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Proposed Regulation
Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC20-70 9VAC20-81
VAC Chapter title(s)	Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities Solid Waste Management Regulations
Action title	Amend Regulations to Ensure Financial Assurance is Sufficient for Proper Closure, Post-Closure Care, or Corrective Action at Solid Waste Management Facilities
Date this document prepared	November 12, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 17 (2026) (EO 17), any instructions or procedures issued by the Department of Planning and Budget (DPB) pursuant to EO 17, the *Regulations for Filing and Publishing Agency Regulations* (1 VAC 7-10), and the *Form, Style, and Procedure Manual for Publication of Virginia Regulations.*

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

As explained in the Notice of Intended Regulatory Action (NOIRA), the original intent of this regulatory action was to amend or modify the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70) to ensure that the amount of financial assurance provided is sufficient to cover all costs for leachate pretreatment systems, closure, postclosure care, and any necessary corrective action and remediation at a solid waste management facility. Corresponding amendments or modifications to the Solid Waste Management Regulations (9VAC20-81) were also anticipated.

After the NOIRA was submitted to the Registrar but before the NOIRA was published in the Virginia Register of Regulaitons on July 13, 2026, Governor Spanberger approved Virginia's 2026-2028 Biennial Budget (Chapter 1 of the 2026 Special Session I Acts of Assembly) on June 29, 2026. Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly directs the Virginia Department of Environmental Quality (the Department or DEQ) to make necessary revisions to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment." Item 365 C also directs that: "[t]he regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill [(ETLF)]. The regulations shall allow the Department to review any facility's financial assurance to ensure compliance and shall include enforcement provisions sufficient to enable the Department to achieve compliance." Further, Item 365 C provides that "[t]he regulatory actions necessary to effectuate the requirements of this item are hereby exempted from the provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq.)" and that "[t]he Department shall complete such regulatory actions without further action by the Virginia Waste Management Board."

This proposed regulation makes the necessary changes to the Solid Waste Management Regulations to align the chapter with the changes made in the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities required by Item 365 C of the 2026 Special Session I Acts of Assembly. This proposed regulation also includes supporting requirements to ensure that landfill design, construction, operation, gas and leachate monitoring, corrective actions, and financial assurance are sufficient to address the possibility of an ETLF. This proposed action also corrects cross-references, typographical errors, and removes outdated information.

Acronyms and Definitions

Define all acronyms and technical terms <u>used in this form</u> that are not defined in the "Definitions" section of the regulation.

Board – Virginia Waste Management Board
Department or DEQ – Virginia Department of Environmental Quality
ETLF – Elevated Temperature Landfill
MACT AAAA – National Emissions Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills contained within 40 CFR 63.1930 through 63.1990
U.S. EPA – United States Environmental Protection Agency
VAC – Virginia Administrative Code

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in EO 17, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part." For changes in response to federal mandates, indicate the extent of discretion related to the proposed regulatory changes, the rationale for the changes, and briefly indicate how the federal mandate aligns with the best interest of public welfare.

The impetus for this regulatory action is the recent abandonment of a solid waste management facility in Central Virginia, and the Department's utilization of the owner's financial assurance, the amount of which is insufficient to close and maintain the facility in a manner that is protective of public health and the environment due to the presence of elevated temperatures. Without sufficient financial assurance to ensure solid waste management facilities will be able to cover all costs for closure, postclosure care, and any necessary corrective action, communities and the environment may risk significant impacts.

In addition, Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly requires amendments to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment." Item 365 C also provides that "[t]he regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill." As a result of the changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities corresponding updates to the Solid Waste Management Regulations are necessary to ensure landfills are designed, constructed, operated, monitored and funded to address and respond to potential ETLF conditions.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 10.1-1402 11 of the Code of Virginia, authorizes the Virginia Waste Management Board to promulgate and enforce regulations necessary to carry out the requirements of the Virginia Waste Management Act (Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia). Section 10.1-1408.1 of the Code of Virginia requires a person who operates any sanitary landfill or other facility for the disposal, treatment or storage of nonhazardous solid waste to obtain a permit from the Director of the Department.

Section 10.1-1410 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations to ensure that if a solid waste disposal, transfer or treatment facility (i.e., a solid waste management facility) is abandoned, the costs associated with protecting public health and safety may be recovered from the person abandoning the facility.

The Virginia Waste Management Board has adopted the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70) and the Solid Waste Management Regulations (9VAC20-81) under the authority granted by state law.

Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly requires amendments to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment." Item 365 C also provides that "[t]he regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill."

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The Solid Waste Management Regulations (9 VAC 20-81) establish standards and procedures for the siting, design, construction, operation, maintenance, closure, and postclosure care of solid waste management facilities in the Commonwealth. The regulations also establish other standards and procedures pertaining to the management of solid waste, including requirements to maintain cost-estimates and demonstrate financial assurance for the costs of facility closure, postclosure, and corrective action in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70).

This regulatory action proposes necessary changes to the Solid Waste Management Regulations to align the chapter with changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities required by Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly to ensure owners and operators provide sufficient financial assurance to protect health, safety, and welfare of citizens in the Commonwealth and ensure that financial assurance is sufficient to address the possibility of an ETLF. The recent abandonment of a solid waste management facility in Central Virginia and the Department's utilization of the owner's financial assurance, the amount of which is insufficient to close and maintain the facility in a manner that is protective of public health and the environment due to the presence of elevated temperatures, demonstrates the need to update and amend the current regulations.

New definitions, requirements, and clarifications to existing requirements in the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities are required by Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly. The term "corrective action" in both the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities and Solid Waste Management Regulations previously referred to only groundwater corrective action. In response to the mandate in Item 365 C the term is being defined more broadly in the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities to include all actions necessary to mitigate public health or environmental threats from a solid waste management facility, including corrective actions to address elevated temperatures, landfill stability, and releases to the environment of solid waste, landfill gas, leachate, or constituents of solid waste.

This regulatory amendment is necessary to make corresponding changes to the Solid Waste Management Regulations to adopt the new definition of corrective action, specify requirements for other types of corrective actions beyond groundwater corrective action (such as corrective action for elevated temperatures), and ensure more accurate cost estimates for closure, postclosure, and corrective action are prepared by owners and operators of solid waste management facilities, particularly where there is a possibility of an ETLF.

New requirements are also being added to the Solid Waste Management Regulations for landfills, including expanded gas and leachate monitoring, to provide early detection of ETLF conditions and to require proactive measures and corrective actions to respond to rising landfill temperatures. This regulatory change is protective of human health and the environment as it is intended to assist landfill owners and operators with potentially avoiding ETLF scenarios by providing early recognition and response to rising landfill temperatures. This regulatory change will also strengthen the Commonwealth's financial assurance for solid waste management facilities, reduce the risk of unfunded environmental liabilities (such as ETLFs), and enhance the Department's ability to ensure timely and effective corrective actions of all types.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

New definitions are being added to the Solid Waste Management Regulations for consistency with definitions in the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. Language is being added or revised in several sections of the Solid Waste Management Regulations (i.e., for open dumps, landfills (including ETLFs), surface impoundments, experimental facilities, miscellaneous facilities, and other solid waste management facilities, etc.) to require owners and operators to demonstrate financial assurance for closure, postclosure, and corrective action in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, as applicable. In some instances, a particular section of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities is being cross-referenced for clarity. Language limiting corrective actions to only those involving groundwater is being removed from the Solid Waste Management Regulations because the new definition of corrective action in the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities and Solid Waste Management Regulations will include other types of corrective actions. Additionally, language referencing a specific amount of required financial assurance has been removed from the Solid Waste Management Regulations because the specific amounts required will be specified in the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. A new section is being added to the Solid Waste Management Regulations to specify requirements for ETLF monitoring and corrective action. New requirements for landfill design and construction (benchmarks), landfill operations (topographic surveys), landfill gas management, and leachate management were also added to support activities that aid in early detection of and response to ETLF conditions. These changes correspond to changes in the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities required by Item 365 C of the 2026 Special Session I Acts of Assembly to address ETLF conditions.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, 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, include a specific statement to that effect.

