

**TENTATIVE AGENDA
VIRGINIA WASTE MANAGEMENT BOARD MEETING
MONDAY, JANUARY 8, 2007**

**DEPARTMENT OF GAME AND INLAND FISHERIES
BOARD ROOM
4010 WEST BROAD STREET
RICHMOND, VIRGINIA**

Convene - 9:30 A.M.

Tab

- | | | | |
|---|-----------|--|---|
| I. Regulations – Final | | | |
| 9 VAC 20-200 – Mercury Switch Regulations | Frazier | | A |
| 9 VAC 20-110 - Transportation of Hazardous Materials
Regulations – IFR2006 | Wickliffe | | B |
| II. Regulations – Proposed | | | |
| 9 VAC 20-80 – Solid Waste Management Regulations, Amendment 5 | Brockman | | C |
| III. Public Forum | | | |
| IV. Other Business | | | |
| Minutes – May 12, 2006 | | | |
| Division Director’s Report | Sismour | | |
| Future Meetings | | | |

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT VIRGINIA WASTE MANAGEMENT BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration.

For **REGULATORY ACTIONS (adoption, amendment or repeal of regulations)**, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For **CASE DECISIONS (issuance and amendment of permits and consent special orders)**, the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is a 45-day comment period and one public hearing.

In light of these established procedures, the Board accepts public comment on regulatory actions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for **final** adoption. At that time, those persons who participated in the prior proceeding on the proposal (i.e., those who attended the public hearing or commented during the public comment period) are allowed up to 3 minutes to respond to the summary of the prior proceeding presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration. **NEW INFORMATION** will not be accepted at the meeting. The Board expects comments and information on a regulatory action to be submitted during the established public comment periods. However, the Board recognizes that in **rare** instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who participated during the prior public comment period **shall** submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. Should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, an additional public comment period may be announced by the Department in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 3 minutes.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: cumberlandt@deq.virginia.gov.

9 VAC 20-200 – Mercury Switch Regulations: The Virginia Waste Management Board was authorized to adopt regulations setting standards for removal and management of mercury switches from end-of-life automobiles to promote environmental mercury reduction. This is a new regulation establishing criteria and standards for vehicle demolishers managing mercury switches from end-of-life vehicles. As directed by §10.1-1402(23) of the Code of Virginia, DEQ consulted with the Department of Motor Vehicles and industry representatives during 5 stakeholder committee meetings to develop and issue guidelines and regulations concerning the criteria and standards for removal of mercury switches. These discussions included active participation of End-of-Life Vehicle Solutions (ELVS), the automotive manufacturing industry's program implemented pursuant to the August 11, 2006 Memorandum of Understanding to Establish the National Vehicle Mercury Switch Recovery Program (NVMSRP) between the United States

Environmental Protection Agency and the parties referenced therein to provide for postremoval handling of mercury switches. Virginia has had 197 participant demolishers enroll in the ELVS program since stakeholder discussions were initiated. Additionally, in consultation with stakeholder representatives, DEQ has developed a website for the mercury switch removal program which includes outreach and compliance assistance information, switch removal and safety guidelines, contact information for the ELVS program and other materials. Stakeholder members have been active supporters of the MSR development to address their interests in promoting reduction of mercury emissions at steel processors, ensure equitability in program applications, and provide for a system to store, ship, recycle and dispose of mercury switches removed from vehicles in accordance with the NVMSRP and the Resource Conservation and Recovery Act universal waste rule.

9 VAC 20-110 - Transportation of Hazardous Materials Regulations – IFR2006: Each year the U. S. Department of Transportation makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia’s regulations up-to-date with the federal changes. The item that must be amended is 9 VAC 20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus incorporating federal changes from October 1 of the previously incorporated year through September 30 of the newly specified year. This amendment covers three years, October 1, 2003 through September 30, 2006, and there are forty-eight changes. A table is available that provides a summary and more information on these changes. Also, statutory penalties for violation of the Board’s regulation have changed; this caused a deletion of a note in 9 VAC20-110-90.B. that is no longer correct.

