on waste. Revenue from the legislation would go to recycling programs and cleaning up old and abandoned landfills. SB 1492 would also require counties to seek state-issued permits for new landfill construction – introducing yet another layer of waste management oversight in a regulatory area already supervised by counties.

Poorer Counties Will Lose

Over the past few years, local leaders have proposed new landfills in Camden, Columbus, Hyde and Richmond counties. In response, legislators at the state level pushed through a landfill construction moratorium in 2006 that blocked the creation of these additional landfills. While the moratorium was in effect, regulators formulated SB1492, which would strip counties of their ability to approve the construction and oversight of landfills based on community need. Currently, North Carolina is a net exporter of waste. New landfills would allow the poorest counties in our state to benefit from growth in the solid waste disposal industry. But with new regulatory costs and the centralization of landfill permit power in Raleigh, this industry could be stifled and waste disposal prices will rise. Eastern North Carolina counties who once stood to benefit, would lose under SB 1492.

Effective Regulation Already Exists at the County Level

Today's sanitary landfills provide the safest, most economical way to dispose of waste in an environmentally responsible manner. One reason such landfills are so safe is because they are already sufficiently regulated. Why is it necessary for the state to insert yet another layer of cost and oversight when landfills are already regulated by the counties? Another layer of regulation will not only add to bureaucratic and administrative costs, but unnecessarily expand state power. It would be one thing if landfills were determined to be a public health hazard, but complaints have more to do with issues of sight and smell (nuisance) – which should be addressed at the local level.

Current Standards Are Safe

Not even the EPA sees fit to regulate municipal solid waste disposal. Indeed, according to 30-year EPA veteran David Schnare: "EPA regulates the toxic stuff through its hazardous waste disposal regulations. Municipal waste isn't hazardous, and the only regulations that apply are siting, construction and air emissions regulations for methane. We don't regulate risks from these sites because the risks, if any, are undeserving of regulation."ⁱ The risks of a citizen having his or her health threatened by a landfill are so low that, according to U.S. Deputy Secretary of the Interior Lynn Scarlet (quoted prior to her tenure in this post): "Even without new improvements, the [EPA] estimates that the aggregate risk from all operating municipal solid waste landfills in the United States is one cancer death every 23 years."ⁱⁱ Given strict EPA regulation and the advent of high-density polyethylene and geotextile technologies, modern landfills are able to contain leachate (water that has percolated through waste) effectively. In short, citizens have a greater probability of being hit by a recycling truck than being harmed by a landfill. New regulations will not protect anyone, but only help people feel better and cost them more.

Costs of Recycling

Since part of the revenues from the state's regulation and taxation of solid waste would go to recycling, it makes sense to talk about the relative costs of each program. A 2002 Franklin Associates study conducted for the EPA determined that the cost of mandatory recycling programs are nearly double that of traditional landfill disposal sites.

Costs of Alternative Municipal Solid Waste Programs (2002)			
	Disposal	Baseline Recycling	Extended Recycling
Landfill	\$34	\$0	\$0
Collection & Transport	\$70	\$155	\$127
Recyclables processing	0	\$95	\$74
Subtotal	\$104	\$250	\$201
Less Recovery	-\$0	-\$68	\$50
Total	\$104	\$182	\$151

Source: Daniel K. Benjamin, "Eight Great Myths of Recycling," PERC Reports, Issue Number PS-28, September 2003, 21. (Adapted from Franklin Associates (1997, ch. 3). Landfill costs were updated to reflect 2002 costs.

Is Recycling Better for the Environment?

Mandatory-recycled products may *seem* to be price-competitive with other materials, but they are subsidized by recycling programs funded by taxpayers. Because mandatory recycling programs are a form of manufacturing, they also generate pollution and use up resources. Problems associated with recycling are compounded because municipalities – as opposed to private entities – have fewer incentives to improve the efficiency of the recycling process. SB1492 would subsidize these inefficiencies even more.

Indeed, most municipalities require *twice* the number of diesel-and-carbon-spewing trucks in order to both their ordinary trash and then separately collect recyclable materials. In other words, recycling doubles fleet-wide petroleum usage; doubles the materials used to manufacture the trucks; and increases energy used to make the recyclables usable again. Recycling thus does not so much as conserve energy or resources, as it does *displace* the kind of resources being consumed and the type of pollution being emitted. From an environmental standpoint, recycling may actually be a *net negative*. Indeed, when one considers the opportunity costs of SB 1492, along with the unseen environmental costs of recycling, it is clear state and private resources would be better spent going directly to other forms of environmental protection and conservation.

In short, if SB 1492 passes, North Carolina’s citizens can expect to see their costs of waste disposal rise and state regulatory power expanded unnecessarily.

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ⁱⁱLynn Scarlett, "A Consumer’s Guide to Environmental Myths and Realities," Reason Foundation, Policy Report No. 165, September 1991.