

**Virginia Solid Waste Management Regulations  
9VAC20-80  
Amendment 6 Technical Advisory Committee  
Meeting on February 24, 2006  
Meeting Notes  
Facilitator: Jeffery Steers**

TAC Members Present

Cathy Hall--SCS Engineers, Inc.  
David Graham--Kaufman and Canoles  
Dan Jordanger--Hunton and Williams  
Joe Levine--New River Resource Authority  
Lee Wilson--Waste Management, Inc.--for VWIA  
Dick Cheliras--SPSA--for SWANA (Alternate for Jeffery Crate)  
Beth Lohman--DEQ West-Central Regional Office; technical representative to TAC  
Shawn Davis--DEQ Waste Division; technical representative to TAC

TAC Members Absent

Michael Town--Sierra Club, Virginia Chapter—absent  
Lisa Guthrie--Virginia League of Conservation Voters—absent

Others in Attendance

Robert Wickline  
Leslie Beckwith  
Channing Martin (Williams Mullens)  
Mark Bingham (Republic Services)  
Jenny Payne—Joyce Engineering, Inc.  
Melissa Porterfield—DEQ Policy Division

**Today's meeting notes:**

Began at 10:08 am

Mr. Steers opened the meeting at 10:08 am and started self introductions by those present. Then Mr. Steers went over the logistics for the day's meeting. He said that if the group decided another meeting was needed once 4 pm rolls around, the group could schedule an additional meeting day. DEQ is looking for the TAC's input in the regulatory process, but there are no guarantees that everything will be used in the final regulation. The group is looking for consensus building on issues.

Mr. Wickline explained the issues—when waste arrives at a facility it may or may not contain materials the facility shouldn't be receiving. The intent of the waste inspection plan is to weed out inappropriate or unapproved waste. This is found in parts 113, 250, and 370. DEQ wants to consolidate the subject in section 113 and improve the identification list of unauthorized wastes. Questions would include what is appropriate for which kinds of facilities, procedures and frequencies for examining the waste, and how to handle unauthorized waste after it is identified.

Mr. Steers asked for clarifying questions from TAC and probed for ways to break down the issue into areas of discussion. As there was no immediate response, Mr. Steers asked for personal experiences of TAC members with such “unauthorized” waste and examples. Ms. Hall said SWANA has a waste screening course developed (she was part of the revision of that course a few years ago) including guidelines on identification, removal and disposal of hazardous wastes that got into the solid waste load. She said it is very subjective.

Mr. Wilson said he has had both legal and customer experience with unauthorized waste and has worked with DEQ when such materials have been received. His firm deals with it on a daily basis, it is not as cut and dried as you might expect and it is looking for other ideas on how to streamline it. Mr. Bingham said he operates a construction demolition debris (CDD) landfill but has had exposure to the issue over the last 2 years, but it has been rare. He’s had one incident of a red bag over 2 years, and at another time a chemically benign item he had to treat as hazardous. Mr. Bingham said the responsibility has to be put on the generator’s end. He provides for the solid waste requirements but puts the responsibility on the generator. The risk is with a household hazardous waste disposers who try to dispose of waste at his CDD landfill.

Mr. Steers said that the committee can pursue anything from more detailed to less detailed approaches on this issue. What is the priority for the facilities where this issue is most important? CDD may be lower than for other facilities in the universe. He asked what level of screening should be associated. Mr. Wilson said this makes sense, CDD vs. municipal solid waste. Mr. Wickline asked if there are not other facilities within municipal solid waste arena, waste to energy, transfer stations, lined municipal solid waste landfills vs. non lined municipal solid waste landfills, that should be considered. Mr. Davis agreed.

Mr. Steers asked if the CDD material is pulverized can you tell what its makeup is. Mr. Bingham said yes. The issue is in bagged garbage and roll off cans where the issue presents itself. Mr. Steers asked about CDD sites seen in DEQ compliance. Ms. Lohman said her office only has 1 CDD and it is sort of captive, so she hasn’t seen any problems there. Mr. Davis agreed that issues are with rolloffs and bagged, also fluorescent light bulbs.

Mr. Steers asked for rough numbers on CDD’s in VA. Mr. Davis said he did not have the exact number but there are roughly 100 disposal sites (NOTE: there are 17 CDDs). Mr. Davis suggested looking at waste stream types, commercial, municipal solid waste, CDD, industrial, household.

Ms. Lohman agreed that there can be visual or analytical screening. Section 113 only hits visual screening. Mr. Steers asked for consensus on approaching this by waste stream rather than facility type and Mr. Cheliras agreed. Mr. Steers saw it as three streams, CDD, Industrial, and municipal solid waste streams. Ms. Hall said we can’t screen household waste separately, it should be put in as municipal solid waste. Mr. Davis mentioned the excluded wastes from various facilities. Hazardous waste wouldn’t be in household by regulation, but might be looked at in commercial streams. Most commercial landfills have customer Agreements in place with third party waste haulers, as well as third party transfer stations. These Agreements have specific language which strictly prohibits the disposal of hazardous or unauthorized waste. Mr. Davis pointed out that a dentist might put needles in a commercial waste stream, as a wrong practice.

