

COMMONWEALTH OF VIRGINIA  
Department of Environmental Quality

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**Subject:** Waste Guidance Memo No. 02-2007  
**DEQ Strategic Priority - SAFELY CLOSE THE OLD 1205 PERMITTED  
LANDFILLS ON SCHEDULE**

**To:** Waste Program Managers

**From:** Karen Jackson, Sismour  
Waste Division Director



**Date:** May 18, 2007

**Copies:** Regional Directors

**Summary:**

Old landfills must cease accepting waste by no later than 2020, according to the schedule established by DEQ in 2001. Landfills that were ranked high must cease accepting waste by 12/31/07, medium by 12/31/12 and low by 12/31/20. This guidance sets forth the procedures to ensure DEQ takes all steps necessary to facilitate the closure of these landfills. The purpose of this guidance focuses on the process needed for the closures scheduled for 2007. The guidance provides a template for the closures scheduled for 2012 and 2020. Information on closing the old landfills from other documents and sources has been consolidated into this guidance. The progress of this Agency task is reported to the Department of Planning and Budget members of the General Assembly upon request.

**Electronic Copy:**

An electronic copy of this guidance is available on DEQNET.

**Contact Information:**

Please contact Paul Farrell at (804) 698-4214 or [epfarrell@deq.virginia.gov](mailto:epfarrell@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. 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.**

# Background

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## List of Landfills and Closure Dates

The DEQ report entitled [“Final Prioritization and Closure Schedule for HB 1205 Disposal Areas”](#) dated June 13, 2002, identified 36 municipal solid waste landfills or landfill areas and ranked the areas into high, medium, and low. Facilities ranked high must close by 2007, medium by 2012, and low by 2020. The list of the [36 landfills](#) shows a closure year and will also be used to track the closure of the landfills as well the key closure milestones leading the facility to the start of post-closure monitoring. The regulations require the start of the closure process based on last receipt of waste. Some of the landfills closed earlier than their scheduled date. Seven of the landfills on the list must stop accepting waste in this year. The unspecified day for cessation of waste acceptance each year is December 31.

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## Authority

The Virginia Waste Management Act, at Va. Code [§ 10.1-1413.2](#), directs DEQ to prioritize landfills based on the greatest threat to human health and the environment. “The Department shall establish a schedule, after public notice and a period for public comment, based upon that prioritization requiring municipal solid waste landfills to cease accepting solid waste in, and to prepare financial closure plans for, disposal areas permitted before October 9, 1993. Notwithstanding the provisions of subsection N of § 10.1-1408.1, failure by a landfill owner or operator to comply with the schedule established by the Department shall be a violation of this chapter.” § 10.1-1410.2 ensures that the landfill is: “Closed in accordance with the Board’s regulations and the closure plan approved for the landfill...” In accordance with 9 VAC 20-80-250, all facilities must submit a closure plan at least 180 days prior to closure. The last receipt of waste for all “1205” landfills has been established by the General Assembly for year 2020.

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# Guidance: Closure Activities

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## Major Closure Milestones

The major closure milestones for this process and the corresponding dates that will be [tracked](#) are:

- The date the landfill stops accepting all waste in the 1205 area or in the 1205 landfill.
  - The date DEQ receives the final closure/post closure plan.
  - The date the closure/post-closure plan is approved by the Agency.
  - The date the final DEQ closure inspection of the 1205 landfill occurs.
  - The date the final inspection is approved by DEQ. This is also the date at which post-closure monitoring starts for the newly closed area or landfill.
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**Actions to be taken with facilities required to close.**

All active 1205 landfills that have not closed their 1205 areas or landfills should be notified in writing. A [template letter](#) has been developed. This letter should be sent to the facility owner of record during a date range that is no later than 9 months prior to the scheduled closure date and no sooner than 12 months prior to closure date. All letters should be by registered mail from DEQ. For a facility that stops taking waste on December 31, 2007, the letter should be sent as soon as possible.

All inactive or closed 1205 landfills or areas should be sent a letter similar to the template provided. The letter establishes the minimum documentation necessary to verify completion of closure activities.

In accordance with 9 VAC 20-80-250E3 and 20-80-560, a facility must notify DEQ at least 180 days prior to the anticipated date of closing. Per 9 VAC 20-80-250E3, a facility must submit a closure plan at least 180 days before the date construction activities are expected to begin. For the 1205 facilities that will be July 1 of the year of their closure (i.e., July 1, 2007 for those closing this year).

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**Approval**

DEQ must review closure plans within 90 days of receipt.

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## **Guidance: Closure Plans**

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**All Closure Plans**

All DEQ approved closure plans must comply with 9 VAC 20-80-250 E.3 (or 260.E,2 or 270.E.2). See [Submission Instructions No. 6](#) (link provided for internal use) and the [Permit Manual, Section IV](#) for information regarding the content and the review these plans. Note, plans that are part of the permit should be amended as a permit amendment.

Most DEQ approved plans are in the current permit for the facility. Many permits cover old and new disposal areas, referred to as “combo” facilities in the Final 1205 Report. This closure guidance only addresses the closure status of the 36 specific 1205 municipal solid waste landfills, not the new disposal areas. Note, an approved closure plan in the current permit may not identify the old “1205” area or unit of the landfill. If it does not, the permit for the “combo” facility should be amended to clearly show the area to be capped or that was capped and the DEQ approval that covered those areas.

**“1205” Closure Plans**

The submission and review of closure plans should occur based on the final report priority ranking of the facility. Of the facilities required to close in 2007, there are 7 remaining facilities which currently have not indicated they are closed. All 7 of these facilities will need to start and/or document the closure of the 1205 areas or landfill in 2007. For the remaining 3 facilities that have indicated that they are closed, the staff should review files for documentation

that indicates the major tracking milestones, as appropriate, for audit purposes. A copy of that milestone documentation should be placed in the permit folder on the OPM/Common network drive. A “Closure-1205” subfolder should be created as a subfolder to the “Module I” folder for easy access and viewing for any legislative or LT requests. From the ranking list for 2007, 2 facilities may need permit amendments for closure and the remaining 5 may need to submit a “stand-alone” closure plan for review and approval. The stand-alone closure plans should be submitted as [“Final” Site Closure/Post-Closure Plans](#). There is no need for “interim” or “worst-case” closure conditions in the plan for these facilities.

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**Previously submitted information**

The facility should review and update any previously submitted closure information to reflect current conditions and any proposed changes in closure activities.

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## Guidance: Post-Closure Plans

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**All Post-Closure Plans**

The Post-closure Plan should identify and describe the post-closure activities required to properly monitor and maintain the closed landfill site. See [Submission Instructions No. 6](#).

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**Previously submitted information**

The facility should review and update any previously submitted post-closure information to reflect current conditions and any proposed changes in closure or post-closure activities.

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## Guidance: Reference

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**References**

[Technical Manual for Solid Waste Disposal Criteria - 40 CFR Part 258, Subpart F \(Chapter 6\). U.S. EPA, November 1993.](#)

[Submission Instructions No. 6 - Closure and Post-Closure Care Requirements](#)

[Permit Manual-Closure Plan Processing](#)

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