




COMMONWEALTH OF VIRGINIA
Department of Environmental Quality

Subject: Waste Guidance Memo No. 01-2009
SCENARIOS UNDER WHICH A PART A AMENDMENT IS OR IS NOT REQUIRED

To: Regional Waste Program Managers

From: James J. Golden 
Deputy Director of Program Development

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Copies: Regional Directors, Deputy Regional Directors, OSW Director, Solid Waste Permit Coordinators

Summary:

This guidance provides the regulated community a multiple-scenario discussion regarding when a Part A amendment is required for specific permit revisions to a solid waste permit. This document includes a revised Form SW 7-3 to increase efficiencies and facilitate DEQ's Enterprise Content Manager project.

Electronic Copy:

An electronic copy of this guidance is available on DEQ's website at <http://www.deq.virginia.gov/waste/guidance.html>.

Contact Information:

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Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.



Scenarios Under Which a Part A Amendment is or is not Required

I. Introduction

It has been confusing as to when applicants need to submit a Part A amendment application for siting a lateral or vertical expansion of an existing landfill or an increase in capacity. The Virginia Solid Waste Management Regulations, (VSWMR, [9 VAC 20-80-10 et. seq.](#)) includes the information necessary to determine when a Part A amendment application is required. However, the requirements of the Notice of Intent and Part A application can be unclear. The purpose of this guidance is to summarize the requirements of the VSWMR in a format that will assist applicants in determining when they need to submit a Part A amendment application.

The following are scenarios under which a Part A amendment application may or may not be required:

- (A) A brand new site (Green field) that is being proposed to be used as a landfill or a treatment and storage facility that is not covered by a Permit-by-Rule (PBR);
- (B) An existing landfill that is planning to expand the facility and waste management unit boundaries laterally beyond the existing Part A approved facility and waste management unit boundaries;
- (C) An existing landfill that is planning to increase in capacity (airspace) by vertical expansion only (i.e. by lowering the base grade and/or increasing the final top elevation);
- (D) An existing landfill that is planning to increase the facility boundary laterally (i.e. adding more property in the facility) for gas migration and control beyond the existing Part A approved facility boundary;
- (E) An existing landfill that is planning to decrease the facility boundary laterally for releasing a parcel or portion of a parcel from the existing Part A approved facility boundary to use it for other purposes; and
- (F) An existing landfill that is planning to expand laterally on an unlined unit or a unit lined with a liner system that does not meet the current regulatory standards (piggybacking).

The above scenarios are discussed individually in Section V of this guidance document. Other potential scenarios that are not presented in this guidance document will be evaluated on a case-by-case basis by the DEQ.

II. Background

This guidance has been created in response to inquiries from the regulated community attempting to determine whether a Part A amendment is necessary under various scenarios of expansion or increase in overall capacity. This guidance discusses several scenarios and their impact on the existing approved Part A application.

III. Authority

In accordance with § [10.1-1408.4.A](#) of the Code of Virginia, before granting a permit which approves site suitability for a new municipal solid waste landfill, the Director shall determine, in writing, that the site on which the landfill is to be constructed is suitable for the construction and operation of such a landfill. In making his determination, the Director shall consider and address, in addition to such others as he deems appropriate, the following factors:

1. Based on a written, site-specific report prepared by the VDOT, the adequacy of transportation facilities that will be available to serve the landfill, including the impact of the landfill on local traffic volume, road congestion, and highway safety;
2. The potential impact of the proposed landfill on parks and recreational areas, public water supplies, marine resources, wetlands, historic sites, fish and wildlife, water quality, and tourism; and
3. The geologic suitability of the proposed site, including proximity to areas of seismic activity and karst topography.

The applicant shall provide such information on these factors or others at the Director's request.

In addition to the requirements contained in the Code of Virginia §10.1-1408.1 and §10.1-1408.4, as applicable, Part A applications must contain the information required in several sections of the regulations such as § [9 VAC 20-80-500.B](#) - Notice of Intent, § [9 VAC 20-80-510](#) - Part A application, which are applied to all types of landfills and treatment and storage facilities except that a certain subsection is specified for a specific type of facility. Section [9 VAC 20-80-250.A](#) - Siting is applied to sanitary landfills either new or amendment, § [9 VAC 20-80-260.A](#) to CDD landfills, § [9 VAC 20-80-270.A](#) to industrial landfills, § [9 VAC 20-80-330.B](#) to compost facilities, § [9 VAC 20-80-340.B](#) to transfer stations, § [9 VAC 20-80-360.B](#) to materials recovery facilities, § [9 VAC 20-80-370.B](#) to energy recovery and incineration facilities, and § [9 VAC 20-80-400.B](#) to waste piles. Facilities eligible for coverage under a Permit-by-Rule are not required to submit a Part A application. Permit-by-Rule facilities must comply with § [9 VAC 20-80-485](#). If the facility seeking a Permit-by-Rule is a transfer station the applicant must also comply with the requirements of §