The primary advantages of this regulatory change to the public, the Department, and the Commonwealth, are that it:

- aligns the Solid Waste Management Regulations with changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, including those required by Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly,
- promotes fiscal responsibility of owners and operators of solid waste management facilities by ensuring that adequate cost estimates for financial assurance are maintained for the costs of closure, postclosure, and corrective action, particularly at landfills with elevated temperatures,
- reduces the risk to public health and the environment by ensuring landfill design, construction, operations, monitoring, and financial assurance are sufficient to ensure early detection, proactive response and corrective actions to address ETLF conditions,
- ensures timely corrective actions of all types are implemented by owners and operators of solid waste management facilities,
- protects the agency, Commonwealth, and taxpayers from bearing the financial burden for the costs of closure, postclosure, and corrective action when solid waste management facilities are abandoned, and
- updates requirements for consistency with other regulations and industry standards.

This regulatory change may increase costs for solid waste management facilities, but this regulatory change will promote early detection of conditions, including ETLF conditions, that require corrective action which may reduce corrective action costs.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

Federal Regulations established under Subtitle D of the Resource Conservation and Recovery Act (RCRA), 40 CFR Parts 257 and 258, govern the management of non-hazardous solid wastes, ban open dumping of waste, and set minimum federal criteria for the operation of municipal waste and industrial waste landfills, including design criteria, location restrictions, financial assurance, corrective action (cleanup), and closure requirement. Virginia is authorized to implement these regulations and may set more stringent requirements.

Virginia's Solid Waste Management Regulations include requirements that meet the minimum federal requirements established by the United States Environmental Protection Agency (U.S. EPA), and also include state-developed requirements for construction, demolition, and debris landfills, industrial landfills, incinerators and other solid waste management facilities in accordance with the Virginia Waste Management Act (§§ 10.-1400 through 10.1-1458 of the Code of Virginia). The proposed amendment maintains compatibility with U.S. EPA program approval for Subtitle D facilities and contains requirements for both Subtitle-D and non-Subtitle D facilities, which are broader in scope than Federal requirements.

This amendment proposes to include criteria that is specific to Virginia facilities. Multiple definitions were updated and inserted into 9VAC20-81-10 for consistency with changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities required by Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly. The term "corrective action" has been defined more broadly as part of this regulatory change than as used in the federal regulations to remain consistent with changes required to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities and to ensure that timely and effective corrective actions are taken to respond to ETLF conditions and other conditions that could impact human health and the environment. The federal regulations do not define or specify criteria for "ETLFs" however, ETLF conditions are becoming more common and have led to noxious odors, unpermitted discharges of leachate to surface water, rapid waste settlement, changes in landfill gas composition, increased leachate production, and degradation of leachate quality. Additional operational, monitoring, and reporting requirements are proposed for sanitary landfills that meet certain criteria, in order to potentially avoid, recognize and respond to rising landfill temperatures. These Virginia specific requirements have been added to 9VAC20-81-140 (Operation requirements), 9VAC20-81-200 (Control of decomposition gases), 9VAC20-81-210 (Leachate control), and 9VAC20-81-220 (Control of Elevated Landfill Temperatures). Additionally, a topographic survey requirement is also included in 9VAC20-81-140 (Operation requirements) to monitor the filling of landfills to ensure they are constructed as originally designed and not overfilled. This requirement will also aid in evaluation of slope stability and settlement under ETLF conditions. New landfill requirements will provide additional protection to citizens of the Commonwealth and the environment from impacts by the operation of solid waste facilities as development of residential and commercial properties continues to expand closer to preexisting landfills and elevated temperature landfills become more common. Detection of ETLF conditions and identification of issues with landfill gas, leachate, slope stability, and settlement as a result of these proposed changes to the Solid Waste Management Regulations will ensure that sufficient financial assurance is required by the Financial

Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities consistent with the changes required by Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly.

Identification of Affected Parties

Use the tables below to indicate all Individuals and Entities affected by this regulatory change, either directly or indirectly. The effect could be positive (benefit) or negative (cost). Complete each row:

- *If available information indicates that a party is not affected, report "**none**" in the appropriate row.*
- *If no information exists, report "**unknown**" in the appropriate row.*

For Table 3: Per § 2.2-4007.04, "particularly affected" means any party that bears an "identified disproportionate material impact" that would not be experienced by similar parties. For example, this could be an affected entity that is likely to have a substantially different impact than other affected entities.

Table 1: Directly Affected Parties	
Affected Parties	*Number and Description (Type or Name)*
Individuals	None
Other State Agencies	None
Entities:	
• Localities	Sixteen local government or service authority owned landfills may incur additional costs to perform topographic surveys and provide resulting reports to DEQ (21 local government or service authority owned landfills are already required to perform surveys and provide reports to DEQ under site-specific permit conditions and thus are already incurring these costs). Furthermore, it is anticipated that most (if not all) active landfills already perform (or contract services to perform) and document routine topographic surveys on a voluntary basis for their own purposes and thus are already incurring these costs. For landfills already performing these surveys on a voluntary basis, administrative costs to formalize and provide that documentation to DEQ are expected to be minimal. Seven local government or service authority owned landfills may incur additional costs for gas and leachate monitoring to detect ETLF conditions. However, it is anticipated that most (if not all) landfills already perform this baseline monitoring (or a significant portion of this monitoring). For example, landfills with gas collection wells monitor their wells for methane and carbon dioxide for their own purposes, and wastewater treatment plants receiving landfill leachate typically require sampling and analysis of that leachate for specified constituents on a periodic basis. For landfills already performing monitoring on a voluntary basis, administrative costs to formalize and provide that documentation to DEQ are expected to be minimal.
• Small Businesses	None
• Other Businesses	Fifteen commercial or privately owned landfills may incur additional costs to perform topographic surveys and provide resulting reports to DEQ (25 commercial/privately owned landfills are already required to perform these surveys and provide reports to DEQ under site-specific permit conditions and thus are already incurring these costs). Furthermore, it is anticipated that most (if not all) active landfills already perform (or contract services to perform) and document routine topographic surveys on a voluntary basis for their own purposes and thus are already incurring these costs. For landfills already performing these surveys on a voluntary basis,

	administrative costs to formalize and provide that documentation to DEQ are expected to be minimal. Ten commercial or privately owned landfills may incur additional costs for gas and leachate monitoring to detect ETLF conditions. However, it is anticipated that most (if not all) landfills already perform this baseline monitoring (or a significant portion of this monitoring). For example, landfills with gas collection wells monitor their wells for methane and carbon dioxide for their own purposes, and wastewater treatment plants receiving landfill leachate typically require sampling and analysis of that leachate for specified constituents on a periodic basis. For landfills already performing monitoring on a voluntary basis, administrative costs to formalize and provide that documentation to DEQ are expected to be minimal.
• Other Entities	None

Table 2: Indirectly Affected Parties	
Affected Parties	*Number and Description (Type or Name)*
Individuals	Individual taxpayers would receive a positive benefit because this action will detect and prevent unfunded environmental liabilities such as ETLF conditions from occurring. Additionally, individuals located near landfills may receive a positive benefit from this regulatory action because landfills that avoid, prevent, and manage leachate, gas management, and ETLF conditions are less likely to cause noxious odors, unpermitted discharges of leachate to surface water, and slope stability failures.
Other State Agencies	None
Entities:	
• Localities	Other locality and service authority owned landfills that are not subject to the new monitoring requirements (but may become subject to the requirements in the future) may benefit from increased awareness and detection of leachate, gas management, or ETLF conditions.
• Small Businesses	None
• Other Businesses	Other commercial and privately owned landfills that are not subject to the new monitoring requirements (but may become subject to the requirements in the future) may benefit from increased awareness and detection of leachate, gas management, or ETLF conditions.
• Other Entities	Other entities located near landfills may receive a positive benefit from this regulatory action because landfills that avoid, prevent and manage leachate, gas management, and ETLF conditions are less likely to cause noxious odors, unpermitted discharges of leachate to surface water, and slope stability failures.

