

1 **Part I - In General**

2 **Article 1 - Purpose**

3 **9VAC20-50-10. [Reserved]**

4 **9VAC20-50-20. Purpose of chapter.**

5 This chapter establishes the criteria which will be used by the ~~Virginia Hazardous Waste Facility~~
6 ~~Siting Council~~ board to evaluate and approve or disapprove applications for hazardous waste
7 facility site certification.

8 **9VAC20-50-30. [Reserved]**

9 **Article 2 - Definitions**

10 **9VAC20-50-40. Words and terms.**

11 Section 10.1-1433 of the ~~Act~~ Code of Virginia defines several words and terms also used in this
12 chapter. Unless the context clearly indicates otherwise, these words and terms will have the same
13 meaning when used in this chapter. In addition, the following words and terms, when used in this
14 chapter shall have the following meaning, unless the context clearly indicates otherwise.

15 "Act" means Sections 10.1-1433 through 10.1-1449 of the Code of Virginia.

16 "Active fault" means a fault which has had displacement in Holocene time.

17 "Active portion" means that portion of a facility where treatment, storage or disposal operations
18 are being conducted. It includes the treated area of a land farm and the active face of a landfill,
19 but does not include those portions of a facility which have been closed in accordance with all
20 applicable closure requirements of the Virginia Department of ~~Health~~ Environmental Quality.

21 "Anion exchange capacity (A.E.C.)" means the exchange capacity for negatively charged ions.

22 (See Cation exchange capacity.)

23 "Anti-degradation goal for groundwater" means if the concentration of any constituent in
24 groundwater is less than the limit set forth by groundwater standards, the natural quality for the
25 constituent shall be maintained; natural quality shall also be maintained for all constituents,
26 including temperature, not set forth in groundwater standards. If the concentration of any
27 constituent in groundwater exceeds the standards for that constituent, no addition of that
28 constituent to the naturally occurring concentration shall be made.

29 "Applicant" means the person applying for certification of site suitability or submitting a notice
30 of intent to apply for that.

31 "Aquifer" means water-bearing geologic formation, group of formations, or part of a formation
32 that is capable of yielding a significant amount of groundwater to wells or springs. An aquifer is
33 unconfined (water table) or confined (artesian) according to whether the upper surface of the
34 water is at atmospheric pressure or at greater than atmospheric pressure.

35 "Attenuation" means any decrease in the maximum concentration or total quantity of a chemical
36 or biological constituent during a fixed time or distance traveled.

37 "Board" means the Virginia Waste Management Board.

38 "Buffering capacity" means the capacity of a soil to take up contaminants through a variety of
39 attenuation processes such as biological activity, dilution, volatilization, mechanical filtration,
40 precipitation, buffering, neutralization and ion exchange. Some attenuation processes result in
41 permanent removal and degradation of pollutants, which others act to store pollutants and by that
42 delay pollution problems but do not eliminate them.

43 "Cation exchange capacity (C.E.C.)" means the excess of counter ions in the zone adjacent to the
44 charged surface or layer which can be exchanged for other cations. The C.E.C. of geological
45 materials is normally expressed as the number of milliequivalents of cations that can be
46 exchanged in a sample with a dry mass of 100 grams.

47 "Community water system" means a waterworks which serves at least 15 service connections
48 used by year-round residents or regularly serves at least 25 year-round residents.

49 "Closure" means the act of securing a hazardous waste management facility pursuant to the
50 requirements of Virginia Hazardous Waste Management Regulations promulgated by the ~~Board~~
51 ~~of Health~~ board.

52 "Construction" means (i) with respect to new facilities, the significant alteration of a site to
53 install permanent equipment or structures or the installation of permanent equipment and
54 structures; (ii) with respect to existing facilities, the alteration or expansion of existing structures
55 or facilities to initially accommodate hazardous waste, any expansion of more than 50% of the
56 area or capacity of an existing hazardous waste facility, or any change in design or process of a
57 hazardous waste facility that will, in the opinion of the ~~council~~ board, result in a substantially
58 different type of facility. It does not include preliminary engineering or site surveys,
59 environmental studies, site acquisition, acquisition of an option to purchase or activities normally
60 incident hereto.

61 "Container" means any portable enclosure in which a material is stored, transported, treated,
62 disposed of, or otherwise handled.

63 "~~Council~~" means the ~~Hazardous Waste Facility Siting Council~~ established pursuant to Chapter

64 ~~14 (§10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.~~

65 "Dam-related flood hazard areas" means areas identified as being dam-related flood hazard areas
66 which fall into one of two categories: areas of dynamic flooding below the dam, or the
67 inundation zone, and areas of static flooding above the dam, or the flood pool. The inundation
68 zone is the area that would be inundated by the water released by the impoundment in the event
69 of a dam flood. The flood pool is defined as the land area above the dam which is prone to
70 flooding during abnormally high runoff or precipitation.

71 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any
72 solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous
73 waste or any constituent ~~of them~~ thereof may enter the environment or be emitted into the air or
74 discharged into any waters, including groundwaters.

75 "Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally
76 placed into or on any land or water, and at which the waste will remain after closure.

77 "Endangered or threatened species habitat" means areas known to be inhabited on a seasonal or
78 permanent basis by or to be critical at any stage in the life cycle of any wildlife (fauna) or
79 vegetation (flora) identified as "endangered" or "threatened" species on official federal or state
80 lists of endangered or threatened species, including the Endangered Species Act, 16 USC §1531
81 et seq., the Virginia Endangered Species Act, §29.1-563 et seq., and the Virginia Endangered
82 Plant and Insect Species Act, §3.1-1020 et seq. or under active consideration for state or federal
83 listing. The definition also includes a sufficient buffer area to ensure continued survival of the
84 species.

85 "Floodplain" means an area adjoining a river, stream or water course which has been or hereafter
86 is likely to be covered by floodwaters.

87 Included in this category are coastal flood hazards which are defined as land areas adjacent to
88 open coast, coastal sounds and their upstream estuaries which are prone to flooding from
89 hurricanes and storm surges with an annual probability of 1.0%.

90 Also included in this definition are riverine flood hazard areas defined as the valley areas
91 adjacent to any size waterway which can be covered by flood waters resulting from excessive
92 rainfall or other factors. The riverine flood hazard areas also fall under the Federal Emergency
93 Management Administration definition of a "Regulatory Floodway" under the National Flood
94 Program. A regulatory floodway includes the channel of the river and the adjacent floodplain
95 that must be reserved in order to discharge the base flood (the flood level anticipated in the 100-
96 year flood plain). The regulatory floodway cannot cause a cumulative increase in the water surge
97 elevation of the base flood of greater than one foot at any point.

98 "Groundwater" means any water, except capillary moisture beneath the land surface in the zone
99 of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water
100 within the boundaries of this state, whatever may be the subsurface geologic structure in which
101 such water stands, flows, percolates or otherwise occurs.

102 "Groundwater quality" means the quality of groundwater as measured against drinking water
103 criteria and standards established by the U. S. EPA and the State Department of Health and
104 adopted by the Virginia State Water Control Board.