[9VAC 20-80-500.B.5](#) and §1.01-1408.1 of the Code of Virginia (DEQ [Form SW-11-1](#) Request for Local Government Certification).

IV. Definitions

The definitions in § [10.1-1400](#) of the Code of Virginia and § [9 VAC 20-80-10](#) of the VSWMR apply to the implementation of the siting evaluation (Part A application).

“VDOT” means the Virginia Department of Transportation or other agency with delegated authority for transportation oversight (such as local government).

V. Guidance Document

As mentioned earlier the intent of this guidance is to summarize the information of the VSWMRs in a format that will help the applicants determine when and under what scenarios they need to submit a Part A amendment application. The site suitability evaluation (i.e., Part A application review) is valid throughout the design, construction, operation, and closure of the facility. However, if it is specifically mentioned in the future amendments of the VSWMR and the Code of Virginia, the Department can require the facility owner to revise the permit, including the Part A application in order to comply with the current changes and revisions in the VSWMR and the Code of Virginia. The following sections elaborate the scenarios under which a Part A application or amendment needs to be submitted for review and approval.

V.A New Facility

When a green site is proposed to be used as a landfill, a Part A application must be submitted to DEQ for review and approval. Facilities eligible for coverage under a Permit-by-Rule are not required to submit a Part A application, unless they choose to pursue a full permit. The Part A application must contain all applicable information requested in § [9 VAC 20-80-500.B](#), § [9 VAC 20-80-510](#), [DEQ Form SW-7-3](#), and § [9 VAC 20-80-250.A](#), § [9 VAC 20-80-260.A](#), § [9 VAC 20-80-270.A](#), § [9 VAC 20-80-330.B](#), § [9 VAC 20-80-340.B](#), § [9 VAC 20-80-360.B](#), § [9 VAC 20-80-370.B](#), or § [9 VAC 20-80-400.B](#) of the VSWMR, depending on what type of landfill or storage and treatment facility the Part A application has been prepared for. All the subsections of the above sections that are for a new facility will be applicable. [Submission Instructions No. 1](#) include details as to what sections and subsections are applied to what type of landfill or other facility. For a new facility Part A application, DEQ will assign an alphanumeric Permit Number (e.g. SWP600) with a facility name that will be used to identify the facility for future correspondence and will be valid throughout the active life and post-closure period of the facility.

V.B Lateral Expansion of an Existing Facility

A horizontal expansion of the waste management unit boundary is referred to as a lateral expansion. If the areas for the lateral expansion were not included in the previous Part A application approval, a

Part A application **will be required**. Since the expansion is for an existing facility that has an alphanumeric Permit Number (e.g. SWP600), the additional siting information required for lateral expansion is treated as an amendment to the existing Part A application. However, in accordance with the definition of a “**new solid waste management facility**” the Part A amendment application will be reviewed as a new solid waste management facility and all the subsections of the applicable sections ([§ 9 VAC 20-80-500.B](#), [§ 9 VAC 20-80-510](#), [DEQ Form SW-7-3](#), and [§ 9 VAC 20-80-250.A](#), [§ 9 VAC 20-80-260.A](#), [§ 9 VAC 20-80-270.A](#), [§ 9 VAC 20-80-330.B](#), [§ 9 VAC 20-80-340.B](#), [§ 9 VAC 20-80-360.B](#), [§ 9 VAC 20-80-370.B](#), or [§ 9 VAC 20-80-400.B](#), (depending on what type of landfill or storage and treatment facility the Part A application has been prepared for) of the VSWMR that are designated for a new facility or an amendment allowing a facility expansion will be applicable. The applicant may reference portions of the existing approved Part A application that will remain unchanged in lieu of submitting duplicate documentation. For example, the applicant may reference the existing geotechnical and hydrogeological report if the total number of borings completed during the initial Part A application is sufficient including the expansion acreage and the results of that previous study indicate there is no change in the geology or hydrology in the expansion area. These existing documents shall be included in the amendment application, if requested by DEQ. In accordance with 9 VAC 20-80-510.E.1.b, DEQ may require additional borings if the number of borings previously submitted is not sufficient to describe the geologic formations and groundwater flow patterns below the proposed expansion. The applicant shall include a discussion in the executive summary of the Part A Amendment application detailing why previously submitted information continues to satisfy the siting requirements of the Code of Virginia and the VSWMR.