9 VAC 20-80 – Solid Waste Management Regulations, Amendment 5: Tthe Department has proposed that specific sections of 9 VAC 20-80 be amended to: 1). Streamline public participation requirements by deleting automatic public hearings for certain permit or amendment issuance process; 2). address plans and actions related to the management of landfill gas and odors; 3). clarify the closure definition and procedure with particular reference to Code Section §10.1-1413.2 landfills; and 4). provide an option for facilities to apply for research, development, and demonstration plans under a new program promulgated by USEPA. Secondly, the Department proposes in this amendment to broaden the definition of “airport” to include military airfields and to ensure adequate review and turnaround time frames for Part A solid waste permit applications. Finally, the Department is incorporating citations referencing two new statutory provisions for: 1) landfill location that is protective with respect to water supplies and wetlands and 2) certification of permit application consistency with local government waste management plans. The specific proposals are:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10		Definition “Airport”	Modified to include military airfield along with public-use airports. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 1, posted in meeting minutes elsewhere on the Virginia Town Hall.)
10		Definition “Closure”	Clarified to define, more precisely, the endpoint of closure.

			(Modelled on Technical Advisory Committee consensus, 9/25/06 notes, p. 2.)
60.B		pursuant to § 10.1-1413.2 of the Code of Virginia,	replaced former Code citation with “in Tables 2.1 and 2.2” to clarify the list of applicable facilities
60.B		Note: ... [referring to] § 10.1-1413.2 of the Code of Virginia	Removed this note to avoid redundancy with new Tables 2.1 and 2.2
60.B.3	60.B.3.a through 2.1 and 2.2	untitled section with general specification that the landfills subject to Code section §10.1-1413.2 cannot be enlarged prematurely to avoid compliance	Title added, section subdivided into subparts a through e, and two tables of affected facilities and closure-related scheduling dates are added to clarify the limitations to enlargement or closure of those Municipal solid waste landfills (sanitary landfills) that are subject to prioritization and a schedule for closure pursuant to §10.1-1413.2 of the Code of Virginia. (Concept approved by Technical Advisory Committee, 9/25/06 notes, pp. 3 through 5.)
250.C.2.c		daily cover of 6 inches shall be placed upon all exposed solid waste before day’s end	Modified to “placed and maintained” to ensure that the protective cover is not to be diminished after the day’s end. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 6.)
250.C.2.d		intermediate cover of at least 6 inches of additional soil shall be applied whenever an additional lift of refuse is not to be applied within 30 days	Modified to “applied and maintained” to ensure that the additional protective cover is not to be diminished beyond the end of the 30 day period. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 6.)
250.C.2.e		final cover construction will be initiated in accordance with E 1 b requirements	Modified to “initiated and maintained” to ensure permanence of the protective cover. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 6.)
260.C.4		Safety hazards to operating personnel shall be prevented through an active safety program	For consistency with 250.C.5 modified to: “Safety hazards to operating personnel shall be prevented <u>controlled</u> through an active safety program <u>consistent with the requirements of 29 CFR Part 1910 .”</u>
270.C.3		Safety hazards to operating personnel	For consistency with 250.C.5 modified to: “Safety hazards to operating