105 "Hazardous waste" means a solid waste classified as a hazardous waste by ~~regulations adopted~~

106 ~~pursuant to §10.1-1406 of the Code of Virginia~~ the Virginia Hazardous Waste Management
107 Regulations, 9 VAC 20-60.

108 "Hazardous waste facility" means any facility, including land and structures, appurtenances,
109 improvements and equipment for treatment, storage, or disposal of hazardous wastes, which
110 accepts hazardous waste for storage, treatment or disposal. This definition does not include: (i)
111 facilities which are owned and operated by and exclusively for the on-site treatment, storage or
112 disposal of wastes generated by the owner or operator; (ii) facilities for the treatment, storage or
113 disposal of hazardous wastes used principally as fuels in an on-site production process; and (iii)
114 facilities used exclusively for the pretreatment of wastes discharged directly to a publicly owned
115 sewage treatment works and storage/treatment facilities.

116 "Hundred-year flood" means a flood of that level which on the average will have a 1.0% chance
117 of being equaled or exceeded in any given year at designated locations.

118 "Hydraulic conductivity" means the rate of flow of water in gallons per day through a cross
119 section of one square foot under a unit hydraulic gradient, at the prevailing temperature
120 (permeability coefficient).

121 "Hydraulic gradient" means the change in hydraulic pressure per unit of distance in a given
122 direction.

123 "Incinerator" means an enclosed device using controlled flame combustion, the primary purpose
124 of which is to thermally break down hazardous waste.

125 "Injection well" means a well or bore hole into which fluids are injected into selected geologic
126 horizons. (see also underground injection.)

127 "Inundation zone (below a dam)" means the area that would be inundated in the event of a dam
128 failure.

129 "Karst topography" means a type of topography that may form over limestone, dolomite, or
130 gypsum formations by dissolving or solution, and that is characterized by closed depressions or
131 sinkholes, caves, and underground drainage.

132 "Land treatment facility" means a facility or part of a facility at which hazardous waste is applied
133 onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will
134 remain after closure.

135 "Landfill" means a disposal facility or part of a facility where waste is placed in or on land and
136 which is not a treatment facility, a surface impoundment or an injection well.

137 "Leachate" means a liquid, including any suspended components in the liquid, that has
138 percolated through or drained from hazardous waste.

139 "Monitoring" means all procedures used to systematically inspect and collect data on operational
140 parameters of the facility or on the quality of the air, groundwater, surface water or soils.

141 "Monitoring well" means a well used to obtain water samples for water quality analysis or to
142 measure depth to groundwater table.

143 "Noncommunity water system" means a waterworks that is not a community waterworks, but
144 operates at least 60 days of the year and is for transient use such as restaurants, campgrounds, or
145 rest areas.

146 "Pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is
147 used for treatment or storage.

148 "Point source" means any discernible, confined and discrete conveyance, including, but not
149 limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock,
150 concentrated animal feeding operation, or vessel or other floating craft, from which pollutants
151 are or may be discharged. This term does not include return flows from irrigated agriculture.

152 "Private water system" means all systems not defined under community/noncommunity water
153 systems.

154 "Proximity to an active fault" means located such that potential vibration of a known active fault
155 as defined under "seismic risk zones" or "seismogenic volume" in this chapter may adversely
156 affect the physical integrity of the facility, or such that ground and surface waters associated with
157 such fault may be degraded.

158 "Proximity to a community/noncommunity water system and supply of groundwater" means a
159 site which is located such that the geologic features or characteristics of the site may lead to
160 degradation of the aquifer as a result of operations or in the event of an accident or spill.

161 "Proximity to a community/noncommunity water system and supply of surface water" means
162 within ½ mile of either side of a stream or impoundment for a distance of five stream miles
163 upstream including tributaries, and 1/10 of a mile downstream of any nontidal surface water
164 intake for a public water supply. On tidal affected streams, the site shall be such greater distance
165 than 1/10 of a mile downstream that the tidal action would not cause intake of waters that may be
166 affected by run-off, etc., from the site location. More restrictive requirements of other state
167 regulatory agencies shall apply.

168 "Proximity to a private water system and supply of surface or groundwater" means a site which

169 is located such that the geologic features or characteristics of the site may lead to degradation of
170 the aquifer as a result of operations or in the event of an accident or spill.

171 "Proximity to publicly designated areas" means a site which is located such that the construction
172 and operation of the proposed facility may impair the environmental and aesthetic qualities of the
173 area.

174 "Publicly designated areas" means publicly owned lands designated as seashore areas, wilderness
175 or scenic areas, scenic rivers, wildlife or bird sanctuaries, game lands, state parks and recreation
176 areas and other natural areas. Also included are lands on or proposed for inclusion on the
177 National Register of Historic Places, National Natural Landmarks, Virginia Landmarks Register
178 and scenic easements held by the Virginia Outdoors Foundation. These lands must have been
179 designated or be pursuant to an ongoing program as of the date of the notice of intent.

180 "Recharge" means natural or artificial replenishment or storage of nondegrading (quality) water
181 in an aquifer.

182 "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a
183 facility.

184 "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a
185 facility.

186 "Saprolite" means a soft, earthy, clay-rich, thoroughly decomposed rock formed in place by
187 chemical weathering of igneous and metamorphic rocks.

188 "Saturated zone (zone of saturation)" means that part of the earth's crust in which all voids are
189 filled with water under pressure greater than that of the atmosphere.

190 "Scenic rivers" means rivers designated by the Virginia General Assembly under the Scenic
191 Rivers Act (§10.1-400 et seq. of the Code of Virginia) as worthy of preservation based on their
192 unique environmental and aesthetic characteristics.

193 "Seismic risk zones" means an area where an active fault which has had displacement in
194 Holocene time is present or which has had historical earthquake activity in Modified Mercalli
195 VII or Richter Scale 4, or greater.

196 "Seismogenic volume" means a seismic risk zone of upper crustal rocks where earthquakes are
197 occurring now or in the historic past, or both and that extends from the surface of the earth down
198 to depths of 15-20 kilometers. Such volumes are susceptible to strong seismic shaking (Modified
199 Mercalli Intensity VII or Richter Magnitude 5 or greater) as well as faulting and movement of
200 subsurface rock layers.

201 "Site" means the land or water area upon which a facility or activity is physically located or
202 conducted including but not limited to adjacent land used for utility systems such as repair,
203 storage, whipping or processing areas, or other areas incident to the hazardous waste facility or
204 activity.

205 ~~"Siting Council" means the Hazardous Waste Facility Siting Council established pursuant to~~
206 ~~§10.1-1433 et seq. of the Code of Virginia~~

207 "Soil pH" means the negative log of the hydrogen ion concentration, which commonly ranges
208 from a high (acid) of 0 to a low (alkaline) of 14, neutral being seven.

209 "Soil/saprolite layer" means the unconsolidated materials derived primarily from the in-place
210 weathering of underlying geologic deposits. Saprolite is specifically the unconsolidated

211 weathering product of crystalline bedrock which retains relic bedrock structure. Thickness of the
212 soil/saprolite layer is the depth from the surface to bedrock.

213 "State waters" means all water, on the surface and under the ground, wholly or partially within or
214 bordering the state or within its jurisdiction. For the purpose of this chapter, adjacent wetlands
215 are included in this definition.