V.C Increase in Overall Capacity (Airspace) for an Existing Facility by Vertical Expansion ((i.e. by combination of changing (steepening) the side slopes, increasing the final top elevation, and/or lowering the base grade)) without lateral expansion.

Increase in overall capacity through vertical expansion (i.e. without modifying waste management unit boundary - WMUB) for an existing facility can be accomplished by:

1. increasing (steepening) the existing side slopes;
2. expanding the facility vertically up to an elevation beyond the existing Part A or Part B approved elevation; or
3. lowering the base grades beyond the existing Part A or Part B approved base grades of a unit prior to construction; or
4. substituting an approved liner or cap which is thinner than a previously approved liner or cap, thus increasing the capacity.

V.C.1 If the increase in capacity is accomplished only by changing (steepening) the side slopes without lowering the base grade beyond the previously approved Part B base grades or without increasing the final top elevation beyond the previously approved Part A or Part B final top elevation, **a Part A amendment application is not required**. However, this expansion would meet the description of an increase in capacity as stated in 9 VAC 20-80-500. The NOI for the Part B permit amendment application must address the following sections of the VSWMR for the specific types of landfills.

For sanitary landfills:

For Part B Notice of Intent (NOI)

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification (([DEQ Form SW-11-1](#)) only non-captive industrial landfills)
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a or 9.b](#) – Demonstration of Need
5. § [9 VAC 20-80-510.G](#) – VDOT Adequacy Report – *Applicable only if the daily maximum disposal limit increases.*
6. § [9 VAC 20-80-510.H](#) – Landfill Impact Statement (LIS)
7. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
8. § [9 VAC 20-80-510.J](#) – Consistency with the local solid waste management plan (SWMP)
9. § [9 VAC 20-80-250.A](#) – Siting – *Applicable if siting requirements have changed since the Part A was approved.*

For CDD (Category 3), captive industrial (Category 1), and non-captive industrial (Category 2) landfills:

For Part B Notice of Intent (NOI)

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification (([DEQ Form SW-11-1](#)) only non-captive industrial landfills)
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a or 9.b](#) – Demonstration of Need
5. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
6. § [9 VAC 20-80-510.J](#) – Consistency with the local solid waste management plan (SWMP)
7. § [9 VAC 20-80-260.A or 270.A](#) – Siting – *Applicable if siting requirements have changed since the Part A was approved.*

V.C.2 If the increase in capacity is accomplished by expanding the facility vertically up to an elevation beyond the existing Part B approved final elevation, a **Part A amendment application is not required**. However, this expansion would meet the description of an increase in capacity as stated in 9 VAC 20-80-500. The NOI for the Part B permit amendment application must address the following sections of the VSWMR for the specific types of landfills.

For sanitary landfills:

For Part B NOI

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification (([DEQ Form SW-11-1](#)) only non-captive industrial landfills)
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a or 9.b](#) – Demonstration of Need
5. § [9 VAC 20-80-510.G](#) – VDOT Adequacy Report – *Applicable only if the daily maximum disposal limit increases.*

6. § [9 VAC 20-80-510.H](#) – Landfill Impact Statement
7. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
8. § [9 VAC 20-80-510.J](#) – Consistency with the local solid waste management plan (SWMP)
9. § [9 VAC 20-80-250.A](#) – Siting- *Applicable if siting requirements have changed since the Part A was approved. Siting requirements related to airports and FAA standards may need to be updated based on the proximity to an airport and proposed landfill height.*

For CDD (Category 3), captive industrial (Category 1), and non-captive industrial (Category 2) landfills:

For Part B NOI

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification ([DEQ Form SW-11-1](#))
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a](#) – Demonstration of Need
5. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
6. § [9 VAC 20-80-510.J](#) – Consistency with the local SWMP
7. § [9 VAC 20-80-260.A or 270.A](#) – Siting - *Applicable if siting requirements have changed since the Part A was approved. Siting requirements related to airports and FAA standards may need to be updated based on the proximity to an airport and proposed landfill height.*