		shall be prevented through an active safety program	personnel shall be prevented <u>controlled</u> through an active safety program consistent with the requirements of <u>29 CFR Part 1910 .”</u>
280 heading material		Venting and control of decomposition gases shall be implemented where required	Modified to: Venting and control of decomposition gases shall be implemented for all sanitary landfills under 9 VAC 20-80-250B and other landfills where required Such venting is only routinely required at sanitary landfills, but it needed clarification that venting could be required for other landfill types on a case-by-case basis (for Technical Advisory Committee’s approval of gas section in general, see 9/25/06 notes, p. 10)
280 heading material		required under 9 VAC 20-80-250 B 8,	Struck out 9 VAC 20-80-250 B 8, which was an incorrect citation
280.A.2		written authorization to discontinue by the department	Modified to: “written authorization by the department to discontinue” (to improve grammar and clarity; for Technical Advisory Committee’s approval of gas section in general, see 9/25/06 notes, p. 10)
280.A.4		based upon the results of monitoring data collected.	Modified to: “based upon the results of collected monitoring data.” (to improve grammar and clarity; for Technical Advisory Committee’s approval of gas section in general, see 9/25/06 notes, p. 10)
280.B		Monitoring. To ensure that the conditions of this section are met,	Modified to: “Gas Monitoring. Subject to the preconditions in 9 VAC 20-80-250B, 9 VAC 20-80-260 B.9, and 9 VAC 20-80-270 B.18,” (to distinguish gas from groundwater monitoring, and to clarify the applicable conditions by direct citations; (for Technical Advisory Committee’s approval of gas section in general, see 9/25/06 notes, p. 10))
280.C.1 & 2	280.B.4	C. Monitoring frequency. 1. As a minimum, quarterly monitoring	Replaced by: “B.4. At a minimum, the gas monitoring frequency shall be quarterly. The department may require more frequent monitoring at

		<p>is required. 2. More frequent monitoring may be required by the department at those locations where results of monitoring indicate that decomposition gas migration is occurring or is accumulating in structures to detect migrating gas and ensure compliance with subsection A of this section.</p>	<p>locations where monitoring results indicate gas migration or gas accumulation in devices or structures designed to detect migrating gas.”</p> <p>(To consolidate and clarify the conditions under which the department would require monitoring actions above the minimum standards, as approved by the Technical Advisory Committee, (for Committee’s approval of gas section in general, see 9/25/06 notes, p. 10).)</p>
	<p>280.D.1 thru 3</p>	<p>No section on odor existing in the old regulation</p>	<p>Added the following section to the regulation:</p> <p>D. Odor Management</p> <p>1. When an odor nuisance or hazard is created under normal operating conditions and upon notification from the department, the permittee shall, within 90 days, develop and implement an odor management plan to address odors that may impact citizens beyond the internal property boundaries. The permittee shall place the plan in the operating record and a copy shall be submitted to the department for its records. <u>Odor management plans developed in accordance with the Virginia Operating Permit Program 9VAC5-80-40 or other state air pollution control regulations will suffice for the provisions of this section (D).</u></p> <p>2. The plan shall identify a contact at the facility that citizens can notify about odor concerns.</p> <p>3. Facilities shall perform and document an annual review and update the odor management plan, as necessary, to address ongoing odor management issues.</p>

			(This odor section was added, with the approval of the Technical Advisory Committee, 9/25/06 notes, p. 10, to address concerns that had been raised by citizens across the State who live in the vicinity of landfills).
280.D heading material	280.D heading material	D. Recordkeeping. The owner or operator shall keep the records of the results of gas monitoring throughout the active life	Modified to: “E. Recordkeeping. The owner or operator shall keep the records of the results of gas monitoring and any gas remediation issues, throughout the active life” (to reflect the need to collect gas remediation issue records as well as gas monitoring records; (see Technical Advisory Committee’s approval of section in general, 9/25/06 notes, p. 10).)
280.D heading material	280.D heading material	The monitoring records shall include:	Removed the word “monitoring,” because not all the records listed consist solely of monitoring data (see Technical Advisory Committee’s approval of section in general, 9/25/06 notes, p. 10).
280.D	280.D.5		New section added: “E.5. Monitoring and design records for any gas remediation or control system.” This section was added with the approval of the Technical Advisory Committee, to specifically address the collection of remediation records (see Technical Advisory Committee’s approval of section in general, 9/25/06 notes, p. 10).
280.E	280.C.1.a & b	No prior section on action levels in 280.E; only compliance levels were addressed in old 280.E	New section on action levels was added with the approval of the Technical Advisory Committee (see approval of section in general, 9/25/06 notes, p. 10) to ensure rapid response to conditions in advance of the attainment of compliance levels and notification to the department. The action levels, if not addressed, could eventually impact human health and the environment: “C. Gas Remediation.