216 "Static water level" means the level at which water stands in a well when no water is being taken
217 from the aquifer either by pumping or by free flow.

218 "Storage" means the containment or holding of hazardous waste pending treatment, recycling,
219 reuse, recovery or disposal.

220 "Storage facility" means any hazardous waste facility which stores hazardous waste.

221 "Subsidence" means the lowering of the natural land surface in response to: earth movements;
222 lowering of fluid pressure; removal of underlying supporting material by mining or solution of
223 solids, either artificially or from material causes; compaction due to wetting (hydrocompaction)
224 or from material causes; oxidation of organic matter in soils; or added load on the land surface.

225 "Subsurface mining areas" means areas where deep mining or removal by drilling of minerals or
226 mineral fuels or pumping of groundwater has resulted in a potential for land subsidence.

227 "Surface impoundment" means a facility or part of a facility which is a natural topographic
228 depression, manmade excavation, or diked area formed primarily of earthen materials (although
229 it may be lined with manmade materials), which is designed to hold an accumulation of liquid
230 wastes or wastes containing free liquids, and which is not an interjection well or a seepage
231 facility.

232 "Thermal treatment" means treatment of hazardous waste in a device which uses elevated
233 temperatures as the primary means to change the chemical, physical or biological character or
234 composition of the hazardous waste.

235 "Transfer facility" means any transportation related to facility including loading docks, parking
236 areas, storage areas and other similar areas where shipments of hazardous waste are held during
237 the normal course of transportation.

238 "Treatment" means any method, technique, or process, including neutralization, designed to
239 change chemical, physical or biological character or composition of any hazardous waste so as to
240 neutralize such waste; so as to render such waste nonhazardous or less hazardous, or safe for
241 transport or disposal, amenable for recovery, amenable for storage or reduced in volume.

242 "Underground injection" means the subsurface emplacement of fluids through a bored, drilled,
243 jetted, driven, or dug well, where the depth of the well is greater than the largest surface
244 dimension (See also injection well).

245 "Unsaturated zone (zone of aeration)" means the zone between the topographic surface and water
246 table.

247 "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an
248 aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer.

249 "Water table" means the upper surface of the zone of saturation in groundwaters in which the
250 hydrostatic pressure is equal to atmospheric pressure. (see uppermost aquifer.)

251 "Water well" means an excavation with associated casing, which is drilled, cored, bored, washed,
252 driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the

253 location, testing, acquisition, artificial recharge, or storage of groundwater, the depth of which is
254 greater than the diameter or width.

255 "Waterworks" means a system that serves piped water for drinking or domestic use of (i) the
256 public, (ii) at least 15 connections, or (iii) an average of 25 individuals for at least 60 days of the
257 year. The term waterworks shall include all structures, equipment, and appurtenances used in the
258 storage, collection, purification, treatment, and distribution of pure water except the piping and
259 fixtures inside the building where such water is delivered.

260 "Well" means any shaft or pit dug, drilled, jetted, driven, or bored into the earth, generally of a
261 cylindrical form, and often cased with bricks or tubing to prevent the earth from caving in, whose
262 depth is greater than the largest surface dimension.

263 "Well yield" means average water yield in gallons per minute obtained from wells trapping the
264 uppermost aquifer below a specific site or site vicinity.

265 "Wetlands" means areas inundated by surface or groundwater with a frequency sufficient to
266 support, under normal circumstances, a prevalence of vegetated or aquatic life requiring
267 saturated or seasonally saturated soil conditions for growth or reproduction.

268 **Part II - Siting Criteria**

269 **Article 1 - Scope of Review**

270 **9VAC20-50-50. Considerations.**

271 The ~~council~~ board shall consider the degree of hazard involved in any proposed operation in
272 making a siting decision.

273 **Article 2 - Categories of Facilities**

274 **9VAC20-50-60. Categories.**

275 For the purposes of this chapter, hazardous waste facilities are broken down into five basic
276 categories: (I) containerized or enclosed storage; (II) closed treatment process with spill
277 containment; (III) open treatment process with spill containment; (IV) any above ground
278 treatment with no spill containment; and (V) disposal without complete treatment and all other
279 treatment/disposal methods.

280 A. Category I - Containerized or enclosed storage.

281 1. Description. A facility which is designed to store waste in above ground tanks, or portable
282 containers as defined in ~~9VAC20-60-820, 9VAC20-60-830, 40 CFR 264 Subparts I and J~~ and
283 §10.1-1433 of the ~~Virginia Hazardous Waste Management Regulations~~ Code of Virginia
284 provided that the area where the waste is stored meets at least the "containment" requirements
285 specified in ~~9VAC20-60-820 F~~ 40 CFR 264 Subpart I. In general, this section requires that the
286 base under the storage area be free of cracks or gaps and is sufficiently impervious to contain
287 leaks, spills or accumulated precipitation. It also must have sufficient containment capability to
288 hold 10% of the volume of the containers stored, or the whole volume of the largest container,
289 whichever is greater, and must be able to contain any run-off which might be involved.
290 Containment requirements will be considered on a case-by-case basis. ~~Although 9VAC20-60-~~
291 ~~820 F in the Virginia regulations applies only to containers, for~~ For the purpose of siting criteria,
292 a facility which uses tanks must also conform to these requirements in order to be classified in
293 Category I.

294 Examples include but are not limited to such facilities as:

295 a. A warehouse for storing 55 gallon drums.

296 b. A tank to store materials for loading into an ocean-going incineration vessel.

297 c. A storage tank associated with a land based treatment facility.

298 2. Consequences of loss of control. Because of the fairly simple operations involved and the
299 extensive spill containment requirements, the consequences of loss control, for the purposes of
300 siting, would be:

301 --Fire or explosion, or both.

302 B. Category II - Closed treatment process - with spill containment.

303 1. Description. A facility which is designed to treat hazardous waste by any method which did
304 not involve venting, evaporating or exhausting potentially toxic concentrations of materials to
305 the atmosphere, as measured at the active portion of the facility, under any normal or abnormal
306 operating conditions. This could include chemical processes, such as acid neutralization, where
307 the hazardous constituents in the waste are converted to nonhazardous materials or are
308 precipitated out for disposal as a solid. It might also involve a process which separates the liquid
309 portion of the waste from the solids, such as a centrifuging, mechanical or carbon filtration,
310 settling or flotation, encapsulation, absorption, etc. If improper mixing or misoperation of the
311 unit could cause a pressure build-up which could vent potentially toxic concentration of material
312 to the atmosphere through a relief valve or similar device, this unit would not qualify as
313 Category II. Systems which vent internally into a flash tank or similar device, however, would
314 not necessitate a Category III classification since in that situation they would not be venting into

315 the atmosphere. Furthermore, in order to qualify for this category, all processes must be in an
316 area that meets the "containment" requirements specified for Category I such that a leak or
317 rupture anywhere in the system would be contained for controlled disposition in accordance with
318 all appropriate regulations.

319 An example is, but not limited to:

320 --Treatment in tanks.