V.C.3 If the increase in capacity is accomplished by expanding the facility vertically down (i.e. by lowering base grades beyond the existing Part A or Part B approved base grades), the Part A site investigation borings will need to be reviewed to verify the original borings approved are still adequate for the new proposed base grades. If the original approved numbers and depth of borings do not meet the necessary regulatory requirements, a Part A amendment will be required. **If the original numbers and depth of borings still meet the necessary regulatory requirements, a Part A amendment will not be required.** However, supporting documentation as outlined below demonstrating the adequacy of the approved Part A borings shall be submitted with the NOI for the Part B application. If a Part A amendment is required, the facility should submit DEQ Form SW 7-3.

For sanitary landfills:

For Part B NOI

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification ([DEQ Form SW-11-1](#))
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a or 9.b](#) – Demonstration of Need
5. § [9 VAC 20-80-510.E.1.a](#) and [E.1.e](#) – Number and depth of borings
6. § [9 VAC 20-80-510.G](#) – VDOT Adequacy Report – *Applicable only if the daily maximum disposal limit increases.*
7. § [9 VAC 20-80-510.H](#) – Landfill Impact Statement

8. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
9. § [9 VAC 20-80-510.J](#) – Consistency with the local SWMP
10. § [9 VAC 20-80-250.A](#) – Siting – *Applicable if siting requirements have changed since the Part A was approved. Separation for seasonal high groundwater may need to be addressed based on the lowering of the base grade.*

For CDD (Category 3), captive industrial (Category 1), and non-captive industrial (Category 2) landfills:

For Part B NOI

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification ([DEQ Form SW-11-1](#))
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a](#) – Demonstration of Need
5. § [9 VAC 20-80-510.E.1.a](#) and [E.1.e](#) – Number and depth of borings
6. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
7. § [9 VAC 20-80-510.J](#) – Consistency with the local SWMP
8. § [9 VAC 20-80-260.A or 270.A](#) – Siting - *Applicable if siting requirements have changed since the Part A was approved. Separation for seasonal high groundwater may need to be addressed based on the lowering of the base grade.*

Additional discussions for § V.C:

The Part B permit amendment application review needs to be coordinated with the SWMP reviewer at central office in regards to additional capacity, site life, and maximum disposal limits to ensure the Part B permit amendment application is consistent with the local or regional SWMP. If the daily maximum disposal limit is increased beyond the existing daily maximum disposal limit for a sanitary, CDD or non-captive industrial landfills, the Part B application must include a traffic impact approval letter from VDOT, the County, or the City, as appropriate. This letter should certify sufficient infrastructure exists to safely handle the traffic flow (§[10.1-1408.1.D.1\(iii\)](#)). Since §[10.1-1408.1.D.1](#) does not apply to captive industrial landfills, no traffic impact approval letter from VDOT, the County, or the City, as appropriate, is required.

If an increase in the daily maximum disposal limit for a landfill is not proposed, there will be no additional traffic impact report required. If a VDOT adequacy report is not available/included in the existing approved Part A application, a new VDOT adequacy report must be submitted with the Part B NOI to meet the requirements of § [9 VAC 20-80-510.G](#). Most existing modern sanitary landfills have a landfill impact statement (LIS) contained in the current approved Part A application meeting the requirements of § [9 VAC 20-80-510.H](#). It is very unlikely increasing the landfill capacity without a lateral expansion will have any potential impact on parks, recreational areas, wildlife management areas, critical habitat areas of endangered species, public water supplies, marine resources, wetlands, historic sites, fish and wildlife, water quality, and tourism. As a result, no new LIS meeting the requirements of § [9 VAC 20-80-510.H](#) is required. The LIS included in the existing approved Part A application may be used to meet the requirements of § [9 VAC 20-80-510.H](#). If the

LIS is not available/included in the existing approved Part A application, a new LIS must be submitted with the Part B NOI to meet the requirements of § [9 VAC 20-80-510.H](#).

