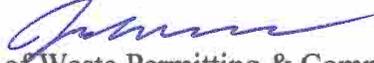


COMMONWEALTH OF VIRGINIA
Department of Environmental Quality

Subject: Division of Land Protection and Revitalization
Revised Solid Waste Permitting Submission Instructions

To: Regional Land Protection Program Managers, Regional Solid Waste Permit Writers, Leslie Beckwith, Kathryn Perszyk, and Geoff Christie

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

Date: February 1, 2012

Copies: Regional Directors

Summary:

The Solid Waste Permitting Submission Instructions have been revised to address both permit application submission requirement changes and recodification of the Solid Waste Management Regulations (VSWMR, 9 VAC 20-81), effective August 3, 2011. The Submission Instructions have also been updated to coincide with guidance on legislation passed from 2001 through 2011.

Submission Instructions for Solid Waste Management Facilities were initially issued June 1, 1993, under Guidance No. 05-1993, and were superseded by Guidance No. 01-2002 issued April 23, 2002, to address regulatory changes effective with Amendment 2 of the VSWMR as well as guidance on legislation passed from 1999 through 2001. The attached Submission Instructions supersede those previously issued.

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 permit coordinator, Kathryn Perszyk, at (703) 583-3856 or kathryn.perszyk@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.



Submission Instructions

I. INTRODUCTION

Amendment 7 of the Virginia Solid Waste Management Regulations (VSWMR, §9 VAC 20-81) was promulgated on March 16, 2011. This amendment recodified the regulations in an effort to remove redundancies and improve organization of the regulatory requirements. This amendment also modified the permit application and permit modification procedures; removed the Operations Plan from the solid waste permit; and provided "pre-approved" alternate liner and cap systems. Subsequent to Amendment 7, Amendment 8 became August 3, 2011, through an exempt regulatory action, which incorporated necessary style and form changes and technical corrections.

The purpose of this guidance document is to revise the existing Submission Instructions (last revised April 23, 2002) to provide the regulated community and the solid waste permit writers a summary of the types of information expected to be submitted for solid waste management facilities which are applying for a new or modified solid waste management permit in accordance with the amended regulations.

II. BACKGROUND

Submission Instructions are used to interpret waste regulations and provide agency staff and the public with information regarding the preparation of the documents used to obtain solid waste management facility permits. If applications are submitted using the recommended format, documents are presented in a consistent manner allowing Solid Waste Permitting Staff to review solid waste permit applications more quickly and effectively.

III. AUTHORITY

Section 10.1-1408.1 of the Code of Virginia specifies that sanitary landfills or other facilities for the disposal, treatment, or storage of nonhazardous solid waste shall not operate without a permit from the Director. This Section also identifies key components of the permit application that shall be submitted for review.

Section 10.1-1408.4. of the Code of Virginia specifies the Director shall determine, in writing, that the site on which the proposed new municipal solid waste landfill is to be constructed is suitable for the construction and operation of such a landfill.

The permit application required by the Code is addressed in Part V of the VSWMR [9 VAC 20-81-450 through 9 VAC 20-81-600]. A submission providing the information outlined in these submission instructions will contain the basic information the DEQ will use to evaluate the proposed facility. Based on the evaluation of the submitted permit application, the Department will determine if the application is administratively complete, technically adequate, and in full regulatory compliance with applicable sections of the VSWMR.

The permit application for a proposed new solid waste management facility will contain a Notice of Intent (NOI), a Part A Application and a Part B Application. The following discussion is provided to aid the applicant in preparing a complete application for the Department's review.

IV. DEFINITIONS

The definitions in § 10.1-1400 of the Code of Virginia and § 9 VAC 20-81-10 of the VSWMR apply to this guidance document.

Administratively Complete - an application is considered administratively complete when all necessary blanks are accurately filled in, the proper signature applied, all necessary documents are attached, and the permit fee paid.

Draft permit - a document indicating the tentative decision to issue, deny, reissue, modify, revoke and reissue, or terminate a permit. A Notice of Intent to Terminate is a type of draft permit but denials of requests for modification, revocation and reissuance or termination are not.

Major Modification - permit modifications which will substantially alter the facility design, operation, or monitoring. Facility changes requiring a major modification of a permit are outlined in Table 5.2 of the VSWMR, Section 9 VAC 20-81-600.F.

Minor Modification - permit modifications which do not require public notice and opportunity for hearing. (Refer to 9 VAC 20-81-600)

Reissuance - internal DEQ language not defined in the regulations. Reissuance refers to the issuance of a permit which has previously been issued.

Shall - means a mandatory requirement.

Should - means a recommendation.

Technically Complete – an application is technically complete when no further information from the permittee is necessary to develop the draft permit.

V. GUIDANCE

Submission Instructions for the Virginia Solid Waste Management Regulations were first issued June 1, 1993, and revised April 23, 2002. The following Submission Instructions dated December 2011 and January 2012 supersede all previous versions.

Submission Instruction No. 1 - Procedural Requirements for a New or Modified Solid Waste Management Facility (SWMF) Permit Application

Submission Instruction No. 2 - Design Plans and Report for Solid Waste Disposal Facilities

- Submission Instruction No. 3 - Design Plans and Report for Waste to Energy, Thermal Treatment, and Incineration Facilities
- Submission Instruction No. 4 - Design Plans and Report for Other Solid Waste Management Facilities
- Submission Instruction No. 6 - Closure and Post-Closure Care Plans for Solid Waste Disposal and Management Facilities
- Submission Instruction No. 7 - Leachate Management Plan for Solid Waste Management Facilities
- Submission Instruction No. 10 - Procedural Requirements for a New or Modified Permit-by-Rule Application
- Submission Instruction No. 13 - Landfill Gas Management, Remediation, and Odor Plans for Solid Waste Disposal Facilities
- Submission Instruction No. 20 - Termination of Post-Closure Activity Evaluation