321 2. Consequences of loss of control. These types of facilities are similar to those in Category I
322 with respect to the health or environmental impact of loss of control except that there are likely
323 to be more operations involving handling, movement, mixing, pumping or otherwise processing
324 the waste. This, combined with the probability that more complex systems, different kinds of
325 equipment, piping and controls are involved in Category II, makes the probability of loss of
326 control somewhat greater than in Category I. However, because of the extensive spill
327 containment requirements necessary to be classified as Category II, the consequences of loss of
328 control are minimized. For the purpose of siting they would be:

329 --Fire or explosion or both,

330 C. Category III - Open treatment process - with spill containment.

331 1. Description. A facility which is designed to treat waste by heating or burning, distillation, or
332 any other reaction of process which involves a need to vent or exhaust any material to the
333 atmosphere under normal operating conditions and which could, with a reasonable degree of
334 probability, if misoperated or through malfunction or any loss of control, discharge a potentially
335 toxic concentration of material, as measured at the active portion of the facility.

336 Facilities which have the potential for discharging only steam, air, nitrogen, or other nontoxic
337 materials could be classified as Category I or II, providing they meet all other requirements for
338 those categories. Heated storage tanks or rail cars which use steam in an outer shell or coils, for
339 example, could be classified as Category I, even if it was periodically necessary to vent steam to
340 the atmosphere.

341 In order to qualify for Category III, all tanks, containers or ancillary storage devices associated
342 with processes must be in an area which meets the "containment" requirements specified for
343 Categories I and II above.

344 An example is, but not limited to:

345 --Incineration.

346 2. Consequences of loss of control. The major difference between processes in this category and
347 those in Category II is the possibility of (i) air quality degradation of sufficient magnitude to
348 have the potential for causing health hazards, or (ii) environmental problems outside the facility
349 from uncontrolled process discharges. Because it is so unlikely that any such discharge could be
350 concentrated enough or last long enough to cause significant surface or groundwater degradation,
351 this is not considered a consequence which would occur from loss of control. If, for some reason,
352 there was a reasonable possibility that an airborne discharge from a facility could cause off-site
353 surface or groundwater degradation, the facility would have to be classified in Category IV or V.

354 For the purposes of siting, the consequences of loss of control in Category III are:

355 a. Fire or explosion, or both.

356 b. Air quality degradation from process exhaust or venting as a result of loss of control.

357 D. Category IV - Above ground treatment - no spill containment.

358 1. Description. A facility which is designed to treat or store hazardous waste by any process or
359 method which, with a reasonable degree of probability, through misoperation or any loss of
360 control, could cause off-site surface or groundwater degradation.

361 These facilities need not meet the "containment" requirements specified for facilities in the three
362 categories above in order to be classified in this category.

363 "Above ground" in this category means that the hazardous waste is all contained at or above the
364 level of the ground where it is located. This qualification is based on providing a reasonable
365 opportunity to see or become aware of a leak without depending on groundwater analysis. For
366 example, this category could include a metal tank which rested directly on a cement pad (i.e.,
367 without support legs) even though part or all of the cement pad was actually below the ground,
368 so long as the bottom of the tank was above ground level. If the bottom of the tank were below
369 ground level resting directly on a manmade or earthen support such that the bottom of the tank
370 could not be routinely inspected externally for leaks, the unit would qualify for Category V. In
371 this latter example, if the tank were in a pit but was elevated from the base of the pit in such a
372 manner as to allow routine inspection of the bottom to detect leaks it could be classified in
373 Category IV. The use of underground piping by itself would not cause necessarily a facility to be
374 classified in Category IV or V.

375 An example is, but not limited to:

376 --Land treatment.

377 2. Consequences of loss of control. In this category, there is no requirement for containment

378 under treatment or storage units in the facility which might contain hazardous waste, and
379 therefore, a spill or rupture could cause ground or surface water degradation. The restrictions
380 included in this category would, however, minimize the possibility for leaks to go undetected for
381 a significant length of time.

382 For the purpose of siting criteria, the consequences of loss of control are:

383 a. Fire or explosion, or both.

384 b. Airborne contamination, in the case of facilities which have the potential as described under
385 Category III above.

386 c. Ground or surface water contamination.

387 d. Soil contamination.

388 E. Category V - Disposal without complete treatment and all other treatment/disposal methods.

389 1. Description. This category includes any disposal of hazardous waste by placing it in a facility
390 where it will receive no further treatment or any treatment or storage method which does not
391 meet the intent of one of the four categories above.

392 Facilities in this category would include all land disposal methods which did not involve
393 destroying the waste or otherwise eliminating its hazardous characteristics before disposal.

394 This category would also include the use of such facilities as impoundments, lagoons,
395 evaporating ponds, underground tanks, or other underground units as part of a treatment, storage
396 or disposal process, providing that they are intended to contain hazardous waste. For this
397 purpose, the term "underground" means that all or part of a unit is buried such that it cannot be
398 routinely inspected for leaks or defects.

399 An example is, but not limited to:

400 --Land disposal.

401 2. Consequences of loss of control. These facilities have the highest degree of risk of surface or
402 groundwater degradation because of the possibility for a leak to go undetected for a significant
403 period of time. For disposal of units in this category there is also the added consideration of the
404 risks associated with perpetual care of material which might be hazardous for many years.

405 Facilities in this category could also be most prone to loss of control caused by floods.

406 For the purposes of siting criteria, the consequences of loss of control are:

407 a. Fire or explosion, or both.

408 b. Airborne contamination from evaporation or from sources described in Category III above.

409 c. Ground or surface water contamination.

410 d. Soil contamination.

411 F. General. Most facilities include several types of operation. For the purposes of classifying a
412 proposed facility, the operation within the facility which is characterized by the highest category
413 number shall determine which category shall characterize the facility. For example, if a facility
414 had an operation which included both drum storage of waste under conditions that would meet
415 Category I requirements and subsequently had on-site waste incineration step, the facility would
416 fall in Category III because incineration is in a higher category than container storage. Another
417 example might be a waste treatment facility with a completely enclosed neutralization process in
418 which sulfuric acid contaminated water was mixed with lime. In this process, venting is not a
419 significant part of the process. The result would be gypsum and water, neither of which would

420 necessarily be hazardous material. If this process were fed from enclosed storage tanks the
421 facility would be classified in Category II, assuming it met all the other requirements, because
422 the enclosed neutralization process is in a higher category than enclosed storage. This would be
423 true even if the gypsum were dried and piled on the ground and the water, after the acid was
424 neutralized, was put in a pond prior to discharge into a river through a permitted waste water
425 treatment facility, assuming that neither the gypsum nor the water would be classified as
426 hazardous because of some other contaminant. If, however, in this latter example, the process
427 generated a gas which needed to be vented to the atmosphere or which could be vented by a
428 relief valve in an overpressure situation, the facility would have to be classified as Category III.
429 Additionally, if the acid contaminated water was fed into this neutralization process from a pond
430 (surface impoundment), the facility would be classified in Category V.
431 In making its determination of which category is appropriate for a proposed hazardous waste
432 facility, the ~~siting council~~ board shall consider the intent of each category as well as the specific
433 descriptions above.

