

MEMORANDUM

TO: Waste Permitting Office

FROM: Hassan Vakili

SUBJECT: Virginia Code §10.1-1408.1.N. (HB 1911)
Notice for Expansion for Category 2 and
Category 3 Facilities

DATE: October 14, 1997

A category 2 or 3 facility must provide written notice of the proposed expansion at least 60 days before commencement of construction. The notice must include "recent groundwater monitoring data sufficient to determine that the facility does not pose a threat of contamination of groundwater in a manner constituting an open dump or creating a substantial present or potential hazard to human health and the environment."

The groundwater demonstration must include recent analytical data. For facilities that have been monitoring in compliance with the Phase I groundwater monitoring with no statistically significant increases, the statistical comparisons of the indicator parameters is adequate to demonstrate that the facility is not adversely affecting groundwater.

Category 2 and 3 facilities that have determined a statistically significant increase for the indicator parameters must supply recent groundwater data to demonstrate that the facility is not an open dump. The data must contain analytical concentrations of all Virginia Solid Waste Management Regulations, Appendix 5.1 constituents that have Safe Drinking Water Act maximum contaminant levels (MCLs). The analytical data must include LODs/LOQs and all constituents must have LOQs equal to or less than the respective MCLs, if an appropriate analytical method is available. As a part of the analysis, the data should be checked for distribution, outliers, and missing values.

The comparison of the recent analytical data to the respective MCLs must be a statistical comparison. The facility shall statistically compare the data from two recent sampling events to the background statistical limits. An appropriate number of samples shall be collected to establish the background level.

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For all those Appendix 5.1 constituents which do not have adequate background established, or concentrations are above background, the facility shall collect, at a minimum, four independent samples for each downgradient well to statistically compare against the promulgated MCL. It is suggested that quarterly samples be taken for one year to develop adequate, independent data for the comparison.

Facilities that demonstrate that no Appendix 5.1 constituent exceeds the respective MCL are eligible for expansion under Virginia Code §10.1-1408.1.N. Facilities that fail the demonstration cannot expand laterally without a major permit amendment.

Facilities can expand only into areas which were permitted for disposal prior to March 15, 1993 and category 3 facilities must first install liners and leachate control systems in accordance with the regulations before expansion. If the notification submitted does not contain such language, then the Department's evaluation shall include the requirements. Additional requirements may be necessary to ensure compliance with the regulations and to prevent a substantial present or potential threat to human health and the environment.