V.D Expansion of Facility Boundary for an Existing Facility for Gas Migration Monitoring and Control

A Part A application must be submitted to DEQ for review and approval if the facility wants to modify (i.e., increase) the facility boundary for the sole purpose of landfill gas migration monitoring and control. In this scenario the waste management unit boundary is not expanded nor is there an expansion of the waste footprint or an increase in capacity. As such the only portions of the Part A application that must be revised include the drawings identifying the Facility Boundary and the documentation for demonstration of legal control provided all other portions of the Part A Application remain the unchanged. These changes do not substantially alter permit conditions, increase the size of the operation, require an extensive review, or reduce the capacity of the facility to protect human health or the environment. In accordance with § 10.1-1402.1 of the Waste Management Act this amendment constitutes a “minor amendment” and as such no fee is required. The expansion of the facility boundary and revision of the gas management plan will require an amendment to the existing Part B amendment. If the facility’s permit predates the Part A application procedure there is no requirement to submit a revision to the Part A application since there are no drawings that must be updated. However, the facility must provide proof of ownership documentation with the Part B amendment.

V.E Reduction of Facility Boundary for an Existing Facility for Releasing Property to Use It for Other Purpose

A Part A application is required to be submitted to the VDEQ for review and approval if the facility wants to modify (i.e., decrease) the facility boundary for releasing a parcel or portion of a parcel to use it for other purposes. If the concentration of landfill gas exceeds the lower explosive limit at the existing or proposed facility boundary, then the facility will not be allowed to reduce the facility boundary until such time as a landfill gas remediation plan is successfully implemented and gas levels return to compliant levels. In addition, if the facility is currently in corrective action for groundwater or has exceeded groundwater protections standard, a reduction in the facility boundary would not be allowed unless the applicant demonstrates the reduced facility boundary will not impact the facility’s ability to complete corrective action and will not pose an increased risk to potential receptors. The owner or operator of a solid waste management facility can modify the facility boundary as long as the new facility boundary is at least 50 feet from the waste management unit boundary (WMUB) or any other distance that is allowed by the siting and design sections of the VSWMR for a specific type of solid waste management facility (SWMF). However, all the existing structures, perimeter roads, gas monitoring probes, ground water monitoring wells, etc. must be located within the new facility boundary. Submission of information required for a Part A amendment to reduce the facility boundary:

1. This application must include a completed, signed, and dated [DEQ Form SW-7-3](#) as required by § [9 VAC 20-80-510.A](#).

2. This application must contain a key map delineating the general location of the proposed facility as required by § [9 VAC 20-80-510.B](#). The key map shall be plotted on a seven and one-half minute United States Geological Survey topographical quadrangle. The quadrangle shall be the most recent revision available, shall include the name of the quadrangle and shall delineate a minimum of one mile from the perimeter of the proposed facility boundaries. One or more maps may be utilized where necessary to insure clarity of the information submitted. The map and drawing approved with the original Part A for the site must be amended to show the new facility property boundary.
3. Near Vicinity Map [§ [9 VAC 20-80-510.C](#)]. A near-vicinity map shall be prepared and attached as part of the application as required by § 9 VAC 20-80-510.C. The near-vicinity maps (NVM) shall have a minimum scale of one inch equals 200 feet (1" = 200"). The NVM shall delineate an area of 500 feet from the perimeter of the property line of the facility. The NVM shall include the property boundary, facility boundary, and waste management unit boundary with bearings and distances. At least one corner of the property boundary, facility boundary, and waste management unit boundary shall be located in reference to an established bench mark. The areas (in acres) within the property boundary, facility boundary, and waste management unit boundary may be included in the near vicinity maps. The NVM shall be certified by a registered professional engineer or professional geologist. The NVM may be an enlargement of a United States Geological Survey topographical quadrangle or a recent aerial photograph.
4. Proof of Ownership [§ [9 VAC 20-80-510.D](#)]. No documentation of ownership will be necessary for the reduction of a facility boundary. The applicant has previously provided documentation of ownership and since the reduction of the facility boundary does not include the addition of new property, no such documentation is required.
5. The Hydrogeologic and Geotechnical Report [§ [9 VAC 20-80-510.E](#)]. The hydrogeologic and geotechnical report does NOT need to be submitted as part of the Part A amendment application. If the reduction of the facility boundary will result in the relocation of gas monitoring probes and/or groundwater monitoring wells, a revised groundwater or gas monitoring plan must be submitted as part of the Part B amendment process. This plan must be certified by a qualified groundwater scientist or professional engineer, as applicable.