434 **Article 3 - Prohibition on Siting**

435 **9VAC20-50-70. Goal of ~~council~~ board.**

436 The goal of the ~~council~~ board and this chapter is to protect the public health, quality of life and
437 environment of the Commonwealth in Virginia from the improper siting of hazardous waste
438 treatment, storage or disposal facilities. In achieving this goal, the ~~council~~ board has determined
439 that hazardous waste treatment, storage and disposal facilities should not be placed in certain
440 specific locations of the state because of the environmentally sensitive nature of such locations

441 and increased risk to health and environment by the placement of a hazardous waste facility in
442 such locations. The criteria listed below and others as required by the ~~council~~board must be
443 evaluated in the applicant's impact analysis.

444 A. No hazardous waste facility shall be sited in wetlands.

445 B. No hazardous waste facility shall be sited in a 100-year flood plain, or such larger area which
446 the flood of record may have inundated, except as provided at commercial port facilities as
447 provided in 9VAC20-50-80 A 6.

448 C. Underground injection of hazardous waste is not allowed in accordance with Virginia
449 Hazardous Waste Management Regulations, ~~Chapter 14 (§10.1-1400 et seq.) of Title 10.1 of the~~
450 ~~Code of Virginia.~~ 9 VAC 20-60.

451 D. No hazardous waste facility shall be sited in an area vulnerable to flooding resulting from
452 dam failure. See definition of "Dam-related flood hazard areas."

453 E. No hazardous waste facility shall be sited over a sinkhole or less than 100 feet above a
454 solution cavern beneath the facility associated with karst topography.

455 F. Facilities shall not be sited within areas designated by the National Park Service in the
456 Registry of Natural Landmarks or sites listed on the National Register of Historic Places, and the
457 Virginia Landmarks Register, unless the statute under which the designation of listing has been
458 made authorizes the operation of such facilities in such areas.

459 G. Facilities shall not be sited in state, county and municipal parks, units of the National Park
460 System, national recreation areas, state forests, the George Washington and Jefferson National
461 Forests, state game lands, national wildlife refuges or national fish hatcheries unless the agency

462 administering such lands has been given authority by statute or ordinance to allow the operation
463 of such facilities on such lands.

464 **Article 4 - Siting Limitations**

465 **9VAC20-50-80. Site criteria.**

466 The ~~council~~board, in making its determination to site a facility, conditionally or otherwise, or to
467 deny an application to site a hazardous waste facility, will consider the criteria listed below in
468 relation to the type of hazardous waste facility to be sited.

469 A. Limitations.

470 1. Water quality surface and groundwater.

471 a. The water resources of the state should be afforded the maximum protection reasonably
472 possible. A major accident or leakage at a hazardous waste facility could lead to degradation of
473 surface and groundwater in the vicinity of the facility. The degradation of the surface and
474 groundwater could create a significant hazard to public health. Siting of a facility must take into
475 account water quality problems which may result from the operation of the facility. The ~~council~~
476 board will consider the following water quality characteristics and other factors determined
477 appropriate for the type of facility:

478 (1) The proximity of the facility to surface and groundwaters, including aquifer recharge areas.

479 (2) The existing quality and current and future use of the surface and groundwaters.

480 (3) The risk to public health and the environment.

481 b. Category limits.

482 (1) Surface waters of the state are protected from point source and non-point sources of

483 contamination by existing federal and state laws as administered by the State Water Control
484 Board, the Virginia Department of ~~Health~~ Environmental Quality, and other agencies.

485 (2) Existing groundwater quality is to be protected from degradation based on the ~~council's~~
486 board's Anti-Degradation Goal for Groundwater and the provisions set forth in this section.

487 The ~~council~~ board may require information on the following groundwater quality characteristics
488 and other factors determined appropriate for Category I facilities. This information shall be
489 provided for all other categories.

490 (a) Site geology/geohydrology;

491 (b) Depth to aquifers and thickness of overburden;

492 (c) Presence of fractures and faults, joints, solution cavities;

493 (d) Thickness of soil/saprolite layer;

494 (e) Present and potential aquifer use;

495 (f) Aquifer recharge/productivity;

496 (g) Proximity to sensitive receptors;

497 (h) Aquifers hydraulic characteristics;

498 (i) Hydraulic conductivity,

499 (ii) Transmissivity,

500 (iii) Storage coefficient,

501 (iv) Head distribution;

502 (i) Cation/anion exchange capacity.

503 And all other site characteristics requested.

504 For all systems and supplies, more restrictive limitations of other state agencies shall apply.

505 2. Community/noncommunity water system and supply surface water.

506 a. A hazardous waste facility should not be sited so that a community/noncommunity water
507 system and supply of surface water would be jeopardized by the construction, operation, and
508 close-out of the facility.

509 b. Category limits.

510 (1) Category I, II, or III facilities may be sited in proximity to a community/noncommunity
511 drinking water system and supply of surface water if the construction, operation, and close-out of
512 the proposed facility do not pose an unreasonable risk to the community/noncommunity water
513 system and supply of surface water and the applicant demonstrates that the facility is designed
514 and will be constructed, operated, and closed-out in a manner which will protect the public water
515 system and supply of surface water from contamination by spills at the facility and demonstrates
516 that spill containment at the facility is adequate to contain all spills. (See definition of "Proximity
517 to a community/noncommunity water system and supply of surface water.")

518 (2) A category IV or V facility shall not be sited in proximity to a community/noncommunity
519 water system and supply of surface water.

520 3. Community/noncommunity water system and supply groundwater.

521 a. The degradation of a community/noncommunity water system and supply of groundwater may
522 create a significant hazard to public health. All community/noncommunity public water systems
523 and supplies of groundwater should be adequately protected from the threat of degradation from
524 a hazardous waste facility.

525 b. Category limits.

526 (1) Category I, II, and III facilities may be sited in proximity to a community/noncommunity
527 water system and supply of groundwater if the construction, operation, and close-out of the
528 proposed facility do not pose an unreasonable risk to the community/noncommunity water
529 system and supply of groundwater and the applicant demonstrates that the facility is designed
530 and will be constructed, operated, and closed-out in a manner which will protect the
531 community/noncommunity water system and supply of groundwater from degradation by spills
532 at the facility and demonstrates that spill containment at the facility is adequate to contain all
533 spills. (See definition of "Proximity to a community/noncommunity water system and supply of
534 groundwater.")

535 (2) Category IV and V hazardous waste facilities shall not be sited in proximity to any
536 community/noncommunity water system and supply of groundwater.

537 4. Private water system and supply surface and groundwater.

538 a. A private water system and supply of surface and groundwater should be protected from the
539 threat of degradation from a hazardous waste facility.

540 b. Category limits.

541 (1) Category I, II or III facilities may be sited in proximity to a private water system and supply
542 of surface or groundwater if the construction, operation, and close-out of the proposed facility do
543 not pose an unreasonable risk to the private water system and supply of surface and groundwater
544 and the applicant demonstrates that the facility is designed, and will be constructed, operated,
545 and closed-out in a manner which will protect the private water system and supply of surface and

546 groundwater from degradation by spills at the facility and demonstrates that spill containment at
547 the facility is adequate to contain all spills.

