

Virginia Regulatory Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Virginia Department of Environmental Quality
VAC Chapter Number:	9 VAC 20-80-10 et. Seq.
Regulation Title:	Virginia Solid Waste Management Regulations
Action Title:	Amendment 2
Date:	December 14, 1999

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

SUMMARY OF AMENDMENT 2 TO THE VIRGINIA SOLID WASTE MANAGEMENT REGULATIONS

The Virginia Solid Waste Management Regulations are designed to provide clear and appropriate standards for the management of non-hazardous solid waste, to prevent open dumping and to prescribe substantive and procedural requirements for the issuance of permits. The Virginia Solid Waste Management Regulations were first adopted in December 1988 as a complete revision of the 1971 regulations that governed disposal of solid wastes in the Commonwealth prior to that time. Responding to the promulgation of federal RCRA Subtitle D regulations in October 1991, the Virginia Waste Management Board amended the regulations in March 1993 to reflect the federal requirements contained in Part 258, Title 40, Code of Federal Regulations.

As a result of the regulatory review conducted by the department, and in response to the petition for rulemaking submitted by the Municipal Landfill Group, an organization of about 40 municipalities, Amendment 2 was proposed to clarify and streamline the regulations and to take into account experience gained by the department since the inception of the modern program. In its effort, the department was assisted by a Technical Advisory Committee that consisted of representatives of the solid waste management community, including environmental consultants, legal professionals and the general public.

Excluding response to public comments, this revised proposal consists of about 300 major and minor changes. While the majority of changes were made to clarify and correct minor matters or to improve procedural requirements, 77 changes were made to reduce the regulatory burden and 9 changes were made to reflect changes in the Virginia Waste Management Act itself. The major proposed changes are:

- X Development of a state groundwater monitoring program applicable to certain closed sanitary landfills and all construction/demolition/debris and industrial waste landfills;
- X Elimination of the requirement for a permit amendment to establish groundwater protection standards;
- X Development of the concept of presumptive remedies to streamline the corrective action process;
- X Development of a permit-by-rule procedure for composting facilities; and
- X Streamlining of remedial actions for open dumps and unpermitted facilities.

Since March 6, 1998, when the last draft of Amendment 2 was proposed, the regulations have been modified in order to address public comments, and to begin to address the provisions of the 1999 legislative session. 78 separate individuals and organizations provided over 550 comments during the public comment period for this regulation. Due to the extensive comments that were being received during the public comment, the public comment period was extended 3 times closing on August 5, 1998. Although the majority of the suggested changes were minor in nature, several proposed changes to the regulation have been eliminated, and several new provisions have been added.

Due to opposition during the public comment period, permit-by-rule for captive industrial landfills has been eliminated. In addition, the health-based criteria proposed for the disposal of petroleum-contaminated soil has been eliminated, and a replaced with a program substantially the same as the existing program.

Amendment 2 addresses 1999 legislation including the provisions for municipal solid waste landfill siting required under Virginia Code §10.1-1408.4, and the provisions for post closure monitoring and maintenance required by Virginia Code §10.1-1410.2. In addition, Appendix 2.1 of the regulation has been updated to reflect the updated language of Virginia Code §10.1-1455, which sets out penalties.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and web site addresses, if available, for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

40 CFR Part 258 provides the federal authority for the criteria for municipal solid waste landfills. The web site address for Part 258 is:

<http://www.epa.gov/epahome/rules.html#codified>

The presently proposed amendment deals with the portions of the regulations that are not affected by the federal requirements and that are not subject to the federal program approval. Therefore, the state regulations are no more restrictive than the federal regulations.

The Virginia Waste Management Act authorizes the Waste Management Board to supervise and control waste management activities in the Commonwealth and to promulgate regulations necessary to carry out its powers and duties. Article 2 of the Act prohibits the ownership or operation of an open dump, which is defined in §10.1-1400 to be any:

A...site on which solid waste is placed, discharged, deposited, injected, dumped, or spilled so as to create a nuisance or present a threat of a release of harmful substances into environment or present a hazard to human health.”

The Act further prohibits any person from operating a facility for the disposal, treatment, or storage of non-hazardous solid waste without a permit from the director of the Department of Environmental Quality (§10.1-1408.1 A). The Act requires the permit to contain such conditions or requirements that would prevent a substantial present or potential danger to human health and the environment (§10.1-1408.1 E). Virginia code §10.1-1402(1), and (11) state:

“The Board shall carry out the purposes and provisions of this chapter and compatible provisions of federal acts and is authorized to:

1. Supervise and control waste management activities in the Commonwealth. “

...”11. Promulgate and enforce regulations, and provide for reasonable variances and exemptions necessary to carry out its powers and duties and the intent of this chapter and the federal acts, except that a description of provisions of any proposed regulation which are more restrictive than

applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable. “

The Virginia Waste Management Act is codified as chapter 14 sections 10.1-1400 through 10.1-1457 of the 1950 Code of Virginia, as amended. The web site address for the full text is:

<http://leg1.state.va.us/000/cod/code9935.htm#109135>

The Office of the Attorney General has certified that the agency has the authority to promulgate this regulation, and the regulation comports with applicable state and federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The principal purpose of the Virginia Solid Waste Management Regulations is to provide clear and appropriate standards for the management of waste, as well as substantive and procedural guidelines to establish a sound basis for the issuance of permits for disposal, treatment, and storage of non-hazardous solid waste. The regulations also provide procedures for addressing unauthorized activities such as open dumping, and unpermitted operation. The proper storage, treatment, and disposal of solid waste is necessary for the protection of public health, safety, and welfare.

The initial regulations were first promulgated in December 1988 and were amended in March 1993 to reflect the requirements of the federal Criteria for Municipal Solid Waste Landfills contained in Part 258, Title 40, Code of Federal Regulations. As the result of these changes, the Virginia solid waste management program received approval from the United States Environmental Protection Agency that enabled the department to grant variances from the federal standards. The presently proposed amendment deals with the portions of the regulations that are not affected by the federal requirements and that are not subject to the federal program approval.

The changes contained in the proposed amendment are designed to capitalize on the department's experience in administering the regulatory requirements during the past eight years by clarifying and simplifying technical requirements and by streamlining the administrative procedures. In this proposal numerous unnecessary steps, procedures, and determinations have been minimized, or eliminated. The proposal provides for clear mechanisms to allow wastes to be used beneficially. In addition, the proposal amends several sections in response to legislation passed by the 1999 General Assembly.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

Part I - Definitions

Providing a definition of a "waste derived fuel product" will provide a mechanism for legitimate fuels that are manufactured from wastes to have a mechanism for exemption. Prior to providing this definition and the additional clarifications in other sections of the regulations, the production of the fuel, and the use of the fuel required a solid waste management facility permit.

Part II – General Information

- A. Provisions for continued operation to vertical design capacity for all disposal facilities has been added to this section. In addition, provisions for horizontal expansion of construction/demolition/debris (CDD) landfills and industrial landfills have been added to this section. These requirements are derived from §10.1-1408.1.N of the Waste Management Act.
- B. Exemptions from permitting requirements have been added for household composting, and composting for educational purposes.
- C. Timeframes for implementing the 10 year program outlined in 1408.1.E of the Waste Management Act has been added to this section. The Code of Virginia §10.1-1408.1.E required the director to review, and issue written findings on the compliance history of each permittee, as well as the technical limitations, standards, and regulations on which the original permit was based every 10 years. Timeframes for the implementation of this program are required to be added to the board's regulations in this section of the Code.
- D. Requirements for a control program for unauthorized wastes have been added to this section. Facility owners will be required to institute a program to detect and segregate unauthorized wastes.

- E. The provisions for the solid waste information assessment program required by §10.1-1413.1 of the Waste Management Act has been added to this section.

Appendix 2.1 – Penalties and Enforcement

This section includes updated provisions of §10.1-1455 of the Waste Management Act, which was modified during the 1999 legislative session.

Part III – Identification of Solid Waste

- A. Criteria have been provided to establish beneficial uses of waste materials. A list of recognized wastes and their uses have been provided in this section. This will allow the use of waste materials regardless of whether they have been reclaimed.
- B. Coal combustion products can be used under a roadway embankment, and not just under the footprint of a road. This will eliminate a cumbersome approval under the Coal Combustion By-product Regulations.

Part IV – Management of Open Dumps and Unpermitted Facilities

As it previously existed, the administrative requirements required under this section of the regulations were very burdensome. In addition, the director was required to make a large number of determinations throughout the remedial process. This section has been streamlined and clarified, and the director's determinations have been limited to specific phases of the remedial process.

Part V – Solid Waste Disposal Facility Standards

- A. Sanitary landfill siting has been modified to provide for recent legislation prohibiting new landfills, and lateral expansion of landfills in wetlands. Other provisions for landfill siting required under §10.1-1408.4.B. have also been added.
- B. Groundwater monitoring requirements for CDD and industrial landfills and for facilities not subject to federal requirements are provided for in Appendix 5.6.
- C. Permit amendment for groundwater protection standards is no longer required. Approvals will be necessary for the use of background values. A variance will still be necessary for alternate groundwater protection standards.

- D. Approval of closure and post-closure plans has been provided for in Amendment 2. Legislation passed in 1999 addressing post closure monitoring and maintenance in §10.1-1410.2 requires closure and post-closure plans to be approved.
- E. The corrective action program has been updated to allow the facility operator to initiate corrective action at an early point in time to streamline corrective action. The program also provides for presumptive remedies and in some cases will eliminate extensive studies leading to a more formal selection of remedies.

Part VI - Other Solid Waste Management Facility Standards

- A. Updated provisions have been provided for composting. The regulation establishes two types of composting facilities and four categories of waste materials. These updated provisions allow for reduced siting and design requirements for some types of composting. In addition, establishing categories of waste allows for specific testing procedures to be performed that are the most applicable for a given category of waste. This section has also been updated to allow for a permit-by-rule (PBR) procedure for compost facilities accepting less than 700 tons/quarter. Specific PBR application procedures are provided in Part VII.
- B. The first proposal of amendment 2 had been to consolidate the provisions for waste piles, transfer stations, materials recovery facilities, and energy recovery facilities into sections for storage and treatment in piles, and storage and treatment in tanks. This re-proposal returns Part VI to its original form, which provides a separate section for each type of facility.
- C. Provisions for remediation waste management units have been added. Remediation waste management unit criteria provide a mechanism for temporary solid waste management units that are used during voluntary remediation. The criteria provide for an expedited approval, and a basis for the director's evaluation.
- D. Requirements for landfill mining have been added.

Part VII – Permitting of Solid Waste Management Facilities

- A. Provides for a permit-by-rule for composting facilities.
- B. Adds public comment period required by §10.1-1408.1.B.5

- C. Simplifies the permit amendment procedures reducing the categories of amendment from three to two. The substantive amendment category has been eliminated. The various amendments outlined in Appendix 5.6 were revised accordingly.

Part VIII – Special Wastes

- A. Provisions for asbestos waste have been clarified and updated to be more consistent with the federal requirements.
- B. Provides for criteria for waste tire storage units.
- C. Under the original proposal, the section regarding petroleum contaminated soil had been updated to provide for a health based disposal alternative. This has been modified to be more consistent with the previous regulations.

Part IX – Rulemaking Petitions and Procedures

No substantive revisions.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term “issues” means: 1) the primary advantages and disadvantages to the public of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Advantages to public:

1. Eliminates unnecessary permitting, and provides exemptions from permitting requirements
2. Provides a mechanism for reusable wastes to be evaluated for beneficial use.
3. Streamlines and clarifies procedures for the remediation of open dumps and unpermitted facilities. Clarifies and speeds process for corrective action.
4. Provides for quicker permit for composting facilities less than 700 tons/quarter. In addition, no permit fee is required for a permit-by-rule.
5. Clarifies requirements for remediation waste management, tire management, and landfill mining.
6. Makes the regulation more consistent with applicable state laws.

Advantages to the agency and the Commonwealth:

1. Makes the requirements of the regulations easier to understand, and therefore easier to implement.

2. Provides formal procedures for various determinations and evaluations by the director, thereby eliminating inconsistency. These evaluations and determinations include beneficial use evaluations, determinations for the remediation of open dumps and unpermitted facilities, and state groundwater monitoring program, and the corrective action program.

Disadvantages to the public, the agency, and the Commonwealth:

There are no immediately apparent disadvantages that could be determined.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; and (d) the agency's best estimate of the number of such entities that will be affected.

There do not appear to be any additional costs to implement and enforce the proposed regulation that are not already present for the existing regulation. There do not appear to be any increases in the costs of the regulation on localities. Since the proposed regulation does provide new mechanisms to exempt certain waste management activities the department feels that fewer individuals and businesses will be affected by the regulation over all. At a minimum, the permitted facilities in the state will be directly affected by the regulation. The types and numbers of permitted facilities in the state are set forth below:

Landfills	251
Materials recovery Facilities	34
Transfer stations	59
Incinerators/energy recovery facilities	7
Composting facilities	1
Other facilities	3
Total	355

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the effect of the proposed changes.

Detailed comments have been provided in the enclosed attachments with the effect of the proposed change. For proposed changes resulting from public comments, the effect of the proposed change has not been summarized at this time. Effects of individual regulatory changes will be provided subsequent to the next public participation period. The public comments, commentors, the section of the regulation that the comment was directed to, and whether the agency has addressed the comment has been provided in the attached materials.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Alternatives have been provided here where alternatives were discussed, and the applicable modification to the regulation was not clear.