Mr. Cheliras and Mr. Wilson discussed where you should inspect the waste, at the rolloff box or at the landfill? Mr. Cheliras said the rolloff box is easiest. Mr. Steers and Ms. Beckwith asked if there should be a followup screening at the final disposal site. Mr. Wilson agreed with Mr. Davis's suggestion for using the highest standard when questionable wastes appear in mixed loads. Mr. Cheliras said he wouldn't agree with the highest standard for a conglomerate load. Mr. Wickline noted that Mr. Wilson's company has both transfer stations and landfills and asked if they received wastes from other transfer stations, to which Mr. Wilson said yes. Mr. Wickline asked how they were inspected. Waste Management Inc. (WMI) requires preapproval for special waste acceptance (by analysis and visual inspection), but that being said, they still spend a lot of time pulling tires, etc. out of the work face. Mr. Wickline asked about industrial waste at the transfer station, is this covered by WMI customer agreements? Mr. Wilson said yes. Mr. Wickline asked if the agreement with transfer stations was not to take industrial waste unless it is preapproved. Mr. Wilson said it depends on how you classify industrial waste. Mr. Bingham said the transfer agreement process cannot be undocumented, they are audited by corporate on it, and they have to demonstrate compliance.

Mr. Martin asked about the existing regulations at 113 broad and 250 specific regulations, i.e. what is broken here and why do we need to fix it? Ms. Lohman gave an example of one landfill that receives asbestos through a transfer station and the transfer station doesn't require any certification from the building owners against inclusion of asbestos, so there is a breakdown in the notification, and how does the receiving landfill screen that load. Mr. Bingham said this is legitimate concern but it is an upstream issue. Ms. Lohman said you may have either truck load or rolloff tipped on the floor before transfer to landfill, and the load gets lost in the transfer. Mr. Martin said the controls appear to be right in the regulations but that DEQ is leaving the procedures up to the facilities he asked if the committee was talking about including more procedures at all levels. He felt that will result in more paperwork? Mr. Davis said the issue is a multiple one. The existing procedure doesn't always make sense nor is it always fair. DEQ would like to streamline the existing regulations and include procedures to follow up on things missed so we can go back to the identified sources to prevent it from happening again.

Facilities shouldn't manage waste they don't understand and are not trained to handle or types of waste they aren't designed to manage. Ms. Lohman noted that some facilities have inspection plans, but aren't following them. Unless they are incorporated into the permit they aren't submitted for DEQ approval. Ms. Lohman said the plans specify a monitoring frequency, for example 10%, but the facility may not be conducting the inspection frequency mentioned. The freeform arrangement today is almost too vague and Ms. Lohman thinks the regulations need to be clearer. Sometimes inspectors are writing up people who are complying with an unrealistic plan. Mr. Bingham pointed out though that there is an enforcement procedure in place. Ms. Lohman has also identified that facilities are supposed to conduct random inspections but that they aren't really purposefully random. Ms. Hall said her discussions were focusing on commercial loads (not household) that are received and agreed that there is no specific guidance on the issue. Mr. Bingham says he finds problems by visual inspection (bagged garbage) in addition to the periodic inspection and those are his random inspections. Mr. Cheliras sees the issue not as a regulatory problem, but as a compliance problem. He noted that the regulations are in place. Mr. Martin pointed out that this is the case and applying more detailed regulations hits both good and bad actors under the regulations. Mr. Davis asked how an equipment operator

can effectively inspect waste at the workplace when DEQ hears reports of operators accidentally running over people at landfills. How can this sometimes happen, but he not miss questionable waste loads. It can't happen if visual inspection is effective. There should be *screening* as waste is processed through the facility and separate random *inspections* for select loads.

Mr. Steers redirected the committee to look at whether the existing regulations are effective for compliance and reduce rejected loads. What is the fine balance between flexibility, incentives for good actors, and the waste loads that aren't under control? Even the good actors can't control all the loads that come in the gate. He asked regarding the industrial waste stream whether the procedures now in place are effective. Mr. Cheliras said his facilities are inspected. Mr. Wilson said yes for special waste, but industrial waste may come from an industrial customer. Mr. Cheliras said petroleum contaminated soil may be special waste but off-specification toothpaste would be industrial waste. Mr. Wilson said his company doesn't take dirt without prescreening, Mr. Cheliras agreed, in response to question about sand or dirt in loads by Mr. Wickline. Mr. Davis pointed out that section 113 is for all facility types, but section 250 is specific for sanitary landfills and those are where the additional requirements are located. Mr. Davis would like to move some of the 250 standards into the standards for non sanitary landfills (and transfer stations added Ms. Lohman). He anticipated that the risk for unauthorized waste should be the same at all these landfills. Mr. Steers said it appears it would be in the endpoint's (landfill's) best interest to stop unauthorized waste from coming in. Mr. Steers said that transfer facilities don't have as much motivation, because they don't have as much at stake; this is where the conversation seems to keep coming back to. How can we prioritize such facilities (transfer stations) to ensure that we've maximized the opportunity to keep out unauthorized wastes?

Mr. Steers noted that, as the regulations read now, there are set requirements in section 250 and the committee needs to think about how much more the end users can be expected to do. He further pointed out that the regulations can't regulate transfers from out-of-state and that is unlike the fact that we can regulate transfers from Virginia. The committee has to keep in mind inequities between regulating transfers differently. Mr. Wilson talked about practices at a transfer station in Richmond. He related some accidents on the floor of the transfer station involving people being run over by trucks and that such inspections are now done by visual inspection by equipment operators. Ms. Lohman pointed out that these voluntary inspections by equipment operators aren't required by section 113 and there are no such requirements in rural area transfer stations. Mr. Wickline asked if WMI has any way of checking household vs. commercial loads separately. Mr. Wilson said the only differentiation is commercial traffic vs. public pickups. Mr. Cheliras said that they can distinguish it easily. Residential comes in by city trucks and commercial comes in separately. His firm has shut down some transfer stations when red bags have occurred. Mr. Martin said it sounds like inspection procedures are in place at some companies and he suggested that DEQ sit down with these companies and see what they are already doing. Mr. Davis agreed. Mr. Davis said we haven't gone over this process in 10 years and we need to look at it at both ends. Mr. Cheliras recommended that DEQ focus on the point of initial receipt of the waste, not to inspect the consolidated load to be reinspected at the landfill. Mr. Cheliras said their landfill does receive some direct loads, and that is why DEQ should look at the initial point of receipt before consolidation at whatever level. Mr. Wickline pointed out that redundant inspection would not be necessary if the agreements are tight between the transfer stations and the landfill.

Mr. Cheliras reiterated that the transfers should have the same regulatory requirements. Once the waste is consolidated; he didn't know how the waste should be labeled (commercial, household, etc.). Mr. Davis asked how Mr. Cheliras handled such questionable waste now. Mr. Cheliras answered that he would pull it out, default to the higher category and call up the origin point. Mr. Wilson agreed—with an example on medical waste. Mr. Davis suggested adding categories of household waste and commercial/institutional waste. He saw problems with claiming materials as household waste exempt once consolidated with other loads. Mr. Davis asked how Mr. Cheliras keeps household hazardous waste separate from other materials, and Mr. Cheliras answered that they can tell by the type of vehicle that arrives at the transfer. Ms. Hall asked how a regulatory person covers the transfer station and Mr. Martin said section 113 applies to all solid waste facilities. Ms. Lohman said that transfer stations, which do not voluntarily follow the section 250 unauthorized waste standards, are hard to enforce against. Section 250 only applies to sanitary landfills.

Mr. Steers asked, from DEQ's perspective, if the standards for landfills are adequate right now and suggested that the committee should instead focus upstream. Mr. Davis said that sections 113 and 250 are okay, but more specificity and streamlining are needed in section 250 requirements. The committee gave examples. Ms. Lohman indicated those activities DEQ calls inspections & preliminary screening (peek vs. spread out); Ms. Hall suggested training requirements. Mr. Steers and Mr. Davis suggested documentation including forms or logs at a minimum. Ms. Lohman said she has more of a problem with frequency. Mr. Cheliras said the committee has to consider smaller operations too. Ms. Lohman added retaining and preacceptance/profiling agreement information. She asked follow up issues on unauthorized wastes (contacting the source of the unauthorized waste and with the hauler or originating site); what do you do with the unauthorized waste (are you liable for sending it back down the road). Ms. Payne said it isn't the receiving facility's responsibility, it's the driver. Mr. Wickline pointed out that you can't keep it on site either. Mr. Jordanger asked DEQ not penalizes the facility that's doing the right thing. Mr. Steers brought up how can credit/incentives/flexibility for E2/E3, etc. (referring to Mr. Martin's earlier comments) be used...

Next Mr. Steers queried the TAC on what standards are appropriate for transfer facilities. Mr. Wilson asked how DEQ plans to handle transfer stations from outside the Commonwealth. Mr. Davis agreed this is a real challenge. Mr. Steers asked if it is fair to ask that end user of out-of-state transfers to ask for documentation that instate don't use because instate are more closely regulated. Mr. Martin said one option is to give out-of-state waste that comes through a Virginia transfer stations exemption from a second inspection at the landfill, but from out-of-state transfer station directly do not get such an exemption. Mr. Steers said the committee needs to see if beefing up the landfill requirements work, and then to consider the transfer station options in this regard. Mr. Wickline suggested that the committee could talk about out of region rather than out of state. Mr. Davis asked Mr. Martin what he meant by the exemption (actual word was "Bye"). Mr. Martin said that if the waste has gone through the screening requirement at the transfer station, it shouldn't have to have a second screening at the landfill. Ms. Lohman gave an example of where a random inspection occurs at a transfer station and a second random inspection occurs at the receiving landfill and unauthorized wastes are removed at both locations. Ms. Payne pointed out that we're not screening 100 %. Ms. Hall said some unauthorized waste

will still get into the landfills. Mr. Davis agreed. Mr. Steers said we're just trying to minimize unauthorized waste being received and disposed. He said that right now transfer stations can mix and mingle municipal solid waste, CDD, Industrial, (other than special wastes) etc. and nothing prohibits the mixing. Mr. Wilson said the industry doesn't mix it on the way to the landfill. Mr. Wilson said you would have to rebuild every transfer station in Virginia if DEQ were to prohibit mixing at the transfer stations (other than for special wastes). Following Mr. Wilson's explanation, Mr. Steers suggested that a WMI type tracking system could be required for commercial or industrial waste that is not already tracked (i.e. easy to tell its origin). Mr. Wilson agreed, like seeing between time X and Y what trucks came in and where from. Mr. Cheliras said & Mr. Wilson agreed that where it is seen is at the working face (at the delivered waste on the tipping floor).

Following lunch (11:50 am.—1:05 pm) Mr. Steers began with upgrades on how to do an inspection (at transfer stations). Mr. Wickline asked if the workface inspection is too late to be doing the inspection. Mr. Wilson said the workface inspection is just a cursory inspection for each load and it is not the involved inspection. Ms. Hall recommended a separate inspection area, either away from or adjacent to the workface. At a transfer station she said this would be somewhere to the side of the tipping floor, Mr. Cheliras responded that there is no side area at most transfers. Mr. Wickline asked if it is on dirt. Ms. Hall said it is usually a clay pad. In a landfill, Mr. Wilson said it is dirt that can be moved into the landfill after use. Mr. Wickline asked if the pad could be at the landfill gate. Mr. Wilson answered that you need a contained area where safety and litter concerns are protected. Mr. Wickline asked if you dump this out on the ground you have further problems with hazardous waste spills. Mr. Wilson said he had never seen a full load of hazardous waste. It is usually just a burn barrel. Mr. Steers summarized that maybe the facility can decide where the dedicated area is as long as protective of runoff, litter, human health, etc. Mr. Wilson replied that, if they are focused on the load, it has to be protective of someone whose concentration is focused on the load.

Mr. Steers wanted to know what criteria should be looked for. Mr. Davis said it has to have a liner to capture liquids, etc. and be consistent with EPA guidance. Mr. Cheliras asked if this wasn't a leap back to a transfer station rather than at the work face. Mr. Davis, Mr. Levine, and Mr. Wilson said it's okay if it is on the fill with its existing liner system, but otherwise we need some provisions for liner, etc. What about at unlined facilities brought up Mr. Levine? Mr. Cheliras said in the worst case, liquids dumped on the workface, it is still contained and isn't going to leak down instantaneously; you can dig down to recapture it and this would be better than putting on a movable liner. Mr. Cheliras suggested that at such a subtitle D facility it is already contained, so just cordon it off and get it out of there. Mr. Wickline said there are hazardous waste requirements if it is dumped out and determined to be hazardous waste; it would have to be closed properly if it is not a liner controlled area. If liner controlled, you don't have to go through such a hazardous waste closure scenario. Mr. Cheliras said it is contained in a container, but Mr. Wickline asked about spills? It has to be closed out properly if it is hazardous waste and no liner. Mr. Steers indicated that if it is a hazardous waste spill during the landfill load inspection process, DEQ would be as flexible as possible in how the facility would handle it; I'm not sure that DEQ wants to specify any more narrowly on this (per workface, etc.). The worst case scenario needs to be looked at reasonably; it isn't going to seep thru immediately. Ms. Lohman said in field experience, the most important piece is the contingency plan.

Typically the inspection is on the daily or intermediate cover area not right on the liner and the response plan addresses any worst case scenarios. Mr. Wilson said most facilities do the inspection in the intermediate area. Mr. Bingham agreed, if hydraulics on a truck breaks, they fix it in the landfill not on the road later. Mr. Steers summed up that the TAC is asking that DEQ not specify an engineer designed area because a landfill with a liner is already designed to handle this.

Mr. Wickline asked Mr. Wilson if the people doing this inspection have safety gear on standby. Mr. Wilson said yes, Level D bumped up to Level C as needed. No one mills around. Mr. Wickline asked if the presumption is that something in the load is evil and you have to be prepared. Mr. Wilson and Mr. Cheliras disagreed; they said the presumption is that it is municipal solid waste. Mr. Wickline followed up that the presumption is that it is the worst case scenario. Ms. Lohman asked how the areas are delineated. Mr. Wilson said with large cones, stakes with ribbons or flagging. How long it takes to do the inspection varies from minutes to several hours if something suspected or med waste. Mr. Steers asked if there was consensus that if you are working at the working face (landfill lined or unlined) and have a contingency plan and adequate safety gear nearby, the dedicated area doesn't have to be more engineered than the landfill itself. Mr. Wilson asked if contingency plans are already required in all permits and Ms. Lohman said not always. Mr. Wickline asked Mr. Wilson on specifics of the side area for inspection on his landfills and he replied 100 ft or so from the working face maybe more or less.

Mr. Steers asked about specifications for an engineered structure away from the landfill floor for such inspections. Mr. Cheliras said he would want it only to be on the tipping floor. Ms. Lohman clarified that the discussion is regarding landfills and wasn't happy with the idea of a facility outside of the waste unit boundary. Mr. Steers said DEQ could have a provision for a side facility as an option. Ms. Lohman suggested that it be approved on a case by case basis. Mr. Wilson said he has seen it in waste audits, where waste was deposited on a temporary basis somewhere else other than the landfill floor or the tipping floor of the transfer station. Mr. Steers said this option would be seen as a more infrequent case. The TAC agreed that it have runoff and leachate collection and pad with engineering specifics subject to DEQ approval. Mr. Wickline asked for more detail on the specifications for approval. Ms. Lohman said storm water runoff/runoff, etc. Mr. Wickline said he was leery of making more review requirements in guidances; he suggests putting these requirements in the regulations. Mr. Steers said that if this would be a common occurrence, he agrees with Mr. Wickline on this, but if it is less frequent the review would not be such a resource issue with DEQ. In summary, inspection means spreading waste out and visual inspection which could progress to sampling/analysis if something looks inappropriate. Mr. Steers and Mr. Wilson agreed. Ms. Porterfield asked how deep the waste would be when it is spread out. Mr. Wilson said there are no specific dimensions, it averages 2 feet or so knocked down by a bulldozer. In response to further questioning by Ms. Porterfield, he clarified that someone is walking around the outside of the waste along a path, but occasionally venturing into the waste if they saw something suspicious. The area could be the size of this meeting room to double the size. They containerize the unauthorized waste if found. Mr. Steers asked what WMI would do if the material is household hazardous waste, do they separate this material too? Mr. Wilson answered that they do not if it is clearly household hazardous waste; the signal is how it was received at the landfill, etc.

Mr. Wilson said 10 % of the load is inspected for out-of-state waste, and for instate 1% is inspected. Mr. Cheliras agreed. Mr. Davis and Mr. Bingham stated that random inspections are not specified in the regulations for CDD and industrial wastes; for these, it is negotiated permit by permit as to what percent inspection is appropriate. Mr. Wilson said sometimes they inspect more than these percentages; they run a log and track it. Mr. Wilson said it is based on load counts, it is 10% on a monthly basis, but they average daily. Mr. Davis and Ms. Lohman said frequency per day/month should be defined in the regulations. Mr. Wilson said it is not a scientific basis of random it is a human judgment random inspection. Mr. Martin asked if it is out-of-state by state or by out-of-state entirely. Mr. Martin said that it is based on jurisdictions that aren't as strict on special wastes as Virginia. Mr. Wilson said they look at the various states of origin to make sure they aren't only inspected one state's deliveries. Mr. Davis said the law specifies 10% inspections from each jurisdiction and the Solid Waste Information and Assessment program considers a jurisdiction to be a state, province, etc. This is an area that requires some clarification. Mr. Martin said that if you inspect more of out-of-state waste from equally stringent jurisdictions, it could be interstate commerce clause problems. Mr. Martin asked how the 10% and 1% were decided. Ms. Lohman and Mr. Martin said we don't want to look at all out-of-state jurisdictions for the 10%, only the ones less stringent on the special waste handling. Mr. Steers said the only thing we want to change on the frequency is to clarify that the rate is per day and the possibility of increasing inspection frequency for certain waste streams. Mr. Martin suggested that we do this on a rolling basis, load X of Y loads. Mr. Cheliras said this would be disruptive because the number of loads varies per day. Mr. Cheliras says you should keep track of it over time. Ms. Lohman thought inspecting every 10<sup>th</sup> load is difficult because you could end up with trucks queued up and Mr. Cheliras agreed. If it is quiet you might want to do four in a row. Mr. Steers asked whether DEQ includes a generic statement to guard against waiting on inspections until the end of a month, to ensure that it is spread throughout the month. Ms. Lohman suggested that we specify it by a weekly frequency. Mr. Wickline said four in a row is not scientifically random. Mr. Martin said the regulation doesn't specify that it has to be statistically random (see 250.C. 1.b). Mr. Martin said to do a random number generator would make it too complex. Mr. Levine and Mr. Wilson said it is not preselected. Mr. Martin questioned the scientific basis for 1% and 10%.

Mr. Wickline questioned how you specifically capture the number of inspections within a confidence interval with a loose frequency interpretation. Mr. Steers returned the group to the weekly frequency of 1% and 10% for inspecting the loads. Ms. Lohman and Mr. Wilson both agreed 10% a month is adequate, but Ms. Lohman asked how do you avoid having them do it all at the end of the month. Mr. Davis said monthly seemed too long, it should be daily or no more than weekly. Mr. Martin suggested biweekly. Mr. Cheliras complained about the logistical problems with weekly; he prefers monthly. Mr. Cheliras said that gives you plenty of lead time to prepare. Mr. Wickline asked how frequent unauthorized waste shows up, because DEQ could set up a coordinating frequency. At this point, Mr. Steers handed out a list of states with less stringent special waste regulations. (NOTE: there are 10 jurisdictions.) Ms. Lohman related how one person keeps a log as things show up, to reach the 1% or 10%. Mr. Davis is concerned that some facilities will designate a day a month as the unauthorized waste day so nothing is checked on other days. Mr. Steers suggested a monthly frequency (1 or 10%) but leave it flexible to be achieved to the extent practicable over the course of the month.



Ms. Hall said the inspector has to have a reasonable understanding of recognizing hazardous waste, possibly thru the OSHA class. Mr. Wilson said they give their employees overview training on an annual basis (all staff). For special waste managers, they get more frequent training. Mr. Wilson said they train on contingency planning. Ms. Lohman asked about initial training upon assignment as requirement. Mr. Wilson said that varies. Mr. Bingham firm also has the OSHA training and waste recognition. Mr. Davis said that we should have standards for training of persons for screening vs. random load inspections. Mr. Steers asked if the RCRA training requirements would be adequate if tailored to landfills. Mr. Wilson said they aren't doing training to that level, but yes at a more basic walk through level. Mr. Cheliras and Ms. Hall saw hazwoper training as too much and thought that is more appropriate for the responder that the landfill staff call for such help once special wastes are identified. Mr. Davis wanted to be sure that the trainer is adequately certified. Mr. Steers said not everyone has to be trained to the same level. Ms. Lohman said the trainer should have a certified waste operator's license at least. Mr. Wickline said we don't need to be that specific in the regulations and Ms. Lohman pointed out that the hazardous waste regulations say the trainer has to be qualified. Ms. Hall agreed with Mr. Davis that the training should be structured and verifiable. Mr. Wilson said they all need a general overview and a general understanding of the regulations.

Mr. Davis said that ideally DEQ needs to see a unauthorized waste inspection log in the record. We need a signature. Ms. Lohman said this is in 250.C.1.c, but Mr. Davis said we need to bring it forward to 113. Mr. Davis suggested that there should be a check-off-the-box list of unauthorized wastes they should be looking for. Mr. Levine asked Mr. Davis if DEQ could create the form, and Mr. Davis said it could but would prefer the facilities create the forms for themselves. As long as the necessary information is included, the formatting should be flexible. Mr. Cheliras asked about this checklist. What are you going to include and is it going to be one page or a book? Mr. Davis responded it should include the list of unauthorized wastes from the regulations and permit. Mr. Cheliras and Ms. Lohman asked if the list of problems are a problem of doing business or a problem of needing a form across all facilities. Ms. Lohman said she sees this as more of a compliance problem and disagreed that DEQ should specify the items on the list. DEQ should only make sure that they check for such things (she compared her hazardous waste compliance practice on this issue). Mr. Steers suggested as middle ground that in the regulations we can list categories of special wastes to look for and say they should be documented on the inspection log. Mr. Wickline thought the agency should provide such a list in the regulations. Mr. Martin looked at a section 250 provision for notification of categories of special waste. Mr. Wickline said he wants to see a record that the inspector checked for these items and a signature to responsibility. Ms. Lohman said Mr. Levine's facility has a list of special wastes but they have a comment to signoff on items found or load is okay. Mr. Wilson said it is more or less the logs that he uses facility by facility. Ms. Lohman said a box or a check doesn't make a difference in the level of care done by the inspector. Mr. Martin pointed to the minimum requirements of the records; if it is in the regulations already, it is up to DEQ to enforce it. Mr. Davis noted the regulations are not specific to listing unauthorized wastes identified. Mr. Martin suggested inserting language to that effect. Mr. Steers suggested that we could look at it that the inspector of unauthorized wastes was trained and that he signs off that to the level of his training that he did not find any unauthorized or special wastes. Mr. Martin said if DEQ wants to put this in the existing 250.C.1.c regulations, and then add the language in the records as to whether authorized wastes were found and the nature.

Mr. Wilson asked if there would be a followup meeting to this, and will the TAC members get to see the draft regulations before the Waste Board Meeting. Mr. Wickline and Mr. Steers answered that they would get a copy at the same time as the board does and that no further meetings were planned if they finished that day...

Next issue discussed was profiling and preacceptance, as occurs when a consultant goes to the place of business and sends samples to the laboratory. Ms. Lohman questioned whether this aspect was intended to be in section 113 because section 113 is supposed to be just beginning at the landfill gate. Mr. Davis said it is appropriate to look into this. Mr. Wilson gave details of how profiling/preacceptance is done at WMI. Mr. Steers said that DEQ would want to be sure that the facilities have some sort of form for this. Mr. Wickline asked if Mr. Wilson's term special waste equals DEQ's term. Mr. Wilson said no, he is using this as an industry term. Mr. Steers asked if we need to beef up the process, the agency wants to be able to review that process. Ms. Lohman said it is not as formalized a process across all facilities in Virginia as at SPSA or WMI. Mr. Steers asked if some of the one page permit facilities (unlined) can take special and industrial wastes and Ms. Lohman said yes. Ms. Lohman said no sanitary landfills are authorized to take conditionally exempt small quantity generators (CESQGs) without an approval in the permit.

Mr. Steers asked the TAC to bullet out the items to include in a profiling program: Mr. Wilson provided a handout. Mr. Steers asked what other verification (other than signed form) is required. Mr. Wilson said analytical data and a manifest (bill of lading). Mr. Steers asked if they accept brokered mixtures of waste. Mr. Wilson said no mixtures were accepted. Mr. Cheliras said it is either on one load or on a continuous stream basis. Mr. Cheliras said a spot check was determined on a case by case basis, looking for fingerprints of key analytical analyses. Mr. Steers said it is not unlikely that other facilities might bring in brokered mixtures of special wastes (other than SPSA or WMI). Mr. Wilson said he was unaware of anyone mixing special wastes. Mr. Levine said his facility follows a similar procedure, but they just don't call it profiling. Mr. Steers said the TAC is telling him that DEQ shouldn't be concerned that special wastes are being mixed or brokered into a single load. Mr. Wilson said he wasn't aware of that practice occurring in VA. Mr. Wilson said that he understands Mr. Steers's point, however. Mr. Cheliras was aware of this practice for people not dealing in the special waste category but mixing oily rags from several sources brokered into a single load for disposals. Mr. Steers said hazardous waste could work its way into a mixed load in this way. So Mr. Steers asked again whether DEQ should be concerned about such brokered mixtures. Mr. Cheliras said he only receives such "non Special" mixtures for his incinerator. Ms. Lohman suggested that this could be handled at transfer stations in Virginia, but Mr. Cheliras and Mr. Davis said it could not if it is originating out of state. Mr. Steers suggested DEQ will need to be a little proscriptive here in specifying profiling program elements. Ms. Lohman asked if Part 8 special wastes could be used here; can the Part 8 request form be used. Mr. Cheliras said a generator of such special waste is not regulated as long as it is not hazardous waste, all SPSA is doing here with the profiling is self-insuring that it is special waste and not hazardous waste. Ms. Lohman said she would like to have the profiling information available during inspections, but it not something that DEQ has to approve. Mr. Jordanger said the profiling problem is a problem for the generator, not for the landfill. Mr. Levine said such profiling is not limited to unauthorized waste, that it is quantified,

and that it is not random anymore. Mr. Wickline suggested that we move on, he will look to see if there is any way to handle this profiling question.

Next item Mr. Steers called for was followup, that is closing the loop & what to do with a rejected load (113 B & C); there is no provision to identify the generator that sent it. Mr. Davis would like to see such a followup in the regulations so the system can correct itself and so DEQ can identify who sent the unauthorized wastes and who is the problem. Mr. Wilson said that they struggle with this issue, particularly with tires. Mr. Davis said some of this can be brought forward from 250.C. (identity of the generator). Mr. Cheliras said it should be an option for the facility as to how to handle the generator. Mr. Davis agreed that it is to help the facility step up to the plate and do the right thing but we should be able to hold the generator responsible for improper management. Mr. Jordanger suggested that the regulations cite the provisions of RCRA/hazardous waste regulations, rather than to list it all again here. Mr. Davis said DEQ wanted to avoid cases where such unauthorized wastes are shoved aside and not dealt with, this item will just close the loop. Addressing the problem at the source will help prevent or reduce recurrences. Ms. Hall also recommended that clients get a certificate of disposal for items that are sent off site, to avoid liability problems for the facility being identified as the generator. Mr. Cheliras had questions about this—he doesn't want to accept generator liability by getting such a certificate, he just contacts the generator and has them handle it. Mr. Wilson agreed that if you know the generator, you don't want to get such a certificate. Ms. Hall agreed that such a certificate is only necessary where the generator is not identified. Mr. Cheliras said if he finds hazardous waste on his tipping floor, he will always see that DEQ is involved. Mr. Davis said that's great, we just want to be sure that we all can followup on such things. Documentation should include who the generator is and what happened to it. Tie it into the contingency plan, response equipment and other resources. Mr. Steers asked the term of document retention. Mr. Davis & Ms. Lohman said the regulations currently require 3 years. Mr. Davis said the record retention requirements in the regulations are inconsistent, it would be best to keep for life of the facility. Mr. Steers suggested that we keep it at 3 years. Ms. Lohman, Mr. Davis, and Mr. Wickline agreed.

Mr. Steers requested more thought for E2/E3 and flexibilities. Ms. Lohman commented about monofills (for cement kiln dust) 1% inspections; she didn't see the benefit of such requirements for captive landfills. Mr. Wickline suggested a variance in such cases. Mr. Davis said this wasn't a good area for flexibility since facilities can not control what is sent to them.

Mr. Steers then addressed the Transfer facility question. He asked if DEQ should apply what was discussed at the meeting unilaterally, should DEQ treat all to the same levels as receiving landfills in the State. The TAC agreed and consensus was reached.

Mr. Wickline said we don't need redundant inspections of the same materials from transfer to the landfill. Ms. Hall noted Mr. Martin's suggestion for a bye as he brought up earlier. Mr. Wilson said the problem is for the vast majority of loads originating out of state and disposed directly in the landfill. He asked about interstate commerce concerns. Mr. Jordanger agreed with the bye concept to avoid redundancy. Mr. Cheliras said the initial point of receipt by collection vehicle/or vehicle from out of state should be the point of inspection. The transfer vehicle that brings waste from the instate transfer station to the landfill are exempt. Mr. Davis cautioned that

the committee doesn't want nuisance factors at the transfer stations for inspection, it should look at setbacks. Mr. Cheliras said you're doing the inspection on the tipping floor at the transfer station (not a side area), so it shouldn't be a big problem. Mr. Davis responded that the Transfer Station setbacks differ from landfills and an outside inspection pad should not be near the neighbors or cause nuisance problems. Mr. Steers asked if DEQ wanted the opportunity to inspect and approve the special waste inspection facilities at each transfer station. Convenience Centers would be no different than a collection vehicle in status. Mr. Steers summed up that the TAC reached consensus on applying the same standards for transfer stations as are applied currently to landfills for unauthorized waste inspection. Ms. Lohman asked how material recovery facilities (MRFs), incinerators, and other such solid waste management facilities fit in, and Mr. Wickline said DEQ could work them in to avoid redundancies with the bye concept. Mr. Davis agreed that we are bringing this forward for all the solid waste management facilities. Ms. Lohman agreed and consensus was reached on the issue.

Mr. Steers asked if this was the end of today's discussion. Mr. Wickline said the committee needed to recognize the difference between Virginia's sanitary landfills, Subtitle D facilities and others, and consider regulating according to those differences. Others noted the same for 1205's, industrial and other solid waste management facilities. Mr. Levine and Mr. Wilson commented about the safety concerns with dumping out inspection loads at transfer stations compared to landfills. The inspection area is smaller at transfer stations. Mr. Cheliras said you have to shut the transfer station down to do the inspection. Ms. Beckwith pointed out that the same is true of small areas at incinerators. Mr. Wickline said he will look into these concerns and develop appropriate cautionary wording. Ms. Hall suggested that variances could be provided for problem areas. Mr. Wickline said DEQ should establish the requirement and allow them to come up with the best way to address it. Ms. Lohman said that many transfer stations are doing the inspections now, but now we are going to require it statewide. Mr. Davis asked about the 1% and 10% inspections; to wit, aren't we decreasing the inspection requirement by conducting it at the transfer stations. Ms. Lohman, Ms. Hall, Mr. Wickline, and Mr. Wilson all agreed that the same % results based on small trucks at the transfer station vs. the tractor trailer load at the landfill. Mr. Davis said he understood. Mr. Davis asked about the logistics of how out-of-state deliveries would notify the landfill so they could be counted in the inspections there. Mr. Wickline asked Mr. Wilson how household hazardous waste loads fit in the inspection requirements. Ms. Hall said it is a waste of resources to focus on residential disposal. Mr. Cheliras said household loads include tires and paint cans. So Mr. Wickline summed up that we don't need to inspect trucks that only bring household waste in. Mr. Wilson said there is some crossover from locations such the Wawas. Mr. Wilson said most of the tires come from households, if we could only get residential drivers to pick up tires we would be doing better. Mr. Davis said households should not be exempt. Mr. Wickline then described his garbage man and he said it would be unproductive to inspect similar vendors. Ms. Porterfield asked about inspecting in transfer stations and the percentages of screening, she was asking about the waste dropped off directly at the facility. Mr. Steers and the TAC confirmed that it was up to the landfill to keep the different waste streams and inspection requirements straight. Ms. Porterfield asked if the facilities could not keep track, then would they not have to increase their capabilities in this area. She asked about the cost implications here. Mr. Wilson agreed that this was a good question; a facility might want to screen 10% of everything. Mr. Levine said his small facility keeps good track of all those things. Ms. Lohman asked about loads crossing the DEQ regional

boundaries. Mr. Cheliras said SPSA doesn't take any out-of-state waste in his landfill, only to his incinerator. Ms. Lohman was concerned about the inspection workload concerns about deliveries across DEQ region boundaries. Mr. Wilson said WMI has many such DEQ cross boundary conditions. Mr. Davis said this is another area that Mr. Wickline will wish to look at this when streamlining and clarifying the regulation.

End of notes