

DAAlert.....on Solid Waste Issues



A Publication of **Draper Aden Associates**

January 2007

Amendment 5

Virginia Waste Management Board Takes Action

On January 8, 2007, the Virginia Waste Management Board authorized Amendment 5 to the Solid Waste Management Regulations (proposed) for Executive Branch review. This review by the Governor's office will likely take 2-3 months, and if approved in its current form, will be published as a proposal in the Virginia Register. Once published, a 60 day public comment period (and public hearing) will follow. If then approved by the Waste Management Board as a final draft, it will again undergo Executive Branch review before becoming a final regulation. Typically, a regulation will go into effect 30 days after being published in the Virginia Register in its final form.

Key components of the regulation call for certifications for consistency with applicable solid waste management plans, exemptions and exclusions, clarification to the definition of closure, conformance with safety requirements etc.

Legislation passed by the Virginia General Assembly in 2006 reduced the distance that a landfill can be sited from a surface water and /or ground water supply intake or reservoir, and this is incorporated into the draft. Additionally, draft Research, Development and Demonstration (RDD) criteria are included that will allow recirculation over alternate liner systems. Once approved, Virginia will be one of a handful of states to adopt the EPA proposed RDD regulation.

Relative to Amendment 2 to the Regulations for the Development of Solid Waste Management Plans, the public comment period closed on January 9th. The Virginia Waste Management Board will likely take final action at a meeting in May or June. If approved, it will undergo Executive Branch review before being published in the Virginia Register. It will not take effect until at least 30 days after publication.

Legislation passed by the General Assembly in 2006 created a 15% recycling rate (as opposed to 25%) for localities meeting certain population density / unemployment criteria, and required that permit-by-rules conform to the applicable solid waste management plan. These requirements were added to the regulation, as well as procedures for formation and dissolution of planning regions, clear specification of qualifications for variances, the requirements for plan approval and duplicative language on the Waste Information and Assessment Program.

Copies of Amendment 2 can be downloaded from the Town Hall website (<http://www.townhall.state.va.us>) or can be obtained by contacting Jeff Crate (jcrate@daa.com) at (540) 552-0444.

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