

Solid Waste Interpretive Guidance Statement (SWIGS)

revised: 8/12/96

CLOSURE DOCUMENTS-SURVEY PLATS

This guidance is intended to clarify the use of the survey plat in SWMF closures.

This document is intended only for use by staff of the Department of Environmental Quality. It is not intended to be complete or legally exact. Staff are to use this document as a guide only. As a guidance document, it has not been promulgated under the Virginia Administrative Process Act, Section 9-6.14:1 et.seq., of the 1950 Code of Virginia, as amended. It creates no rights, procedural or substantive, and may be revised without notice to the public. In the event of any conflict between this guidance and any provision of the Waste Management Act or any regulation promulgated by the Waste Management Board, the statute or regulation shall govern.

In accordance with the landfill closure requirements of the Virginia Solid Waste Management Regulations (9 VAC 20-80-250 through 270), following the closure of all units the owner or operator shall, within 90 days, submit to the local land recording authority a survey plat, prepared by a professional land surveyor registered by the Commonwealth or a person qualified in accordance with Title 54 of the Code, indicating the location and dimension of the landfill disposal areas (see: 9 VAC 20-80-250.E.5.d.(2) Sanitary LF, 9 VAC 20-80-260.E.5 CDD LF, and 9 VAC 20-80-270.E.6 Industrial LF).

In addition, the owner/operator is required to record a notation on the deed to the facility property, or on *Asome other instrument which is normally examined during title searches*≡, notifying any potential purchaser of the property that the land has been used to manage solid waste and its use is restricted (see: 9 VAC 20-80-250.E.5.d.(3) Sanitary LF, 9 VAC 20-80-260.E.6 CDD LF, and 9 VAC 20-80-270.E.7 Industrial LF).

The question has come up as to whether the survey plat can be used as *Asome other instrument*≡ to comply with the notation requirement.

Be advised that the requirement for a survey plat is separate from the requirement for a deed notation. The survey plat is not adequate for the notation and should not be used to comply with this requirement.