548 (2) Category IV and V facilities may be sited in proximity to a private water system and supply
549 of surface or groundwater if the applicant demonstrates that a reasonable alternative drinking
550 water supply to the existing drinking water supply is available and provides financial resources
551 to develop the alternative supply should it become necessary due to degradation of the existing
552 water supply resulting from a spill or leaks from the facility.

553 Water quality and geohydrologic studies as provided in 9VAC20-50-80 A 1 shall be conducted
554 to reveal the potential for siting impacts and to indicate the level of risk associated with the
555 proposed facility.

556 5. Air quality.

557 a. Siting of a facility must take into account air quality problems which may result from the
558 operation of the facility or accidental fires and explosions which may occur. The ~~council~~board
559 shall consider potential air quality problems which may occur as the result of historical or
560 estimated meteorological conditions and to what extent such respective problems and conditions
561 will affect neighboring communities. In considering air quality the ~~council~~board will consider
562 the following characteristics and other factors determined appropriate for the type of facility:

563 (1) The characteristics (stability) of the atmosphere which affect the site;

564 (2) The population, present and projected, in relation to the facility and prevailing wind;

565 (3) Characteristics of the wind.

566 b. Category I-V facilities may be sited if the construction and operation of the proposed facility

567 do not pose an unacceptable risk to public health and the applicant demonstrates that the facility
568 is designed and will be constructed, operated and maintained in a manner which will protect the
569 public health during normal operation or in the event of accidental releases.

570 6. Commercial port facilities.

571 a. An accident at a hazardous waste storage facility at a commercial port facility could result in
572 immediate contamination of surface water and create a significant risk to public health and
573 safety. Additional consideration should be given to storage facilities for hazardous waste at
574 commercial port facilities based on the special risks posed.

575 b. Category I facilities for the temporary storage of hazardous wastes destined for import, export
576 or ocean incineration, which are sited at port facilities specifically designed for commercial
577 shipping, may be allowed if those facilities are designed for the storage of hazardous wastes and
578 have been designed and will be constructed to withstand the 100-year flood and the flood of
579 record at the port facility.

580 7. Endangered and threatened species habitat.

581 a. The ~~council~~board shall focus on adverse impacts of the facility on endangered and threatened
582 species or critical habitat for wildlife generally and the extent to which mitigation measures can
583 be effectively implemented.

584 b. A hazardous waste facility shall not be sited in locations where the siting, construction and
585 operation of the proposed facility would occupy or threaten the known habitat or an endangered
586 or threatened plant, insect, fish or wildlife species to the extent that the continued existence of
587 the species is threatened.

588 8. Proximity to publicly designated areas.

589 a. Areas which are designated by federal, state and local governments for their exceptional
590 characteristics are of special importance. These areas should be protected from unwarranted
591 intrusion by the siting of hazardous waste facilities which could destroy the character, or use and
592 enjoyment, and thus their objective, or their designation. The following categories are listed for
593 their natural, scenic, historic, cultural and aesthetic values:

594 (1) Historic, cultural and natural sites and landmarks;

595 (2) The corridors of outstanding resource waters (wild, scenic and recreational);

596 (3) Publicly owned forest areas;

597 (4) Dedicated or designated open space;

598 (5) Public recreational areas;

599 (6) The Appalachian Trail or other federal and state designated trails;

600 (7) Wildlife refuges, fish hatcheries and game lands; and

601 (8) Scenic views.

602 b. Potential impacts of the proposed facility on the natural, scenic, historic, cultural and aesthetic
603 values of the environment will be evaluated. The applicant must demonstrate that the
604 construction and operation of the proposed facility will not impair the environmental and
605 aesthetic qualities of the area. Distance from the publicly designated area to the facility will be
606 taken into consideration.

607 9. Subsurface mining areas.

608 a. Areas where mineral resources of a solid, gaseous or liquid form have been removed by

609 underground mining or drilling procedures or at the time of submission of the notice of intent are
610 planned for removal are vulnerable to subsidence. Strong consideration should be given to the
611 potential threat to the integrity of a proposed facility as a consequence of mining-related
612 subsidence.

613 b. Category limits.

614 (1) Category I, II, and III facilities may be allowed in subsurface mining areas as defined in this
615 chapter provided the applicant demonstrates that the facility is designed and will be constructed
616 and operated such that the integrity of the facility will not be jeopardized by mine-related
617 subsidence.

618 (2) Category IV and V facilities are not allowed in subsurface mining areas as defined in this
619 chapter.

620 10. Slope.

621 a. Consideration should be given to the effect of the slope of the proposed site and adjacent lands
622 with respect to waste management facilities including the speed at which uncontrolled releases
623 may run off a site, site preparation techniques and costs, site design, operating procedures, site
624 stability, potential for erosion, and visibility.

625 b. Category limits.

626 (1) Category I, II and III facilities may be allowed on slopes in excess of 15% if the applicant
627 demonstrates that the facility is designed and will be constructed and operated such that the
628 integrity of the facility will not be jeopardized.

629 (2) Category IV and V facilities are prohibited on slopes 15% or greater.

- 630 11. Active faults and seismic risk zones/seismogenic volume.
- 631 a. Major active fault zone and seismic risk zone/seismogenic volume features which are mapped
632 by the U.S. Geological Survey, ~~the Division of Mineral Resources, Commonwealth of Virginia,~~
633 Virginia Department of Mines, Minerals and Energy, or other agency with the responsibility for
634 such matters, or as discovered by site investigation by a professional geologist, may pose a
635 potential for (i) seismic-related accidents, and/or (ii) associated degradation of ground and
636 surface waters should a facility's containment measures be breached and leakage occur.
- 637 b. Category limits.
- 638 (1) Category I, II, and III facilities may be sited in proximity to an active fault or seismic risk
639 zone/seismogenic volume if the construction and operation of the proposed facilities do not pose
640 a risk to public health or the environment and the applicant demonstrates that the facility is
641 designed and will be constructed, operated and maintained in a manner which will protect the
642 public health and the environment from contamination by spills at the facility and demonstrates
643 that spill containment at the facility is adequate to contain all spills.
- 644 (2) No Category IV or V facility will be sited within 305 meters (1,000 feet) of an active fault as
645 mapped by the U.S. Geological Survey, the Division of Mineral Resources (Virginia Department
646 of Mines, Minerals and Energy), ~~Commonwealth of Virginia~~, or other agency with the
647 responsibility for such matters or as discovered by site investigation by a professional geologist.
- 648 No Category IV or V facility will be sited in proximity to an active fault or seismic risk
649 zone/seismogenic volume unless the applicant demonstrates that the facility is designed and will
650 be constructed, operated and maintained in a manner which will protect the physical integrity of

651 the facility and protect the quality of ground and surface waters.

652 12. Risk of accident in transportation.

653 a. The ~~council~~board shall evaluate the risk associated with the transportation of hazardous waste

654 to the proposed site. Accident risk is a function of the probability of an accident and the

655 consequences of an accident, should one occur. The transport routes over which the wastes will

656 be delivered to the site shall be considered by the ~~council~~board.