Wastes derived fuel products – According to existing regulation wastes burned for energy recovery, and products that contain wastes that are burned for recovery remain wastes. Therefore, the manufacture of a fuel containing a waste would be considered a “materials recovery facility”, and a facility that burned the waste containing fuel would be considered an “energy recovery facility or incinerator”. Both of these facilities are subject to permitting requirements. A company manufacturing a fuel containing even a small amount of waste is subject to permitting requirements. Rather than exempting all facilities that have claimed to have produced a fuel, or exempting only extremely high BTU value waste derived fuel products, the draft establishes a definition of a waste derived fuel product. If a material meets that definition, it may be beneficially used without being subject to the permitting requirements in the solid waste management regulations. The BTU value of the fuel was chosen based on analogous heating values for hazardous wastes when they are burned for energy recovery.

Composting provisions – In modifying the existing composting regulation, the staff reviewed programs in several other states, and examined a model regulation, and the model legislation advocated by the U.S. Composting Council. In addition, the staff participated in discussions with representatives of the Virginia Recycling Association. The regulation was modified to include more widely recognized compost testing standards, as well as permitting methods meeting the needs of the regulated community.

State groundwater monitoring program – In the existing regulations, a separate groundwater monitoring program governs each of the three different landfill types. Rather than modifying each of the three groundwater programs for consistency, and providing for exemptions for facilities not required to comply with groundwater monitoring requirements consistent with the federal requirements of 40 CFR Part 258, a separate state groundwater monitoring program was established as a counterpoint to the federal groundwater monitoring program. The state program allows for sanitary landfills including small landfills that closed prior to the compliance deadlines in the regulations to participate in the state groundwater monitoring program. The proposed state program is much less burdensome, and less costly than the federal program. Industrial and CDD landfills must use the state program, which is consistent with the groundwater programs in the existing regulations. The state program has been developed to have a decision making process that parallels the federal program in order to eliminate confusion.

Alternatives were also discussed to eliminate or minimize the requirement to shift repeatedly between phase I and phase II groundwater monitoring, when phase I parameters had repeatedly indicated a statistical increase in phase I parameters, but no phase II parameters were subsequently detected. The alternative chosen by the department was to allow the facility to choose to continue shifting, or to monitor a more comprehensive constituent list at a lower frequency. Other alternatives including remaining in phase I monitoring for several monitoring events prior to proceeding to phase II monitoring, and relating phase II, and phase I parameters so if a increase in a phase I parameter is detected, only the applicable phase II parameters need to be analyzed.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

SUMMARY OF COMMENTS
RECEIVED BY THE END OF THE FIRST PUBLIC PARTICIPATION PERIOD
(OCTOBER 23, 1995)

Initial Request for Changes in the Solid Waste Management Regulations (VSWMR). On July 8, 1994, the *Ad Hoc Municipal Landfill Group* submitted a proposal for extensive amendments to the Virginia Solid Waste Management Regulations. The proposal included comments on following issues:

1. Placing sanitary landfills into final detection monitoring phase rather than into assessment phase if interim detection indicates exceedances in the indicator parameters.

- Deleting the requirement for permit amendment whenever a change in the monitoring phase is required.
- Allowing risk-based corrective action without undergoing assessment phase monitoring.
- Allowing simplified deletion of parameters from the detection monitoring list.
- Special provisions for groundwater monitoring at closed landfills.
- Providing for economic considerations in assessment of possible corrective measures.
- Providing expedited voluntary corrective action based on risk assessment.

After the receipt of the proposal, several meetings were held with the representatives of the Municipal Landfill Group. At the last meeting held on August 24, 1995,, the Group was assured that its proposals will be considered in the formulation of Amendment 2 to VSWMR. A spokesman for the group at the October 19 public meeting, reiterated its continuing interest in amending the monitoring and corrective action requirements contained in the VSWMR.

2. Mr. Michael Hurley, Operations Manager of a CDD landfill, speaking at the October 19 meeting requested following changes:

- Elimination of the requirements to perform replicate sampling which is designed merely to check the accuracy of the laboratory.
- Reduction in the number of parameters in Phase II monitoring for CDD landfills.
- Ability to resample more than once before converting to assessment monitoring.
- Formulation of monitoring well spacing requirements should be based on the recommendation of the professionals rather than on the opinion of the permit writers.

2. Ms. Heidi Abbott then of Williams, Mullen, Christiam & Dobbins, a firm representing a variety of landfill owners, requested that financial assurance requirements currently subject to a separate regulation (Financial Assurance Regulation for Solid Waste Facilities, VR 672-20-1) be updated and included in the VSWMR.

3. Ms. Sharon Wilcox then of Safety-Kleen Corp., requested that additional waste such as oily rags be considered for an inclusion in the regulation as special waste. She also suggested that VSWMR provide for a special permitting process for small facilities similar to the general permit process used by the State Water Control Board.

4. Mr. Brian Robertson of Merck & Co., suggested that the part of regulation dealing with incinerators be clarified to indicate that it is applicable in addition to those of the Air Pollution Control Board.

5. Mr. Anthony Creech of Resource International, Ltd., suggested that drill cuttings and purge waters resulting from remediation investigation sites need to be addressed in the regulations. Mr. Bob Hundley of the same firm mentioned that the wording the Local Government Certification Form (Appendix 7.2) is objectionable.

6. Mr. D.R. Stout of the City of Chesapeake commented that sections on the groundwater and statistical evaluation of the groundwater data should be improved.
7. Mr. Clemens S. Gaillot, Hilltop Sand and Gravel Co., submitted written comments on following topics:
 - The current groundwater monitoring parameters requirements are burdensome because
 - < seasonal variations in pH are difficult because of the nature of measurement,
 - < replicate measurements on indicator parameters are statistically questionable,
 - < regulations are confusing because they provide for conversion to Phase II and then back to Phase I.
 - Permit changes are cumbersome and expensive for minor items specified in the regulations requiring permit amendments.
 - Regulations should address the role of CDD landfills in recycling. Recyclers should be required to meet permitting and financial assurance requirements similar to CDD landfills.
 - Fee structure should be revisited and be realistic for services provided by the DEQ staff.
 - Standards for CDD landfill construction and operation should be clarified.
 - Persons representing CDD landfills should be on the task force.
8. Mr. Robert K. Twardock, STS Consultants, for himself and Westvaco Bleached Board Division, submitted following comments:
 - Industrial waste facilities should be permitted using permit-by-rule procedure.
 - Detection monitoring parameters should be based on facility-specific waste properties.
 - Groundwater levels should be reported to an accuracy of 0.1 foot, rather than 0.01 foot.
 - An industrial waste facility should be allowed to make a demonstration of an alternate source of contamination, or anomaly in groundwater monitoring, prior to being required to monitor for a full set of parameters.
 - A facility should be allowed to perform intra-well, or spatial comparisons on a site-specific basis.
 - Replicate analysis should not be required in Phase I monitoring.
 - Industrial facilities should be allowed to make an alternate liner or cover performance demonstration.
 - The regulation should make a verification sampling provision for false positives.
 - Where conditions do not allow for collection of representative samples, the analysis for dissolved metals should be allowed.
9. Ms. Pamela Faggert, Virginia Power, commented that
 - Groundwater monitoring provisions are unnecessarily complex and rigid.
 - The regulation should specify how data between the minimum detection limit and practical quantification limit are reported and how they will be addressed in statistical tests.
 - The requirements for the disposal of soil contaminated with petroleum products are overly burdensome and need clarification.

In addition, during the public participation period, the department received written or oral comments from ten responders. Six of the ten responders requested changes in the groundwater monitoring program so that it would be less costly to conduct. Other comments were received requesting:

- Streamlining of the corrective action selection process;
- Simplification of permit amendment process;
- Clarification that incinerators are subject to both waste management and air pollution control regulations;
- Clarification of construction/demolition and industrial landfill design standards;
- Inclusion of a person representing construction/demolition landfill industry on the Technical Advisory Committee;
- Providing for permit-by-rule process for captive industrial landfills;
- Decrease the requirements for disposal of soil contaminated with petroleum compounds;
- Combining Financial Assurance Regulations for Solid Waste Facilities (AFAR@) (9 VAC 20-70-10 *et seq.*) with the Virginia Solid Waste Management Regulations;
- Review of the permit fee structure;
- Addition of new wastes to the list of those that require special handling; and
- Increase in the permitting requirements for recyclers;

The proposed regulations are addressing the groundwater monitoring requirements and the first five of the requests received during the initial public comment period. Although originally included in the proposed regulation, the permit-by-rule procedure for industrial landfills, and the decrease of requirements for disposal of petroleum contaminated soil, were opposed by large numbers of commentors during the public participation period, and have been removed from the regulation. The combining of FAR and these regulations is not feasible because FAR also apply to other regulations promulgated by the department and the review of permitting fees involves a separate rulemaking procedure. The addition of new wastes to the list of wastes which requiring special handling, and changing the permitting requirements for recyclers would unnecessarily increase the regulatory burden.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The agency intends to review the regulation every three years based on the following goals:

To protect the public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth.

To establish standards and procedures pertaining to the siting, design, construction, operation, maintenance, closure, post-closure care, and for undertaking corrective action, in order to protect the public's health, safety and welfare and the environment from harmful results of the mismanagement of solid wastes by its generators, as well as those that store, treat or dispose of solid waste.

To provide the means for identification and prevention of open dumping.

To establish sound regulatory and programmatic basis for obtaining and maintaining approval from the U.S. Environmental Protection Agency to operate Virginia's Program.

ATTACHMENT 1

Changes Proposed by Amendment 2

Changes in response to statutory amendments:

Subject	Regulatory Citation	Statutory Citation
Applicability of regulations to existing sanitary, CDD, captive industrial, and other landfills	9 VAC 20-80-60B	§ 10.1-1408.1N (1994 and 1995)
Conditional exemption for storage of less than 500 tires	9 VAC 20-80-60D 10	§ 10.1-1418.2A (1994)
Review of compliance history	9 VAC 20-80-100E	§ 10.1-1408.1E
Solid waste information assessment program	9 VAC 20-80-116	§ 10.1-1413.1
Exemption from this regulations for sites in the Voluntary Remediation Program	9 VAC 20-80-170C	§ 10.1-1429.1 et seq.
Landfill siting and expansions in wetlands	9 VAC 20-80-250A 4, and 9	§ 10.1-1408.4 B 2 (1999)
Post closure certification, Requirements for approved closure, and post closure plans	9 VAC 20-80-250E3f, 250E5b 250F3, 250F6 260E2f, 260E4b 269F2b, 260F4 260F5, 270E 2f 270E4b, 270F2b 270F4,270F5 330E2c,	§ 10.1-1410.2 (1999)
Storage of household hazardous waste in specially designed facilities not to exceed one year	9 VAC 20-80-340D 5	
Storage of waste tires requires a permit	9 VAC 20-80-670A	§ 10.1-1418.2

Changes to reduce regulatory burden:

Subject	Citation	Action
Exemption for on-site composting of household waste	9 VAC 20-80-60D 2	Add exemption
Exemption for composting for educational purposes up to 5 tons	9 VAC 20-80-60D3	Add exemption
Conditional exemption for materials used as fertilizers, soil amendments, etc., regulated by Department of Agriculture and Consumer Services	9 VAC 20-80-160A 4	Broaden the exemption to materials in addition to coal combustion by-products
Conditional exemption for waste tires managed at salvage yards	9 VAC 20-80-160A 6	Add exemption to reflect statutory language in § 10.1-1418.2D (1994)
Conditional exemption for chipped waste tires used in septage drain fields	9 VAC 20-80-160A 7	Add exemption for the use of chips in facilities regulated by the Health Department
Exemption for waste tire chips	9 VAC 20-80-160C 6	Add exemption for material that has economic value
Exemption for mixtures of source separated materials	9 VAC 20-80-160C 7	Add exemption for materials with established markets
Disposal of wastes rendered non-hazardous	9 VAC 20-80-250C 16w	Allow acceptance of treated wastes rendered non-hazardous at sanitary LFs with permission
Applicability of detection monitoring requirement	9 VAC 20-80-250D 5a	Provide for a lesser requirement for sanitary LFs closed prior to October 9, 1993.
GW monitoring at facilities closed prior to October 9, 1993	9 VAC 20-80-250D 5b	Refer to a state GW monitoring program contained in Appendix 5.6; Renumber old paragraph 9 VAC 20-80-250 5a(5)
Assessment monitoring program	9 VAC 20-80-250D 6a	Provide an exemption for unit closed prior to October 9, 1993
Assessment monitoring program	9 VAC 20-80-250D 6d(5)	Eliminate groundwater protection standard (GPS) amendment. Make GPS amendment a director approval
Assessment monitoring program	9 VAC 20-80-250D	Directors approval of GPS

