


COMMONWEALTH OF VIRGINIA
Department of Environmental Quality

Subject: Division of Land Protection and Revitalization LPR-SW-02-2012
Solid Waste Special Waste Disposal Requests

To: Regional Land Protection Program Managers

From: Justin Williams 
Director, Office of Waste Permitting & Compliance

Date: February 2, 2012

Copies: Regional Directors; Lyn Richardson; Willard Keene; Kathryn Perszyk; Jeffery A. Steers

Summary:

This guidance and accompanying submission forms provides a procedure for the solid waste generator and the Solid Waste Management Facility wishing to accept the special waste to follow and seek approval from the Department for the management of the special waste at the permitted disposal facility in accordance with 9 Virginia Administrative Code 20-81-610. Use of these instructions helps to ensure that the Department has all adequate information to evaluate the request. This guidance replaces and supersedes any previous Department guidance on special waste request.

Electronic Copy:

An electronic copy of this guidance is available on the Virginia Regulatory Town Hall website at: <http://townhall.virginia.gov/L/GDocs.cfm?boardid=119>

Contact Information:

Please contact the solid waste compliance coordinator, Lyn Richardson, at (804) 698-4318 or Linda.Richardson@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method for the analysis of data, unless specifically required by the VSWMR. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

I. APPLICABILITY OF INSTRUCTIONS.

These instructions outline the procedures that should be followed and the information to be submitted to the Department to evaluate the management and disposal of special wastes at SWMFs permitted under the Virginia Solid Waste Management Regulations (VSWMR). These instructions are established in accordance with Part VI Special Wastes of the VSWMR.

Statutory and Regulatory Authority.

Virginia Code § 10.1-1402
9 VAC 20-81-140.B.4. and 5.
9 VAC 20-81-140.C.
9 VAC 20-81-140.D.
9 VAC 20-81-610, 620, 630, 640, 650, 660
9 VAC 20-60-262 (which incorporates by reference 40 CFR 262.11)

II. GENERAL.

VSWMR Section 9VAC20-81-140.B.4 provides a list of solid wastes that sanitary, construction and demolition debris, and industrial landfills are not authorized to accept without authorization by the landfill permit or the Department. Additionally, a facility's solid waste permit may allow or prohibit the receipt of other solid wastes not listed in the regulation.

Part VI of the VSWMR identifies certain special wastes that the landfill may conditionally accept, provided the specified conditions are met. The special wastes identified in Part VI (9 VAC 20-81-620 through 660) are not inclusive but are intended to provide instructions for the special waste most frequently encountered by SWMFs.

In addition to the certain special wastes called out in Part VI of the VSWMR, the Department allows facilities to accept other special wastes for disposal provided the facility has received approval from the Director. As defined in the regulations, special wastes means solid wastes that are difficult to handle, require special precautions because of hazardous properties, or the nature of the waste creates waste management problems in normal operations.

Examples of other special wastes may include, but are not limited to: industrial sludges that have a high moisture content; contaminated media from a release of non-hazardous waste; low specific activity radioactive wastes; large quantities of small containers of liquids (e.g., milk, soda); fertilizers; industrial powders or dusts that require dust suppression; or hot materials like slag that may have to be stored until cool.

This submission instruction establishes a procedure for the solid waste generator and the SWMF to follow and seek approval from the Department for the management of the

special waste at the permitted disposal facility. The approval by the Director to accept special wastes may contain advice or direction on management techniques and other operational conditions.

III. SUBMISSIONS.

Special waste disposal requests (SWDR) deal with solid wastes that require special handling for processing or disposal. However, a generator is required by 9 VAC 20-60-262 (which incorporates 40 CFR 262.11 by reference) to first determine whether the solid waste also meets the definition of a hazardous waste. Guidance on how to make a hazardous waste determination is beyond the scope of this guidance, but the same information used in making a determination may be required as part of the SWDR submission. For more information on making hazardous waste determinations, see EPA's website.

Once a generator makes the determination that the solid waste does not meet the definition of a characteristic or listed hazardous waste, the generator may then evaluate whether the solid waste exhibits any other physical, chemical or biological properties that may necessitate special handling prior to and during disposal at a SWMF.