			<p>1. When the gas monitoring results indicate concentrations of methane in excess of the action levels, 25% of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components) or 80% of the lower explosive limit for methane at the facility boundary, the operator shall:</p> <ul style="list-style-type: none"> a. Take all immediate steps necessary to protect public health and safety including those required by the contingency plan. b. Notify the department in writing within five working days of learning that action levels have been exceeded, and indicate what has been done or is planned to be done to resolve the problem.”
280.E.1.a thru c	280.C.2	<p>E. Control.</p> <p>1. When the results of gas monitoring indicate concentrations of methane in excess of the compliance levels required by subdivision A 1 of this subsection, the operator shall:</p> <ul style="list-style-type: none"> a. Take all immediate steps necessary to protect public health and safety including those required by the contingency plan. b. Notify the department in writing within five working days of learning that compliance levels have been exceeded, and indicate what has been done or is 	<p>Modified to: “C. Gas Remediation</p> <p>2. When the gas monitoring results indicate concentrations of methane in excess of the compliance levels, 25% of the LEL for methane in facility structures (excluding gas control or recovery system components) or the lower explosive limit for methane at the facility boundary, the operator shall, within 60 days of detection, implement a gas remediation plan for the methane gas releases and submit it to the department for amendment of the facility permit. The plan shall describe the nature and extent of the gas migration and the proposed remedy. The plan shall include an implementation schedule specifying timeframes for implementing corrective actions, evaluating the effectiveness of such corrective actions and milestones for proceeding in implementation of additional corrective actions, if necessary to reestablish</p>

		<p>planned to be done to resolve the problem.</p> <p>c. Within 60 days of detection, implement a remediation plan for the methane gas releases and submit it to the department for approval and amendment of the facility permit. The plan shall describe the nature and extent of the problem and the proposed remedy.</p>	<p>compliance.”</p> <p>(This section was modified, with the approval of the Technical Advisory Committee, 9/25/06 notes, p. 8, to provide better specification of the details and the scheduling in a gas remediation plan to address exceeded gas compliance levels. The old wording was not sufficiently cognizant of the fact that remediation activities go beyond simple control of gas flow. Gas remediation involves the identification of causes and a remedy for high gas levels. The wording here is intended to clarify such differences, of what details the plan should consist, and when it should be scheduled and initiated)</p>
<p>280.E.2.a thru c</p>	<p>280.C.3. a thru c</p>	<p>2. A gas control system shall be designed to:</p> <ul style="list-style-type: none"> a. Prevent methane accumulation in on-site structures. b. Reduce methane concentrations at monitored property boundaries to below compliance levels in the timeframes specified in the gas remediation plan. c. Provide for the collection and treatment and/or disposal of decomposition gas condensate produced at the surface. <p>Condensate generated from gas control systems</p>	<p>Modified to: “3. A gas remediation system shall:</p> <ul style="list-style-type: none"> a. Prevent methane accumulation in on-site structures. b. Reduce methane concentrations migrating beyond the monitored property boundaries to below compliance levels in the timeframes specified in the gas remediation plan. c. Provide for the collection and treatment and/or disposal of decomposition gas condensate produced at the surface. <p>Condensate generated from gas control systems may be recirculated into the landfill provided the facility complies with the liner and leachate control systems requirements of this part. Condensate collected in condensate traps and drained by gravity into the waste mass will not be considered recirculation.”</p> <p>(This section was modified, with</p>

