Compliance Update
SWANA 2019 Regulatory Training

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October 10, 2019
Overview

• VA DEQ Solid Waste Inspection Program
• FFY2019 Inspection Results
• Top 5 Violations at Active Sanitary Landfills
  • Regulatory Requirements v. Examples of Violations
  • FFY2019 v. FFY2018
• Other Common Violations at Active Sanitary Landfills
• Top 5 Violations at Transfer Stations & MRFs
Solid Waste Inspection Program

- **Inspection Authority / Right of Entry to Inspect**
  - VA Waste Management Act
  - VA Solid Waste Management Regulations
  - Solid Waste Permit

- **Types of Inspections**
  - Compliance Evaluation Inspection
  - Focused Compliance Inspection
  - Records Review
  - Complaint Investigation
  - Compliance Assistance Visit
Facilities Inspected

- Active Landfills
- Closed Landfills
- MRFs
- Transfer Stations
- Incinerators/WTE
Facilities Inspected

- Compost Facilities
- Regulated Medical Waste
- Barge Off-Loading
- Surface Impoundments
Solid Waste Inspection Program

Inspection Frequency
• Baseline (Quarterly v. annually)
• Risk-based (Facility status, compliance history, ongoing issues, complaints, etc.)

Compliance assessment
• Statute
• Regulations
• Permit
• Enforcement Order
Compliance Evaluation

Alleged Violations

Classified by Severity Level (I, II, or III)

• Risk of (or actual) exposure to humans or other environmental receptors
• Deviation from regulations
• Amount of time to correct
• Number of occurrences

No Deficiency Letter  Deficiency Letter  Warning Letter  Notice of Violation
FFY2019 Inspection Results

October 1, 2018 – September 30, 2019

738 inspections at solid waste management facilities

- **673** full onsite compliance inspections (91%)
- **10** record reviews (1%)
- **55** focused inspections (7%)
- **5** complaint investigations

DEQ
FFY2019 Inspection Results
October 2018 – September 2019

- Sanitary Landfills: 304 inspections
- Materials Recovery Facilities: 121 inspections
- Transfer Stations: 102 inspections
- Industrial Landfills: 70 inspections
- CDD Landfills: 56 inspections
- Surface Impoundments: 25 inspections
- RMW Facilities: 24 inspections
- Compost Facilities: 22 inspections
- Incinerators/Waste-to-Energy: 11 inspections
- Barge Off-Loading: 3 inspections

Number of Inspections / Facility Type
FFY2019 Inspection Results

- 83% No Deficiency Letter
- 6% Deficiency Letter
- 9% Warning Letter
- 2% Notice of Violation
Top 5 Alleged Violations

Active Sanitary Landfills

1. Leachate Management
2. Daily Cover
3. Run-on/Run-off Control
4. Intermediate Cover
5. Landfill Gas
9VAC20-81-200 – Compliance Level Exceedances

- Methane concentrations at/above LEL (5% methane) in gas monitoring network
- Methane concentrations at/above 25% of LEL (1.25% methane) in structures (excluding gas control or recovery system components)

**Required Response:**
- 24 hr (oral) & 5 day (written) notifications to DEQ
- Increased gas monitoring (weekly or monthly based on risk)
- Implement & submit Gas Remediation Plan within 60 days
- Assess perimeter network for 250 ft. probe spacing
Landfill Gas Violations

- Failing to monitor all wells in monitoring network for methane on a quarterly basis
  - Once/calendar quarter (60-120 days from last)
- New compliance level exceedance (5% methane) in gas monitoring network
- Failing to notify DEQ of action level exceedances (4% methane) or compliance level exceedances within required timeframe
- Gas Remediation Plan not submitted within required timeframe
- Not following steps in Gas Remediation Plan
#4 Intermediate Cover Requirements

9VAC20-81-140.B.1.d.

- Additional 6 inches compacted soil
  - Total of 12 in. compacted soil OR ADC + 6 in. compacted soil
- Applied and maintained in areas that will not receive an additional lift of waste within the next 30 days
- Inspected at least weekly
- Additional cover placed on all cracked, eroded, and uneven areas as required to maintain integrity of the cover
#4 Intermediate Cover Violations

- Exposed waste/flagging through intermediate cover
- Insufficient intermediate cover
- Cover not inspected & maintained on weekly basis (erosion rills)
- Low/uneven areas where water is ponding
Run-on/Run-off Control Requirements

9VAC20-81-140.A.7
• Maintain run-on/run-off control systems as designed and constructed in accordance with 9VAC20-81-130.H

9VAC20-81-130.H
• Prevent flow onto active cells & collect and control run-off from active cells during 24-hr/25-year storm & not cause pollutant discharges to state waters in violation of the Clean Water Act & VPDES requirements
• Install and continuously maintain drainage structures to prevent ponding and erosion, and to minimize infiltration of water into SW cells
Run-on/Run-off Control Violations

- Excessive buildup of sediment, woody vegetation, trees, litter, or other debris in stormwater channels that prevents or impedes positive drainage
- Indicated by ponding water in cell, ditches, etc.

- Excessive buildup of sediment in stormwater basins
- Breaches in stormwater channels, berms, impoundments
• Significant erosion issues, undercutting of slope drains; drain pipes disconnected
• Exacerbated by insufficient cover & lack of vegetation
#2 Daily Cover Requirements

9VAC20-81-140.B.1.c.