A. DEQ Form – SWDR

Once the generator and/or the SWMF determine a solid waste exhibits properties that require special handling prior to and during disposal, or the solid waste is not specifically authorized for acceptance at the facility in accordance with the facility permit or VSWMR, the generator and the SWMF should jointly prepare the DEQ Form – SWDR.

- Part I: To be completed and signed by the Generator of the waste being requested for disposal.
- Part II: To be completed by the Licensed Waste Management Facility Operator (WMFO) of the SWMF receiving the waste being requested for disposal.

All Special Waste Disposal Requests (SWDRs) should be submitted to the DEQ on Form DEQ-SWDR by the permitted SWMF requesting approval for receipt, and should be accompanied by all supporting documentation.

B. Generator - Required Information [Part I – Form SWDR]

Section A – The generator should provide complete contact information as indicated.

Section B – General Waste Profile

(1&2) General Descriptions. Provide a description of the process generating the waste and a description of the waste, including the physical state and any physical, chemical, or biological properties that make the solid waste classified as a special waste.

(3) Amount of waste. Indicate the amount of waste to be shipped, including whether the shipments will be one-time, intermittent, or, continuous. The units of volume or weight and the frequency should be indicated.

(4) Historical management. Disclose how the solid waste was previously managed. If the solid waste was previously managed as a hazardous waste, the generator should indicate the EPA Hazardous Waste Codes previously assigned to the solid waste and explain why the generator is no longer managing the solid waste as a hazardous waste.

(5) Transportation. Indicate the manner in which the special solid waste will be transported to the SWMF. The information will include:

- a. the types of containers (e.g., supersacks, totes, boxes);
- b. the name of the trucking or hauling company; and
- c. the type of transport vehicle (e.g., tractor trailer with walking floor, dump truck, flatbed trailer).

(6) Special handling requirements. Describe any special handling requirements for the special waste being requested for disposal. These instructions may include immediate burial or application of cover material; spreading thinly across the working face; temporary storage until material is cool; addition of liquids in accordance with an approved recirculation provision; or other handling requirement.

Section C – Analytical Information

Sampling and Analysis. As provided in 40 CFR 262.11, a generator may use his or her knowledge of the raw materials and the processes that generate the waste to make a hazardous waste determination. Alternatively, the generator may sample and analyze a representative sample(s) to make this determination.

Any results provided as supporting documentation should be representative of the special waste for which the generator is seeking approval for disposal. EPA has provided guidance for the selection of sampling methods and frequency in Chapter 9 of SW-846.

At a minimum:

- a. each wastestream must be separately identified and characterized;
- b. the number of samples should be collected over a period of time sufficient to represent variability of the wastestream; and

- c. sampling should account for homogeneity and non-homogeneity of the sample(s).

Analytical methods used shall be those specified in 40 CFR 261 and in SW-846. Additionally, the analysis must be performed by a Virginia Environmental Laboratory Accreditation Program (VELAP) certified laboratory.

Sampling only areas of apparent lesser contamination is not proper sampling.

Special sampling requirements for petroleum contaminated soils.

The DEQ has provided an alternative sampling frequency for soils contaminated only by petroleum products. For soil (including sediment, dredge spoils and other earthen materials), a minimum of one representative composite sample shall be collected and analyzed for TPH and the sum of benzene, toluene, ethylbenzene, and xylene (total BTEX) concentrations for every 250 cubic yards, (this includes soil reclaimed by bioremediation). However, for requests involving greater than 2500 cubic yards of material, a maximum number of samples to be collected shall be determined on a case-by-case basis by the Department. In the case of soil reclaimed by thermal treatment, a minimum of one sample shall be analyzed for TPH for every production day composited hourly. Waste characterization which is limited to TPH and total BTEX analysis, as described above, exclusively applies to soil and material contaminated with only "virgin" petroleum or petroleum products from a known source. See 9 VAC 20-81-660 for more information.

TPH analysis by a method other than EPA Method 418.1 will be acceptable for soil contaminated with petroleum or petroleum products provided it can be demonstrated that the method chosen is appropriate for the type of contamination and the method chosen has been previously approved by the EPA and/or another regulatory agency within the Commonwealth of Virginia for TPH analysis of soil.