Subject	Citation	Action
	6h(2)	amendment
Erosion layer	9 VAC 20-80-250E 2b, 9 VAC 20-80-260E 1B(3)(b) 9 VAC 20-80-270E 1b(3)(b)	Delete requirement for a two-foot erosion layer on top of a synthetic liner
Groundwater monitoring program for facilities not subject to federal requirements	9 VAC 20-80-260D 5 through -260D 10, 9 VAC 20-80-270D 5 through-270D 10	Delete existing GW monitoring program and establish a new simplified state program as shown in the new Appendix 5.6
Leachate control system plan	9 VAC 20-80-290A 1	Exempt facilities that discharge leachate to wastewater treatment plants from requirements to furnish quantity estimates
Corrective action program	9 VAC 20-80-310	Allow early initiation of CAP by the operator to streamline the process
Presumptive remedies	9 VAC 20-80-310A 5	Allow owner/operator to conduct certain remedial actions without going through a formal assessment of required action
List of hazardous constituents	Appendix 5.1	To remove confusion, delete columns referring to Analytical methods and PQL and eliminate footnotes 1, 5, and 6; delete references to PQL in other footnotes
State GW monitoring program	Appendix 5.6	Add new material that simplifies the groundwater monitoring requirements for facilities that are not subject to federal requirements
Composting units exemption	9 VAC 20-80-330A 2 and 3	Reiterate exemption for composting units
Compost feedstock categories	9 VAC 20-80-330A 4	Composting feedstock categories added to ease regulation of some categories of feedstocks
Distance of compost unit to GW		Reduce distance to GW table to make

Subject	Citation	Action
table	9 VAC 20-80-330B 9	it consistent with other such requirements
Weighing of solid waste at compost facilities	9 VAC 20-80-330C 4	Delete requirement because information is not needed for regulatory purposes
On-site laboratory facility	9 VAC 20-80-330C 8	Delete requirement because contract laboratories may serve just as well
100-foot buffer zone	9 VAC 20-80-330C 9	Delete requirement because it is excessive considering that other facilities require only 50 feet
Collection and transport of solid waste	9 VAC 20-80-330D 1	Delete paragraph as the department has no statutory authority to regulate collection and transportation
Blower odor control	9 VAC 20-80-330D 3	Delete requirement as necessary for environmental control
Testing for airborne spores	9 VAC 20-80-330D 5	Delete requirement as unnecessary for environmental control
Storage at transportation terminals	9 VAC 20-80-340A 2	Allow storage in closed DOT-approved containers at transportation terminal similar to exemption in HW regulations
Permit-by-rule for composting facilities	9 VAC 20-80-485A 4	Allow permit-by-rule for composting facilities receiving less than 700 tons/quarter
Public participation for permits-by-rule	9 VAC 20-80-485A 5	Exempt facilities from an additional public participation requirements if they have a permit from the department that already required a hearing or a meeting
Waste analysis information submitted with permit application	9 VAC 20-80-530C 1 through 9 VAC 20-80-530C 5	Delete requirement for data not used in decision making
Substantive permit modification	9 VAC 20-80-620F 2	Delete section to simplify procedural requirements for permit modification

Subject	Citation	Action
Facility mailing list for public participation	9 VAC 20-80-620F 3a(5)	Delete unneeded requirement
Public participation for major permit modifications	9 VAC 20-80-620F 3b through 9 VAC 20-80-620F 3f	Delete existing requirement for duplicative public meeting organized by the permittee
Permit Amendment, changes in frequency of monitoring, sampling or reporting	App. 7.4, A 4	Reduce the classification to minor
Permit Amendment, extension of compliance date	App. 7.4, A5b	Reduce the classification to minor
Permit Amendment, changes in inspection schedule	App. 7.4, B 2	Reduce the classification to minor
Permit Amendment, changes in training plan	App. 7.4, B 3	Reduce the classification to minor
Permit Amendment, changes in emergency procedures	App. 7.4, B 4a	Reduce the classification to minor
Permit Amendment, changes in equipment list	App. 7.4, B 4c	Reduce the classification to minor
Permit Amendment, changes to wells	App. 7.4, C1a	Reduce the classification to minor
Permit Amendment, changes in statistical procedure	App. 7.4, C 3	Delete requirement to obtain permit amendment
Permit Amendment, changes in the point of compliance	App. 7.4, C 3	Renumber paragraph and clarify wording
Permit Amendment, alternate concentration limits	App. 7.4, C4a	Delete requirement for permit amendment
Permit Amendment, change in detection monitoring program	App. 7.4, C 4b	Reduce the classification to minor
Permit Amendment, changes in established alternate concentrations	App. 7.4, C 4c	Reduce the classification to minor
Permit Amendment, changes to detection and assessment programs	App. 7.4, C 5	Reduce the classification to minor and renumber paragraph

Subject	Citation	Action
Permit Amendment, change from detection to assessment	App. 7.4, C6	Delete requirement for permit amendment
Permit Amendment, changes in closure plan	App. 7.4, D 1a through D 1e	Delete requirement for permit amendment
Permit Amendment, extension of post-closure period	App. 7.4, E 2	Reduce the classification to minor
Permit Amendment, changes in post-closure plan	App. 7.4, E 5	Delete requirement for amendment
Permit Amendment, addition of a tank unit	App. 7.4, F1	Reduce the classification to minor
Permit Amendment, modification of an existing tank unit	App. 7.4, F 2	Reduce the classification to minor
Permit Amendment, modification of tank management practice	App. 7.4, F 4	Reduce the classification to minor
Permit Amendment, modification of a landfill without changing liner, leachate collection system, run-off, or final cover	App. 7.4, H 4	Reduce the classification to minor
Permit Amendment, gas management	App. 7.4, G	Reduce the classification to minor
Permit Amendment, modification of landfill management practice	App. 7.4, H 5	Reduce the classification to minor
Permit Amendment, special wastes	App. 7.4, H 6 and H 7	Remove the distinction between procedures for special waste listed in Part VIII and those that are not listed: delete App. 7.4, H 7
Permit Amendment, allow disposal of additional special wastes that do not require a change in landfill design or operation	App. 7.4, H 6b	Reduce the classification to minor
Permit Amendment, changes in handling capacity	App. 7.4, I 1 and I 2	Reduce the classification to minor and delete references to 25%; delete I 2

Subject	Citation	Action
Permit Amendment, change facility in a manner that does not affect capabilities of unit	App. 7.4, I 2	Re-number existing paragraph I 3 and reduce the classification to minor
Permit Amendment, change inspection or recordkeeping requirements	App. 7.4, I 3	Re-number existing paragraph I 4 and reduce the classification to minor
Groundwater protection standard amendment	9 VAC 20-80-620E 9	Delete requirement for amendment this is now an approval by the director
Waste asbestos shipment form information	9 VAC 20-80-640C 3a	Delete requirement for preparation and maintenance of federal forms on the part of generator; duplication of DL&I requirements
Tracking of missing shipments	9 VAC 20-80-640C 3c	Delete requirement for the generator to track missing shipments; duplication of DL&I requirements
Placement of asbestos waste materials	existing 9 VAC 20-80-640E 3	Delete existing detailed procedural requirements and substitute performance-based requirements contained in new 9 VAC 20-80-640E 2, 9 VAC 20-80-640E 4, and 9 VAC 20-80-640E 5
Access control	existing 9 VAC 20-80-640E 4	Delete existing detailed procedural requirements and substitute performance-based requirements contained in new 9 VAC 20-80-640E 3
Completion of waste shipment records by the facility	existing 9 VAC 20-80-640E 5a(1)	Delete requirement to complete shipment records and report discrepancies; duplication of DL&I requirements
Report improperly enclosed asbestos waste	existing 9 VAC 20-80-640E 6a(3)	Delete requirement because DEQ no longer administers the program
OSHA program	existing 9 VAC 20-80-640E 6	Delete paragraph; duplication of DL&I requirements
Analytical test method for TPH in	existing 9 VAC 20-80-	

Subject	Citation	Action
sontaminate soil	700C 1b	Delete requirement
Analytical test method for benzene	9 VAC 20-80-700C 1b	Delete requirements for toluene, ethyl benzene and xylene; Renumber existing paragraph 9 VAC 20-80-700C 1c
Waiver for benzene testing	9 VAC 20-80-700C 3	Change waiver requirement for testing for BTEX to testing for benzene only
High concentration of contaminants in soil	existing 9 VAC 20-80-700D 3	Delete prohibition against disposal in a landfill
Medium concentration of contaminants in soil	existing 9 VAC 20-80-700D 4	Delete requirement for disposal in lined sanitary amd industrial landfills
Soil containing less than 40 mg/kg of benzene	9 VAC 20-80-700D 3	Allow disposal in a sanitary or industrial landfill with approval; renumber existing paragraph 9 VAC 20-80-700D 5
Disposal of soil as clean fill	9 VAC 20-80-700D 4	Use health-based risk level to determine allowed contaminant levels for clean fill; renumber old paragraph 9 VAC 20-80-700D 6

Amend regulations with new material:

Subject Matter	Citation, 9 VAC 20-80-		Action	Purpose
	Existing	New		
Control program for unauthorized waste		-113	Add	Screening program to prevent the disposal of unauthorized wastes
Floodplains	-250A 2	-250A 2	Add	No construction of landfills in flood plains
Screening for unauthorized waste		-250C 1a	Add	Clarify screening program for unauthorized waste
Notification requirement for unauthorized waste		-250C 1e	Add	Establish timeframes for reporting un authorized waste
Segregation of unauthorized waste		-250C 1f	Add	Establish requirement for segregation for unauthorized wastes
Contents of quality control program		-250B 18c(4), -260B 17c(4), -270B 19c(4)	Add	Streamline permitting process by requiring a submission of documentation
Housekeeping requirements		-250C 13h, -260C 15	Add	Make explicit the requirement to maintain the facility after it has been constructed
Acceptance of white goods	-250C 16v		Amend	Add a requirement that white goods be free of chlorofluorocarbons and PCBs
Assessment monitoring	-250D 6b		Amend	60 days to establish background
Federal wetlands determination		-260A 6e	Add	Streamline permitting process by requiring submission of documentation

Subject Matter	Citation, 9 VAC 20-80-		Action	Purpose
	Existing	New		
Vegetative cover		-260C 11e	Add	Provide a time limit by which cover must be established
Time to begin closure		-260E 3a, -270E 3a	Add	Specify the time limit when closure has to begin; make this requirement consistent with the one for sanitary landfills
Closure implementation		-260E 4a, -260E 4b, -270E 4a, -270E 4b	Add	Add explicit requirements consistent with those for sanitary Lfs
Setback distance to filling area		-270A 4e	Add	Require a minimum setback distance of 50 feet to accommodate monitoring requirements
Benchmark	-270B 9		Amend	Two benchmark now required consistent with Sanitary, and CDD
Gas management plan		-270B 18	Add	Add requirement for a gas management plan or a demonstration that one is not needed
Control of decomposition gases	-280		Amend	Add reference to federal Clean Air Act requirements
Large sanitary Lfs		-280B 3, -280E 3	Add	Alert owners of large sanitary Lfs and Lfs located in non-attainment areas of additional federal requirements
Discharge of leachate		-290E	Add	Prohibit discharge of untreated leachate to subsurface drainage field to prevent GW

Subject Matter	Citation, 9 VAC 20-80-		Action	Purpose
	Existing	New		
				contamination
Waste analysis	-330D 4	330D 2	Amend	Add procedures for justifiable testing of the compost. Materials tested based on waste category, and potential for constituent to be present.
Operations plan		-330D 4	Add	Clarify requirements for facility operation
Maintenance and recordkeeping		330D 5, and 330D 6	Add	Add procedures for maintenance and recordkeeping
Out-of-state hazardous wastes		-340A 6 -350A 4	Add	State explicitly that materials classified as HW in other state must be managed as HW in Virginia
Siting requirements for waste piles located outside		-400B 5	Add	Provide for locational requirements consistent with other facilities
Access road, equipemnt and other design requirements		-400C 3 -400C 4, -400C 5	Add	Provide for design requirements for ancillary items consistent with other facilities
Design requirements for materials and energy recovery, incineration and thermal treatment facilities		-400C 6	Add	Provide for requirements for internal storage areas for incoming waste and residues, fire protection and security consisten with other facilities
Uncontainerized putrescible waste		-400D 1	Add	Prohibit overnight storage for consistency with other facilities
Operating plan, contigency plan, leachate control,		-400D 2	Add	Consistency with other facilities

Subject Matter	Citation, 9 VAC 20-80-		Action	Purpose
	Existing	New		
prohibition of HW, analyses				facilities
Landfill mining		-460	Add	Performance requirements for new technology
Waste analysis requirements for energy recovery, thermal treatment and incineration facilities	-530C		Amend	Add specific requirements for thermal treatment facilities rather than requiring them to submit nonapplicable data
Waste analysis requirements for other storage and treatment facilities		-540C 5	Add	Add explicit requirement for waste analysis submissions for consistency with Part VIRGINIA
Permit Amendment, changes in post-closure use of property		App. 7.4, E 5	Add	Allow changes that do not disturb the cover to use minor permit amendment procedure
Permit Amendment, modification in surface impoundment	App. 7.4, F 7		Amend	Change classification to major on the elimination of substantive modification class
Permit Amendment, modification of gas monitoring or control system	App. 7.4, G 1		Amend	Change classification to major on the elimination of substantive modification class
Permit Amendment, reduction in gas monitoring or control system requirements	App. 7.4, G 2		Amend	Change classification to major on the elimination of substantive modification class
Maintenance of waste asbestos shipment records		-640E 6a(1)	Add	Add requirement contained in federal regulations (40 CFR 61.149)
Special requirements for storage of waste tires in		-670B	Add	Add requirements that are specific to waste tire

Subject Matter	Citation, 9 VAC 20-80-		Action	Purpose
	Existing	New		
containers				management
Special requirements for storage of waste tires in piles		-670C	Add	Add requirements that are specific to waste tire management

Clarify or correct wording without changing the intent of the existing regulation and make editorial changes:

