

MEMORANDUM

TO: Solid Waste Permit Staff

FROM: Karen Jackson Sismour
Director, Waste Division

COPY: Leslie Romanchik

DATE: April 19, 2001

SUBJECT: SW 03 - 2001 (Waste Procedure #4 – **Revised**)
Local Government Certification for Non-Captive Industrial Landfills
Amendment to Va. Code Section 10.1-1408.1.B. (HB 981)

Va. Code Section 10.1-1408.B. stipulates that no application for a new solid waste management facility permit shall be complete unless it contains the following information: 1) local government certification; 2) disclosure statement; 3) for property not covered by a zoning ordinance, certification from the local government that a public hearing has been held; 4) for new sanitary landfills or transfer stations, information regarding public notice and hearing procedures undertaken prior to submittal of the notice of intent; 5) for new or expansions of exiting municipal solid waste landfills, a statement, signed by the applicant, guaranteeing that sufficient disposal capacity will be available in the facility to enable localities to comply with solid waste management plans and certifying that such localities will be allowed to contract for and reserve disposal capacity in the facility; and 6) for new or expansions of exiting municipal solid waste landfills certification that a host agreement has been reached between the applicant and the locality.

The 2000 Session of the General Assembly revised this section to expand the requirements for local government certification, or for property not covered by a zoning ordinance, certification from the local government that a public hearing has been held and the requirement for disclosure statements to an "application for a permit amendment or variance allowing a category 2 facility to expand or increase in capacity ". A category 2 facility is defined as a "nonhazardous waste facility, other than those that are located on

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property owned or controlled by the generator of the waste disposed in the facility....."
(i.e., a non-captive industrial waste landfill).

As a result, a non-captive industrial waste landfill that proposes to expand laterally or vertically, either under a permit amendment or a variance, must comply with all applicable requirements under Section 10.1-1408.B. as noted above. These provisions however, do not apply to facilities expanding under the provisions of Va. Code Section 10.1-1408.1.N.

These requirements will be evaluated using existing permit review procedures.

If there are any questions concerning this new requirement or the procedures for implementation, please see Leslie Romanchik.