		<p>may be recirculated into the landfill provided the facility complies with the liner and leachate control systems requirements of this part. Condensate collected in condensate traps and drained by gravity into the waste mass will not be considered recirculation.</p>	<p>the approval of the Technical Advisory Committee (see Committee’s approval of section in general, 9/25/06 notes, p. 10), to provide better specification of the details and the scheduling in a gas remediation plan to address exceeded gas compliance levels. The old wording was not sufficiently cognizant of the fact that remediation activities go beyond simple control of gas flow. Gas remediation involves the identification of causes and a remedy for high gas levels. The wording here is intended to clarify such differences, of what details the plan should consist, and when it should be scheduled and initiated)</p>
280.E.3	280.C.4	<p>3. Extensive systems to control emissions of non-methane organic compounds may be required under the Clean Air Act (40 CFR 60.33c and 40 CFR 60.750) and 9 VAC 5-40-5800. Facilities that are required to construct and operate systems designed to comply with those regulations will be considered to be in compliance with the requirements of subdivisions 2 a and b of this subsection. Gas control systems also may be subject to the Virginia Operating Permit Program 9 VAC 5-80-40 or other state air pollution control regulations.</p>	<p>The wording of this section was not changed (except as noted below). The location in the structure of the regulation was changed (from E.3 to C.4) and the internal citation to E.2 a and b was updated to C.3 a and b: “4. Extensive systems to remediate emissions of non-methane organic compounds may be required under the Clean Air Act (40 CFR 60.33c and 40 CFR 60.750) and 9 VAC 5-40-5800. Facilities that are required to construct and operate systems designed to comply with those regulations will be considered to be in compliance with the requirements of subdivisions 3 a and b of this subsection, <u>unless monitoring data continues to indicate an exceedance of compliance levels.</u> Gas control systems also may be subject to the Virginia Operating Permit Program 9 VAC 5-80-40 or other state air pollution control regulations.”</p> <p>(Structure of the gas section approved by Technical Advisory</p>

			Committee, subject to the specific revisions indicated in 280 9/25/06 notes, p. 6.)
280.E	280.C.5	No prior section on this topic in 280.E.	<p>Wording added: “5. The facility shall notify the department of an initial exceedance of the compliance level or unusual condition which may endanger human health and the environment, in accordance with 9 VAC 20-80-570.C.3, such as when an active gas remediation system is no longer operating in such a manner as to maintain compliance with this section.”</p> <p>(This wording was added, with the approval of the Technical Advisory Committee, 9/25/06 notes, p. 9.) to maintain similar reporting requirements stated elsewhere in 9 VAC 20-80 for compliance exceedances and unusual conditions.)</p>
485.A.7		Upon receiving the certifications and other required documents, including the results of the public meeting and the applicant's response to the comments received, the director will acknowledge their receipt within 10 working days.	<p>acknowledgment turnaround changed to: “within 30 days” to reflect the Department’s processing time requirements, but includes weekends and holidays in the time period. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 10.)</p>
485	485.D	No prior section on this topic in 485	<p>A new section concerning a new optional program for applicants, for a Research, Development, and Demonstration Plan for landfills which is now offered by USEPA, subject to standards set forth in accordance with 40 CFR 258.4.</p> <p>(A consensus of the Technical Advisory Committee voted its support for including a Research, Development, and Demonstration Plan section in the revised regulation, 9/25/06 notes, p. 15)</p>
500.B.3		There was no prior	To the end of this section is appended:

		<p>citation to statutory provision for plan consistency.</p>	<p>“Permit and Permit-by-rule applicants shall comply with the statutory requirements for consistency with solid waste management plans as recorded in §§ 10.1-1408.1.B.9, D.1, and R of the Code of Virginia.”</p> <p>This citation is included in 500.B.3 as the most appropriate location to indicate the new statutory requirement passed in the 2006 legislative session. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)</p>
500.C.2		<p>The Part A application will be reviewed for completeness. The applicant will be notified within fifteen days whether the application is administratively complete or incomplete. If complete information is not provided within thirty days after the applicant is notified, the application will be returned to the applicant without further review.</p>	<p>Changes to this section, as approved by the Technical Advisory Committee, are underlined (below). The changes are to more accurately reflect the Department’s processing time requirements along with the Committee’s concern that applicant’s not face a second assessment for timely application resubmittals (sent within 18 months).</p> <p>“The applicant will be notified within <u>30</u> days whether the application is administratively complete or incomplete. If complete information is not provided within <u>60</u> days after the applicant is notified, <u>or an alternate timeframe approved by the department</u>, the application will be returned to the applicant without further review. <u>Subsequent resubmittals of the application, submitted after eighteen months from the date of the department’s response letter, shall be considered as a new application.</u>”</p> <p>(Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)</p>
500.E.2		<p>A notice of the availability of the proposed draft permit shall be made in a newspaper with general circulation in the area where the facility is to be located. A copy of the notice of availability will be provided to the chief administrative</p>	<p>The original language was modified (as below) to clarify the public notification process: “<u>Copies of the draft permit will be available for viewing at the applicant's place of business or at the regional office of the department, or both, upon request.</u> A notice of the availability of the proposed draft permit shall be made in a newspaper with general circulation in the area <u>where</u> of the facility is to be located. A copy of</p>

		officer of all cities and counties that are contiguous to the host community.	the notice of availability will be provided to the chief administrative officer of all cities and counties that are contiguous to the host community.” (Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)
500.E.2	new 500.E.3 through E.6	A public hearing will be scheduled and the notice shall be published at least 30 days in advance of the public hearing on the draft permit. Copies of the proposed draft permit will be available for viewing at the applicant's place of business or at the regional office of the department, or both, upon request in advance of the public hearing.	These words have been removed from this section and reworked into new sections 500.E.3 through 6 (elsewhere, below in this table) to indicate both the circumstances in which a public hearing is required and when a public hearing is optional. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)
500.E.3	new 500.E.6	3. The department shall hold the announced public hearing 30 days or more after the notice is published in the local newspaper. The public hearing shall be conducted by the department within the local government jurisdiction where the facility is to be located. A comment period shall extend for a 15-day period after the conclusion of the public hearing.	This section has been modified to reflect that a public hearing is optional in some circumstances (as indicated in new 500.E.3 through 500.E.5) other language has been clarified to provide consistency with wording changes elsewhere in 500.E.: “6. <u>If a public hearing is to be held, The</u> the department shall hold-convene <u>it</u> the announced-public-hearing 30 days or more after the notice is published in the local newspaper. The public hearing shall be conducted by the department within the local government jurisdiction where of <u>of</u> the facility is to be located . A comment period shall extend for a 15-day period after the conclusion of the public hearing.” (Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)
500.E.4 through 7	new 500.E.7 through 10		No changes (other than for E.4--see the next line of this table) have been made to the wording of these sections. They have been renumbered as sections 7 through 10 in the reorganization of 500.E.

			(Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)
500.E.4	500.E.7	A final decision to permit, to deny a permit or to amend the draft permit shall be rendered by the director within 30 days of the close of the hearing comment period.	The word “final” has been removed, as approved by the Technical Advisory Committee, 9/25/06 notes, p. 11, because this is not a final decision. It remains subject to the internal departmental appeals process.
500.E	new 500.E.3 through E.5		<p>The three new sections, below, have been added to indicate both the circumstances in which a public hearing is required and when a public hearing is optional:</p> <p>“3. If the application is for a new landfill or an increase in landfill capacity, then the department shall hold a public hearing and the notice above will include such information.</p> <p>4. For any application (other than 3 above), the notice will include the opportunity to request a public hearing. The department shall hold a public hearing on the draft permit whenever the department finds, on the basis of requests, that:</p> <ul style="list-style-type: none"> a. there is a significant public interest in the issuance, denial, modification or revocation of the permit in question; b. there are substantial, disputed issues relevant to the issuance, denial, modification or revocation of the permit in question; and c. the action requested is not, on its face, inconsistent with, or in violation of, these regulations, the Waste Management Act, or federal law or regulations. <p>5. The department also may hold a public hearing when it is believed that such a hearing might clarify one or more issues involved in a permit decision.”</p>

			(Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)
510.H.1		There was no prior citation to statutory provision for plan consistency.	To the end of this section is appended: “This report shall comply with the statutory requirements for siting landfills in the vicinity of public water supplies or wetlands as recorded in §§ 10.1-1408.4 and 10.1-1408.5 of the Code of Virginia.” This citation is included in 510.H.1 as the most appropriate location to indicate the new statutory requirement. (Approved by Technical Advisory Committee, 9/25/06 notes, p. 11.)