657 b. In considering risk of accident in transportation the ~~council~~board will assess:

658 (1) Mode of transport;

659 (2) Proposed highway/roadway system to be used;

660 (3) Accident rate of mode and route;

661 (4) Characteristics of structures within 0.5 mile of the route, i.e., schools, hospitals;

662 (5) Nature of transportation restrictions, i.e., traffic intersections, highway geometrics,

663 traffic/railroad intersections, tunnels, bridges, toll booths, level of congestion;

664 (6) Schedule and frequency of deliveries, vehicle disposition plan in the event of facility

665 shutdown;

666 (7) Potential adverse environmental or health effects in the event of an accident;

667 (8) Characteristics of the residential and nonresidential population within 0.5 mile of the

668 transport route; and

669 (9) Projected population and the rate of growth for areas within 0.5 mile of the transport routes

670 during the 20-year period following initial site operation.

671 (10) Host and affected community emergency response capability along the routes.

672 13. Proximity to major structures.

673 a. The linear distance from the site boundary to major structures must be considered (e.g.,
674 residence, airport, school, hospital, church, commercial centers, nursing home). Acceptable
675 buffer zones separating residences and certain other types of sensitive populated structures from
676 the types of operations conducted at hazardous waste sites are needed.

677 b. In reviewing the proposal, the ~~council~~board will assess:

678 (1) Proximity of airports, utilities and other major structures; and

679 (2) Characteristics of buffer zones.

680 14. Local government.

681 a. The site shall be considered for consistency with the local master land use plan or the pattern
682 of already existing land uses or zoning ordinance of the host community where no
683 comprehensive plan has been adopted. Consistency with local laws, ordinances, rules and
684 regulations which have been adopted pursuant to a master land use plan will also be considered,
685 including important farm land protection activities.

686 Further, the short and long term financial effects of the addition of the proposed facility to the
687 locality shall be considered. Both the increased tax revenues and the added burden of providing
688 services to the facility are important factors.

689 b. The ~~council~~board will assess both short and long term (20 years) effects:

690 (1) Consistency of site with the master land use plan, compatibility with existing land uses;

691 (2) Consistency with local laws, ordinances, rules and regulations;

692 (3) Local tax revenue generated;

693 (4) Public services required;

694 (5) Impact on property values; and

695 (6) Economic development impacts.

696 15. Fire and explosions.

697 a. Due to the nature of the wastes, special consideration must be given by the ~~council~~board to
698 the potential for fires and explosions at the site. Because of the inherent quality of the wastes, the
699 chief focus shall be on proposed safety measures and emergency response techniques.

700 b. In assessing the risk of fire and explosion, the ~~council~~board will evaluate:

701 (1) Distances from site to residential, commercial and industrial buildings, public highways,
702 railroads.

703 (2) Minimum distances established by the ~~Virginia Department of Health~~board.

704 (3) Level of service for fire, police protection and emergency medical services and the
705 applicant's emergency implementation plan.

706 (4) Proximity to fire department and fire fighting water supply.

707 (5) Measures to contain fire fighting water or other substance used in the event of accidents.

708 (6) Characteristics of the residential and nonresidential population within 0.5 mile of the site
709 boundary.

710 (7) Projected population and the rate of growth for the area within 0.5 mile of the site boundary.

711 16. Soil characteristics.

712 a. Consideration should be given to the characteristics of the soils which affect the suitability of
713 the site for the development proposed.

714 b. In reviewing the proposal, the ~~council~~board will assess the proposal based on, but not limited
715 to, the following soil characteristics:

716 (1) Bearing qualities;

717 (2) Stability;

718 (3) Drainage; and

719 (4) Permeability.

720 B. Other factors.

721 The ~~council~~board shall consider any other factors identified during the course of the certification
722 process which are determined by the ~~council~~board to be relevant and impact the environment,
723 quality of life, and public health, welfare or safety.

724 **Part III - Required Findings**

725 **9VAC20-50-90. Protection and prevention.**

726 In addition to an applicant meeting the requirements of Part II of this chapter, the ~~council~~board
727 shall, in writing, find that:

728 A. The terms and conditions of the application will protect and prevent injury or unacceptable
729 adverse risk to health, safety, welfare, the environment and natural resources, and the reasons to
730 support such finding;

731 B. The facility is consistent with its criteria;

732 C. The applicant has made reasonable and appropriate efforts to reach a siting agreement with
733 the host community, including, though not limited to, efforts to mitigate or compensate the host
734 community and its residents for adverse economic effects, if any, of the facility.

735 **Part IV - Related Permits and Reviews**

736 **9VAC20-50-100. Additional agency approval.**

737 To avoid duplication to the maximum extent feasible with existing agencies and their areas of
738 responsibility, related agency approvals are listed below as notification to the applicant that these
739 permits and reviews may apply in accordance with the type of facility proposed.

740 A. Permits.

741 1. Hazardous waste facility management.

742 a. Regulatory agency:

743 Virginia ~~Department of Health~~ Waste Management Board.

744 b. State permit required:

745 Facility management or transportation.

746 c. Statutory authority:

747 ~~(1) Chapter 6 (§32.1-163 et seq.) of Title 32.1 of the Code of Virginia.~~

748 ~~(2) State Board of Health, in accordance with the provisions of Chapter 1.1:1 (§9-6.14:1 et seq.)~~
749 ~~of Title 9 of the Code of Virginia.~~

750 Chapter 11.1 (§10.1-1182 et seq.) of Title 10.1 of the Code of Virginia and the Virginia Waste
751 Management Act, Chapter 14 (§10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

752 (3) "Hazardous Waste Management Regulations ~~With Amendments~~. 9 VAC 20-60."

753 d. Contact:

754 Department of Environmental Quality

755 P.O. Box 10009

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756 Richmond, VA 23240-0009

757 ~~(804) 762-4000~~ (804) 698-4000

758 2. Air emissions.

759 a. Regulatory agency:

760 State Air Pollution Control Board.

761 b. State permit required:

762 Stationary sources

763 Hazardous pollutants

764 Open burning

765 c. Statutory authority, rules and regulations:

766 (1) Virginia Air Pollution Control Law.

767 (2) Federal Clean Air Act (42 USC 7401 et seq. ~~84 Stat. 1676~~) and amendments.

768 (3) ~~"Regulations for the Control and Abatement of Air Pollution"~~. Harardous Air Pollutant

769 Sources, 9 VAC 5-60 and Permits for Stationary Sources, 9 VAC 5-80

770 d. Contact:

771 Department of Environmental Quality

772 P.O. Box 10009

773 Richmond, VA 23240-0009

774 ~~(804) 762-4000~~ (804) 698-4000

775 3. Discharges into state waters.

776 a. Regulatory agency:

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777 State Water Control Board.

778 b. State discharge permit required:

779 (1) ~~National~~ Virginia Pollutant Discharge Elimination System (NPDES).

780 (2) No discharge certificate.

781 c. Statutory authority, rules and regulations:

782 (1) Federal Water Pollution Control Act Amendments of 1972 (~~86 Stat. 47 and 816~~ 33 USC 1251
783 et seq.).

784 (2) State Water Control Law, (§62.1-44.2 et seq. of the Code of Virginia).

785 d. Contact:

786 Department of Environmental Quality

787 P.O. Box 10009

788 Richmond, VA 23240-0009

789 ~~(804) 762-4000~~ (804) 698-4000

790 4. Land disturbance.