Test Results. The generator shall provide documentation to support the determination that the special waste is not also a hazardous waste. The generator should include analytical results for the following characteristics and constituents when they could reasonably exhibit and/or be present in the special waste: ignitability, corrosivity, reactivity, TCLP (metals, VOCs/SVOCs, pesticides/herbicides), total metals, VOCs/SVOCs, pesticides/herbicides, PCBs, BTEX, TPH, TOX.

Other test results that may be required for determining best management practices include: percent solids, paint-filter, radioactivity, or an asbestos survey

The generator should provide information on which method was used for the testing. Remember, the analysis must be performed by a Virginia Environmental Laboratory Accreditation Program (VELAP) certified laboratory.

If analysis is not provided for a particular parameter, a brief explanation shall be offered as to why it was not included.

Special requirements for radiological wastes

Byproduct low-level radioactive wastes (LLRW) with half-lives of less than or equal to 120 days are appropriate for decay-in-storage (DIS). This means that licensees can properly store the LLRW and allow the radioactive material to decay while in storage. Such waste may then be disposed as ordinary trash (or as medical waste, as appropriate) when radiation surveys (performed in a low background area and without any interposed shielding) of the waste indicate that radiation levels are indistinguishable from background. All radiation labels must be defaced or removed from containers and packages prior to disposal as ordinary trash or medical waste.

Additionally, some earthen-like materials, e.g., grinding wheels and brick, may contain naturally occurring low-level radioactive substances. Provided the radiation levels are similar to background, the materials may be discarded with regular trash.

In both cases and prior to disposal, the generator needs a letter of confirmation from the Virginia Department of Health Division of Radiological Health, indicating that the described material is safe for disposal at a SWMF. The letter of confirmation should be attached to the completed DEQ Form - SWDR.

Section D - Generator Certification. In addition to providing the above required information, the generator will also certify the following:

- The materials are not classified as listed or characteristic hazardous waste governed by the Commonwealth of Virginia or the state of origin of this waste;
- The materials are not regulated medical waste governed by the Virginia Regulated Medical Waste Management Regulations (9 VAC 20-120 *et. seq.*);
- The materials do not contain 50 ppm or more of polychlorinated biphenyls (PCB's);
- The materials do not contain more than 1 ppb of dioxins;
- The material is not a radioactive waste or possess the property of radioactivity;

- The materials are not prohibited or restricted from disposal in a Virginia solid waste management facility; and
- The analytical results, completed application and attached documentation submitted in support of this special waste disposal request are a representative, true, and accurate description of these materials.

C. SWMF - Required Information [Part II – Form SWDR]

The receiving SWMF should certify that the following conditions exist.

1. The facility is implementing a groundwater monitoring program in accordance with VSWMR 9 VAC20-81-250 or -260.
2. The cell in which the special waste will be disposed is constructed with a synthetic or compacted soil liner with a hydraulic conductivity or no more than 1×10^{-7} cm per second; and the cell in which the special waste will be disposed is constructed with a leachate collection system.
3. The facility has financial assurance as required by the Financial Assurance Regulations of Solid Waste Facilities as stated under 9 VAC 20-70.
4. The SWMF is operating in compliance with the VSWMR such that it had no alleged violations during the last inspection cycle.
5. The SWMF has determined that the special waste is not prohibited by the facility permit, self-imposed facility prohibitions, other local or conditional use permits, or the VSWMR.
6. The facility has implemented, as part of its operations plan, an unauthorized waste control program to be able to verify the special waste for which the generator is seeking approval for disposal is the waste as described by the generator when it arrives at the facility.
7. The facility can meet the special handling requirements provided in Part I, Section B.6

IV. PROCEDURES FOR APPROVAL

- A. If the Director or his designee determines, upon review of the information provided, that the request is complete, meets the standards described herein, and that there is no cause to prohibit the disposal of the special waste at the facility, the Director or his designee will approve the facility's Special Waste Disposal Request (SWDR) in writing. When appropriate, the Director or his designee may approve the request with special conditions for the handling of the waste.

