

Virginia Solid Waste Management Regulations

Amendment 7 Overview

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Purpose

- **Review Amendment 7 process**
- **Overview of changes to the VSWMR**
- **Provide information on current guidance**

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Things to Remember

- **The BIGGEST change is in organization**
 - * Crosswalk guidance document
- **Many revisions are small clarifications of existing standards**
 - * **Read the regulation**



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Why, oh why, did we do this...?

- ✿ **Inconsistencies**
 - * Due to several small amendments
- ✿ **Verbatim inclusion of federal standards**
 - * Some very dated
- ✿ **Significant redundancy**
- ✿ **Improve organization**
- ✿ **Clarify confusing requirements**



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What is Amendment 7?

- ✿ **Actually Three Regulatory Actions**
 - * Adopt a new chapter 9 VAC 20-81
 - * Repeal old VSWMR, 9 VAC 20-80
 - * Repeal Veg Waste Regs, 9 VAC 20-101
 - * Now incorporated into the 9VAC 20-81

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How we did it?



- **Full Process Regulatory Action**
 - * **Internal Team (SWAT - Summer/Fall/Winter 2007)**
 - * **NOIRA (21 JAN 2008 published)**
 - * Comments mostly on composting (help encourage)
 - * **TAC (May – Sept 2008)**
 - * Made up of industry, local governments, environmental advocacy groups, and public
 - * **Proposed Phase**
 - * Published July 6, 2009
 - * Comment Period Ended September 4, 2009
 - * Majority of technical comments on composting revisions
 - * Clarification comments on others
 - * **Final Phase (on going)**
 - * Adopted by WMB on December 4, 2009
 - * Governor Approved

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Where is Amendment 7 now?

- **Publication in Virginia Register**
 - * February 14, 2011
 - * Final adoption phase commences
- **Regulation effective on March 16th, 2011**



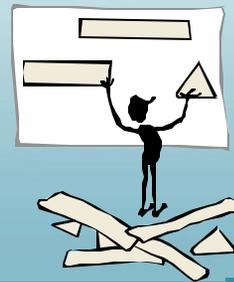
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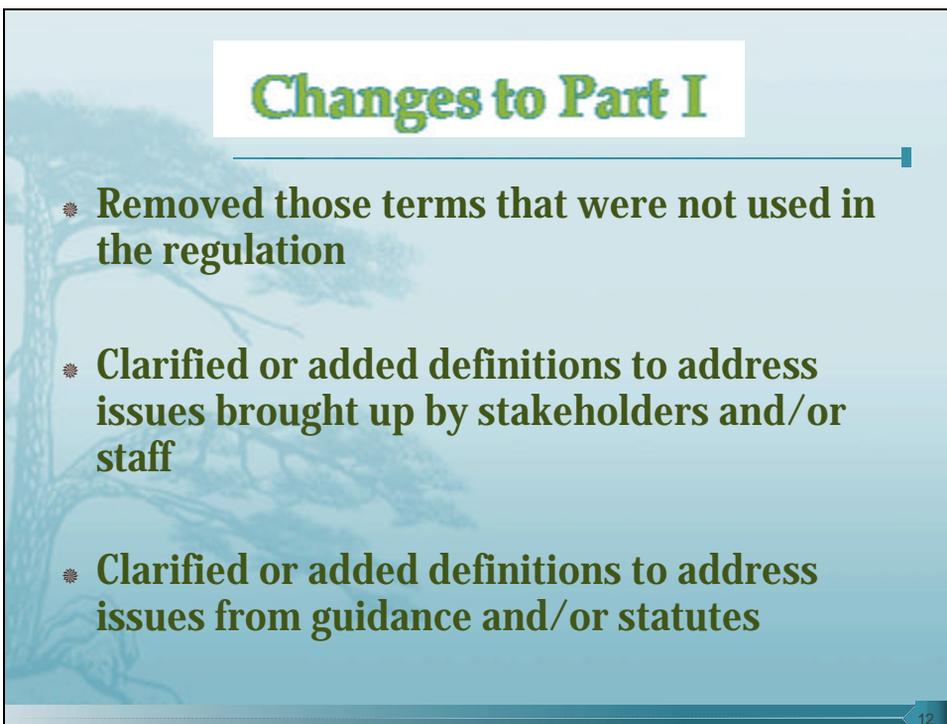
Amendment 7 Companion Guidance Documents

- **Draft guidance**
 - * Implementation of new operations manual req'ts
 - * Crosswalk (9VAC20-80 v. 9VAC20-81)
 - * Changes to the composting provisions
 - * Amendment 7 (9VAC20-81) FAQs
 - * Amendment 7 (9VAC20-81) changes to the beneficial use provisions
- **Guidance will be posted on the Virginia Town Hall (www.townhall.virginia.gov)**

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And the changes are....