Table 3: Particularly Affected Parties
Are any of the parties listed in Tables 1 or 2 “particularly affected” (**Yes, No, or Unknown**). If yes, describe all affected parties and why they are particularly affected: Yes. This regulatory action particularly affects sanitary landfills that are subject to MACT AAAA and are operating at elevated temperatures (as opposed to similar landfills that are not subject to MACT AAAA and/or are not operating at elevated temperatures) as well as active facilities that do not already have a site-specific permit requirement to perform topographic surveys (as opposed to those

that do). However, it is anticipated that most (if not all) active landfills already perform (or contract services to perform) and document routine topographic surveys on a voluntary basis for their own purposes. Additionally, it is anticipated that most (if not all) landfills already perform baseline gas and leachate monitoring (or a significant portion of this monitoring). For example, landfills with gas collection wells monitor their wells for methane and carbon dioxide for their own purposes, and wastewater treatment plants receiving landfill leachate typically require sampling and analysis of that leachate for specified constituents on a periodic basis.

Benefits and Costs

For Tables 4 and 5, complete each row:

- *If available information indicates that no benefits or costs are anticipated for a party, report "**none**" in the appropriate row.*
- *If no information exists, report "**unknown**" in the appropriate row.*

Benefits Resulting from Changes

Consistent with § 2.2-4007.04 of the Code of Virginia, use Table 4 to describe all regulatory changes that are anticipated to have benefits. Include benefits that apply to directly and indirectly affected parties, as reported in Tables 1 and 2.

When describing a particular benefit, specify which new or changed requirement creates the benefit. Keep in mind that this is a benefit from the proposed change versus the status quo. Exclude changes that merely improve clarity, formatting, or terminology.

Table 4: Benefits Resulting from Changes

Affected Parties	*Description of Regulatory Change(s) and Resulting Additional Benefit(s)*
Individuals	Updating financial assurance cost estimates to incorporate costs associated with monitoring and maintenance activities to detect and respond to ETLF conditions will decrease the risk of unfunded liabilities paid for by the public. Individual taxpayers would receive a positive benefit from unfunded environmental liabilities that are prevented by this regulatory action. Additionally, individuals located near landfills may receive a positive benefit from this regulatory action because landfills that avoid, prevent and manage leachate, gas management, and ETLF conditions are less likely to cause noxious odors, unpermitted discharges of leachate to surface water, and slope stability failures.
Other State Agencies	None
Entities:	
• Localities	Owners and operators of locality and service authority owned landfills may receive a positive benefit from this regulatory action from increased awareness, potential avoidance and/or early recognition and mitigation of ETLF conditions. Early detection and response to rising landfill temperatures prevents noxious odors, rapid waste settlement, unpermitted discharges of leachate to surface water, and increased costs related to increased gas and leachate production, changes in landfill gas composition and degradation of leachate quality. Additionally, this regulatory amendment will bring the Solid Waste Management Regulations up to date with similar changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. This will reduce confusion and make it easier for regulated entities to comply with requirements.
• Small Businesses	None

• Other Businesses	Owners and operators of commercial and privately owned landfills may receive a positive benefit from this regulatory action from increased awareness, potential avoidance and/or early recognition and mitigation of ETLF conditions. Early detection and response to rising landfill temperatures prevents noxious odors, rapid waste settlement, unpermitted discharges of leachate to surface water, and increased costs related to increased gas and leachate production, changes in landfill gas composition and degradation of leachate quality. Additionally, this regulatory amendment will bring the Solid Waste Management Regulations up to date with similar changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. This will reduce confusion and make it easier for regulated entities to comply with requirements.
• Other Entities	Other entities located near landfills may receive a positive benefit from this regulatory action because landfills that avoid, prevent, and manage elevated temperatures are less likely to cause noxious odors, unpermitted discharges of leachate to surface water, and slope stability failures.

Costs Resulting from Changes

Consistent with § 2.2-4007.04 of the Code of Virginia, use Table 5 to describe all regulatory changes that are anticipated to have costs. Include costs that apply to directly and indirectly affected parties, as reported in Tables 1 and 2.

When describing a particular cost, specify which new or changed requirement creates the cost. Keep in mind that this is a cost from the proposed change versus the status quo. Exclude changes that merely improve clarity, formatting, or terminology.

Table 5: Costs Resulting from Changes	
Affected Parties	*Description of Regulatory Change(s) and Resulting Additional Costs(s)*
Individuals	None
Other State Agencies	None
Entities:	
• Localities	There is a variable cost to locally owned landfills associated with additional survey, monitoring, and reporting requirements. Costs will vary from site-to-site based on the size of the landfill, how many landfill gas collection wells are required to be monitored, whether the landfill conducts its own monitoring or contracts the monitoring to a third party, and the frequency and parameters for leachate monitoring. A topographic survey ranges in cost from $5,000 to $16,000. However, it is anticipated that most (if not all) active landfills already perform (or contract services to perform) and document routine topographic surveys on a voluntary basis for their own purposes. The costs of landfill gas and leachate monitoring are highly variable from site-to-site and cannot be estimated with any certainty. Additionally, it is anticipated that most (if not all) landfills already perform baseline gas and leachate monitoring (or a significant portion of this monitoring). For example, landfills with gas collection wells monitor their wells for methane and carbon dioxide for their own purposes, and wastewater treatment plants receiving landfill leachate typically require sampling and analysis of that leachate for specified constituents on a periodic basis. For landfills already performing surveys and gas and leachate monitoring, administrative costs to formalize and provide that documentation to DEQ are expected to be minimal.
• Small Businesses	None

• Other Businesses	There is a variable cost to commercial and privately owned landfills - associated with additional survey, monitorin,g and reporting requirements. Costs will vary from site-to-site based on the size of the landfill, how many landfill gas collection wells are required to be monitored, whether the landfill conducts its own monitoring or contracts the monitoring to a third party, and the frequency and parameters for leachate monitoring. A topographic survey ranges in cost from $5,000 to $16,000. However, it is anticipated that most (if not all) active landfills already perform (or contract services to perform) and document routine topographic surveys on a voluntary basis for their own purposes. The costs of landfill gas and leachate monitoring are highly variable from site-to-site and cannot be estimated with any certainty. Additionally, it is anticipated that most (if not all) landfills already perform baseline gas and leachate monitoring (or a significant portion of this monitoring). For example, landfills with gas collection wells monitor their wells for methane and carbon dioxide for their own purposes, and wastewater treatment plants receiving landfill leachate typically require sampling and analysis of that leachate for specified constituents on a periodic basis. For landfills already performing surveys and gas and leachate monitoring, administrative costs to formalize and provide that documentation to DEQ are expected to be minimal.
• Other Entities	None

Impact on Your Agency

In Table 6, indicate the overall benefits and costs to your agency resulting from this regulatory action, compared to the status quo. Complete each row.