- B. If the Director or his designee determines, upon review of the information provided in the SWDR, that the request is incomplete, or that there is cause to deny the request, he will inform the requesting facility in writing. The facility may resubmit a SWDR that has been determined to be incomplete by supplying a complete SWDR.

Virginia Department of Environmental Quality
Land Protection & Revitalization Program

Special Waste Disposal Request

PART I – GENERATOR INFORMATION

Section A – Generator Information

Name: _____

Address: _____

Contact Name: _____

Telephone: _____

Email: _____

Section B – General Waste Profile

1. Provide a general description of the process generating the solid waste:

2. Provide a general description of the waste, including its physical state (solid, liquid, semi-solid, gas, etc.):

3. Amount of waste material proposed for disposal.
 - a. Continuous (or intermittent) – If disposal is requested to be on a continual or intermittent basis, indicate units of volume or weight and frequency (per month, etc.)

 - b. One-time only – If disposal is requested for one-time only, indicate the total units of volume or weight

4. Was the waste formerly managed or classified as a hazardous waste? (If yes, include the generator's EPA ID number and the applicable hazardous waste codes.)

5. Describe the types of containers (e.g., super sacs, drums, buckets, plastic bags, totes) the waste will be transported in, the name of the hauler, and the method of transportation (e.g., roll-off, tractor trailer, trailer with walking floor):

6. Describe any special handling requirements for the waste once received at the solid waste management facility (e.g., respiratory hazards, immediate cover):

Section C – Analytical Information

Attach the analytical report(s) for any testing completed for the above described material and to support this SWDR. If analytical testing was not performed, please provide the justification.

Section D – Generator Certification

I hereby certify to the best of my knowledge that the:

1. Materials are not classified as characteristic or listed hazardous waste as identified in the VHWMR (9 VAC 20-60);
2. Materials are not regulated medical waste governed by the VRMWMR (9 VAC 20-120);
3. Materials do not contain ≥ 50 ppm PCBs (9 VAC 20-81-140.B.4.(d));
4. Materials do not contain ≥ 1 ppb dioxins (9 VAC 20-81-140.B.4.(c));
5. Materials are not a radioactive waste or do not possess the property of radioactivity;
6. Materials are not prohibited or restricted from disposal in a Virginia SWMF; and
7. Analytical results, completed application and attached documentation submitted in support of this SWDR are a representative and accurate description of these materials.

Print Name _____

Title _____

Signature _____

Date _____

PART II – SOLID WASTE MANAGEMENT FACILITY INFORMATION

Section A – SWMF Information

Facility Name: _____ Permit #: _____
 Address _____

 County _____
 Contact Name: _____
 Office Phone: _____ Cell: _____
 Email: _____

Section B – SWMF Programs

		Y	N	NA
1.	Is the SWMF implementing a groundwater monitoring program in accordance with the VSWMRs?			
2.	Is the cell in which the special waste is to be placed underlain with a synthetic or compacted soil liner and a leachate collection system?			
3.	Does the SWMF have financial assurance as required by 9 VAC 20-70?			
4.	Is the SWMF operating within compliance of the VSWMR such that it had no alleged violations during the last inspection cycle?			
5.	Has the SWMF determined the facility permit and/or the VSWMR do not prohibit the special waste?			
6.	Has the facility implemented, as part of the permit, an unauthorized waste control program to be able to verify the special waste for which the generator is seeking approval for disposal is the waste as described by the generator when it arrives at the facility?			
7.	Describe how the special waste is proposed to be managed:			

Note: If, after receiving a letter of approval to receive the requested special waste, a facility determines that the waste received does not conform to the information submitted in Part I of this form, the SWMF shall reject the waste and notify the Department of the circumstances of the rejecting, including any information that the waste may be a hazardous waste.

Facility Operator Certification

I am licensed by the Virginia Board of Waste Management Facility Operators to act as a Waste Management Facility Operator (WMFO) for this facility. I hereby certify the above information is true and accurate to the best of my knowledge. I request that the Department evaluate the SWDR for disposal of the special solid waste at this facility.

Print Name: _____
 Title: _____
 WMFO License No. _____ Class: _____
 Signature: _____ Date: _____