Changes to Part I

- **Removed those terms that were not used in the regulation**
- **Clarified or added definitions to address issues brought up by stakeholders and/or staff**
- **Clarified or added definitions to address issues from guidance and/or statutes**

REVISED Definitions

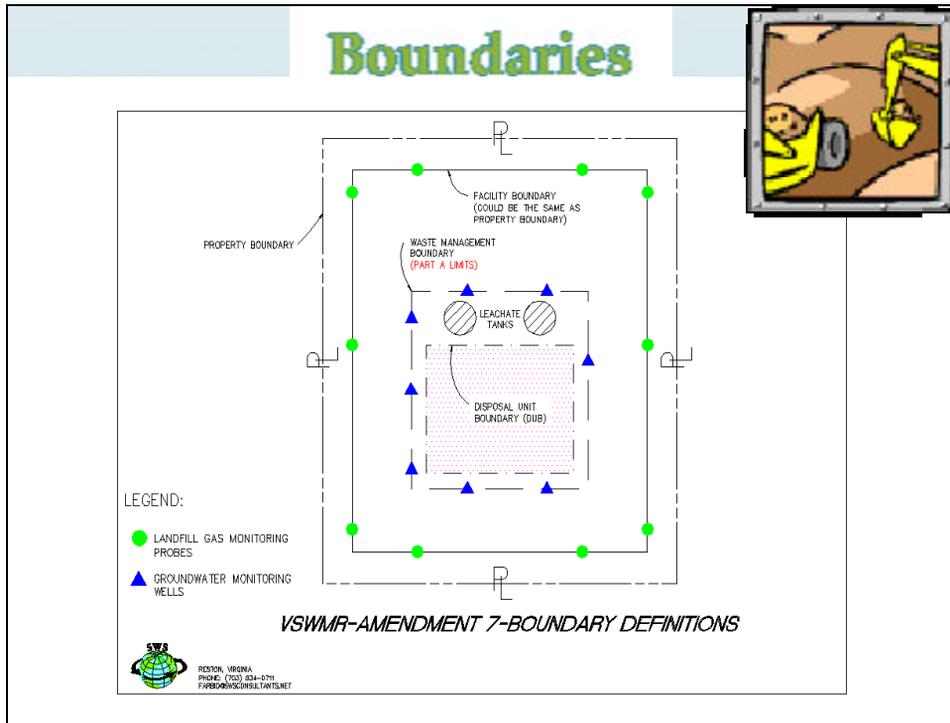
- CDD Landfill
- Clean Wood
- Closure
- Compost
- Discarded material
- Disclosure statement
- Facility boundary
- Hazardous constituent
- Karst topography
- Refuse derived fuel
- Scrap metal
- Unit
- Vertical design capacity
- Waste management boundary
- Yard waste

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NEW Definitions

- Capacity
- Construction
- Daily disposal limit
- Decomposed vegetative waste
- Disposal unit boundary
- Exempt management facility
- Expansion
- Governmental unit
- Ground rubber
- Interim cover systems
- Land clearing activities
- Land clearing debris
- Landfill mining
- Operation
- Perennial stream
- Process rate
- Professional Geologist
- Responsible Official
- Surface waters
- Vermicomposting

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New/Revised Definitions

- **“Capacity”** establishes landfill volume metric consistent with the air program (9VAC5-40-5810).
 - * "Capacity" means the maximum permitted volume of solid waste, inclusive of daily and intermediate cover, that can be disposed in a landfill. This volume is measured in cubic yards.
- **"Clean wood" simplified.**
 - * **“Clean Wood”** means solid waste consisting of untreated wood pieces and particles that do not contain paint, laminate, bonding agents, chemical preservatives or are otherwise unadulterated.

New/Revised Definitions

- ✿ **“Construction” new definition to clarify activities permissible prior to permit approval.**
 - * "Construction" means the initiation of permanent physical change at a property with the intent of establishing a solid waste management unit. This does not include land-clearing activities, excavation for borrow purposes, activities intended for infrastructure purposes, or activities necessary to obtain Part A siting approval (i.e., advancing of exploratory borings, digging of test pits, groundwater monitoring well installation, etc.).