Table 6: Benefits and Costs for Your Agency
Projected benefits
Are changes expected in any savings or revenues (either one-time or on-going)? (**Yes, No, or Unknown**). If yes, provide a brief explanation: Yes, this regulatory action will ensure that adequate cost estimates and financial assurance are maintained by owners and operators of landfills for the costs of closure, postclosure, and corrective action, particularly at a facility with ETLF conditions. This action will also reduce the risk to public health and the environment by ensuring landfill design, construction, operations, and monitoring are sufficient to ensure early detection, proactive response and corrective actions to address ETLF conditions. Strengthening the Commonwealth's financial assurance and reducing the risks of unfunded environmental liabilities from ETLFs protects the agency from bearing the financial burden for the costs of closure, postclosure, and corrective action when solid waste management facilities are abandoned. Additionally, some permit modifications prompted by this regulatory change may result in additional permit fees received by the agency.
Are changes expected in other (non-monetary) benefits? (**Yes, No, or Unknown**). If yes, describe any other (non-monetary) benefits: Yes. The changes will bring the Solid Waste Management Regulations up to date with similar changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities required by Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly. This will allow staff to more easily and more accurately determine an entity's compliance with all applicable regulatory requirements.
Projected costs

Are changes expected in any expenditures (either one-time or on-going)? (**Yes, No, or Unknown**). If yes, provide a brief explanation: Yes. The agency may incur costs related to staff time and resources to review permit applications, cost estimates, topographic surveys, monitoring records, and notifications prompted by the new regulatory requirements.
Can any costs or revenue loss be absorbed by existing resources? (**Yes, No, or Unknown**). Yes, costs to review permit applications, cost estimates, topographic surveys, monitoring records, and notifications prompted by the new regulatory requirements will be absorbed by existing agency resources.

Other Impacts per § 2.2-4007.04

In Table 7, report the specific benefits and costs expected to result from this regulatory change compared to the status quo. Complete each row.

Table 7: Other Impacts Addressed by § 2.2-4007.04
Are changes in the use and value of private property expected? (**Yes, No, or Unknown**). If yes, describe: the impact, any entities likely to be affected, and the change(s) causing the impact: No.
Are changes in the development of real estate for commercial or residential purposes expected? (**Yes, No, or Unknown**). If yes, describe: the impact, any entities likely to be affected, and the change(s) causing the impact: No.
Are changes in employment expected? (**Yes, No, or Unknown**). If yes, describe the expected change in the number of persons and the types of employment positions affected: Unknown. Environmental consulting firms may see increased employment due to increased monitoring requirements.
For changes affecting Localities only: for any affected Locality, are there sources of potential funds to comply with the changes? (**Yes, No, or Unknown**). If yes, describe the sources of potential funds: No.
For changes affecting Small Businesses only: for any affected Small Business, are there projected reporting, recordkeeping, and other administrative costs, including any necessary professional skills to prepare documents? (**Yes, No, or Unknown**). If yes, describe these costs and skills: No. These changes are not expected to impact small businesses.

Alternatives to Regulation

Consistent with EO 17, and §§ 2.2-4007.04 and 2.2-4007.1 B of the Code of Virginia, for any regulatory change describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome, less costly, and least intrusive alternative.

The only alternative to this regulatory change is to keep the Solid Waste Management Regulations (9VAC20-81) as written. This would cause the definitions, cross-references, and requirements within the Solid Waste Management Regulations to be inconsistent with changes to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70) required by Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

This regulatory change updates language in the Solid Waste Management Regulations (9VAC20-81) to maintain consistency with definitions, cross-references, and requirements to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70) in response to item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly. The only alternative to this regulatory amendment is to maintain the status quo and not make the changes to definitions, cross-references, and requirements. Maintaining the status quo would result in inconsistency between Solid Waste Management Regulations (9VAC20-81) and Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70).

Additionally, establishing less stringent compliance, reporting, and financial assurance requirements for landfills may increase the possibility of ETLF conditions. ETLFs pose risks to human health and the environment such as noxious odors, rapid waste settlement, increased leachate production, degradation of leachate quality, unpermitted discharges of leachate to surface water, landfill instability. If an elevated temperature landfill is abandoned, the Commonwealth and taxpayers may face financial burdens of covering skyrocketing costs for closure, postclosure and corrective action beyond available financial assurance.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 17, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the

continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

A periodic review of these regulations was not announced in the Notice of Intended Regulatory Action for this amendment.

Public Comment

For all comments submitted, including those received on the Town Hall, in a public hearing, or directly to the agency:

1) *Summarize all comments received during the public comment period following publication of the previous stage, and provide the agency's response.*
2) *If no comments were received, enter "**none**."*

Commenter	Comment	Agency response
S. E. Bailey	I live in Cumberland, VA with a proposed landfill looming. Our citizen's health, our environmental health and financial welfare should not be compromised and exploited for financial gain from the landfill owners. It defies logic that tons of trash and toxic material can be heaped on a thin liner and there will not be environmental consequences and expensive remediation. Citizens and taxpayers should not be financially responsible for the obvious detrimental results of landfills. Quality of life and environmental ramifications are already too high price for the landfill owner"s avarice. Make them accountable for the closing costs and all other landfill related costs upfront. Shoosmith landfill is Chesterfield County is projected to cost $173 million dollars for proper closure and incalculable citizen health and environmental costs. Make the landfill owners pay now and in the future upfront. They will all declare bankruptcy if given the opportunity. Our taxpayers should not have to financially clean up their predictable trash.	Item 365 #~~1c~~ C of Chapter 1 of the 2026 Special Session I Acts of Assembly directed DEQ to amend the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, 9VAC20-70, to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment. The regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill. The regulations shall allow the Department to review any facility's financial assurance to ensure compliance and shall include enforcement provisions sufficient to enable the Department to achieve compliance." This budget action provided an exemption from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and from further action by the Virginia Waste Management Board; therefore, amendments to 9VAC20-70 will proceed outside of this regulatory action. However, the amendments to the Solid Waste Management Regulation, 9VAC20-81, align with the changes required to the Financial Assurance Regulations for Solid

		Waste Disposal, Transfer, and Treatment Facilities required by Item 365 C.
Elizabeth Myers	A few years back I participated in a group that was trying to get state tipping fees in place for Virginia. I forget the reason why, but the recommendation never did make if before the General Assembly. Placing a required per ton State tipping fee on all garbage might be a good starting point. For example, the fee could be $5 or $10 per ton, with all the funds being deposited in a fund set aside for situations like the Shoosmith one in Chesterfield. This way, funds in this account would be used prior to asking the tax payers to pay it. The $10.6 million for Shoosmith is just the tip of the iceberg. A better job needs to be done of vetting the financial status of these companies before they are permitted to start up, this includes parent corporations. Too often it is found that companies operating this type of business are actually owned by people in foreign countries. Then this brings into question, what legal actions can a State take against a company in a foreign country. Review their backgrounds and especially their changes in key personal and financial status and determine if they are heavily leveraged. DEQ needs to be more effective with their monitoring process and follow-up as it is amazing that the weaknesses at Soosmith were found by the County personnel and not DEQ. Just think how many people could be hired by DEQ to complete necessary monitoring with $10.6 million. Perhaps DEQ needs to test wells outside landfill sites and not just within the boundaries. A large non-revocable cash bond of $250 - $500 millon is reasonable in these types of projects where there are so many outs the companies	Current state law does not authorize the Virginia Waste Management Board or DEQ to implement a state tipping fee. Section 10.1-1400 of the Code of Virginia defines “disclosure statement” and requires the disclosure statement to be a sworn statement or affirmation that includes names, addresses, and specified information about key personnel and any business entity that holds an equity interest of five percent or more in the solid waste permit applicant or permittee. Section 10.1-1405 D. of the Code of Virginia states “The Director shall obtain a criminal records check pursuant to § 19.2-389 of key personnel listed in the disclosure statement when the Director determines, in his sole discretion, that such a records check will serve the purposes of this chapter.” The applicant for a permit is also required to provide a certification from the State Corporation Commission that the business is a valid entity and authorized to transact business in Virginia. Additionally, the Virginia Department of Professional and Occupational Regulation also interacts with individuals to issue licenses to certified waste management facility operators and requires disclosure of any convictions of any misdemeanor or felony. The Director has the authority to obtain a criminal records check; however, it may not be necessary to conduct a criminal review of all applicants. Prior to and during operation of a facility, permittees must demonstrate financial assurance for closure, postclosure care and groundwater corrective action, if applicable. These cost estimates are based on a maximum area that is constructed and the cost of a third party to close the facility and conduct postclosure care and corrective action if required. In accordance with Article 3 of 9VAC20-70, financial assurance cost estimates shall be updated whenever there are changes at the facility that increase the costs of closure, postclosure or groundwater corrective action, and annual increases to financial assurance are required to account for inflation. Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly requires changes