If the facility boundary is modified to exclude a parcel or portion of a parcel, the new facility boundary must continue to meet the buffer requirements of § [9 VAC 20-80-250.A](#), § [9 VAC 20-80-260.A](#), § [9 VAC 20-80-270.A](#), § [9 VAC 20-80-330.B](#), § [9 VAC 20-80-340.B](#), § [9 VAC 20-80-360.B](#), § [9 VAC 20-80-370.B](#), or § [9 VAC 20-80-400.B](#). It is assumed the majority of the siting requirements will remain unchanged. However, a discussion must be provided to demonstrate the new facility boundary meets all required setbacks and buffer requirements. If the reduction of the facility boundary requires the relocation of leachate containment, storm water, or groundwater wells/gas monitoring probes the applicant must verify these new locations meet all siting and buffer requirements included in the above sections.

V.F Increase in Capacity by Lateral Expansion Over an Existing Waste Unit (Piggybacking).

V.F.1 If the applicant proposes to expand over an existing adjacent waste unit that is **inside the facility's approved Part A WMUB, a Part A application is not required.** However, this expansion would meet the description of an increase in capacity as stated in 9 VAC 20-80-500. The NOI for the Part B permit amendment application must address the following sections of the VSWMR for the specific types of landfills.

For sanitary landfills:

For Part B NOI

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification ([DEQ Form SW-11-1](#))
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a or 9.b](#) – Demonstration of Need
5. § [9 VAC 20-80-510.G](#) – VDOT Adequacy Report – *Applicable only if the daily maximum disposal limit increases.*
6. § [9 VAC 20-80-510.H](#) – Landfill Impact Statement
7. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
8. § [9 VAC 20-80-510.J](#) – Consistency with the local solid waste management plan (SWMP)
9. § [9 VAC 20-80-250.A](#) – Siting - *Applicable if siting requirements have changed since the Part A was approved. However, documentation must be submitted to verify an appropriate factor of safety and stability calculations as part of the Part B amendment to address construction on existing waste mass.*

For CDD (Category 3), captive industrial (Category 1), and non-captive industrial (Category 2) landfills:

For Part B NOI

1. § [9 VAC 20-80-500.B.1](#) – A letter accompanied by area and site location maps
2. § [9 VAC 20-80-500.B.2](#) – Disclosure Statement (DEQ Forms [DISC-01](#) & [DISC-02](#))
3. § [9 VAC 20-80-500.B.3](#) – Local Government Certification ([DEQ Form SW-11-1](#))
4. § [9 VAC 20-80-500.B.9](#) and § [9 VAC 20-80-500.B.9.a](#) – Demonstration of Need
5. § [9 VAC 20-80-510.I](#) – Notification to adjacent property owners/occupants
6. § [9 VAC 20-80-510.J](#) – Consistency with the local SWMP
7. § [9 VAC 20-80-260.A or 270.A](#) – Siting - *Applicable if siting requirements have changed since the Part A was approved. However, documentation must be submitted to verify an appropriate factor of safety and stability calculations as part of the Part B amendment to address construction on existing waste mass.*

V.F.2 If the applicant proposes to expand a permitted facility over an existing adjacent waste mass that does **not** have an existing Part A approval or is **outside the approved Part A WMUB**, a Part A amendment application **is required**. In this scenario the amendment application would be treated as a lateral expansion, and therefore; the requirements and process discussed in section V.B above shall apply to these situations.

VI. Collaboration Process


No project team was formed to develop this guidance. Jason Williams and Richard Doucette developed this guidance which was peer reviewed by the Regional Waste Program Managers.

VII. Other Application Information

This Guidance replaces GM 04-1999 “Guidance for Facility Property Boundary Modifications.”

Attachment A – Revised Form SW 7-3

Solid Waste Part A Application, Form SW 7-3

		Solid Waste Permit No.	
		(If applying for new permit DEQ will issue Permit No.)	
Facility Name:		Type of Landfill:	
Facility Location: (Latitude, Longitude, and USGS Quad Map)			
Contact Person:		Contact Number:	
Owner Name, Address, and Phone:		Operator Name, Address, and Phone:	
Total Property Acreage:		Facility Boundary Acreage:	
WMUB Acreage:		Total Number of Borings:	
Maximum Elevation (AMSL):		Total Capacity (cubic yards):	
Lowest Basegrade elevation (AMSL):		Daily Maximum Disposal Limit:	
Answer the following questions by entering "yes", "no", or a numeric response, as applicable			
1. Is the landfill located in a 100 year flood plain?			
2. Is the landfill located in a geologically stable area?			
3. The following distances are the shortest measured distances from any disposal or leachate storage area and must be reported in feet			
a. Distance to any residence, school, daycare center, hospital, nursing home or recreational park area in existence at the time of application			
i. Residence			
ii. School			
iii. Daycare center			
iv. Hospital			
v. Nursing home			
vi. Recreational park area			
b. Distance from any perennial stream or river			
c. Distance from the Facility Boundary			
d. Distance from any well, spring or other ground water source of drinking water in existence at the time of application			
e. Distance from the nearest edge of the right-of-way of any interstate or primary highway			
f. Distance from the nearest edge of right-of-way of any other highway or city street			

