

## Setback Restrictions

- a. The land application of biosolids/WTP residuals shall not occur within the following minimum setback distance requirements:

MINIMUM SETBACK DISTANCE REQUIREMENTS <sup>(1)</sup>	
Adjacent Feature	Minimum Setback Distance (Feet) to Land Application Area
Occupied dwelling	200 <sup>(2), (3), (4)</sup>
Odor sensitive receptors (without injection or same day incorporation)	400 <sup>(4)</sup>
Odor sensitive receptors (with injection or same day incorporation)	200
Property lines	100 <sup>(3), (5)</sup>
Property lines of publicly accessible sites <sup>(6)</sup>	200
Water supply wells or springs	100
Public water supply reservoirs	400
All segments of streams and tributaries designated as a Public Water Supply under the Board's Water Quality Standards	100
Surface waters without a vegetated buffer	100
Surface waters with a 35-foot vegetated buffer	35
Agricultural drainage ditches	10
All improved roadways	10
Rock outcrops	25
Open sinkholes	100
Limestone rock outcrops and closed sinkholes <sup>(7)</sup>	50
<p>(1) In cases where more than one setback distance is involved, the most restrictive distance governs.</p> <p>(2) The setback distance to occupied dwellings may be reduced or waived with the written consent of the occupant and landowner of the dwelling.</p> <p>(3) DEQ shall grant to any landowner or resident in the vicinity of a biosolids land application site an extended setback of up to 200 feet from their property line and up to 400 feet from their occupied dwelling upon request from their physician based on medical reasons. In order for an extended setback request to be granted, the request must be submitted to DEQ in writing on a form provided by DEQ. A request must be received by DEQ no later than 48 hours before land application commences on the field affected by the extended setback, and communicated by DEQ staff to the permittee no later than 24 hours before land application commences on the field affected by the extended setback. DEQ may extend a setback distance within 48 hours of land application if requested by the Virginia Department of Health in connection with the landowner or resident's physician.</p> <p>(4) Setback distances may be extended beyond 400 feet where an evaluation by the Virginia Department of Health determines that a setback in excess of 400 feet is necessary to prevent specific and immediate injury to the health of an individual.</p> <p>(5) The setback distance to property lines may be reduced or waived upon written consent of the landowner.</p> <p>(6) Publicly accessible sites are open to the general public and routinely accommodate pedestrians and include, but are not limited to, schools, churches, hospitals, parks, nature trails, businesses open to the public and sidewalks. Temporary structures, public roads or similar thoroughfares are not considered publicly accessible.</p> <p>(7) A closed sinkhole does not have an open conduit to groundwater. The setback from a closed sinkhole may be reduced or waived by DEQ upon evaluation by a professional soil scientist.</p>	

- b. Increased setback distances may be required based on site specific features, such as agricultural drainage features and site slopes.
- c. Waivers from adjacent property residents and landowners may only be used to reduce setback distances from occupied private residences and property lines. The setback from an odor sensitive receptor or a publicly accessible site may not be waived.
- d. Voluntary extensions of setback distances – If a permittee negotiates a voluntary agreement with a landowner or resident to extend setback distances or add other more restrictive criteria than required by this regulation, the permittee shall document the agreement in writing and provide the agreement to the DEQ-VRO Regional Office. Voluntary setback increases or other management criteria will not become an enforceable part of the land application permit unless the permittee modifies the BSMP to include the additional restriction.