	can take and it is left up to the taxpayers to carry the burden.	to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (outside of this regulatory action) to ensure financial assurance is sufficient to address the possibility of an elevated temperature landfill. Additionally, changes have been proposed to the Solid Waste Management Regulations as part of this regulatory action to require monitoring to facilitate early detection and mitigation of elevated temperature landfill conditions and to allow a more accurate estimation of closure, postclosure and corrective action costs for financial assurance to align with the changes required by Item 365 C to the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.
Andrew Monk	The recent facility abandonment identified by DEQ demonstrates the importance of maintaining adequate and accessible financial assurance. At the same time, regulatory amendments should be targeted to the deficiencies that caused or contributed to that circumstance and should not impose unnecessarily conservative or duplicative requirements on compliant facilities. Where DEQ is concerned about abandonment risk, enhanced requirements should focus on indicators such as repeated noncompliance, failure to update financial assurance, deteriorating financial condition, loss of a treatment outlet, inactive or abandoned status, or failure to perform required closure work. Compliant operating facilities should not automatically be subjected to assumptions or requirements developed for distressed or abandoned facilities. The revised cost-estimate process should be site-specific, risk-based, and consistent with conventional construction estimating practices. DEQ should identify the cost categories that must be evaluated while allowing owners and	DEQ has targeted the proposed changes to address deficiencies in the regulations and allow for site-specific monitoring, corrective action, and financial assurance estimates. Additional monitoring and routine survey requirements are being proposed to promote early detection of ETLF conditions. Clarifications are also being added to ensure more accurate estimation of closure, postclosure and corrective action costs for financial assurance. These costs are to account for all facility operations costs associated with landfill gas and leachate management, as well as associated monitoring. This is in addition to covering costs for closure construction. Proactive measures are needed to ensure adequate financial assurance is available since waiting until facilities are non-compliant is more likely to result in insufficient funds. Cost estimate determination will continue to be site-specific and based on worst case operating and maintenance costs. Proposed regulatory changes clarify costs to be incorporated into estimates, including but not limited to monitoring associated with all facility operating permits. As stated, costs should be based on site-specific data when available and can be reduced as operating costs change during postclosure care or corrective action. Financial assurance mechanisms are not part of the Solid Waste Management

	operators to use documented quantities, recent bids, actual contracts, local market data, published cost information, and professional engineering judgment. A rigid statewide worksheet or mandatory unit-cost schedule could produce estimates that do not reflect actual facility conditions. Site-specific estimates should therefore control because closure costs vary based on final-cover design, material availability, haul distance, topography, existing infrastructure, previously closed acreage, and regional construction conditions. For leachate management, cost estimates should be based on the management method authorized by the facility's permit. Leachate quantities should be estimated using representative site-specific data, including actual flow records, acreage and cover conditions, precipitation, operational history, and the expected effects of final closure. Statewide default values may be appropriate where adequate site-specific data are unavailable, but facilities should be permitted to demonstrate alternative quantities through documented engineering analyses. Peak active-life leachate generation should not automatically be assumed for every year of the post-closure period. DEQ should also avoid unnecessarily narrowing the mechanisms available to demonstrate financial assurance. Financially sound options such as bonds, letters of credit, insurance, trust funds, and applicable financial tests should be retained, subject to reasonable safeguards. The regulations should preserve an appropriate range of financial-assurance mechanisms while focusing enhanced requirements on facilities presenting demonstrated financial, operational, or compliance risks.	Regulations. Item 365 #~~1c~~ C of Chapter 1 of the 2026 Special Session I Acts of Assembly directed DEQ to amend the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, 9VAC20-70, to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment. The regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill." This budget action provided an exemption from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and from further action by the Virginia Waste Management Board; therefore, amendments to 9VAC20-70 will proceed outside of this regulatory action. The Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities also identify allowable mechanisms to include trust funds, surety bonds, letters of credit, certificates of deposit, insurance, corporate and local government financial tests, and corporate and local government guarantees. These mechanisms algin with federal financial assurance requirements for sanitary landfills and the Virginia Waste Management Act The proposed amendments to the Solid Waste Management Regulations are intended to align with the changes to the Financial Assurance Regulations for Solid Waste disposal, Transfer, and Treatment Facilities required by Item 365 C. DEQ appreciates the feedback regarding prioritizing regulatory resources based on environmental risks.

	More broadly, DEQ should consider directing regulatory resources toward field inspection, construction compliance, operational oversight, and enforcement, where environmental impacts are more likely to occur, rather than expanding regulatory requirements for compliant facilities.	
Zach Pauley	Existing financial assurance mechanisms under 9VAC20-70 have proven inadequate to ensure owners and operators fulfill proper closure and post-closure requirements of landfills across the Commonwealth. Corrective action of permitted and unpermitted waste sites is paid by the taxpayers when these financial assurance mechanisms fail and owners are insolvent, whether through federal Superfund or through General Assembly via budget amendment. A variety of financial assurance mechanisms exist for owners and operators to fulfill their statutory requirements. States are authorized to implement their own financial assurance mechanisms, as described more fully in 40 CFR 258.74 (i). Virginia is approved to implement its solid waste program. Virginia DEQ and the Virginia Waste Management Board should convene a Regulatory Action Panel to consider the practicability of developing a more robust financial assurance mechanism to serve as a backstop. Increasing the existing requirements and coverages under 9VAC20-70 only moves the underlying problems into the future. Similar “pooled” financial assurance mechanisms are used successfully within DEQ programs and across the Commonwealth, as seen in unemployment insurance and worker’s compensation. DEQ and the Board should consider the option of becoming an “insurer of last resort” for corrective actions of	Virginia's allowable financial assurance mechanisms for municipal solid waste (sanitary) landfills are limited by the financial assurance mechanisms outlined in 40 CFR Part 258, Subpart G (§§ 258.70 through 258.74). In order to be equivalent to U.S. EPA's regulations, sanitary landfills are limited to those financial assurance mechanisms already identified in the federal regulation. However, 258.74(i) allows approved states to develop their own mechanisms. Financial assurance mechanisms are not part of the Solid Waste Management Regulations. Item 365 ~~#1c~~ C of Chapter 1 of the 2026 Special Session I Acts of Assemblydirects DEQ to amend the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, 9VAC20-70, to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment. The regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill.” This budget action provided an exemption from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and from further action by the Virginia Waste Management Board; therefore, amendments to 9VAC20-70 will proceed outside of this regulatory action. The proposed amendments to the Solid Waste Management Regulations are intended to align with the changes to the Financial Assurance Regulations for Solid Waste disposal, Transfer, and Treatment Facilities required by Item 365 C.

	permitted and unpermitted waste cleanups across the Commonwealth. The Virginia Occupational Safety and Health Program is convening a RAP for their heat-stress standard, and provides a good mechanism for interested parties to nominate panel members for the agency to review.	Current state law does not authorize the Virginia Waste Management Board or DEQ to become an "insurer of last resort".
Jacob Sherrod	I am a firm believer in the Strong Towns ethos that larger projects should bear a larger burden of costs; landfills are massive investments, and thus should be required to put away similarly sized amounts of funding to ensure their safety should the operator experience issues like bankruptcy. By requiring additional funding stores, the taxpayer is shielded from acting as the safety net for corporate profits.	Item 365 C of Chapter 1 of the 2026 Special Session I Acts of Assembly directs DEQ to amend the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, 9VAC20-70, to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment. The regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill. The regulations shall allow the Department to review any facility's financial assurance to ensure compliance and shall include enforcement provisions sufficient to enable the Department to achieve compliance." This budget action provided an exemption from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and from further action by the Virginia Waste Management Board; therefore, amendments to 9VAC20-70 will proceed outside of this regulatory action. The proposed amendments to the Solid Waste Management Regulations are intended to align with the changes to the Financial Assurance Regulations for Solid Waste disposal, Transfer, and Treatment Facilities required by Item 365 C.
AL	This looks to be a helpful amendment considering what is going on with the Shoosmith Landfill in Chesterfield, Virginia.	Thank you for the support of this regulatory action.
Cynthia Booten	From Cynthia J. Booten on 9 VAC 20 -70. my email is boocj@msn.com I have been resident at this same address for 35+ years. Thanks C.J. Booten	Thank you for your comment.