791 a. Regulatory agency:

792 Virginia Soil and Water Conservation Commission or local government, or both.

793 b. State requirement:

794 Erosion and sediment control plan.

795 c. Statutory authority, rules and regulations:

796 (1) Erosion and sediment control law (§§10.1-560 et seq. of the Code of Virginia).

797 (2) Virginia Erosion and Sediment Control Handbook.

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798 d. Contact:

799 ~~Virginia Soil and Water Commission~~

800 ~~830 East Main Street, Suite 800~~

801 ~~Richmond, VA 23219~~

802 ~~(804) 786-2064~~

803 Department of Conservation and Recreation

804 203 Governor Street, Suite 213

805 Richmond, VA 23219-2094

806 (804) 786-1712

807 ~~5. Encroachment on wetlands—state.~~

808 a. ~~Regulatory agency:~~

809 ~~Virginia Marine Resources Commission/local wetlands boards~~

810 b. ~~State permit required:~~

811 ~~Use or development of any wetland within Tidewater Virginia~~

812 e. ~~Statutory authority, rules and regulations:~~

813 ~~(1) Virginia Wetlands Act (§28.2-1300 et seq. of the Code of Virginia.)~~

814 ~~(2) Local wetland zoning ordinances.~~

815 ~~d. Contact:~~

816 ~~Assistance Commissioner for Habitat Management~~

817 ~~P.O. Box 756~~

818 ~~Newport News, VA 23607~~

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819 ~~(804) 247-2200~~

820 ~~6. Encroachment on wetlands—federal.~~

821 ~~a. Regulatory agency:~~

822 ~~U.S. Army Corps of Engineers~~

823 ~~b. Federal permit required:~~

824 ~~Wetlands.~~

825 ~~c. Statutory authority, rules and regulations:~~

826 ~~(1) Section 10, Rivers and Harbors Act of 1899, 33 USC 1371.~~

827 ~~(2) Section 404, Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 47 and~~

828 ~~816).~~

829 ~~d. Contact:~~

830 ~~District Engineer~~

831 ~~U.S. Army Corps of Engineers~~

832 ~~Norfolk District~~

833 ~~803 Front Street~~

834 ~~Norfolk, VA 23510~~

835 ~~(804) 446-3601~~

836 ~~7. Encroachment on subaqueous lands—state.~~

837 ~~a. Regulatory agency:~~

838 ~~Virginia Marine Resources Commission.~~

839 ~~b. State permit required:~~

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840 ~~Subaqueous permit.~~

841 ~~e. Statutory authority, rules and regulations:~~

842 ~~Section 28.2-100 et seq. of the Code of Virginia.~~

843 ~~d. Contact:~~

844 ~~(1) Assistant Commissioner for Habitat Management~~

845 ~~P.O. Box 756~~

846 ~~Newport News, VA 23607~~

847 ~~(804) 247-2200~~

848 ~~(2) Department of Environmental Quality~~

849 ~~P.O. Box 10009~~

850 ~~Richmond, VA 23240~~

851 ~~(804) 762-4000~~

852 ~~8. Encroachment on subaqueous lands—federal.~~

853 ~~a. Regulatory agency:~~

854 ~~U.S. Army Corps of Engineers.~~

855 ~~b. Federal permit required:~~

856 ~~(1) Activities in the navigable waters of the United States.~~

857 ~~(2) Degradation of the quality of water.~~

858 ~~(3) Transportation and dumping of dredged material.~~

859 ~~e. Statutory authority, rules and regulations:~~

860 ~~(1) Section 10, Rivers and Harbors Act of 1894 (33 USC 1371).~~

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- 861 ~~(2) Federal Water Pollution Control Act Amendments of 1972 (86 Stat 47 and 816).~~
- 862 ~~(3) Marine Protection Research and Sanctuary Act (16 USC 1431-1434; 33 USC 1401, 1402,~~
- 863 ~~1411-1421, 1441-1444).~~
- 864 ~~d. Contact:~~
- 865 ~~District Engineers~~
- 866 ~~U.S. Army Corps of Engineers~~
- 867 ~~Norfolk District~~
- 868 ~~803 Front Street~~
- 869 ~~Norfolk, VA 23510~~
- 870 5. Wetlands, subaqueous lands, and dunes.
- 871 a. Regulatory agencies:
- 872 Virginia Marine Resources Commission (VMRC) [Clearinghouse for permits]
- 873 Local wetlands boards
- 874 Virginia Department of Environmental Quality (VDEQ)
- 875 U.S. Army Corps of Engineers (USACE)
- 876 b. Permit required:
- 877 VMRC and local wetland boards: Use or development of any wetland within Tidewater Virginia
- 878 VMRC: Coastal Dunes
- 879 VMRC, VDEQ and USACE: Tidal Wetlands and Subaqueous Land
- 880 VDEQ and USACE: Nontidal Wetlands
- 881 USACE: Activities in the navigable waters of the United States., degradation of the quality of

882 water, and transportation and dumping of dredged material.

883 c. Statutory authority, rules and regulations:

884 (1) Virginia Wetlands Act (§28.2-1300 et seq. of the Code of Virginia.)

885 (2) Virginia Water Control Law (§§62.1-44 .15 and .15:5. of the Code of Virginia.)

886 (3) Local wetland zoning ordinances.

887 (4) Federal Water Pollution Control Act (Clean Water Act) (33 USC 1251 et seq.) Sections 401

888 and 404

889 (1) Rivers and Harbors Act of 1894 (33 USC 1371).

890 (3) Marine Protection Research and Sanctuary Act (16 USC 1431-1434; 33 USC 1401, 1402,

891 1411-1421, 1441-1444).

892 d. Contact:

893 (1) Assistance Commissioner for Habitat Management

894 Marine Resources Commission

895 P.O. Box 756

896 Newport News, VA 23607

897 (804) 247-2200

898 (2) Department of Environmental Quality

899 P.O. Box 10009

900 Richmond, VA 23240-0009

901 (804) 698-4000

902 (3) District Engineers

VIRGINIA WASTE MANAGEMENT BOARD
9 VAC 20-50 SCHEDULE OF FEES FOR HAZARDOUS WASTE
FACILITY SITE CERTIFICATION

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903 U.S. Army Corps of Engineers

904 Norfolk District

905 803 Front Street

906 Norfolk, VA 23510

907 B. Reviews. Applications for permits may result in a review and comment process by state
908 agencies ~~to include the Council on the Environment~~. Such reviews may include comments
909 concerning historic landmarks, archaeological sites, caves, best management practices, fisheries,
910 and parks and recreation. Further information on review procedures can be obtained by
911 contacting: ~~Administrator~~, Department of Environmental Quality, P.O. Box 10009, Richmond,
912 VA, 23240-0009 ~~(804) 762-4378~~. (804) 698-4000.

913 **Part V - Delegations**

914 **9VAC20-50-110. Delegations.**

915 The director may perform any act of the board provided under this chapter, except as limited by
916 Sections 10.1-1433 through 10.1-1449 of the Code of Virginia.

917

918

919 Certified True and Accurate: _____

920 Robert G. Burnley, Director, DEQ

921

922 Date: _____