

DAAlert on Solid Waste Issues



A Publication of **Draper Aden Associates**

August 2005

Approval of Permits Hinge on Recycling Rates

The Code of Virginia (§ 10.1-1411) restricts the VADEQ from issuing a permit for a solid waste management facility unless the host local government or region has an approved Solid Waste Management Plan (SWMP). The VADEQ interprets this to mean either the Part A or Part B components of the permit.

This year, the VADEQ has reviewed carefully the recycling rate information submitted by local governments, which has resulted in an altered recycling rate for many. Those localities or regions that continue to meet the 25% recycling rate following VADEQ review may have their SWMP approved as long as their plan satisfies the other submittal requirements prescribed by regulation. Those localities that do not yet meet the required 25% recycling rate will only have their SWMP approved if the SWMP commits to implementing a strong and detailed recycling action plan (RAP).

According to VADEQ policy, the RAP will need to provide details of the steps to be taken to meet or exceed the 25% recycling rate. For instance:

- a.) If phasing is required, the SWMP will need to set out the timing for implementing each element of the RAP. Most elements of the RAP would need to begin shortly after the adoption of the SWMP;
- b.) The RAP will need to be approved by the local governing authority;
- c.) Local governments will need to commit to the funding and resources to implement the RAP;
- d.) A projection will be required to demonstrate that the locality or region will meet the 25% recycling rate in two years or less; and
- e.) Progress reports on the implementation of the RAP will need to be submitted every six months.

The VADEQ will review the RAP to determine if the SWMP demonstrates consistency with § 10.1-1411 of the Code of Virginia. Importantly, the Director of the VADEQ may revoke the approval of a SWMP if there is evidence that there has been a significant deviation from the plan. A significant deviation would include the failure to implement the RAP.

For more information about this and other solid waste issues please contact Jeff Crate, (jcrate@daa.com) at (540) 552-0444.

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