- At least 6 in compacted soil or other approved material
- Applied **and maintained** on all exposed solid waste prior to the end of each work day
- ...or at more frequent intervals if necessary, to control vectors, fires, odors, blowing litter, and scavenging
- Allows for alternate daily cover (ADC) if approved through a demonstration period

Alternate Cover Guidance Under Development
#2 Daily Cover Violations

- Daily cover not applied at end of workday
- Insufficient cover (flagging, exposed trash)
- Cover not maintained (erosion rills)
- 3-day cover stockpile not maintained

- Unapproved or improper use of ADC
- Improper ratios/mixes
- Inadequate application thickness or coverage (Posi-shell)
- Use of ADC in inclement weather when not appropriate
- Damaged tarps (holes, rips)
Self-Inspections & Reporting; 9VAC20-81-140; -530.C.3

- Regularly inspect landfill for leachate seeps, especially after major storm events
  - Inspect intermediate cover no less than weekly
  - Inspect other operational areas no less than monthly
  - OR more frequently as necessary or required by permit
- Document conditions observed during self-inspections
- Report leachate seeps to DEQ within 24hr/5 days if....
  - leachate outside lined disposal area,
  - leachate in sediment basin, or
  - unauthorized discharge to surface water
Leachate Control; 9VAC20-81-210.F

• Take all immediate steps to protect health and safety (including any steps required by a contingency plan)
• Take immediate action to minimize, control, or eliminate seep
• Contain and properly manage the leachate at source of the seep
• Properly collect & dispose of leachate released outside lined area permitted for waste disposal

Leachate guidance under development to address seeps, leachate head exceedances & storage units
#1 Leachate Management Violations

- Facility staff unaware of leachate seeps
  - Not inspecting, identifying, and addressing in timely manner
- Leachate escaping lined area, entering stormwater ditches, sediment basin(s), and/or discharging to surface water
- Leachate seeps not properly repaired, leading to recurrence
- Discharges not reported to DEQ
Leachate Management Violations

- Leachate pond or tank overflow
- Leachate backup/overflow @ pump station
- Leachate head exceedance (over 12 in over liner)
Top 5 Violations at Active Sanitary Landfills

2018
1. DAILY COVER
2. INTERMEDIATE COVER
3. LEACHATE SEEPS
4. 3 DAY COVER STOCKPILES
5. RUN-ON/RUN-OFF CONTROL

2019
1. LEACHATE MANAGEMENT
2. DAILY COVER
3. RUN-ON/RUN-OFF CONTROL
4. INTERMEDIATE COVER
5. LANDFILL GAS
Other Common Violations

Active Sanitary Landfills

**groundwater wells not maintained**

**daily disposal limit exceedances**

- inadequate random load inspections
- incident not reported to DEQ

- late Operations Manual recertification

**access roads impassable**

**self-inspections not completed, or not reflective of operations**

**excessive blowing litter**

- whole tires in workface
- equipment down & no backup equipment

**disclosure statement not updated quarterly**

**late report submittal (GW Reports, SWIA)**
Blowing Litter

9VAC20-81-140.A.9 requires collection on a weekly basis
Groundwater Well Maintenance

- **LOCKED** to prevent unauthorized access & cross contamination
- **LABELED** such that individual sampling points can be identified

- **LANDSCAPED** to prevent surface runoff infiltration
- **LOCATED** consistent with positions on site plans
Whole Tires in Working Face

• Tires (even if not whole) tend to be more buoyant than other wastes
• Will surface when heavy equipment agitates slopes

9VAC20-81-640.D
• Tires shall be **split, cut, or shredded** before disposal to prevent the wastes from emerging at the surface
Recordkeeping

Self-Inspections
Due at least monthly and records should be accurate & reflective of current operations

Operations Manual
Responsible official should certify annually to ensure consistency with current ops and reg requirements

SWIA Report
Due annually on Mar 31; most permittees submit through DEQ online portal

Disclosure Statements
Update quarterly if changes in key personnel (have 3 months after change to update form)
More on Disclosure Statements…

- **All persons** meeting the statutory definition of "key personnel" must be listed:
  - Owner/operator + any person employed by or under contract with the facility in a managerial capacity, or empowered to make discretionary decisions, with respect to the solid waste operations of the facility...
  - At least **1 licensed operator** must be key personnel
  - **10 year history of NOVs** related to waste management (by any key personnel) resulting in orders or enforcement actions must be listed
  - For new applicants, include any officer, director, partner, or **holder of 5% or more equity or debt** of the applicant (if entity / not natural person, include key personnel of entity)
24-Hr/5-Day Reporting to DEQ

VSWMR, 9VAC20-81-530.C.3

• Requires permittees to report to DEQ noncompliance and unusual conditions that may endanger health or environment

Notify DEQ within 24 hours of becoming aware of a situation

AND report in writing within 5 working days, including:

• Description and cause of circumstances
• Period of occurrence (exact dates and times)
• If not yet corrected, anticipated time situation is expected to continue
• Steps taken or planned to reduce, eliminate, and prevent reoccurrence
Top 5 Alleged Violations

Transfer Stations & Materials Recovery Facilities

1. Waste Tipping/Storage & Litter
2. Tonnage Limit Exceedance
3. Operations Manual Certification
4. Tipping Floor Condition
5. Self-Inspections
Final Thoughts

• Self-police as much as possible

• End of day/week (and post storm) walk-throughs

• If you can’t get a problem resolved right away, ASK for time to repair (work plan / schedule)

• If in doubt, reach out – call / email your DEQ solid waste inspector with any questions

• Sign up for updates from VA Regulatory Town Hall
  • Guidance
  • Regulatory Amendments
Contact Information

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