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Facilities owned by local governments	-60B 2		Delete obsolete requirements
Privately owned disposal facilities	-60B 3		Delete obsolete requirements
Vertical expansion	-60B 4		Delete obsolete material
Land application of wastes with approval of appropriate agency	-60D 2	-60D 4	Re-number paragraph
Conditional exemptions for management of soil contaminated with petroleum products	-60D 3	-60D 5	Re-number paragraphs; delete reference to State Water Control Board; simplify language
Conditional exemption for on-site management in containers	-60D 4	-60D 6	Re-number paragraph; broaden exemption
Conditional exemption for inert materials	-60D 5	-60D 7	Re-number paragraph
Conditional exemption for wastewater treatment facilities	-60D 6	-60D 8	Re-number paragraph; clarify language
Conditional exemption for landclearing debris	-60D 7	-60D 9	Re-number paragraph
Conditional exemption for mineral	-60D 8	-60D 10	Re-number paragraph

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
mining activities			
Chapter not applicable to facilities	-60E		Update code citations, and clarify
Regulated Medical Waste Regulations	-120B		Correct reference
Regulation Governing Management of Coal Combustion By-Products		-120D	Add reference to a new regulation
Financial Assurance Regulations for Solid Waste Facilities	-120D	-120E	Re-number paragraph
Solid Waste Facility Permit Application Fees	-120E	-120F	Re-number paragraph
Exclusion for wastewaters	-150A		Clarify wording
Exclusion of used or reused materials	-150E 2		Clarify definition of beneficial use by listing such uses and creating a procedure for adding other uses
Open dump criteria for municipal solid waste landfills	-180A		Remove past date; clarify definition of municipal SW landfill
Open dump criteria for other facilities	-180B		Remove past date
Definition of Acontaminate≡	-180B 4 c		For clarity, add federal definition from 40 CFR 257.3-4b(2)
Disposal of septage	-180B 6 b		Remove reference to State Water Control Board
Open burning	-180B 7		Clarify and correct wording of the section to reflect recent changes in the 9 VAC 5-40-5600 (Rule 4-40)
Practices that violate criteria	-190A		Make consistent with wording in 9 VAC 20-80-170
Remediation	-210		Update the section to clarify,

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
			streamline, and reformat. Eliminate excessive directors determinations, and clarify points of decision.
Action levels in remedial investigations	-210C 2b(1)(d)i		Remove reference to the obsolete Appendix 5.3
Maximum Contaminant Levels (MCL)	-220A 1		Remove footnote containing obsolete material
Waste screening procedures	-250C 1		Clarify wording, renumber paragraph
Waste screening	-250C 1a	-250C 1b	Clarify wording, renumber paragraph
Waste screening	-250C 1b	-250C 1c	Clarify wording, renumber paragraph
Waste Screening	-250C 1c	-250C 1d	Clarify wording, renumber paragraph
Waste Screening	-250C 1d	-250C 1e	Clarify wording, renumber paragraph
Information for wetlands determination	-250A 4		Remove obsolete wetland requirements
Visibility from highways	-250A 7 d(1) -260A 5C(1) -270A 4		Clarify wording
Site characteristics	-250A 9	-250A 10	Renumber paragraph, update reference
Approving exemptions	-250A 10	-250A 11	Renumber paragraph, update reference
Facilities unable to demonstrate	-250A 11	-250A 12	Renumber paragraph, update reference
Deadline for closure	-250A 12	-250A 13	Renumber paragraph, update reference

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Access road	-250B 2, -260B 2		Clarify requirement
Open burning	-250C 8b		Clarify and correct wording of the section to reflect recent changes in the 9 VAC 5-40-5600 (Rule 4-40)
Regulated medical wastes	-250C 16m		Correct obsolete terminology
Disposal of adequately absorbed waste oil	-250C 17h	-250C 16y	Clarify wording by removing the prohibition against disposal of inadequately absorbed oil and adding the positively worded new paragraph
Prohibition of disposal of unstabilized sludge	-250C 17e		Add reference to the definition by the Department of Health
Contaminated soil disposal	-250C 17i	-250C 17h	Renumber paragraph
Groundwater monitoring and reporting requirements	-250D 2c, -260D 2c, -270D 2c		Remove reference to State Water Control Board
Waste management unit boundary	-250D 3a(2)		Add explicit reference to an existing variance procedure
Monitoring well log	-250D 3d		Delete obsolete terminology
GW monitoring at existing facilities and closed facilities that accepted wastes after October 9, 1993	-250D 5a(1), -250D 5a(2), and -250D 5a(3)		Remove reference to an outdated compliance schedule; delete two obsolete paragraphs
GW monitoring at new facilities	-250D 5a(4)	-250D 5a(2)	Renumber paragraph
Interim (Phase I) monitoring program	-250D 5b		Delete obsolete section
Detection monitoring program	-250D 5c		Remove reference to Final program

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Requirement for the program	-250D 5c(1)		Remove reference to compliance schedule
Statistically significant increase	-250D 5c(3)		Add explicit reference to an existing Appendix 5.4
Demonstration that contamination is not due to regulated unit	-250D 5c(4)		Clarify that the demonstration may show contamination is not caused by a unit rather than the whole facility
Permit amendment to incorporate GW protection standards	-250D 6d(5)		Clarify the timing of the requirement
Notification of preparation of a closure plan	-250E 3c, -260E 2c, -270E 2c, -330E 2c, -340E 2c, -350E 2c, -560B		Remove reference to plan approval by the Director
Closure certification	-250E 5b		Clarify that the certification has to include the results quality assurance requirements of 9 VAC 20-80-250B 18a(2)(a)
Closure inspection	-560C	-250E 6, -330E 5, -340E 5, -350E 5, -380B 3, -470E 5	Move the requirement for closure inspection from Part VII
Notification of changes in post-closure plan	-250F 5, -260F 4, -270F 4		Remove reference to plan approval by the Director
CDD Landfills	-260		Simplify the wording of the paragraph
Setback distances	-260A 5,		Clarify which portions of the

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
	-270A 4		landfill are subject to setback requirements
Visual screening	-260A 5c(1), -270A 5c(1)		Clarify wording
Information for wetlands determination	-260A 6e	-260A 6f	Renumber paragraph; clarify the requirement
Benchmarks	-260B 10		Add requirement for benchmarks consistent with other landfills
Secondary liner	-260B 14e(2), -270B 14e(2)		Clarify wording for liners
Location of load	-260C1		Remove requirement for operator to designate load disposal location
Requirement for a VPDES permit	-260C 14, -270C 19		Correct reference to VPDES
Well drilling log	-260D 3c, -270D 3c		Remove reference to State Water Control Board
Consistent sampling and analysis procedures		-260D 4a(5), -270D 4a(5)	Add requirement for QA/QC
Groundwater monitoring		-260D 5 -270D 5	Referral to new Appendix 5.6
Closure criteria	-260E 1		Clarify requirement
Final cover system	-260E 1b		Insert title
Closure plan	-260E 2a, -270E 2a		Simplify paragraph by breaking up the requirements and renumbering
Schedule of final closure	-260E 2a(2)	-260E 2a(4)	Renumber paragraph
Time allowed for closure	-260E 3, -270E 3	-260E 3b -270E 3b	Renumber paragraph

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Actions following closure	-260E 4, -260E 5, and -260E 6; -270E 4, -270E 5, and -270E 6	-260E 4c(1), -260E 4c(2), and - 260E 4c(3) -270E 4c(1), -270E 4c(2), and -270E 4c(3)	Re-number paragraphs
Closure inspection	-260E 7	-260E 5	Delete old requirement; move requirement for inspection from Part VII
Industrial waste disposal facilities	-270		Add explicit references to GW and gas monitoring in establishing additional requirements when warranted
Construction quality assurance program	-270B 18	-270B 19	Re-number paragraph
Open burning	-270C 5		Remove reference to Rule 4-40; add reference to open dump criteria
Alternate final cover design	-270E 1c	-270E 1b(3)	Re-number paragraph
Inspection of closure		-270E 5	Move requirement for inspection from Part VII
Cochran=s Approximation to the Behrens-Fisher Student=s t-Test	Appendix 5.2		Delete obsolete Appendix
GW Protection Levels	Appendix 5.3		Delete obsolete Appendix
Constituents for groundwater monitoring	Appendix 5.5		Change title to clarify the use of the table
Experimental composting units	-330A 1a		Explicitly require use of miscellaneous unit standards for experimental facilities
Siting requirements	-330B 1	-330B 1, -330B 2	Simplify paragraph by splitting it

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Direct access		-330B 3	Make siting requirements uniform for all storage and treatment facilities
Setback distances to public institutions	-330B 4		Make siting requirements uniform for all storage and treatment facilities
Minimize traffic congestion		-330B 5	Make siting requirements uniform for all storage and treatment facilities
Setback from property line		-330B 6	Make siting requirements uniform for all storage and treatment facilities
Other siting requirements	-330B 3, -330B 2	-330B 7, -330B 8	Renumber paragraphs
Design of composting facilities	-330C 3 and -330C 5	-330C 1 -330C 2	Combine two paragraphs and clarify language
Equipment for compost facilities	-330C 2	-330C 3	Clarify requirements
Features of compost facility design	-330C 6, -330C 7, -330C 10, -330C 11, -330C 12	-330C 4 -330C 5 -330C 5 -330C 6, -330C 6	Renumber paragraphs
Criteria for uncovered sites		-330C 7	Clarify the design storm
Operation of compost facilities	-330D 2, -330D 8	-330D 1, -330D 5	Renumber paragraphs
Analysis of sludge, animal manure and municipal waste	-330C 1	-330D 2b	Move the requirement from section on design
Periodic composition analyses	-330D 4b	-330D 2c	Clarify requirement and renumber paragraph
Leachate and run-off control	-330D 7	-330D 4	Clarify requirement and renumber paragraph

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Closure		-330E5	Clarify closure inspection
Storage/treatment in containers and tanks	-340		Changed back to only deal with transfer stations
Applicability	-340A	-340A 1	Clarify requirement and renumber paragraph
Storage/treatment in flood areas and near streams	-340B 2	-340B 1, -340B 2	Clarify requirements and exempt wastewater treatment facilities from these prohibitions
Other siting requirements	-340B 1, -340B 3, -340B 4	-340B 3, -340B 4 -340B 3b -340B 3c	Clarify language and renumber paragraphs
Design of container/tank storage facility	-340C 1, -340C 2, -340C 4, -340C 6, -340D 3, -340D 4		Changed back to only deal with transfer stations
Overnight storage	-340D 1		Clarify language
Contingency requirements		-340C 7	Add requirements from existing materials recovery facility section
Applicability	-400A 1		Remove reference to obsolete sections
Applicability for S/T of putrescible waste		-400A 3	Add reference to composting and miscellaneous unit requirements
Setback distances	-400B 4		Clarify language on public institutions
Special exemption for waste piles located inside buildings	-400A 3	-400C 1	Move the requirements to a more applicable section
	-400C 1,	-400C 2a,	

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Liner requirements for exposed piles	-400C 2 -400C 3 -400C 4 -400C 5 -400C 6	-400C 2b -400C 2c -400C 2d -400C 2e -400C 2f	Renumber paragraphs
Miscellaneous operational requirements	-400D 1 through - 400D 4	-400D 7 through - 400D 10	Renumber paragraphs
Applicability of surface impoundment requirements	-380A		Clarify language
Applicability for standards for miscellaneous units	-470A, -470B		Remove reference to obsolete sections
Permit required	-480A		Clarify language
New permit		-480C3	Expansion beyond boundary considered new permit
Variance	-480H	-480E	Renumber paragraph
Permit by rule	-480E	-485A	Renumber paragraph
Additional requirements for bioremediation facilities	-480E 2h	-485A 2h	Clarify language and reference to CAA requirements
Energy recovery, thermal treatment or incineration facilities	-480E 3	-485A 3	Add reference to thermal treatment facilities;
Special requirements for thermal treatment units		-485A 3h	Clarification of requirement to comply with an existing section
Facility modification under a permit-by-rule	-480E 8	-485A 8	Clarify that modification of a design or operation require submission of a new permit-by-rule documentation
Emergency permits	-480F	-485B	Renumber paragraph
Experimental facility permit	-480G	-485C	Renumber paragraph

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
Permit issuance	-500E 3		from 10-15 days consistent with the administrative process act
Permit issuance	-500E 6		Directors determination in writing required by code
Inspections for unauthorized waste	-520C 2c		Clarify inspection requirement
Part B permit application requirements for other facilities	-540		Include thermal treatment units in exclusion from applicability
Closure inspections	-560C		Delete section and move the material to pertinent sections in Parts V and VIRGINIA
Financial assurance	-620E 8		Delete obsolete requirement
Corrective action	-620E 10	-620E 8	Re-number paragraph
Revocation	-620E 11	-620E 9	Re-number paragraph
Modification that will result in a more protective design or operation	-620F 1c		Clarify language
Permittee may choose to undergo modification procedure applicable to substantive modifications	-620F 1d		Delete obsolete paragraph
Permitting procedures for major modifications		-620F 3b through -620F 3d	Clarify alternatives available to the director in issuance of major permit modification
Classification of permit amendments	-620F 4b(2)		Delete obsolete paragraph
Temporary authorization	-620F 5b(1)(a), -620F 5d		Delete obsolete paragraph and renumber sections
Permit Amendment, changes in ownership	App 7.4, A 6		Clarify requirement to receive approval
Permit Amendment, corrective action			Clarify requirement; move

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
program	App. 7.4, H 8	App. 7.4, C 7	existing material from H 8
Permit Amendment, changes to cover design		App. 7.4, D 1	Clarify requirement
Permit Amendment, changes during post-closure period	App. 7.4, E		Clarify wording
Permit Amendment, storage and treatment facilities	App. 7.4, I		Change title to include all storage and treatment facilities; delete unneeded App. 7.4, J
Permit Amendment, management of different wastes	App. 7.4, I 5	App. 7.4, I 4	Broaden the language to include all types of S/T facilities
Wastes listing in Part VIII is not all inclusive	-630A 3		Clarify wording
Definitions of AApproved,≡ ACertified operator,≡ ADisposal area,≡ AOff-site,≡ AState NESHAP office,≡ and AVisible emission≡	-640A		Clarify the meaning of terms used in 9 VAC 20-80-640
Asbestos packaging and marking requirements	-640C 1, -640C 2		Correct federal references
Provision of waste shipment form to the asbestos disposal facility	-640C 3a and -640C 3b	-630C 3	Make reference to federal regulations and the required wording
Marking during the unloading of asbestos wastes at a disposal facility	-640E 2	-640D 2	Move the marking requirement to the transportation section
Report discrepancy between quantity designated on the shipment form and actually delivered	-640E 5a(4)	-640E 6a(3)	Change reporting office to DL&I
Closure and post-closure care for asbestos disposal facility	-640E 7		Clarify language by renumbering subparagraphs
Disturbance of closed asbestos disposal site	-640E 8c		Remove reference to Department of Air Pollution

Subject Matter	Citation, 9 VAC 20-80-		Action
	Existing	New	
disposal site			Control
Storage of waste tires at a disposal facility	-670	-670D	Renumber paragraph
Testing for EP toxicity	-700C 1e		Delete obsolete test
Testing for TCLP	-700C 1f	-700C 1d	Clarify requirement; renumber paragraph
Waiver from the State Water Control Board	-700C 3a		Delete reference to the State Water Control Board
Exemptions for small quantities of contaminated soil	-700E 1		Correct error and remove reference to the Department of Waste Management
Disposal of emergency cleanup materials	-700E 2		Remove reference to the State Water Control Board
Basis for decision on variance to GW protection levels	-760B 3		Remove reference to the State Water Control Board
Concentration levels for alternate liner design	App. 9.1		Remove all references to MCL

ATTACHMENT 2

Comments Listed by Regulatory Citation

			Citation	Action Type	Result	Amend ?	COMMENT
CAM2		1	General	State	M	N	Opposes any changes that lead to increases in
CAM2		3	General	Amend	M	N	Director's power too broad; Variances and exe public promptly
CAMP			General	None	E	N	Requests extension of public participation peric
COY		1	General	Add	M	N	Provide for participation of citizens in monitoring
COY		2	General	State	E	N	DEQ has no adequate staff for inspection, enfor
COY		20	General	State	E	N	Board should encourage passage of anti-import
DIE			General	None	E	N	Requests extension of public participation peric
H05		1	General	None	E	N	Requests extension of public participation peric
JRA		7	General	State	E	N	Summary of changes was inadequate
JRA		8	General	State	E	N	Changes are significant and require an EIA
JRA		9	General	State	E	N	Changes are an incentive for more landfills in Vir
JRA		10	General	State	E	N	Inform public and elected officials that regulati
RVRA			General	State	E	N	Supports amendment
SWAN		1	General	State	E	N	Supports comments made by SWANA members
VBF		4	General	State	E	N	Fire Code prohibits discharge of flammable liqui
VBF		5	General	State	E	N	Fire Code conflicts with tire storage requiremen
VG		1	General	None	E	N	Requests comment response document
VG		2	General	None	E	N	Requests comment response document
VMA	T	1	General	Add	E	N	Requests Table of Contents
VOR		2	01 ANAEROBIC DIGESTION	Add	E	Y	Define 'Anaerobic Digestion'
DA		25	01 BIOREMEDIATION	Add	E	Y	Define 'Bioremediation'
VP		1	01 BOTTOM ASH	Amend	E	Y	Clarify definition
ECS	1	1	01 CAPTIVE INDUSTRIAL LANDFILL	Add	E	Y	Define 'Captive industrial landfill'
VMA		3	01 CAPTIVE LANDFILL	Add	E	N	Define 'Captive landfill'
VP		2	01 CAPTIVE LANDFILL	Add	E	N	Define 'Captive landfill'
VP		3	01 COAL COMBUSTION B	Add	E	N	Define 'Coal combustion by-product managemen
VOR		1	01 COMPOST	Amend	E	Y	Amend definition of 'Compost'

			Citation	Action Type	Result	Amend ?	COMMENT
VMA		1	01 CONDITIONALLY EXE	Amend	E	Y	Amend definition of 'Conditionally exempt SOG
ECS	1	2	01 CONSTRUCTION/DEMO	Amend	E	Y	Amend definition of 'CDD landfill'
DA		25	01 CONTAINER	Add	E	Y	Define 'Container'
ECS	1	3	01 CONTAINER	Add	E	Y	Define 'Container'
VP		4	01 CONVENIENCE CENTE	State	E	N	Supports definition
VMA	T	2	01 DISCHARGE OF DRED	Amend	E	Y	Editorial correction
ECS	1	4	01 DISPOSAL BOUNDARY	Add	E	Y	Define 'Disposal boundary'
ECS	1	4	01 FACILITY BOUNDARY	Add	E	Y	Define 'Facility boundary'
ECS	1	7	01 HAZARDOUS WASTE	Amend	E	Y	Editorial correction
AEP		1	01 HOUSEHOLD HAZARDO	Amend	E	Y	Amend definition of 'Household hazardous wast
VMA		2	01 HOUSEHOLD HAZARDO	Amend	E	Y	Amend definition of 'Household hazardous wast
VMA	T	3	01 HOUSEHOLD HAZARDO	Amend	E	Y	Editorial correction
FAIR		1	01 MATERIALS RECOVER	State	E	N	Material recovery facility should be redefined fr
FAIR		4	01 MATERIALS RECOVER	Amend	E	N	Amend definition of 'Materials recovery facility
FAIR		5	01 MIXED WASTE RECLA	Add	E	N	Define 'Mixed waste reclamation facility'
VMA	T	4	01 MULCH	Amend	E	Y	Correct citation
SIE2		1	01 MUNICIPAL SOLID W	Amend	M	N	Add requiremernt for testing
ECS	1	8	01 NEW SOLID WASTE F	Add	E	Y	Define 'New solid waste facility'
ECS	1	9	01 NEW UNIT	Add	E	N	Define 'New unit'
H10		1	01 NONWASTEWATER	Add	E	N	Define 'Nonwastewater'
DEQ2		1	01 PERMIT	Amend	E	Y	Editorial correction
DA		2	01 QUALIFIED GROUNDW	Amend	E	N	Amend definition of 'Qualified GW scientist'
FAIR		7	01 RECYCLING	Add	E	N	Define 'Recycling'
FAIR		6	01 RECYCLING CENTER	Add	E	N	Define 'Recycling Center'
ECS	1	11	01 REMEDIATION WASTE	Add	E	Y	Define 'Remediation waste'
ECS	1	11	01 REMEDIATION WASTE	Add	E	Y	Define 'Remediation waste management unit'
ECS	1	10	01 SANITARY LANDFILL	Amend	E	Y	Amend definition of 'Sanitary landfill'
ECS	1	11	01 SMALL LANDFILL	Add	E	Y	Define 'Small landfill'
FAIR		8	01 SOLID WASTE	Amend	L	N	Exclude source-separated wastes from definiti
DA		1	01 SOLID WASTE MANAG	Add	E	Y	Define 'Solid waste management unit boundar
VOR		3	01 STABLE COMPOST	Add	E	N	Define 'Stable compost'

			Citation	Action Type	Result	Amend ?	COMMENT
DA		25	01 STORAGE	Amend	E	N	Amend definition of 'Storage'
USAW		1	01 TERMINAL	Amend	E	N	Amend definition of 'Terminal'
ECS	1	5	01 TIRE CHIP	Add	E	Y	Define 'Tire chip'
ECS	1	5	01 TIRE SHRED	Add	E	Y	Define 'Tire shred'
ECS	1	6	01 VEGETATIVE WASTE	Add	E	Y	Define 'Vegetative waste'
VMA	T	5	01 VPDES	Amend	E	Y	Correct citation
DA		1	01 WASTE MANAGEMENT	Delete	E	N	Delete definition of "waste management unit b
ECS	2	1	040A	Amend	E	Y	Clarify stated purpose
ECS	2	2	060B	Amend	E	Y	Provide reference for the requirements
ECS	2	3	060B 2c	Amend	E	Y	Correct citation
SIE2		2	060B 3b(2)	Amend	E	N	Define 'Sufficient'
SIE2		3	060B 4b(2)	State	E	N	Weakens environmental protection
CAM2		4	060D 2	Amend	M	N	Too much power for the Director
ECS	2	4	060D 2	Amend	E	Y	Editorial correction
ECS	2	5	060D 4	Amend	E	Y	Clarify requirement
RECO2		1	060D 4	Amend	E	Y	Add reference to bioremediation and thermal c
DA		11	060D 5a	Amend	E	Y	Clarify requirement
VPC		4	060D 5a	Amend	L	N	Remove 90-day limit
VMA		4	060D 5b	Amend	L	N	Remove 90-day limit
VP		5	060D 5b	Amend	L	N	Remove 90-day limit
DA		12	060D10	Amend	E	Y	Clarify requirement
ECS	2	6	060D10	Amend	M	Y	Change to reflect statutory limit
VBF		1	060D10	Delet	M	N	Storage of tires presents hazard
COY		21	100E	State	E	N	Requests review of compliance histories of spe
DA		13	100E	Amend	E	N	Clarify requirement
ECS	2	7	100E	Amend	L	N	Delay requirement
SIE2		4	100E	Amend	M	N	Increase frequency of review
VMA	T	6	100E	Amend	L	N	Delay requirement
COY		22	110	Add	M	N	Publish all documents on the facilities on Interne
VMA	T	7	110A	Amend	E	Y	Editorial correction
DEQ1			110E 3	Amend	L	Y	Remove requirement for radio ad

			Citation	Action Type	Result	Amend ?	COMMENT
ECS	2	8	110E 3	Amend	L	Y	Remove requirement for radio ad
SIE2		5	115A	Amend	L	N	Decrease frequency of review
DEQ2		2	115B	Amend	E	N	Editorial correction
ECS	2	9	120A 1	Amend	E	Y	Clarify requirement
VP		6	120A 2 NOTE	Amend	E	Y	Include wording from HWRs
ECS	2	10	120C	Amend	E	Y	Correct citation
VMA	T	8	120C	Amend	E	Y	Correct citation
FAIR		3	140	Amend	L	N	Amend definition of solid waste
FAIR		2	140B	Amend	L	N	Remove recycled materials from the definition
LGE		3	140B 3	Amend	L	N	Delete requirement for waste-derived fuel
ECS	3	1	140D	Add	E	Y	Clarify requirement for documentation
ECS	3	2	150E 1a	Delet	E	Y	Delete redundant section
VP		7	150E 1d	Add	E	N	Exempt generators and transporters
VP		8	150E 2	Amend	L	N	Delete reference to determination by DEQ
WV		1	150E 2	Amend	L	N	Recognize beneficial effects of landfill mining
COG			150E 2a & Definiton	Add	L	Y	Exempt use of waste-derived fuel
DA		14	150E 2a	Delet	E	N	Delete listing of beneficial-use materials
DEQ2		3	150E 2a	Amend	E	Y	Editorial correction
LGE		3	150E 2a	Add	L	N	Exempt a proprietary product
PEP			150E 2a	Add	L	Y	Exempt use of waste-derived fuels
VP		8	150E 2a	Amend	L	N	Delete reference to use, reuse, reclamation
DEQ2		4	150E 2a(1)	Amend	E	Y	Editorial correction
ECS	3	3	150E 2a(2)	Amend	E	Y	Update citations
LGE		1	150E 2a(2)	Amend	L	N	Include coal ash to wood ash exemption
ReU		1	150E 2a(2)	Amend	L	N	Include coal ash to wood ash exemption
ECS	3	3	150E 2a(3)	Amend	E	Y	Update citations
ECS	3	4	150E 2a(4)	Amend	E	Y	Clarify exemption
RECO2		2	150E 2a(4)	Amend	E	Y	Clarify intent of this section
RECO2		3	150E 2a(6)	Delet	M	N	Delete beneficial exemption for soil-asphalt mi
COY		23	150E 2a(7)	State	E	N	Approval of alternate cover created odor prot
DA		15	150E 2a(7)	Amend	E	Y	Clarify exemption

			Citation	Action Type	Result	Amend ?	COMMENT
RECO2		4	150E 2a(7)	Amend	E	N	Establish procedures for alternate cover appro
SIE2		6	150E 2a(7)	Amend	E	N	Specify conditions for approval
UC		1	150E 2a(7)	State	E	N	Supports proposed exemption
VP		9	150E 2a(7)	Amend	E	Y	Clarify exemption
COY		24	150E 2a(8)	Amend	M	N	Require intensive documentation
LGE		2	150E 2a(8)	Amend	E	Y	Include material previously mentioned in the NC
ReU		2	150E 2a(8)	Amend	E	Y	Include material previously mentioned in the NC
COY		24	150E 2a(9)	Amend	M	N	Require intensive documentation
LGE		2	150E 2a(9)	Delet	E	Y	Delete redundant material
ReU		2	150E 2a(9)	Delet	E	Y	Delete redundant material
COY		24	150E 2a(10)	Amend	M	N	Require intensive documentation
LGE		2	150E 2a(10)	Delet	E	Y	Delete redundant material
ReU		2	150E 2a(10)	Delet	E	Y	Delete redundant material
VP		10	150E 2a(10)	Amend	E	Y	Clarify exemption
COY		24	150E 2a(11)	Amend	M	N	Require intensive documentation
COY		24	150E 2a(12)	Amend	M	N	Require intensive documentation
COY		24	150E 2a(13)	Amend	M	N	Require intensive documentation
ECS	3	5	150E 2a(13)	Amend	L	Y	Broaden scope of exemption
AEP		2	150E 2b	Delet	E	N	Delete procedure for determining beneficial use
PEP			150E 2b (150E 2a (13) & definition)	Amend	L	Y	Broaden procedure to include waste-derived fi
SIE2		7	150E 2b	Amend	E	N	Provide for reporting requirements for beneficia
VMA		5	150E 2b	Delet	E	N	Delete procedure for determining beneficial use
VP		11	150E 2b	Amend	L	N	Restructure the process of providing exemption
SIE2		8	150E 2b(1)(d)ii	Add	M	N	Add requirement to address market disruptions
SIE2		9	150E 2b(3)	Amend	M	N	Delete beneficial designation for manufactur
AEG		1	150E 2b(1)(c)	State	L	N	Delete requirement to demonstrate markets
VP		12	150E 2b(1)(c)i	Delet	L	Y	Delete requirement to have a contract
AEG		1	150E 2b(1)(d)	State	E	N	This section is proper concern of DEQ
VP		12	150E 2b(1)(d)	Delet	L	N	Delete demonstration that material will not aff
DEQ2		5	150E 2b(1)(d)ii(B)	Amend	E	Y	Editorial correction
AEG		2	150E 2b(2)(a)	Delet	L	Y	Delete item as arbitrary

			Citation	Action Type	Result	Amend ?	COMMENT
VP		12	150E 2b(2)(a)	Delet	L	N	Delete requirement to show that it is not dispos
AEG		2	150E 2b(2)(b)	Delet	L	Y	Delete as discriminatory agianst new materials
VP		12	150E 2b(2)(b)	Delet	L	Y	Delete requirement to show effective substitu
AEG		2	150E 2b(2)(c)	Delet	L	N	Should alklow handling before incorporation
AEG		2	150E 2b(2)(d)	Delet	L	N	Impediment to business
VP		12	150E 2b(2)(d)	Delet	M	N	Delete ability to look at other criteria
VP		12	150E 2b(3)	Delet	L	N	Delete procedural requirements
SIE2		10	150I	Amend	E	N	Define 'Chemical products' and 'Fuels'
VP		13	160A 3	Amend	L	Y	Exempt mine subsidance use
WV		2	160A 3	Amend	L	N	Add mixtures of wood and coal ashes
ReU		3	160A 4	Delet	E	N	Move this exemption to beneficial use determi
VP		14	160A 4	Amend	M	N	Exempt use of coal ash as soil stabilizer or fixati
SIE2		11	160A 5	Amend	M	N	Test coal ash for toxicity
ECS	3	6	160A 6	Amend	E	Y	Add clarifying note for specific exemption from
VP		15	160B 1	Amend	L	Y	Allow coal ash use in highway embankments
VP		16	160B 1	Amend	L	Y	Allow use consistent with VDOT practices or bu
WV		2	160B	Amend	L	N	Add mixtures of wood and coal ashes
ECS	3	7	160C 2	Amend	L	Y	Broaden exemption to unadulterated wood
ECS	4	1	170	Amend	E	Y	Editorial correction
VMA		6	170C	Amend	E	N	State that this Part is for enforcement purposes
ECS	4	2	180A	Amend	E	Y	Provide citation
SIE2		12	180A	Amend	E	Y	Editorial correction
SIE2		13	180B 2c(3)	Amend	M	N	Add encroachment on critical habitat
OAG		2	180B 3	Amend	E	Y	Editorial correction
ECS	4	3	180B 3c	Amend	E	Y	Update citation
DEQ2		6	180B 4a	Amend	E	Y	Editorial correction
DA		16	180B 4c	Amend	E	N	Section inconsistent with permitted landfills
VMA		7	180B 4c(2)	Amend	L	N	Include significant increase only
COY		25	180B 5	Amend	M	N	Do not exempt sludge from open dumping
SIE2		14	180B 7b(4)	Amend	M	N	Delete exemption for tire burning in fire-fighting
ECS	4	4	180B 7b(4)	Amend	E	Y	Editorial change

			Citation	Action Type	Result	Amend ?	COMMENT
ECS	4	5	200E	Delet	E	Y	Section is redundant
OAG		1	210	Amend	E	Y	Restructure regulation to eliminate excessive nu
ECS	4	6	210A 4g	Amend	E	Y	Clarify requirement
SIE2		15	210A 7d	Amend	M	N	Add provision to freeze assets
SIE2		16	210C 3b	Amend	M	Y	When CO/CA are changed, seek public comm
CAM2		5	210C 9c(3)(c)	Amend	M	N	Too much power for the Director
SIE2		17	210C 9c(3)(c)	Amend	M	N	Seek public comment on extensions
H10		2	239 App 4-1	Amend	E	Y	Update numbering system
VMA	T	9	239 App 4-1	Amend	E	Y	Update numbering system
ECS	5	1	240D	Amend	M	Y	Update statutory requirement
DEQ2		7	250A 1c	Amend	E	Y	Editorial correction and updating
COY		26	250A 2	State	E	N	No independent review of certification
DEQ2		8	250A 2	Amend	E	N	Update requirement
DEQ2		9	250A 3b	Amend	E	N	Update requirement
COY		27	250A 4a	State	E	N	Examples of cases when alternatives were av
VMA		8	250A 4e	Amend	E	N	Furnish certificate only if available
SIE2		18	250A 7d(1)	Amend	E	N	Retain original language
COY		28	250A 7d(2)	State	E	N	Examples of re-zoning problems
CAM2		6	250A 8	Amend	M	N	Too much power for the Director
SIE2		19	250A 8	State	E	N	Provision is too lax
ECS	5	8	250A 9a	Amend	E	Y	Clarify requirement
CAM2		6	250A12	Amend	M	N	Too much power for the Director
SIE2		19	250A12	State	E	N	Provision is too lax
COY		29	250B 9c(3)	Quest	E	N	Why variance from slope requirfement in a spec
H05		2	250B11	Delet	L	N	No authority for requirement
H05		3	250B11	Amend	E	Y	Define 'Impermeable'
COY		30	250B15	Amend	M	N	Disallow slope variances in certain cases
WV		3	250B18	Amend	E	N	Define 'Independent'
DA		17	250B18c(4)	Amend	E	N	Clarify requirement
COY		31	250C 1d	State	E	N	Specific example of non-compliance
COY		32	250C 2	State	E	N	Specific example of non-compliance

			Citation	Action Type	Result	Amend ?	COMMENT
COY		33	250C 3	State	E	N	Specific example of non-compliance
COY		34	250C 6	State	E	N	Specific example of non-compliance
ECS	5	2	250C 8b	Amend	E	N	Limit open burning of waste
COY		35	250C16w	State	E	N	Specific example of non-compliance
RECO2		5	250C16y	Delet	M	N	Delete disposal of adequately absorbed oil in la
COY		36	250C17e	Amend	M	N	Require more stringent criteria for sludge
RECO2		6	250C17h	Quest	E	N	Are approvals to be given on case-by-case ba
DCR			250D	Amend	E	N	Provide special monitoring requirements for kar:
AIPG			250D 3	Amend	E	N	Provide special monitoring requirements for kar:
DA		3	250D 3	Amend	E	N	Provide special monitoring requirements for kar:
SWAN A		2	250D 3	Amend	E	N	Supports comments made by SWANA members
COY		37	250D 3d	State	E	N	Specific example of non-compliance
COY		38	250D 3f(3)	State	E	N	Specific example of non-compliance
COY		39	250D 4	Amend	M	N	Monitor surface waters
DA		4	250D 4g	Amend	E	N	Remove requirement for specification of statist
ECS	5	3	250D 5a(1)	Amend	E	Y	Update requirements
ECS	5	4	250D 5a(1)	Amend	L	Y	Provide lesser requirement for small landfills
ECS	5	4	250D 5b	Amend	L	Y	Provide lesser requirement for small landfills
DA		5	250D 5c(3)	Amend	L	N	Provide for intrawell and trend analyses
DA		6	250D 6b	Amend	L	N	Delete requirement for background determinat
H10		3	250D 6h	Amend	E	N	Clarify procedure for determination of GWP Sta
ECS	5	5	250D 8a(2)(c)	Amend	E	Y	Clarify requirement for potentometric maps
ECS	5	5	250D 8b(2)	Amend	E	Y	Clarify requirement for potentometric maps
ECS	5	6	250E 1b(1)(c)	Amend	E	Y	Clarify requirement
COY		40	250E 2	State	E	N	Permit writers should examine slope stabilities c
DA		18	250E 2b	Amend	M	N	Require 2-foot erosion layer
SIE2		20	250E 3	Amend	M	N	Include requirement for public notice
CAM2		7	250E 3a	Amend	M	N	Too much power for the Director
ECS	5	7	250E 4b	Amend	E	Y	Editorial correction
ECS	5	12	250E 6	Amend	E	Y	Editorial correction

			Citation	Action Type	Result	Amend ?	COMMENT
ECS	5	17	250E 6	Amend	E	Y	Clarify onset of post-closure care
ECS	5	8	260A 7	Amend	E	Y	Clarify requirement
ECS	5	9	260B 9	Amend	M	Y	Require gas system unless shown unnecessary
ECS	5	10	260B15	Amend	E	Y	Clarify requirement
DA		19	260B17c(4)	Amend	E	N	Define 'In-situ'
COY		41	260D	Quest	E	N	Reason for changes in GW monitoring
ECS	5	11	260E 1b(1)(c)	Amend	E	Y	Clarify requirement
ECS	5	12	260E 5	Amend	E	Y	Editorial correction
ECS	5	17	260E 5	Amend	E	Y	Clarify onset of post-closure care
ECS	5	14	270B 9	Amend	M	Y	Increase number of benchmarks
UC		4	270B14a	Amend	L	N	Omit reference to liner conductivity
ECS	5	14	270B14e(3)	Amend	L	Y	Allow equivalent design
UC		2	270B18	Amend	E	N	Clarify requirement
WV		3	270B19	Amend	E	N	Define 'Independent'
AEP		3	270B19a	Amend	L	Y	Delete requirement for PE to be independent
VMA		9	270B19a	Amend	L	Y	Delete requirement for PE to be independent
VP		17	270B19a	Amend	L	Y	Delete requirement for PE to be independent
DA		20	270B19c(4)	Amend	E	N	Define 'In-situ'
AEP		3	270B19d	Amend	L	Y	Delete requirement for PE to be independent
VMA		9	270B19d	Amend	L	Y	Delete requirement for PE to be independent
VP		17	270B19d	Amend	L	Y	Delete requirement for PE to be independent
UC		3	270D	State	E	N	Supports proposed requirements
UC		4	270E 1b(1)(a)	Amend	L	N	Delete reference to conductivity
ECS	5	15	270E 1b(1)(c)	Amend	E	Y	Clarify requirement
ECS	5	16	270E 1b(2)(b)	Amend	M	Y	Provide for frost protection
AEP		4	270E 4b	Amend	L	Y	Delete requirement for PE to be independent
VMA		10	270E 4b	Amend	L	Y	Delete requirement for PE to be independent
VP		17	270E 4b	Amend	L	Y	Delete requirement for PE to be independent
ECS	5	12	270E 5	Amend	E	Y	Editorial correction
ECS	5	17	270E 5	Amend	E	Y	Clarify onset of post-closure care
VP		22	270G	Add	L	N	Add 4 th category of landfills

			Citation	Action Type	Result	Amend ?	COMMENT
DA		21	280	Amend	E	Y	Add reference to other air regulations
VP		23	280	Amend	E	N	Editorial correction
DA		22	280A 1b definition Afacility boundary≡	Amend	E	Y	Clarify requirement
ECS	5	18	280A 1b definition Afacility boundary≡	Amend	E	Y	Clarify requirement
ECS	5	19	280B 1 definition Afacility boundary≡	Amend	E	Y	Clarify requirement
DA		23	280E 1c	Amend	L	N	Increase the response period from 60 days
ECS	5	20	280E 1c	Add	M	Y	Describe minimum contents of the plan
DA		24	280E 1d	Amend	E	N	Specify what is meant by 'technically practica
ECS	5	21	280E 2b	Amend	E	Y	Specify that control must be timely
ECS	5	22	280E 2c	Amend	E	Y	Clarify requirement
ECS	5	23	280E 3	Amend	E	Y	Include reference to air permitting requirement
ECS	5	24	290C	Amend	M	Y	Add requirements for leachate impoundment lir
H01		1	290D 3	State	E	N	State does not allow recirculation
H06		3	290D 3	Amend	E	N	Allow recirculation of leachate
SIE2		22	290D 4	Amend	E	Y	Retain reference to the SWCB
COY		42	310	State	E	N	Correction timelines are too long
DA		7	310	Amend	E	N	Acknowledge risk-based corrective action
H06		1	310A 5	Amend	L	Y	Provide more flexibility
H07		2	310A 5	State	E	N	Supports presumptive remedies
JRA		2	310A 5	Delet	M	N	Objects to presumptive remedies
UC		5	310A 5	State	E	N	Supports presumptive remedies
VACo		1	310A 5	Amend	L	Y	Provide more flexibility
CHE		3	310A 5b	Amend	L	Y	Provide more flexibility
GAL		1	310A 5b	Amend	L	Y	Provide more flexibility
McG		1	310A 5b	Amend	L	Y	Provide more flexibility
VMA		11	310A 5c	Amend	L	N	Set lower time limit on evaluation
CHE		2	310A 5d	Amend	L	Y	Provide more flexibility
ECS	5	25	310A 5d	Amend	E	Y	Clarify requirement
FRA			310A 5d	Amend	L	Y	Provide more flexibility
GAL		1	310A 5d	Amend	L	Y	Provide more flexibility
H07		3	310A 5d	Amend	L	Y	Provide more flexibility

			Citation	Action Type	Result	Amend ?	COMMENT
HEN			310A 5d	Amend	L	Y	Provide more flexibility
JOY			310A 5d	Amend	L	Y	Allow presumptive remedy when off-site migration
LYN		2	310A 5d	Amend	L	Y	Provide more flexibility
McG		2	310A 5d	Amend	L	Y	Provide more flexibility
VACo		2	310A 5d	Amend	L	Y	Provide more flexibility
CAM2		8	310A 5e(3)	Amend	M	N	Too much power for the Director
SIE2		23	310A 5e(3)	Amend	M	N	Publish determination on the Internet within 30
COY		43	310A 5e(3)(a)	Delet	M	N	Do not discount migration if not a source of drink
COY		44	310A 5e(3)(b)i	State	E	N	Do not allow expansion if CA might be impractic
COY		45	310A 5e(3)(c)	State	E	N	Effect on flora and fauna is devastating
ECS	5	26	310A 5e(3)(a)	Amend	E	Y	Clarify requirement
H10		4	310C 2	Amend	M	N	Provide time frame for evaluation; use risk analy
VMA		11	310C 2	Amend	M	N	Provide time frame for evaluation
AEP		6	319 App 5,6E 1	Amend	E	N	Comment not correct quote of requirement
AEP		5	319 App 5,6E 5a	Amend	L	Y	Provide for sampling of a subset of wells
COY		3	319 App 5.1	Quest	E	N	Why were PQLs deleted?
JRA		3	319 App 5.1	Amend	E	N	Do not delete method, PQL
SIE2		24	319 App 5.1	State	E	N	There is no reason do delete PQLs
COY		4	319 App 5.2	Quest	E	N	Why was Appendix deleted?
COY		5	319 App 5.3	Quest	E	N	Why were GW protection levels deleted?
SIE2		25	319 App 5.4	State	E	N	Objects to loose performance standards
VP		19	319 App 5.4	Quest	E	N	Appendix not included; Appendix 5.4 has no ch
WV		4	319 App 5.4	State	E	N	Appendix not included; Appendix 5.4 has no ch
COY		6	319 App 5.5	Quest	E	N	Are levels sufficient to protect GW?
ECS	5	27	319 App 5.5	Quest	E	N	Mercury is not listed
COY		7	319 App 5.6	Add	M	N	Require state or locality to monitor when migra
H06		2	319 App 5.6	State	E	N	Supports proposed appendix
H07		1	319 App 5.6	State	E	N	Supports proposed appendix
H10		5	319 App 5.6	Amend	E	N	Rename Phases I, II, III
JRA		1	319 App 5.6	Delet	M	N	Delete state monitoring program
SIE2		21	319 App 5.6	State	E	N	Monitoring constituents and time for Phase II we

			Citation	Action Type	Result	Amend ?	COMMENT
ECS	5	28	319 App 5.6A 1	Amend	E	Y	Clarify requirement
ECS	5	29	319 App 5.6A 2	Amend	M	N	Require director's approval
VP		18	319 App 5.6A 3	Add	E	N	Clarify applicability
ECS	5	30	319 App 5.6B 1	Amend	L	Y	Provide for small landfill exemption
DEQ2		10	319 App 5.6B 2	Amend	E	Y	Provide date
WV		8	319 App 5.6C 5	Amend	E	N	Allow demonstration in Phase I of source other t
WV		6	319 App 5.6C 5a	Amend	E	N	SSI to be defined as a combination of intra- and
WV		7	319 App 5.6C 5a(2)	Amend	E	N	Extend evaluation time
WV		11	319 App 5.6C 5b	Amend	L	N	Provide for demonstration that SSI not due to lar
CHE		1	319 App 5.6D	Amend	E	N	Provide for return to Phase I; see -D.4
AEP		5	319 App 5.6D 2	Amend	L	Y	Provide for sampling of a subset of wells
VMA		12	319 App 5.6D 2	Amend	L	Y	Provide for sampling of a subset of wells
VP		20	319 App 5.6D 2	Amend	L	N	Provide different parameters for coal ash
DA		8	319 App 5.6D 3	Amend	L	N	Remain in Phase I
GAL		2	319 App 5.6D 3	Amend	L	N	Remain in Phase I
LYN		1	319 App 5.6D 3	Amend	L	N	Remain in Phase I
McG		3	319 App 5.6D 3	Amend	L	N	Remain in Phase I
VACo		3	319 App 5.6D 3	Amend	L	N	Remain in Phase I
WV		9	319 App 5.6D 3a	Quest	E	N	Can semiannual sampling be conducted if prev
H07		1	319 App 5.6D 5	Amend	L	N	Remain in Phase I
VACo		3	319 App 5.6D 5	Amend	L	N	Remain in Phase I
WV		12	319 App 5.6D 5	Amend	L	N	Oscillation between phases needs to be elimin.
VP		21	319 App 5.6D 6	Amend	L	N	Provide different parameters for coal ash
ECS	5	32	319 App 5.6D 6b	Amend	L	Y	Provide flexibility
VMA		12	319 App 5.6E	Amend	L	Y	Provide for sampling of a subset of wells
VMA		12	319 App 5.6E	Amend	L	Y	Provide for sampling of a subset of wells
WV		10	319 App 5.6E	Amend	E	N	Multi-unit facilities to break out units under Pha:
AEP		7	319 App 5.6E 2	Amend	L	N	Base compliance period on time of travel
ECS	5	33	319 App 5.6E 5b	Amend	M	Y	Delete reference to leachate analysis
ECS	5	34	319 App 5.6F 1b(3)	Amend	E	Y	Clarify requirement
ECS	5	35	319 App 5.6F 2b	Amend	M	Y	Require submission of potentiometric map; edi

			Citation	Action Type	Result	Amend ?	COMMENT
ECS	5	1	320	Add	E	Y	Add reference to financial assurance for treatm
ESI			330	Amend	L	Y	Restructure composting requirements and allow
PAN			330	Amend	L	Y	Restructure composting requirements and allow
VOR	A		330	Amend	L	Y	Restructure composting requirements
VT			330	Amend	L	Y	Restructure composting requirements and allow
SIE2		26	330A 1	Amend	M	N	Prohibit mixed waste composting
AEG		3	330A 1b	Amend	L	N	Should allow clean wood from CDD to be comp
ECS	6	1	330A 1b	Amend	E	Y	Correct reference to RMW
SIE2		27	340	Amend	E	Y	Restore previous structure
SK		0	340A 3	Amend	L	N	Include a reference to tanks
VP		25	340A 3	State	E	N	Supports exemption for convenience centers
USAW		1	340A 4	Amend	E	N	Clarify reference to docks
COY		46	340B 3	State	E	N	Cites a specific case of alleged traffic hazard
COY		47	340C 8a	State	E	N	Specific example of non-compliance
DA		25	340C 8c	Delet	L	Y	Delete reference to fire alarms etc.
DA		25	340C 9	Amend	E	N	Clarify reference to off-site WW plants
DA		25	340C10 Definitions	Amend	E	Y	Define 'Bioremediation'
COY		48	340D 1	State	E	N	Cites a specific case of accessibility by vector
ECS	6	2	340D 2a	Amend	E	Y	Add procedures for detecting HW
DA		25	340D 2d definition	Amend	E	Y	Define 'Bioremediation'
RECO2		7	340D 2d	Quest	E	N	Clarify requirement for mass balance
RECO2		8	340D 6d	Amend	E	Y	Correct the reference citation; clarify the requi
ECS	6	3	340E 2a	Amend	E	Y	Correct reference to storage facility
ECS	6	4	340E 2e	Add	M	Y	Add requirement for PE certification
DA		26	350	State	E	y	Sections -340 and -350 are confusing
SIE2		27	350	Amend	E	y	Restore previous structure
ECS	6	5	350A 3	Amend	E	Y	Section confusing; too many negatives
DA		26	350B 5b	Amend	E	N	Define 'Heavily dissected'
RECO2		9	350C 1a	Amend	E	N	Clarify requirement
ECS	6	6	350C 3	Amend	E	Y	Editorial correction
DA		26	350C 5	Amend	E	N	Storage and treatment units should be in -340

			Citation	Action Type	Result	Amend ?	COMMENT
RECO2		10	350C 8	Amend	E	Y	Delete reference to aerobic processes
DA		26	350D 1	Quest	E	N	Why not the same as -340.D.1?
RECO2		11	350D 2d(1)	Amend	E	N	Clarify requirement for mass balance
ECS	6	8	350E 2e	Add	M	Y	Add requirement for PE certification
ECS	6	7	360C 6a	Amend	E	Y	Editorial correction
VMA		13	370	Amend	E	y	Undelete section on energy recovery facilities
ECS	6	9	380A	Amend	E	Y	Clarify that leachate lagoons are subject to SW
SPSA		1	380A	State	E	N	Retain original language
ECS	7	2	400	Add	L	Y	Add new section for Remediation Waste Mana
SIE2		28	460	State	E	N	Section is weak
ECS	6	10	470E 2c	Amend	E	Y	Add requirement for notification of plan change
ECS	7	1	480C 3	Add	M	Y	Add requirement for a new permit when expan
CAM2		9	480D	Amend	M	N	Too much power for the Director
DA		27	485	Amend	E	N	Add PBR for gas remediation plans
USAW		2	485A 1	Amend	E	N	Rename section to 'Terminals'
VMA		14	485A 1	Amend	E	N	Change title to "Storage in containers and tanks
VP		26	485A 1	Amend	E	N	Change title to "Storage in containers and tanks
ECS	7	3	485A 1g	Amend	E	N	Provide proper reference
BFI			485A 4	Delet	M	Y	Delete PBR for captive industrial landfills
ECS	7	4	485A 4	Delet	M	Y	Delete PBR for captive industrial landfills
JRA		4	485A 4	Delet	M	Y	Delete PBR for captive industrial landfills
UC		6	485A 4	State	E	N	Supports PBR for captive industrial wastes
VP		27	485A 4	Add	L	N	Allow PBR for Coal Ash Facilities
ECS	7	5	485A 5	Quest	E	N	Should notification of adjacent property owner
WV		13	485A 5a	Amend	E	N	Correct references
VMA		15	485A 5e	State	E	N	Current regulations exempt incinerators from all
WV		13	485A 6	Amend	E	N	Correct references
WV		13	485A 7	Amend	E	N	Correct references
WV		14	485A 8	Amend	E	N	Provide ability to expand vertically under -60.B
WV		13	485A 9	Amend	E	N	Correct references
ECS	7	6	500B 5	Add	M	Y	Add statutory requirement for notification of PP

			Citation	Action Type	Result	Amend ?	COMMENT
COY		49	500D 1	State	E	N	Financial assurance is considered to be inadequ
SIE2		29	500D 1	Amend	E	N	Include procedure for audits of financial assuran
ECS	7	7	510C	Amend	E	N	Clarify requirement for vicinity maps
ECS	7	8	510C 2	Amend	E	Y	Use defined terminology
ECS	7	9	510C 9	Amend	M	Y	Add surface water bodies
ECS	7	10	510E 1a	Amend	M	Y	Prohibit penetration of impermeable zone; edit
ECS	7	11	510E 1e	Amend	E	Y	Clarify logging requirements
COY		50	510E 2c(3)	State	E	N	Specific example of non-compliance
ECS	7	12	510E 2c(5)	Amend	E	Y	Clarify requirement for base grades
WV		5	520	Amend	E	N	Include time limit for technical review
ECS	7	13	520A 1	Amend	E	Y	Use defined terminology
SIE2		30	530	State	E	N	Burning is disposal
SIE2		31	530C	Amend	E	N	Retain waste analysis requirements
RECO2		12	540	Amend	E	N	Correct oversight of not including bioremediati
JRA		5	600F 2	Amend	E	N	Do not eliminate public comment on substantiv
SIE2		32	620F 3b	Amend	E	N	Retain public participation requirements
VMA	T	10	629 App 7.1	Amend	E	Y	Update the form numbering system
SIE2		33	629 App 7.4	State	E	N	Many substantive amendments were changed
ECS	7	14	629 App 7.4A 5b	Amend	L	Y	Change from Major to Minor
COY		8	629 App 7.4A 6	Amend	M	N	Require a major amendment for ownership char
COY		9	629 App 7.4B 2	Amend	M	N	Keep substantive amendment
COY		10	629 App 7.4B 4a	Amend	M	N	Change from Minor to Major
COY		11	629 App 7.4B 4b	Amend	M	N	Keep substantive amendment
ECS	7	14	629 App 7.4C 1a	Amend	L	Y	Change from Major to Minor
COY		13	629 App 7.4C 3	State	E	N	Change in wording is confusing
COY		12	629 App 7.4C 3*	Quest	E	N	Why changes in statistical test have been dele
DA		9	629 App 7.4C 7b	Amend	E	?	Clarify requirement for a major amendment
ECS	7	14	629 App 7.4C 7b	Amend	L	Y	Change from Major to Minor
COY		14	629 App 7.4D 1	Amend	E	N	Do not delete items a, b, c
WV		17	629 App 7.4D 1	Amend	L	N	Change from Major to Minor
COY		15	629 App 7.4E 2	Amend	M	N	Require public hearing on extension of P/C peric