John Janson	Hello, I recently received notice from DEQ that the DEQ might now want to “Amend Regulations to Ensure Financial Assurance is Sufficient and Proper”. The sheet says the comment period closes this Wednesday and that there is “Currently One Comment”….. This appears as though DEQ wants to hide the ball and avoid public comment. For example, I would like to comment in detail, but am not sure I can do so in the time allotted. Further, the links on the page do not work, so hence this email to you. If DEQ is at all serious about dealing with these problems, a serious public dialogue and substantial public comment period are a must. If however the Shoosmith Brothers are running this, you are doing just fine…. Please properly advertise this and expand the public comment period, as well as schedule public meetings to deal with these issues in a forthright manner. Thank you, John Janson 434-953-8794	This comment appears to describe a third-party mailing notification the requestor received from an entity other than DEQ. The Notice of Intended Regulatory Action (NOIRA) was published in the Virginia Register on July 13, 2026, at which time the public comment period began.The agency background document was made available on the Virginia Regulatory Town Hall website. The public comment period ended on August 12, 2026. As required by the Administrative Process Act, there will be a 60 day public comment period on the proposed regulation before the final regulation is considered by the Virginia Waste Management Board.
Carroll Courtenay (on behalf of the Southern Environmental Law Center) and Jameson Brunkow (on behalf of the James River Association)	The Southern Environmental Law Center the James River Association support the Virginia Waste Management Board’s (the Board’s) intent “to amend or modify the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9 VAC 20-70) to ensure that financial assurance is sufficient to cover all costs for leachate pretreatment systems, closure, post-closure care, and any necessary corrective action and remediation at a solid waste management facility.” The disaster unfolding at the Shoosmith landfill in Chesterfield County—where the $19.3 million in provided financial assurances are nowhere near enough to cover the $173 million in estimated postclosure costs—highlights some of the shortcomings of Virginia’s existing regulatory provisions regarding solid waste disposal	Thank you for the support on the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. Item 365 C Chapter 1 of the 2026 Special Session I Acts of Assembly directs DEQ to amend the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, 9VAC20-70, to "ensure that financial assurance is sufficient for design, construction, and operation of: i) a landfill cap, ii) leachate management, iii) gas collection and management and iv) other activities necessary to maintain the landfill in a manner that protects human health and the environment. The regulations shall also ensure that financial assurance is sufficient to address the possibility of an elevated temperature landfill. The regulations shall allow the Department to review any facility's financial assurance to ensure compliance and shall include enforcement provisions sufficient to enable the Department to achieve compliance." This budget action provided an exemption from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and from further action by the Virginia Waste Management

	facilities. The Financial Assurance Regulations have not been substantively amended in over 25 years. They are inadequate to protect taxpayers, public health, and the environment and they are long overdue for an update. Only addressing the Financial Assurance Regulations as part of this regulatory action, however, would be short-sighted. While the Agency Background Document indicates that "[c]orresponding amendments or modifications to the Solid Waste Management Regulations (9 VAC 20-81) may also be necessary," such updates are critical to ensure the sufficiency of the financial assurance regulatory regime. The amount of financial assurance a facility must provide is based on cost estimates developed in accordance with requirements for closure, post-closure, and corrective action—requirements that are set out in the Solid Waste Management Regulations. While these cost estimates should be part of the basis to determine the amount of financial assurance required, these elements are also undeniably impacted by decisions and requirements related to a facility's siting, design, construction, operation, and maintenance. These components are also governed by the Solid Waste Management Regulations, and they need to be updated as well. In fact, the Board voted to update portions of the Solid Waste Management Regulations in 2022, but the proposal was ultimately withdrawn by the Youngkin administration. In 2019, a periodic review identified the need to update Virginia's Solid Waste Management Regulations and a Regulatory Advisory Panel (RAP) was convened to develop amendments to the regulations. The RAP process resulted in proposed regulatory changes that would have "improve[d] standards for the siting,	Board; therefore, amendments to 9VAC20-70 will proceed outside of this regulatory action. Thank you for the additional feedback on the Solid Waste Management Regulations. The corresponding proposed amendments to the Solid Waste Management Regulations (9VAC20-81, to align with changes to 9VAC20-70 in response to Item 365 C remain within the scope of this regulatory action. Proposed updates to the Solid Waste Management Regulations to ensure consistency and adequate funding for financial assurance include monitoring and corrective action requirements for elevated temperature conditions, routine topographic survey to monitor for overfill and settling, and clarification of financial assurance cost estimates.

	operation and monitoring of landfills and revise[d] the open burning exemptions to be more protective of human health and the environment." Among other things, these changes would have increased buffers from property boundaries as well as certain types of uses (such as residences and day care facilities), clarified the definition of "solid waste management boundary," required weekly cover for industrial landfills, required heightened notifications for gas compliance level exceedances, and prohibited open burning. Unfortunately, these amendments never went into effect. We therefore urge the Board to also comprehensively review and amend Virginia's Solid Waste Management Regulations as part of this regulatory action. The Commonwealth must ensure it implements the most up-to-date, state-of-the-art siting, construction, operation, closure, and post-closure requirements for solid waste facilities to protect public health and the environment. And unless these underlying requirements are updated, Virginia's Financial Assurance Regulations will be tied to outdated standards that ultimately result in inaccurate and inadequate financial assurances that fail to cover the true cost of the long-term care of these facilities.	

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held by completing the text below.

The Virginia Waste Management Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: https://townhall.virginia.gov. Comments may also be submitted by mailor email to Rebecca Rathe, 4411 Early Road, Harrisonburg, VA 22801, telephone: (540) 830-7241, Rebecca.rathe@deq.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. For any applicable table:

1) *Enter the current Chapter and Section number. If the existing VAC Chapter(s) or sections are being repealed and replaced, include both the current and the new number for each current and replacement section.*
2) *Provide a summary explanation of the current requirements and what they mean. **DO NOT** quote the text of the current regulation.*
3) *Provide a summary explanation of the new requirements and what they mean. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. **DO NOT** quote the text of the new regulation.*

*Use all tables that apply **but delete tables that are not used.***

Table 9: Amending or Repealing Existing VAC Chapter(s)
If an existing VAC Chapter(s) is being amended or repealed, use Table 9 to describe the changes between the existing VAC Chapter(s) and the proposed regulation.