4. Does the proposed landfill include any of the following site characteristics?	
a. Excessive slopes (greater than 33%)	
b. Lack of daily cover materials	
c. Springs, seeps, or other ground water intrusion into the site	
d. The presence of gas, water, sewage, or electrical or other transmission lines under the site	
e. The prior existence on the site of an open dump, unpermitted landfill, lagoon, or similar unit, even if such a unit is closed	
5. Groundwater monitoring	
a. The landfill has the ability to conduct groundwater monitoring in accordance with 9 VAC 20-80-300	
b. The landfill has the ability to characterize the rate and direction of ground water flow within the uppermost aquifer	
c. The landfill has the ability to characterize and define any releases from the landfill so as to determine what corrective actions are necessary	
d. The landfill has the ability to perform corrective action as necessary	
<p style="text-align: center;">Stamp Professional Geologist or Professional Engineer in space provided, meaning to the best of my knowledge, information and belief, the answers to question #5 are, in my professional opinion, in compliance with applicable laws, codes, and ordinances.</p>	
6. Is the landfill located in a tidal or non-tidal wetland? (Yes or No)	
7. Additional restrictions for Sanitary Landfills	
a. Distance to existing surface or ground water public water supply intake or reservoir that are downgradient of the landfill (in miles)	
b. Distance to existing surface or ground water public water supply intake or reservoir that are upgradient of the landfill (in miles)	
c. Is the landfill located in an area vulnerable to flooding caused by dam failures?	
d. Is the landfill located over a sinkhole or within 100 feet of a solution cavern?	
e. Is the landfill located over a fault that has had displacement in Holocene time?	
f. Distance from a fault that has had displacement in Holocene time	
g. Is the landfill located within a seismic impact zone?	
h. Distance from any airport runway end used by turbojet or piston-type aircraft	
i. If the answer to #6 is "yes" list the total number of non-tidal wetland acres to be impacted	
j. Is the landfill located in a park or recreational area, wildlife management area or area designated by the federal or state agency as the critical habitat of any endangered species?	

Attachments. The following attachments must be submitted in the order prescribed, as required.
Attachment I: Cover Letter, Area Map, and Site Location Map
Attachment II: Disclosure Statements (DEQ Forms DISC-01 and DISC-02)
Attachment III: Local Government Certification (DEQ Form SW-11-1)
Attachment IV: Public Participation Documentation
Attachment V: Disposal Capacity Guarantee Certification and Documentation
Attachment VI: Host Agreement Certification and Documentation
Attachment VII: Demonstration of Need
Attachment VIII: Key Map and Near-Vicinity Map
Attachment IX: Proof of Ownership Documents
Attachment X: Hydrogeological and Geotechnical Report (must be certified by P.E. or P.G.)
Attachment XI: Location of Borings and Boring Logs
Attachment XII: Laboratory and Field Data
Attachment XIII: Materials Volume Calculations
Attachment XIV: Geologic Maps, Orthogonal Cross-Sections, and Potentiometric Surface Maps
Attachment XV: VDOT Adequacy Report and Approval Letter
Attachment XVI: Landfill Impact Statement
Attachment XVII: Certification and Documentation of Adjacent Property Owner Notification
Attachment XVIII: Respective Pages of the Local or Regional Solid Waste Management Plan
Attachment XIX: Correspondences to and from FAA, Local Aviation Authority, Local Airport, and Regional Map
Attachment XX: FEMA Flood Insurance Rate Map
Attachment XXI: Wetland Delineation Map and Copies of Wetland and Stream Impact Permits from ACOE and DEQ
Attachment XXII: Preliminary Settlement, Stability, Seismic Impact, and Liquefaction Analysis
Attachment XXIII: Cover Materials Commitment Letter

Responsible Official Signature:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete.

Name:		Title:
Signature:		Date: