

Virginia Solid Waste Management Regulations
9VAC20-80
Amendment 5 - Technical Advisory Committee (TAC)
May 17, 2006 Meeting Notes
Facilitator: Steve Dietrich

TAC Members Present

Ron Birkhead: Dominion Power
Jeff Burrier: Virginia Waste Industries Association, Allied Waste Industries
Shawn Davis: DEQ Waste Division, technical representative to TAC
Michael Ispert: Virginia Department of Transportation
Larry Land: Virginia Association of Counties
Ray McGowan: SWANA, Allied Waste Industries

TAC Members Absent

David Graham: Kaufman and Canoles – absent
Lisa Guthrie: Virginia League of Conservation Voters – absent
Michael Town: Sierra Club, Virginia Chapter – absent

Others in Attendance

Leslie Beckwith, DEQ
Richard Cheliras, SPSA
Chris Cornelissen, Draper Aden
Bob Dick, SCS Engineers
Jeff Fantell, Joyce Engineering, Inc.
Rick Guidry, Waste Management Inc.
Joe Levine, New River Resource Authority
Chuck Miner, Republic Services
Terri Phillips, Golder Associates
Dick Sedgley, Aqua Law
Karen Sismour, DEQ
Suzanne Taylor, DEQ
Bob Wickline, DEQ

Today's meeting notes:

The meeting started at 10:05 a.m. with an introduction by Steve Dietrich. A sign-in sheet was circulated by Leslie Beckwith. Mr. Dietrich and Ms. Beckwith distributed copies of the Town Hall document and a summary sheet of "consensus" topics discussed at the February 16-17, 2006, TAC meetings. Copies of the proposed amendment were also available for review.

Jeff Burrier inquired about the purpose of the day's meeting and if regulatory changes were still being proposed. Karen Sismour said the goal for the day was to determine what can be taken to the Virginia Waste Management Board on Monday, May 22 and what the TAC can agree on for a draft document. Mr. Dietrich noted it was not a final regulation.

Mr. Burrier said at first glance the TAC still had serious technical and legal issues to discuss and stressed there was too much information to cover given the short timeline. Ms. Sismour acknowledged there was a lot to read and apologized for internal confusion at DEQ over what information could be presented to the TAC. She said DEQ can show proposed language to the TAC and the TAC can share feedback with DEQ; DEQ takes all TAC recommendations and compiles them for the board—everything can be shared with the TAC up until it goes to the board. She added it would be nice to know what changes the TAC agrees on, like 1205 language. She also asked TAC members to volunteer to serve on future TACs. Mr. Burrier and Rick Guidry also commented about the open format of the meeting.

Mr. Dietrich proposed starting the official discussion by reviewing a list of items the TAC reached a consensus or partial consensus on at the February meetings and used the consensus hand-out as an outline for the discussion:

1205 landfills. Mr. Dietrich asked the TAC to refer to the file on the DEQ website: www.deq.virginia.gov/waste/hb120504.html.

Animal carcasses. Mr. Dietrich and Mike Ispen discussed why the TAC may not be in agreement on the size of the animal carcass (200 lbs./acre/year), and stressed we do not need the same rate for everyone. Bob Wickline said the regulation clarified existing regulations apply to right-of-ways and needs to be equitable for all. Mr. Ispen noted VDOT gets a lot of deer at crossings during the season that have to be picked up. Mr. Burrier asked if a short-term exemption could be granted for VDOT due to the frequency of road kills in November. Mr. Dietrich said we need a clarification in the regulation. Mr. Wickline said an exemption would be highly unusual and Mr. Ispen, Mrs. Sismour and Mr. Dietrich discussed why a 200 lbs./acre/year limit on animal carcasses would not work for VDOT and Mr. Ispen said the number needed to be increased. Mrs. Sismour recommended we leave it at a small amount and Mr. Dietrich recommended it be limited to 200 lbs./acre/year.

[Mike Ispen's notes show that we essentially tabled the carcass issue and that Mr. Dietrich agreed. As discussed: VDOT had a concern with the 200 lbs/acre/yr roadway carcass language as it appears in the draft regulation at 9VAC20-80-60E17. Having a limit could be difficult for our roadway maintenance folks to adhere to, especially on many portions of our western county roadways that could easily see 20 deer carcasses/week on the same portion of road. It was also discussed that the Feb 16 TAC mentioned the possibility of some sort of guidance, if not incorporated into the regulations. Possibly considering some sort of hierarchy of preferable methods of beneficial reuse (i.e., 1. rendering, 2. compost, 3. take to landfill, 4. throw off to side, 5. burial). Mr. Wickline believes there was no consensus on the issue either way. He further notes, that when questioned, Mr. Ispen would not suggest any other amount or limit on the VDOT activity. This led to the lack of consensus since this leaves the matter as (1) leaving the regulations as they are, preventing VDOT from any such disposal, (2) granting VDOT carte blanche to allow any worker to dispose of as many carcasses as he finds where he chooses, or (3) adopting the proposed language.]

Bird hazards. No comments.

Completeness review timeframes. No comments.

Host agreements. Ray McGowan stated he was not sure what host agreement means. Mr. Wickline said it looked at maximum daily tonnage capacity. Jeff Burrier referred to page 11 of the regulations and asked what was being proposed. Mr. Wickline said vertical design capacity was changed. Mr. Dietrich suggested looking at the definition of average tonnage capacity on page 1 of the regulations. Mr. Wickline said it was a quarterly average based on 91 days and the last TAC discussion touched on daily, weekly and monthly tonnage. Mr. Burrier asked about permit amendments and if host community agreements drive the daily limit. Mr. Wickline said Mr. Burrier is partially correct, but not completely correct as the highway (VDOT) department reviews traffic of studies of the roadway entrance structure. Mr. Burrier stated we have to have the daily limit in the permit and asked if DEQ has the authority to set a limit and pointed out the VDOT design consideration of 100 trucks per day. Larry Land added the highway system accommodates traffic and tonnage is set by the facility--he agreed with Mr. Burrier that it's up to the community and the facility to agree on the number. Mr. Land also noted he was not sure about the daily limit in this regulation, as other things are also in place to protect the public. Mr. Wickline agreed it was all about protecting human health and the environment.

Mr. Burrier recalled a lawsuit in 2000 or 2001 where the General Assembly was careful to say "disposal limit is set in host community agreement" and DEQ did not have the code authority to set a limit unless it was based on a review of the design submittal. Mr. Wickline stated, "We believe what you are proposing is adequate and once we agree to it, there it is in the permit." Mr. Wickline further stated DEQ does not arbitrarily say what the daily limit is--this is established in the host agreement and design plan for the facility. Ray McGowan asked about the timing and why. Mr. Wickline said if it's in the permit it's approved. Mr. Land questioned the basis for the plan for the facility and Mr. Wickline said DEQ can't go beyond what's approved in the plan because it's the law.

Mr. Burrier asked to go on record about DEQ's "gray areas" and discussed having a host agreement for 5,000 tons per day and then down the line it's only getting 3,000 tons per day. Mr. Land agreed with Mr. Burrier's statement. Mr. Burrier also asked if there are sites running without scales. Mr. Wickline acknowledged there are sites running without scales and DEQ tries to put in a standard for everyone to use. Bob Dick said he firmly opposed applying one standard to all MSW landfills and asked about a possible math error in the regulation mentioning 4,000 lbs. per cubic yard (need page number of regulation in error). Mr. Wickline admitted there was a error and said the measurements are ½ ton per cubic yard (1000 lbs. per cubic yard). Mr. Dick said density is not a firm regulatory requirement and expressed concern if a facility has to meet a prescribed density. Mr. Dietrich said Subpart WWW discusses using mass or volume to determine capacity. Mr. Burrier discussed how to measure daily capacity in cubic yards if a facility doesn't have scales. Mr. Dietrich referred everyone to the 2005 statute. Mr. McGowan said it's confusing if capacity has to be approved by DEQ before it goes into the host

agreement. Mr. Burrier asked again to go on record stating he “wants to be sure it’s the host community that drives the daily limit and not DEQ for political reasons, but for reasons based on engineering and the protection of human health and the environment.” Terri Phillips pointed out the location of the regulation in question.

Shawn Davis said DEQ does a lot of work with other regulations and wants to be sure all the regulations work together. Mr. Davis said the planning regulations help determine the ‘need’ for new landfills, and the local plans are the basis for this provision the regulation. We don’t want to drift away from our program goals, as a whole. Mr. Wickline said he was embarrassed by the error of math and asked why we can’t say what’s in the permit. Ms. Sismour said we need to honor Jeff Burrier’s point. Jeff Fantell added that tonnage cannot be arbitrary and Mr. Burrier reiterated that he (Mr. Burrier) was making a cautionary point. Mr. Dietrich noted Mr. Burrier’s comment was part of the official meeting record.

HB 421. No comments.

HB 1205. See comments for item 1 above.

PBR compliance with operational plans. Mr. Wickline directed the group to Part 325 of the regulations (page 179) and said this applies to permitted facilities other than landfills, where a certain amount of operational plans are needed at the facility. Mr. McGowan asked if a non-MSW facility would have to have this by 2007. Ms. Sismour said DEQ would give people six months to a year to compile the documents. Mr. Wickline said it was a place holder date. Mr. McGowan commented he was uncomfortable with the list and expressed concern; Mr. Dietrich acknowledged the list is all inclusive, but not everything on the list applies to all facilities. Ms. Sismour said the one thing DEQ wants is a more structured operating requirement and facilities will do what they are doing now, DEQ is not asking for things that are not already required for a facility. Mr. Burrier asked if inspections is the driver. Mr. Davis said yes, the regulation will be used to iron-out the PBR (permit by rule) deficiencies we have now. Mr. Burrier suggested adding “if applicable” to certain sections or referencing facility design standards.

Mr. Davis asked discussed grouping requirements for all facilities and noted we are trying to reduce redundancy in the regulations. Mr. Guidry also asked how this would work on a large scale. Mr. Davis said the plan would work for a company with a lot of facilities where they have consistent training for large operations and gain an economy of scale. He said it would provide greater uniformity and consistency whereas the old regulatory structure requires each operating plan be tailored to each individual site. There is a “broad array of inconsistency” now. Mr. Burrier said while it’s a great idea to have consistency, a lot of communities will have to revise their PBRs and more money will be spent getting older facilities into compliance. Mr. Davis said DEQ wants to make this change at the lowest cost for everyone. He stressed the need for basic plans at each site, such as an emergency contingency plan, as well as uniformity and consistency among facility operations.

Mr. Burrier asked where they would go in the regulations regarding sampling on site—to the permit or to operating standards. Mr. Wickline said operating standards the regulation overrides permit standards. Mr. Guidry asked about transfer stations and budgetary timelines. Mr. Wickline noted certain records need to be on site. He said DEQ needs to know what regulatory dates are important to facilities. Ms. Sismour asked the TAC to advise DEQ on the “big money crunchers or really burdensome” site issues. Mr. Davis said DEQ wants this change at the lowest cost for everyone, but also stressed the need for an emergency contingency plan as well as uniformity and consistency.

Mr. McGowan asked if we project a facility closing in 20 years and have volume available for 21 years, why is a major permit amendment required (page 260 of the regulations)? Ms. Phillips noted Table 7.4 does not exist in the regulations, the correction is Table 7.2. Mr. Burrier asked where they would go in the regulations regarding sampling on site—to the permit or to operating standards. Mr. Burrier stated this is a density issue and it changes every year based on equipment and flyovers. Mr. Wickline said operating standards, as DEQ needs to see this. Mr. Wickline said it’s a major amendment issue. Ms. Sismour commented it should be a minor amendment just to change the date of closure.

Mr. Davis presented an example of a facility with a 30-year life span. Neighbors have made capital investment in adjacent property based on assumed life. If the facility lasts longer or stops early, we need to go to the public to inform them of changes. This is important where there may be odor, encroachment, etc issues. As a public servant, DEQ needs to be respectful of the public and a major permit amendment accomplishes this important notification with public hearings, etc. A minor permit amendment does not. Ron Birkhead asked for further clarification and Mr. Burrier argued every facility will have to do this because 20 years is a long time. Mr. Burrier also suggested adding “five years” to the proposed language if a facility is within five years of its intended closure date. Mr. Davis reiterated that it’s appropriate to notify the public of site closure dates and Mr. Land noted while it is right, a city should not be unreasonably burdened with costs to amend a permit.

Mr. Dick stated his opposition to any type of rate or target if a facility is running 10 years behind its intended closure and has volume available for 21 years, why is a major permit amendment for taking less waste. Mr. Dick added it’s not a target and we should not be penalized for taking less waste. Mr. Burrier said the public does not expect exact dates—it’s a target. Mr. Davis said once filling activity ceases at a landfill, we will transition to closure and other, different trucks will be doing things to close the facility. The public will want to know what is happening at the site. We need to have a beginning, middle and end at these facilities.

Ms. Phillips asked about the purpose of the annual facility report and noted these reports are available to the public. Mr. Davis commented reports are required to ensure adequate disposal capacity for VA and to prevent a crisis from happening--like the landfill capacity issue of the 1990s. Also, they are used to report that information to the General Assembly. Mr. Dietrich asked the group to move on to the next item.

Permit denial. Dick Sedgley asked what “final” means. Mr. Dietrich said a facility still has the right to an appeal. No further comments were made.

Public involvement. Mr. Dietrich asked if the committee was seeing more information on the DEQ website. Mr. Land asked why this was an issue. Ms. Beckwith explained this came up following zoning meetings and relative to the permit process, an effort was made to improve community involvement. Mr. Burrier suggested DEQ put page numbers and section numbers on the footer in the draft regulations to expedite the regulation search process. Mr. Dick agreed.

Ms. Phillips asked if the group could go back to item 8 – **PBR compliance**, on page 179, to discuss what it means to “access the records on site,” and did this mean access by DEQ personnel. Mr. Davis stated DEQ is not the custodian of records at a facility and DEQ refers people to a facility’s operating records. Mr. Guidry asked if they need to give records to “any person on the street” and suggested having the public use the FOIA process for information. Mr. Burrier said trade records should not be shared and while we are all for educating the public, a waste company is not a public agency and a structured communication plan needs to be in place for site security reasons. Karen Sismour said DEQ will remove the language and added DEQ spends a lot of time on FOIA requests and everyone’s help is appreciated in this area.

Adjournment for lunch was at 11:45 a.m. and the committee reconvened at 1:05 p.m.

Mr. Dietrich moved to start the afternoon session with a discussion of the topics where the TAC agreed **“it was a good idea”** and used the consensus outline from the February meetings.

Streamlining regulations. No comment.

RDD provisions. Mr. Wickline stated RDD is used instead of experimental and noted the major difference between the state and federal regulation is the number of years granted (5 years in Virginia and 12 years Federal) for project extensions. Mr. McGowan asked if this related to leachate recirculation on liners. Mr. Wickline said RDD is an experimental process and named Project XL (a project coordinated by EPA’s Office of Policy, Economics, and Innovation. Project XL stands for “eXcellence and Leadership,” and is a national pilot program that allows state and local governments, businesses and federal facilities to develop with EPA innovative strategies to test better or more cost-effective ways of achieving environmental and public health protection. For more information about Project XL, go to <http://www.epa.gov/projectxl/file2.htm>.) as an example of this process under the federal rules.

Ms. Sismour asked Mr. Dick about his knowledge of Project XL in Frederick County. Mr. Dick explained Project XL is now closed and involved leachate recirculation over a composite liner. Ms. Sismour said we need to understand RDD and Mr. McGowan agreed.

Mr. Guidry said his company has two current Project XL permits for the Maplewood and Amelia facilities in Virginia and annual reports are prepared under the federal regulations; he added he was not sure if the reports go to the state. Mr. Wickline asked if the projects are working. Mr. Guidry said the projects are working well and he offered to contact Paul Farrell to see if the federal annual reports also go to DEQ.

Mr. McGowan said facilities should be able to recirculate leachate on an alternate liner (not as a bioreactor) without an RDD and cited page 225 of the regulations. Mr. Dietrich reiterated the NOIRA purpose and Mr. McGowan asked what RDD does for facilities in Virginia. Ms. Sismour pointed out Project XL is no longer available. Mr. Dick outlined three things Project XL accomplished (leachate recirculation, solid waste management and run-on/run-off management) and asked about incorporating XL language in the state RDD regulation. Mr. Burrier said it was difficult for companies to incorporate new technologies if an annual submittal was required--companies don't want to spend money on new technology if it may not get approved each year and the project has to stop. Mr. Guidry agreed.

Mr. Dietrich said RDD serves the state instead of the federal regulation and pointed out the timeline in the regulation allows facilities to try out a new scope and gives time to convert technology back to old methods if facilities change. Mr. Davis said DEQ needs appropriate stewardship on RDD projects and wants to "circumvent black boxes." He added RDD requires participation by both parties (DEQ and company) and one year is a reasonable check because we don't want odors or fires. Mr. Guidry said an RDD permit expires in three to five years and allows time to look at the data; he said they get good settlement from the leachate recirculation at Maplewood. Mr. Davis said successful research helps establish criteria for a new regulation.

Mr. Burrier proposed a project specific permit because some projects need more time than others. Mr. Wickline commented an RDD project can have up to three extensions and Mr. Guidry said a one-year permit is a hang-up. Mr. Dietrich agreed because it might take a year to build something.

Ms. Beckwith asked Mr. Guidry about his permit. Mr. Guidry said they have a one-year permit with three, one-year extensions and they've spent \$50,000 on data collection. Mr. Wickline asked why we are still talking about RDD if a new technology is proven effective. Mr. Burrier asked when do we transition from new technology to a new regulation. Mr. Wickline said we have four years to prove an experimental system in Virginia and 12 years to prove it federally. Ms. Sismour said we have to look at the new era after Project XL and add Section D. Mr. Burrier added one year is too short and Dominion Power is not going to invest in experimental technology with coal ash and asked if longer periods could be allowed by the director. Mr. Wickline proposed a three-year permit with three one-year extensions for a consensus on RDD language: paragraph B changes to 3 years and paragraph D.

Odor issues. This regulation is on page 147 and 148 and is a remediation issue. Mr. Dick started the discussion by asking about the best odor control technology and what "BACT for odor" means in terms of quantitative defined steps. Ms. Beckwith said the regulation

was authored by Allen Brockman. Ms. Sismour asked if another term should be used. *Under EPA's "New Source Review" (NSR) program, if a company is planning to build a new plant or modify an existing plant such that air pollution emissions will increase by a large amount, then the company must obtain an NSR permit. The NSR permit is a construction permit which requires the company to minimize air pollution emissions by changing the process to prevent air pollution and/or installing air pollution control equipment. For more information on the NSR program, go to <http://www.epa.gov/nsr>. The terms "RACT," "BACT," and "LAER" are acronyms for different program requirements under the NSR program. BACT, or Best Available Control Technology, is required on major new or modified sources in clean areas (i.e., attainment areas). State and federal agency contacts for this program: Ms. Monica Harvey, Virginia Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23219, (804) 698-4300; Mr. William Browne, EPA Region 3, Permit Program, 1650 Arch Street, Philadelphia, PA 19103, (215) 814-2065.

Mr. Dick and Mr. Guidry expressed concern regarding the November 1 reporting deadline (page 148) and Mr. Dick proposed changing the date to March 1 and defining the reporting period—for a calendar year. Ms. Sismour commented a March 1 deadline does not work well for DEQ. Mr. Guidry said the reporting deadline for their odor permit is November 1 and reporting is pretty easy if you don't have a lot of odors and the date is not an issue because it's a "simple review of the permit." Mr. Davis proposed a January 31 deadline for reporting the previous calendar year data. Mr. Burrier asked the TAC to summarize their previous discussion of this regulation. Ms. Beckwith suggested reviewing the lengthy notes from the February 17, 2006, TAC meeting.

Richard Cheliras said he did not see the necessity of double monitoring. Mr. Davis asked what was specifically added to the regulations. Mr. Burrier cited page 150 of the regulation and said monitoring would determine the hazard so it could be managed accordingly. Mr. Cheliras also asked for a definition of "process knowledge." Mr. Wickline said the terminology was taken from the hazardous waste regulations and if there is any doubt about whether something is hazardous, we have to test it. Mr. Burrier agreed. Mr. Guidry said we have to know what the leachate is and if it is hazardous. Mr. Dick added solid waste landfills know through process knowledge if leachate is hazardous. Mr. Dietrich asked for a recommendation on the regulation. Mr. Wickline said the regulation needs to address the issue so people will know they are not in violation of the hazardous waste regulation—it prevents problems if someone does not know the hazardous waste regulation.

Contaminated soils. No comments. Ms. Beckwith pointed out this exemption issue was brought up by Channing Martin at the TAC meeting in February 2006.

Rebar. No comments.

CCB concerns. Mr. Birkhead said he has done hundreds of successful projects under these exemptions without a P.E. and cited Clover as an example. He added a change in language from should to shall would be "a big inconvenience." Mr. Wickline pointed out that "should" should not be in a regulation and added there have been two major

construction failures involving ash under the CCB regulation. Mr. Dietrich said a change from should to shall means every time. Mr. Birkhead suggested the regulation apply to ash projects around sewer and utility lines and Mr. Burrier said it should be used for projects with occupational permits. Ms. Sismour said “should” should be used and Mr. Wickline said using the word makes the regulation look indecisive. Mr. Dietrich asked the committee to move on to the “other items” on the consensus list.

Other items that may be issues:

Intake rates. Mr. Burrier asked the committee to look at the language on page 11 and fix the cubic yard conversion error discussed earlier. Ms. Sismour said the goal of the change was to get a better handle on the permit.

Landfill gas. Mr. Dietrich said as of May 16, 2006, 80 percent is an action level which means you need to do something before you have a bigger problem. Mr. Dick asked if “action level” was different than “corrective action.” Ms. Sismour said it means you have to do something. Mr. Burrier asked if there is a provision for an alternate source demonstration on LEL? Mr. Davis asked if this ever happened. Joe Levine responded it happened at the Wise County Landfill. Mr. Dietrich cited the regulation section that says a facility “must submit a remediation plan and implement preliminary gas migration controls to prevent explosive levels of methane on the property boundary.” Ms. Phillips asked a question regarding the LELs on page 146: are they changing (100 percent at property boundary or 80 percent action level)? The 100 percent at property boundary is not changing. Mr. Dietrich then asked why go with 80 percent versus 75 percent—80 percent is easier to measure than 75 percent. Mr. Burrier asked if this would impact other areas of the regulations and Ms. Beckwith referred him to the synopsis of the last TAC meeting.

Double liner issue. Ms. Sismour said this issue will be tabled for now because it is too controversial. Mr. Burrier agreed this is a huge issue and suggested DEQ propose a separate amendment to address the issue.

Facility vs. Unit definition. Ms. Sismour stated this language changes the whole regulation and suggested forming a work group with the regulated community to clarify the definition. She proposed it not be changed now because it needs more research. Mr. Cheliras asked why units are not permitted separately. Ms. Sismour said there is one permit for a facility with other work areas, not multiple permits for one facility with many functions. Mr. Dick said a landfill unit needs to be clarified. Ms. Beckwith said the term landfill unit will be “undeleted” from the regulations.

Two types of landfills. Ms. Beckwith explained engineered and unlined landfills will be divided into two categories. Mr. Dietrich asked for the reasoning behind this change. Mr. Wickline said it is based on liners and leachate collection systems. Mr. McGowan asked if any new unlined landfills are being permitted now. Mr. Wickline said no, but older unlined landfills are being expanded. Mr. Burrier asked what the division will accomplish. Mr. Davis said the categories will establish criteria for unlined landfills and

clear up the disparity and inequity in the regulations as they relate to modern permitted facilities.

Mr. Wickline presented the regulation sections: Section 255 for unlined landfills, Section 250 for engineered landfills and Section 245--operating standards for both types of landfills. Mr. Dick asked how this definition would impact an operation with a “calico” liner system. Mr. Davis said the facility would comply with operating standards under their permit—an unlined facility becomes a modern facility due to a piggyback; the old permit acknowledges an old liner system with an engineered system so now it’s considered a modern engineered facility. Mr. Burrier said further discussion of Section 250 is needed now that the new language is available.

Mr. McGowan asked about a 10-year permit review and how it applies to 1205 facilities. Ms. Sismour said this review was not practical as DEQ would have 99 reviews to do in one year. Instead DEQ is looking at operating parameters and this would apply to some 1205 facilities without expense and time of amending of permits.

Operational requirements for different types of landfills. Ms. Sismour asked if there were any comments about putting operating requirements into the regulations. There was no discussion.

New provisions for designs for cover. Mr. Burrier asked why changes were being proposed. Mr. Dietrich said this issue deals with daily cover, not the final cover. Mr. Burrier pointed out final covers were also being discussed. Mr. Wickline clarified saying the issue was about designing landfills with excessive sludge. He said the community pays for a landfill that fails—landfills with 1,000-foot slopes and significant erosion. He said we need terraces to prevent erosion and we need criteria for establishing vegetative cover because there are no standards now--we need to build stronger, better landfills and monitor their post-closure care. Mr. Burrier challenged Mr. Wickline’s landfill example and argued 3:1 slopes are acceptable and 2:1 slopes are not; the industry has proven 3:1 slopes work and terracing changes the slope and wastes airspace. He also cautioned the use of tack-on berms to address erosion problems. Mr. Wickline responded the public should not be left to deal with failing landfills. Mr. Burrier pointed out communities are on the hook for 30 years and should know in five years if a system is working. Mr. Guidry and Mr. Levine seconded Mr. Burrier’s statement.

Mr. McGowan asked for a definition of an acceptable vegetative cover. Mr. Burrier commented more soil does not help vegetation when it’s placed on top of a synthetic liner--why increase the soil thickness from six to 24 inches? Ms. Phillips confirmed the soil measurement proposal. Mr. Davis explained DEQ is trying to have a reasonable balance and agrees with Mr. Wickline regarding the concern about landfills surviving past 30 years and the citizens who pick up the bill to maintain and repair landfill systems after the 30 post-closure period is over.

Mr. Davis described potential problems DEQ may find after terminating post-closure care. He questions the viability of the structure after 10 years of poor maintenance or unauthorized access. He said we must err on the side of caution for these reasons and said

from an engineering perspective, we build great things, but want our standards viable for the long term--we don't want to sacrifice this for short-term airspace.

Mr. Davis described a problem site which was fined for terminating post-closure care. He questions the viability of the structure after 10 years of poor maintenance and access or unauthorized access. He said we must err on the side of caution for these reasons and said from an engineering perspective, we build great things, but want our standards viable for the long term--we don't want to sacrifice this for short-term airspace.

Mr. Guidry asked about grandfathered facilities. Ms. Sismour said a consensus can't be reached regarding the final cover. Mr. Burrier asked if the whole structure of a landfill would be changed with a redesign plan. Mr. McGowan also questioned the two to five percent measurement change on the final slope. Mr. Dietrich asked if this change addressed ponding problems. Mr. Wickline said the region liked two percent.

Additional discussion:

Ms. Sismour moved the committee go to page 2 of the regulations for a better definition of "closed." She proposed taking out closed under A, B and C on page 3 and striking it under D. The wording will be relocated to four other sections: 250, 255, 260 and 270, under letter E in all sections.

Mr. Dietrich discussed burning at post-closure care facilities on page 30. The burning is currently limited to one ton per year which some believe is restrictive and discourages burning and causes problems for CDD facilities; 10 tons would be better and it's still a small amount. Ms. Beckwith asked what's an appropriate number on tonnage. Ms. Sismour responded the language "infrequent and intermittent" comes from a new law and this is DEQ's attempt to meet the new law. Mr. Dietrich said the law passed so the county could do more burning. Mr. Dietrich added the other option is to bring in tub grinders to grind up the waste.

Mr. Cheliras asked for clarification on unlined landfill expansions. Mr. Wickline responded noting the law says they can expand vertically but not horizontally.

Mr. Burrier questioned the landfill lift safety issue of 5:1 for compaction on page 93—is this ratio the desired compaction for the end of the work day? Mr. Guidry added that two foot lifts are needed for compaction. Mr. Wickline asked if this needed to be clarified. Mr. Burrier recommended DEQ regulate uncompacted waste—what we're trying to avoid. Mr. Wickline said we need to describe a system that works and Mr. Dietrich recommended that Mr. Guidry submit proposed language to DEQ in a comment. Mr. Burrier offered the following wording: "lift height shall not exceed 20 feet at three to five-foot intervals." Ms. Beckwith cautioned everyone on semantics. Mr. Dick confirmed the definition of the word "lift" in the regulations and expressed concern about the issue of safety based on the size of the working face--confusion results when lift height is mixed with the issue of uncompacted waste. Mr. Dick recommended the committee strike the words "lift height" and insert "uncompacted vertical walls of waste."

Mr. Davis asked about including tables or matrixes for waste volume. Mr. Dick said this information is in the operations manual. Mr. Guidry noted some matrixes are being done now for safety reasons. Mr. Burrier said lift height is not just a daily operations issue—it's constantly morphing on the working face and flexibility is necessary for working productively on site. Mr. Guidry estimated it could take a week to 10 days for a facility to meet this provision given the constraints of a site.

Section 245. Ms. Sismour stated this section applies to all landfills. Mr. Wickline noted there are certain documents, like the operation plan, that need to be at every facility—both lined and unlined, for the inspector or the public to see. Mr. Davis reported he visited a facility where no operation plan was being followed even though it was on site and he could not issue a NOV based on Section 250. Mr. Burrier asked how this section would be applied in July 2007. Ms. Sismour said DEQ does not want redundancy and cited pages 73 and 74, number 2. Mr. Guidry asked if VDOT did not issue a report, would VDOT or the facility get the NOV? Mr. Wickline said DEQ is not writing a compliance manual. Mr. Burrier and Mr. McGowan also commented on how unrealistic it is to maintain current phone numbers of adjacent property owners.

Mr. McGowan, on behalf of SWANA, proposed extending the deadline on Amendment 5 because he feels not enough people, including SWANA members, have seen the proposed changes. Ms. Sismour responded that Mr. McGowan represents SWANA by serving on the TAC and reviewed what's on the Town Hall site.

Mr. Burrier noted there are still a lot major issues to be discussed on Section 245. Ms. Sismour said DEQ will go forward on Monday (May 22, 2006) with what the TAC has agreed on and where there are minor issues. Mr. McGowan asked what the board will do with the recommendations. Ms. Sismour said the board can send all of the recommendations back to the committee or they may approve a portion of the proposed regulations; she added the board has seen everything the TAC has reviewed. Ms. Beckwith announced the timetable for the board's review and the public comment period.

Mr. Burrier commented he doesn't want to see Section 250 stripped from the recommendations as the TAC did a lot of good work on parts of it—for example, the wetlands. Ms. Phillips also stated there is a big issue with the two-acre allowance in paragraph two. Ms. Sismour noted DEQ tries to put guidance on the web, but acknowledged everything may not be there.

Mr. McGowan expressed concern because the TAC never discussed Table 5.1 on Part A. Mr. Dick asked about certain landfill numbers in the Town Hall documents and how they are projected on localities. He said communities need an accurate depiction of costs and cautioned everyone on the economic impact if costs are under projected and cited double liners as an example.

Mr. Guidry also commented about transfer station regulations on page 76: he recommended landfill staff cell phone or beeper numbers be printed instead of home phone numbers for site emergencies. Mr. Davis clarified the emergency numbers are to be used in on-site documents. Mr. Guidry said he is glad DEQ will not be presenting

everything to the board on Monday--there are so many changes and everyone should err on the side of caution.

Ms. Sismour asked the TAC members if they wanted to meet again after the board meeting and everyone said yes. Ms. Beckwith said an email will be sent to the TAC after the board meeting and proposed meeting dates will be included in the email. Ms. Sismour noted the board meeting is open to the public, but added public comments are not allowed. She recommended the TAC members contact Cindy Berndt at DEQ (she is the Regulatory Affairs Director) regarding questions about board meeting procedures and the public forum. She also thanked the TAC for their participation in the process and apologized for any confusion caused by DEQ. Mr. Burrier expressed frustration that the TAC focused more on what would not work rather than bringing proposed solutions to the table. Mr. Dietrich said DEQ still wants proposed language and encouraged the TAC members to submit ideas.

Mr. Dietrich closed the meeting at 4:00 p.m.

/sdt