Current (and New) Chapter - Section number	SUMMARIZE (do not quote) current requirements in the VAC	Change, intent, rationale, and likely impact of new requirements
9VAC20-81-10	Definitions	Additional language is being added to the term “benchmark” to provide examples of acceptable coordinate systems for benchmark location data. These clarifications support the topographic survey requirement included in 9VAC20-81-140. These changes are consistent with industry standards and will provide standardization of survey data submitted to the Department.
9VAC20-81-10	Definitions	A new definition for "corrective action" was added for consistency with the definition in 9VAC20-70-10 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.
9VAC20-81-10	Definitions	A new definition for "elevated temperature landfill (ETLF)" was added for consistency with the definition in 9VAC20-70-10 of the Financial

		Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.
9VAC20-81-10	Definitions	A new definition for “MACT AAAA" was added for consistency with the definition in 9VAC20-70-10 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.
9VAC20-81-10	Definitions	A new definition for “qualified environmental scientist” was added to specify qualifications for individuals certifying ETLF corrective actions.
9VAC20-81-45 C (9VAC20-81-45 C 6)	Specifies site evaluation and remedial action requirements for open dumps	Language was added to specify that when remedial action is required for open dumps in accordance with 9VAC20-81-45, financial assurance is required in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70), as applicable.
9VAC20-81-130 G	Landfill design and construction requirements - benchmarks	Additional language has been added to provide clarification to the requirements for benchmark datums and for consistency with industry standards. Default datum standards are now specified, and the flexibility exists for a different datum or geographic coordinate system to be used, if appropriate. These clarifications support the topographic survey requirement included in 9VAC20-81-140. This will provide standardization of survey data submitted to the Department.
9VAC20-81-130 J 1 b (3)	Sanitary Landfill- bottom liner- Hydraulic conductivity of lower liner	The regulation is being updated to change the hydraulic conductivity of the lower geosynthetic clay liner (GCL) from $1x10^{-9}$ cm/sec to $5x10^{-9}$ cm/sec to be consistent with industry standards.
9VAC20-81-140 B 3	Landfill Operations – Corrective Action Program	Language was added for consistency with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities and new definition of “corrective action” to clarify that this reference is strictly for groundwater corrective action.

9VAC20-81-140 (9VAC20-81-140 B 18)	Landfill Operations	A new requirement is being included in the regulation for active landfills to conduct an annual (or biennial) topographic survey and report the results to the department. The surveys will provide more accurate and updated information to the facility and the department on the current capacity and grades of the fill area, the remaining life of the landfill, and assist with planning for future landfill capacity. Survey reports will supplement and validate information provided in Solid Waste Information and Assessment (SWIA) reports. This survey requirement will also help to ensure that the final elevations of the landfill are as permitted and will prevent the overfilling of landfills from occurring. This requirement will also aid in evaluation of slope stability and settlement under ETLF conditions. Landfills receiving fewer quantities of waste (those with a permitted daily disposal limit of 300 tons per day or less) are only required to conduct the survey on a biennial basis (once every 24 months) whereas all other landfills must survey and report on an annual basis (once every 12 months). Many landfills are already required by their existing solid waste permit to conduct these surveys.
9VAC20-81-160 B 1 f	Requires a closure cost estimate as part of a closure plan for solid waste disposal facilities for the purpose of financial assurance	Language has been added to 9VAC20-81-160 to clarify that the closure cost estimate in the closure plan must comply with 9VAC20-70-111 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.
9VAC20-81-160 B 2	Requires amendment of closure plan when certain changes affect the closure plan	Language has been added to 9VAC20-81-160 to clarify types of changes at a facility that require an amendment of the closure plan. This change is consistent with revisions to 9VAC20-70-111 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, which require that owners or operators revise cost estimates in closure plans when changes in site conditions increase the cost of closure.
9VAC20-81-160 D (9VAC20-81-160 D 7)	Closure implementation	Language has been added to 9VAC20-81-160 to clarify when the facility may stop demonstrating financial assurance for closure costs in accordance with the requirements in the Solid Waste Management Regulations and Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.

9VAC20-81-170 A 2	Postclosure Care Plan	Corrected typographical errors.
9VAC20-81-170 A 2 (9VAC20-81-170 A 2 d)	Details the minimum requirements for a written postclosure plan for solid waste disposal facilities	Language has been added to 9VAC20-81-170 to specify that the postclosure cost estimate in the postclosure plan must comply with 9VAC20-70-112 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. This change is consistent with existing language in 9VAC20-81-160 regarding the closure cost estimate in the closure plan.
9VAC20-81-170 A 3	Postclosure care plan review and approval	Language has been added to 9VAC20-81-170 to clarify types of changes at a facility that require an amendment of the postclosure care plan. This change is consistent with 9VAC20-70-112 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, which requires that owners or operators revise cost estimates in postclosure plans when changes in site conditions increase the cost of postclosure.
9VAC20-81-170 B 2 d	Minimum length of postclosure care period	Language has been added to 9VAC20-81-170 B 2 to clarify that if corrective action takes longer than the minimum length of time designated for postclosure care under items a through c of subdivision 2, the postclosure care period shall be extended for the length of time required to complete corrective action. This change ensures that corrective action and the associated financial assurance for corrective action are not prematurely discontinued based on the expected length of postclosure care.
9VAC20-81-170 B 2 d (9VAC20-81-170 B 2 e)	Minimum length of postclosure care period	Renumbering of item d to e
9VAC20-81-170 C 1	Termination of postclosure care	Minor editorial changes.
9VAC20-81-170 C 2	Postclosure care termination	Language has been added to 9VAC20-81-170 to clarify that if the department does not approve termination of postclosure care, financial assurance must continue to be maintained in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.

9VAC20-81-170 D 1 b	Owner or operator postclosure plan review	Language referencing corrective action measures per 9VAC20-81-260 (groundwater-specific corrective action requirements) has been removed for consistency with the new definition of “corrective action” in 9VAC20-70-10 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, which includes other types of corrective actions beyond groundwater corrective action.
9VAC20-81-200	Control of decomposition gases	Language has been added to 9VAC20-81-200 to clarify the purpose and scope of landfill gas control, which includes venting, collection, and control as well as management of ETLF conditions. Language was also revised to correct cross-references to air regulations. Additionally, minor editorial changes have been made.
9VAC20-81-200 A 1	General Requirements	Language has been added to 9VAC20-81-200 to clarify the owner or operator shall manage decomposition gases generated at the landfill and that venting and collecting are also methods to control decomposition gases.
9VAC20-81-200 A 2	General Requirements	Language has been added to 9VAC20-81-200A2 to clarify that the owner or operator shall perform a demonstration to end gas collection in addition to monitoring and control of landfill gas.
9VAC20-81-200 A 3	Control of decomposition gases – gas monitoring and control systems	Language has been added to 9VAC20-81-200 to require gas systems to be modified to reflect ETLF conditions. This change is necessary for consistency with the new definition of ETLF in 9VAC20-70-10 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, which states that ETLF reactions can lead to changes in landfill gas composition and require different management strategies compared to typical municipal solid waste landfills.
9VAC20-81-200 A 4	General requirements	Language has been added to 9VAC20-81-200 to require landfills with gas collection and control systems to have sufficient gas wells to remove landfill gas, heat, and pressure as this prevents and controls ETLF conditions and reduces odors.
9VAC20-81-200 A 4	Reduction of gas monitoring or control	Renumbering from 200 A 4 to 200 A 5 and adding collection to the list of landfill gas activities that require approval prior to reducing.