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New/Revised Definitions

- ✿ **“Daily disposal limit” new definition term consistent with statute and guidance (and used for New Part B form).**
 - * "Daily disposal limit" means the amount of solid waste that is permitted to be disposed at the facility and shall be computed on the amount of waste disposed during any operating day

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New/Revised Definitions

- **“Exempt management facility” new definition to support inclusion of vegetative waste regulations and for activities that are conditionally exempt from management as a solid waste under this chapter.**
 - * **“Exempt management facility” means a site used for activities that are conditionally exempt from management as a solid waste under this chapter. The facility remains exempt from solid waste management requirements provided it complies with the applicable conditions set forth in Parts II (9VAC20-81-20 et seq.) and IV (9VAC20-81-300 et seq.) of this chapter.**

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New/Revised Definitions

- **“Expansion” term previous defined as “lateral expansion”. Now consistent with statute and May 2009 guidance memo.**
 - * **“Expansion” means a horizontal expansion of the waste management boundary as identified in the Part A application. If a facility’s permit was issued prior to the establishment of the Part A process, an expansion is a horizontal expansion of the disposal unit boundary.**
- **“Landfill mining” new definition to support 9VAC20-81-385.**
 - * **“Landfill mining” means the process of excavating solid waste from an existing landfill.**

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New/Revised Definitions

- “Process Rate” new metric to quantify maximum throughput for treatment and storage operations (TSFs).
 - * "Process rate" means the maximum rate of waste acceptance that a solid waste management facility can process for a treatment and/or storage. This rate is limited by the capabilities of equipment, personnel, and infrastructure.
- “Responsible Official” new definition consistent with other medias.

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PART II General Information



Changes to Part II

- **Added recycling to the Waste Hierarchy to be consistent with other solid waste regulations**
- **Added CRT to prohibition (2010 statute)**
- **Consolidated the open dump criteria into one section and referenced Federal Open Dump criteria**

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Part II Changes continued...

- **Definition of Solid Waste**
 - * Exemptions and exclusions that were previously spread throughout the regulation are consolidated
 - * See beneficial use guidance document
- **Included additional composting exemptions**
 - * To support various composting initiatives
 - * See compost changes guidance document

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Part II Changes continued...

- ✿ **Treatment exemption**
 - * Incorporates exemption for treatment of non-hazardous waste in containers at the site of generation (included with management in container storage exemption)
 - * Based on existing hazardous waste exemption

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PART III Landfill Standards



Changes to Part III

- **Elimination of redundant requirements**
 - * Consolidates landfill requirements
- **Reorganized to make sections intuitive**
- **Added pre-approved liner/caps**
- **Operation standards**
 - * Clarified/performance based
- **Post-Closure termination process added**
- **Leachate seeps**
- **Clarification of Groundwater Sections**

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PART IV Other Solid Waste Management Facility Standards



Changes to Part IV

- ✿ **Elimination of redundant requirements**
- ✿ **Incorporated vegetative/yard waste regs**
 - * Previously in 9 VAC 20-80-101
- ✿ **Clarified composting requirements**
 - * Design and Ops – clarifications added
 - * Simplified compost testing requirements
 - * Expanded feedstocks
- ✿ **And...**

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Added new TSF

Centralized Waste Treatment Facilities

- ✿ **New facility bridges gap between “wet” non-hazardous wastes and meeting the landfill free liquids disposal standard.**
- ✿ **Only applies to zero discharge facilities that do not have a pre-treatment or other water discharge permit.**

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PART V Permitting



Changes to Part V

- **State Corp Commission Certification for NOI**
- **New and Updated Forms**
 - **Part A and Part B**
- **Permit Modifications**
 - **Clarified and reduced number of Majors**
- **Operations manual**
 - **not a Part B submittal**
- **Clarify PBR processing**

PART VI Special Wastes

Changes to Part VI

- **Asbestos reference to federal standards**
- **PCB reference to federal standards**
- **Removes white goods storage timeline in favor of speculative accumulation**
- **Free liquid, bulk container, lead acid battery sections removed. Duplicative of prohibitions and operations sections.**
- **Petroleum Contaminated Soil revisions**

PART VII Variance Procedures



Changes to Part VII

- **No longer a variance for use of groundwater Alternate Concentration Levels**
- **No longer a variance for use of alternate landfill liner system design**

WHAT!?

Another Amendment?

- ✿ Yes, likely going to need a “clean-up” amendment for all regulations
 - * Technical Clarifications/Grammatical Errors
 - * Exempt from APA (means QUICKER)
- ✿ And then maybe another amendment to do even more good things

CHANGE IS GOOD 😊

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Questions?

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