			Citation	Action Type	Result	Amend ?	COMMENT
ECS	7	14	629 App 7.4F 1	Amend	L	Y	Change from Major to Minor
ECS	7	14	629 App 7.4F 7	Amend	L	Y	Change from Major to Minor
WV		15	629 App 7.4F 7	Amend	L	Y	Change from Major to Minor
ECS	7	14	629 App 7.4G	Amend	L	Y	Change from Major to Minor
UC		7	629 App 7.4G	Amend	L	Y	Change from Major to Minor
ECS	7	14	629 App 7.4G 1	Delet	L	Y	Change from Major to Minor
DA		28	629 App 7.4G 2	Delet	E	N	Substitute the PBR process for amendment
ECS	7	14	629 App 7.4G 2	Delet	L	Y	Change from Major to Minor
ECS	7	14	629 App 7.4G 3	Delet	L	Y	Change from Major to Minor
ECS	7	14	629 App 7.4G 4	Delet	L	Y	Item became redundant
WV		16	629 App 7.4H 3	Amend	L	N	Change from Major to Minor
COY		16	629 App 7.4H 5	Amend	M	N	Change in practices may be major
WV		18	629 App 7.4H 6b	Quest	E	N	Addition of new industrial waste to unlined land
ECS	7	15	629 App 7.4H 7	Add	E	Y	Add item for construction spec modification
ECS	7	15	629 App 7.4H 8	Add	E	Y	Design changes in field
COY		17	629 App 7.4H 8*	State	E	N	Change in CA is Major (see C.7)
COY		18	629 App 7.4I 1	Amend	M	N	All changes in capacity should be major
COY		19	629 App 7.4J*	Quest	E	N	Define 'Other facilities': all facilities should have
ECS	8	1	630A	Amend	E	Y	Editorial correction
ECS	8	2	630A 3	Amend	E	N	Define 'Low specific radioactivity'
ECS	8	5	630A 3	Amend	E	Y	Add reference to permit
VP		28	630A 3	Amend	E	Y	Recommendation already proposed (?)
ECS	8	3	630C 1a	Amend	E	Y	Editorial correction
ECS	8	6	630C 1a	Amend	E	Y	Provide the text of federal regulation rather than
ECS	8	4	630E 3a(1)	Amend	E	Y	Editorial correction
COY		51	640	State	E	N	Specific example of possible non-compliance
VP		29	640C 1c	Amend	E	Y	Allow asbestos waste to be wrapped with a liner
H&T			640E	Amend	E	Y	Clarify requirement for existing asbestos landfill
ECS	8	7	650	Amend	E	Y	Editorial correction
VMA	T	11	650	Amend	E	Y	Editorial correction
ECS	8	8	670A	Quest	L	Y	Are junk yards exempt also?

			Citation	Action Type	Result	Amend ?	COMMENT
AW			700	State	E	N	Supports removal of requirement for testing for T
BIG2			700	Amend	M	Y	Return section to original form
CAM2		2	700	Amend	M	Y	Return section to original form
COL			700	Amend	M	Y	Return section to original form
DA		10	700	Amend	E	Y	Change testing requirements
E&E		1	700	State	E	N	Disputes estimates published in VR
E&E		2	700	Amend	M	Y	Return section to original form
ECS	8	14	700	Amend	M	Y	Modify the whole section to its original form
FR			700	Amend	M	Y	Return section to original form
GEA			700	Amend	M	Y	Return section to original form
H02			700	Amend	M	Y	Return section to original form
H03			700	Amend	M	Y	Return section to original form
H04			700	Amend	M	Y	Return section to original form
H05		4	700	Amend	E	Y	Needs more time to study impacts
H08			700	Amend	M	Y	Return section to original form
H09			700	Amend	M	Y	Return section to original form
JRA		6	700	Amend	M	Y	Return section to original form
KER		0	700	Amend	M	Y	Return section to original form
KLU		0	700	Amend	M	Y	Return section to original form
MCI			700	Amend	M	Y	Return section to original form
MTS			700	Amend	M	Y	Return section to original form
PRI			700	Amend	M	Y	Return section to original form
SIE		0	700	Amend	M	Y	Return section to original form
SIE2		34	700	Amend	M	Y	Redraft to tighten standards
SOI		2	700	State	E	N	Reimbursement rates indicate landfilling prefer
SPSA		2	700	Amend	M	Y	Return section to original form
SIR		0	700	Amend	M	Y	Return section to original form
TPS		0	700	Amend	M	Y	Return section to original form
UC		8	700	State	E	N	Supports proposed wording
USAW		3	700	State	E	N	Supports proposed wording with certain chang
UZ		0	700	Amend	M	Y	Return section to original form

			Citation	Action Type	Result	Amend ?	COMMENT
WAL		0	700	Amend	M	Y	Return section to original form
SOI		1	700C	Amend	M	Y	Return section to original form
VBF		3	700C	Amend	M	Y	Return section to original form
CBF		1	700C 1	Amend	M	Y	Return section to original form
COX		1	700C 1	Amend	M	Y	Return section to original form
RECO2		13	700C 1	Quest	E	N	Questions conflict with guidelines
ECS	8	9	700C 1a	Amend	M	Y	Specify new testing method for TPH
ECS	8	10	700C 1b	Amend	M	Y	Specify new testing method for BTEX
RECO2		14	700C 1b	Amend	M	Y	Return section to original form
USAW		3	700C 1b	Amend	E	N	Allow benzene determination by TCLP protocol
ECS	8	11	700C 1d	Amend	E	Y	Editorial correction
USAW		4	700C 1d	Amend	M	Y	Limit oil exemption to virgin oil
VPC		2	700C 1d	Amend	L	Y	Add above-ground tanks to exemption
ECS	8	12	700C 2	Amend	L	Y	Increase flexibility for large quantities
ECS	8	13	700C 3a	Amend	M	Y	Allow for a waiver by Water Division
SOI		3	700D	Amend	M	Y	Return section to original form
COX		2	700D 3	Amend	M	Y	Return section to original form
RECO2		15	700D 3	Amend	M	Y	Return section to original form
USAW		5	700D 3	Amend	M	N	Add limits based on TCLP
CBF		2	700D 4	Amend	L	Y	Return section to original form
COX		3	700D 4	Amend	L	Y	Return section to original form
RECO2		16	700D 4	Amend	L	Y	Return section to original form
RUL		0	700D 4	Amend	L	Y	Return section to original form
USAW		6	700D 4	Amend	E	N	Clarify reference to toxic materials
VP		30	700D 4	State	E	N	Supports proposed wording
VPC		1	700D 4	State	E	N	Supports risk-based levels
VMA		16	700E 1	Amend	L	Y	Exempt above-ground tanks also
VP		31	700E 1	Amend	L	Y	Exempt above-ground tanks and transformers
VPC		2	700E 1	Amend	L	Y	Add above-ground tanks to exemption
VP		32	700E 2	Amend	L	N	Remove requirement for director's approval
COY		52	740A 2	State	E	N	Requirement for exemption is puzzling

			Citation	Action Type	Result	Amend ?	COMMENT
SIE2		35	740A 3	State	E	N	Assigns responsibility for determination to othe
COY		53	740C 3	State	E	N	Solid waste is not a commodity
ECS	9	1	750A 1	Amend	E	Y	Editorial correction

LIST OF COMMENTORS

ORGANIZATION	Last NAME	First NAME	ABBR EV
	Cofer	Terri	H02
	Diedrich	Roger	DIE
	Francis, Jr.	R. B. Nash	FR
	Gearing, Jr.	Philip J.	GEA
	Goode, Jr.	Hon. Virgil	VG
	Kerr	Anne Leigh	KER
	Kluender	Lindsey	KLU
	Rule, Ph.D.	Joseph H.	RUL
	Strang	William	STR
	Uzzle, Jr.	Joseph F.	UZ
	Walker	Rhett B.	WAL
	Woodfin	Stanley	H08
Allied Waste Industries of Virginia	Burrier, P.E.	Jeffery P.	AW
American Electric Power	Cerimele	Guy L.	AEP
American Environmental Group, Inc.	Herbert, P.E.	Thomas P.	AEG
American Institute of Professional Geologists	Lawless, CPG	Michael D.	AIPG
BFI	Southard	Jeffrey C.	BFI
Campaign Virginia	Sharp	James W.	CAMP
Campaign Virginia	Sharp	James W.	CAMP2
Chesapeake Bay Foundation	Corbin	Jeff	CBF
Chesapeake Environmental Group	Bigham	Bernard	BIG

ORGANIZATION	Last NAME	First NAME	ABBR EV
Chesterfield County	McGowan	Raymond F.	CHE
City of Lynchburg	Booth	Raymond A.	LYN
City of Virginia Beach	Smith	Captain W. R.	VBF
City of Galax	Alderman, PE	Orba O.	GAL
Cogentrix Energy, Inc	Casper, QEP	Mark A.	COG
Colonial Materials, Inc.	Batchelor	Wilton	COL
County of Henry	Clark	Thomas H.	HEN
County of Franklin	Sammons, Jr.	Macon C.	FRA
Cox Petroleum Services Inc	Cox	Carolyn W.	COX
Department of Conservation and Recreation	Brown	Terri	DCR
DEQ	Henderson	Thomas L.	DEQ1
Draper Aden Associates	Crate, P.G.	Jeffrey T.	DA
Engineering and Environment, Inc.	Cree	Michael J.	E&E
Engineering and Environment, Inc.	Cree	Michael J.	H04
Engineering Consulting Services, Ltd	Darden, Jr., P.E.	Randolph D.	ECS
Environmental Solutions, Inc.	Robinson	W.W.Phil	ESI
Fairfax County	Hubbard	Jerry A.	FAIR
Fauquier County	Bingham	Ellis	H01
Hazel & Thomas	O'Hare	Patrick A.	H&T
James River Association	Jackson	Patricia A.	JRA
Joyce Engineering, Inc.	Moore, P.G.	Daniel R.	JOY

ORGANIZATION	Last NAME	First NAME	ABBR EV
LG&E Power Inc	Estrada	Maggie T.	LGE
McGuire Woods Battle & Boothe	Sedgley	Richard H.	McG
Merck & Co	Robertson	Brian	H10
Mid Coast Incorporated	Wrightson	Francis J.	MCI
MTS Medical Transcription Specialist	Jones	Benny F.	MTS
Municipal Landfill Group	Reed	Terry	H06
Municipal Landfill Group	Sedgley	Dick	H07
Office of the Attorney General	Leeth	Stewart T.	OAG
Panorama Farms	Murray	Stephen M.	PAN
Pepper Hamilton LLP	Singer	James L.	PEP
Primary Laboratories, Inc	Stoneman	David B.	PRI
RECO Industries, Inc	Schleinkofer, CEI	Michael D.	RECO 2
RECO Industries, Inc.	Firth	Charles	RECO
RECO Industries, Inc	Firth	Charles	H09
ReUse Technology, Inc.	Waldrop	Robert J.	ReU
Roanoke Valley Resource Authority	Hubbard	John R.	RVRA
Safety-Kleen Corporation	Lanahan, CHMM	J. L.	SK
Sierra Club, Virginia Chapter	Pollard, Jr.	Albert C.	SIE
Sierra Club, Virginia Chapter	Diedrich	Roger	SIE2
Soilex Corporation	Ruffin	John W.	H03
Soilex Corporation	Ruffin	John W.	SOI
Southeastern Public Service Authority	Miles, P.E.	Daniel D.	H05
Southeastern Public Service Authority	Miles, P.E.	Daniel D.	SPSA

ORGANIZATION	Last NAME	First NAME	ABBR EV
SWANA	Hollos, P.E., DEE	Edward J.	SWAN A
TPS Technologies Inc	Dominiak	Blair W.	TPS
Union Camp	Raulston	Sheryl S.	UC
Universal Lab	Hinshelwood	Geoff	H11
USA Waste Services, Inc	Engle	Clifford J.	USAW
Virginia Cooperative Extension	Evanylo	Gregory K.	VT
Virginia Association of Counties	Land	Larry	VACo
Virginia Manufacturers Association	Wampler	Carol C.	VMA
Virginia Organic Recycling and Composting Committee	Christian	Archer H.	VOR
Virginia Petroleum Council	Ward	Michael D.	VPC
Virginia Power	Hadder	A. W.	VP
Virginians for Sensible Waste Management	Coyne	Mraguare tte B.	COY
Westvaco	Botkins, Jr.	Thomas G.	WES