(9VAC20-81-200 A 5)		
9VAC20-81-200 B 3 (9VAC20-81-200 B 4)	Additional gas monitoring at certain landfills	Language has been revised to reorder items 3 and 4, to correct cross-references to air regulations, and to require additional monthly monitoring of gas collection wells for methane, carbon dioxide, and methane to carbon dioxide ratio at landfills meeting certain requirements under the air regulations.
9VAC20-81-200 C 2 (9VAC20-81-200 C 2 a and b)	Specifies the minimum requirements for gas remediation in response to a methane compliance level exceedance at a solid waste disposal facility	Language has been added to 9VAC20-81-200 for consistency with 9VAC20-70-113 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, which requires that facilities provide additional financial assurance for corrective action within 120 days of a landfill exhibiting methane compliance level exceedances at the facility boundary or in landfill structures (excluding gas control or recovery system components) as outlined in 9VAC20-81-200.
9VAC20-81-200 C 4	Systems to control emissions of nonmethane organic compounds	Language was revised to correct cross-references to air regulations.
9VAC20-81-200 C (9VAC20-81-200 C 6)	Landfill gas notifications	Language was added to 9VAC20-81-200 to require notification to DEQ when the ratio of methane to carbon dioxide in any gas wellhead is below 0.9, which is a known early warning sign of ETLF conditions. The requirement includes evaluating the cause of the lowered ratio as there are some situations when a lowered ratio is not indicative of ETLF conditions.
9VAC20-81-200 E (9VAC20-81-200 E 2)	Landfill gas recordkeeping	Language has been added to clarify recordkeeping requirements for gas collection and monitoring systems. A new recordkeeping requirement for monitoring specific to ETLF conditions was added as item 2 resulting in renumbering of subsequent requirements.
(9VAC20-81-200 F)	Landfill gas reporting	Language has been added to specify that gas monitoring records shall be submitted to the department upon request. Flexibility is provided for the department to specify the schedule and format for reporting. This allows for tailored reporting based on site-specific risks and circumstances, which may change over time.

9VAC20-81-210 A	Leachate Management Plan	Language has been added to require a Leachate Management Plan and to clarify additional details that must be included in the plan, including leachate monitoring. Leachate monitoring is an industry standard and is also beneficial for detection and monitoring of ETLF conditions. In lieu of a stand-alone Leachate Management Plan, owners or operators may include the required information in the facility's design plans and design report.
9VAC20-81-210 A 2	Leachate head over liner	Changes have been made to clarify details required in the Leachate Management Plan and to clarify that the leachate collection system shall not only be designed and constructed to maintain less than a 30 cm depth of leachate, but shall also be operated to maintain less than a 30 cm depth of leachate over the liner. This was the intent of the original requirement but is being clarified in this amendment.
9VAC20-81-210 A 4	Leachate Design Plan requirements	Language has been added to clarify details required in the Leachate Management Plan and specify that the plan shall provide for leachate monitoring. Leachate monitoring is an industry standard and is also beneficial for detection and monitoring of ETLF conditions.
9VAC20-81-210 A (9VAC20-81-210 A 5)	Leachate control	Language has been added to 9VAC20-81-210 to require routine leachate maintenance activities to be included in the Leachate Management Plan.
9VAC20-81-210 A (9VAC20-81-210 A 6)	Leachate monitoring	Language has been added to 9VAC20-81-210 to require leachate sampling and analysis for sanitary landfills subject to MACT AAAA. The constituents identified are industry standard for wastewater treatment, and changes to leachate quality and quantity can be an early sign of ETLF conditions.
(9VAC20-81-210 G)	Leachate sampling	Additional language has been added to 9VAC20-81-210 to recognize that it may be necessary for a facility to conduct sampling of surface water, stormwater, or other receptors to confirm if leachate has been released or discharged so that appropriate remedial actions can be determined and implemented.
(9VAC20-81-210 H)	Leachate recordkeeping	Language has been added to 9VAC20-81-210 to require recordkeeping of leachate generation, sampling and analysis results, and leachate seep repair activities corresponding with other

		requirements of this section. Changes to leachate quality and quantity and tracking seeps can help detect early signs of ETLF conditions.
(9VAC20-81-210 I)	Leachate reporting	Language has been added to specify that leachate monitoring records shall be submitted to the department upon request. Flexibility is provided for the department to specify the schedule and format for reporting. This allows for tailored reporting based on site-specific risks and circumstances, which may change over time.
(9VAC20-81-210 J)	Leachate notifications	Additional language has been added to require facilities to notify of leachate conditions that may result from ETLF conditions.
(9VAC20-81-220)	Control of Elevated Landfill Temperatures	A new section for ETLFs has been added to this chapter for consistency with requirements in 9VAC20-70-113 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, which requires financial assurance for ETLF corrective action. The section requires additional gas and leachate monitoring, evaluation of gas collection and control system materials, and updated gas and leachate plans when landfill temperatures in gas collection wells are greater than 145 degrees and less than or equal to 170 degrees Fahrenheit. When a landfill exhibits gas collection well temperatures above 170 degrees Fahrenheit over 15 days, 9VAC20-81-220 requires implementation of an ETLF corrective action plan and specifies information required to be included in an ETLF corrective action plan, including cost estimates for ETLF corrective actions for financial assurance purposes. Language was also added to this section to support requirements in the FA regulations regarding when to release financial assurance for ETLF corrective action.
9VAC20-81-250 E 2 b (1) (g)	Groundwater monitoring recordkeeping and reporting	Language was updated to specify that the department will accept lab reports electronically. The reference to submitting reports in CD-ROM format was removed as specifying the electronic format is limiting, and agency computers do not have CD-ROM drives.
9VAC20-81-260	Corrective action program	Section title revised to clarify the requirements are specifically for the groundwater corrective action program.

9VAC20-81-260 C 1 d	Requires additional financial assurance in the amount of $1 million within 120 days of exhibiting a statistically significant exceedance of groundwater protection standards at a solid waste disposal facility	The requirement to provide financial assurance in the amount of $1 million (specifically) has been removed from 9VAC20-81-160 as the exact amount of financial assurance to be provided for groundwater corrective action is now specified in 9VAC20-70-113 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. Additionally, a revision was made to correct a typographical error in the title of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities.
9VAC20-81-360 2 a	Details the minimum requirements for a written closure plan for solid waste management facilities	Language was added to 9VAC20-81-360 to specify that the closure cost estimate in the closure plan, for solid waste management facilities, must comply with 9VAC20-70-111 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities. This change is consistent with existing language in 9VAC20-81-160 regarding the closure cost estimate in the closure plan for landfills.
9VAC20-81-360 2 b	Requires closure plan amendments when certain changes affect the closure plan	Language was added to 9VAC20-81-360 to clarify the types of changes at a solid waste management facility that require an amendment of the closure plan. This change is consistent with 9VAC20-70-111 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, which requires that owners or operators revise cost estimates in closure plans when changes in site conditions increase the cost of closure.
9VAC20-81-370 (9VAC20-81-370 C)	Closure requirements for surface impoundments and lagoons	Language was added to clarify that owners or operators of surface impoundments and lagoons shall provide financial assurance for closure, postclosure care, and corrective in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70), as applicable.
9VAC20-81-395 (9VAC20-81-395 G)	Miscellaneous facilities	Language was added to clarify that owners or operators of miscellaneous facilities shall provide financial assurance for closure, postclosure care, and corrective in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70), as applicable.
9VAC20-81-410 C	Experimental facilities	Language was added to clarify that owners or operators of experimental facilities shall provide financial assurance for closure, postclosure care,

(9VAC20-81-410 C 4)		and corrective in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70), as applicable.
9VAC20-81-470 A 1 j	Permit application for solid waste disposal facilities design plan sheets	New language has been added to ensure that plan sheets submitted to the Department identify the datum, units of measure, and coordinate systems associated with location information for the site. These clarifications support the topographic survey requirement included in 9VAC20-81-140. These changes are consistent with industry standards and will provide standardization of survey data submitted to the Department.
9VAC20-81-475 (9VAC20-81-475 F)	Part B permit application requirements for CCR surface impoundments	Language was added to clarify that owners or operators of CCR surface impoundments shall provide financial assurance for closure, postclosure care, and corrective in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70), as applicable.
(9VAC20-81-530)	Recording and reporting required of a permittee	Language has been added to specify that records of the most recent leachate monitoring event shall be maintained at the facility for consistency with recordkeeping of other (gas and groundwater) monitoring records.