





Compliance Update

SWANA 2019 Regulatory Training

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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

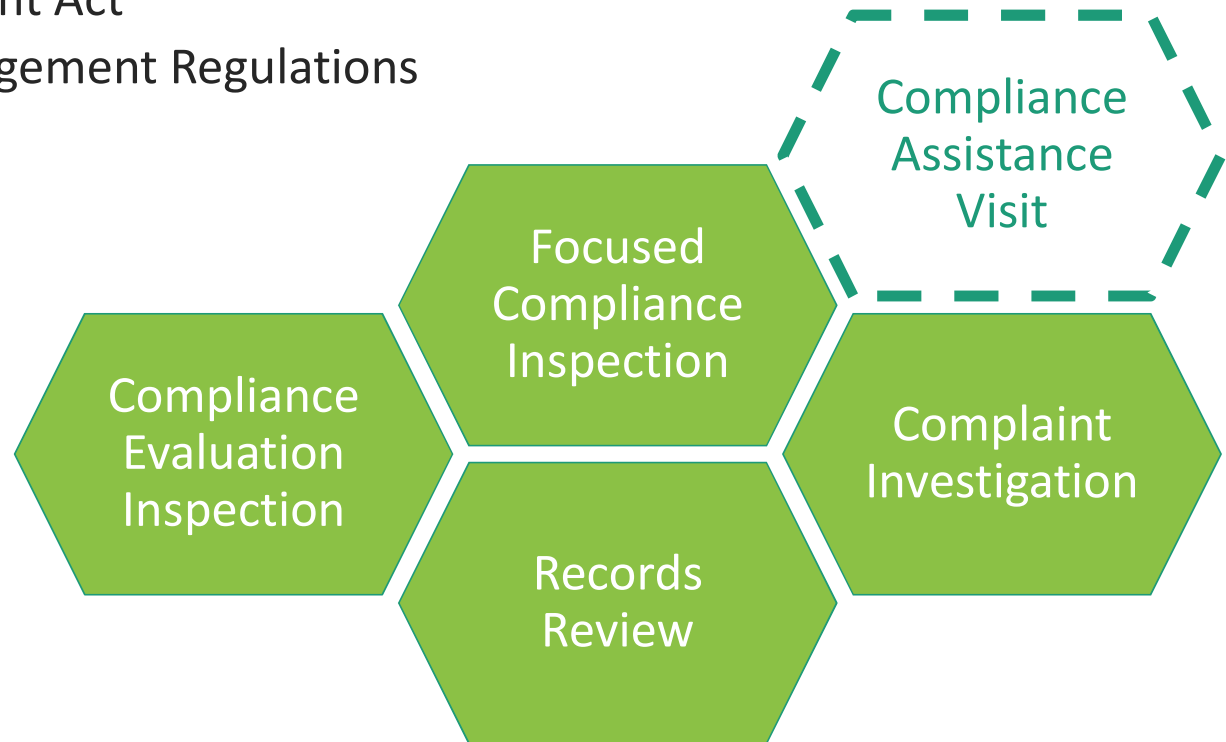


Solid Waste Inspection Program

- **Inspection Authority / Right of Entry to Inspect**

- VA Waste Management Act
- VA Solid Waste Management Regulations
- Solid Waste Permit

- **Types of Inspections**



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

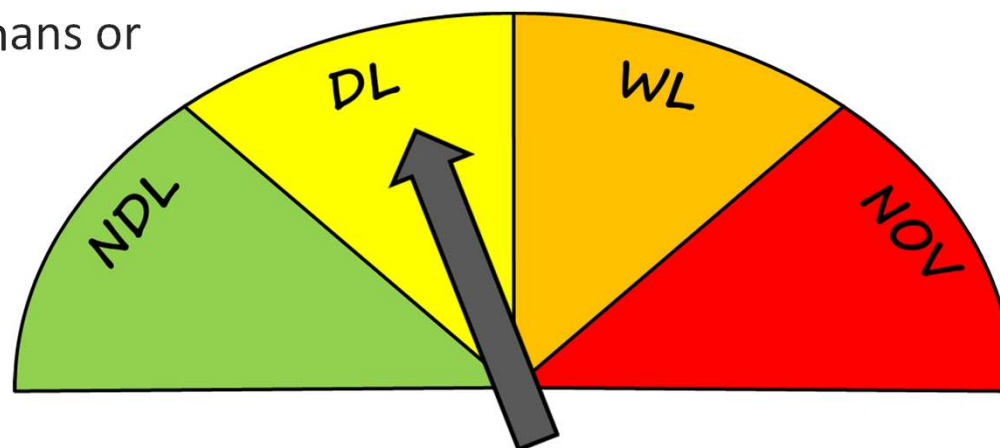
- Statute
- Regulations
- Permit
- Enforcement Order

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

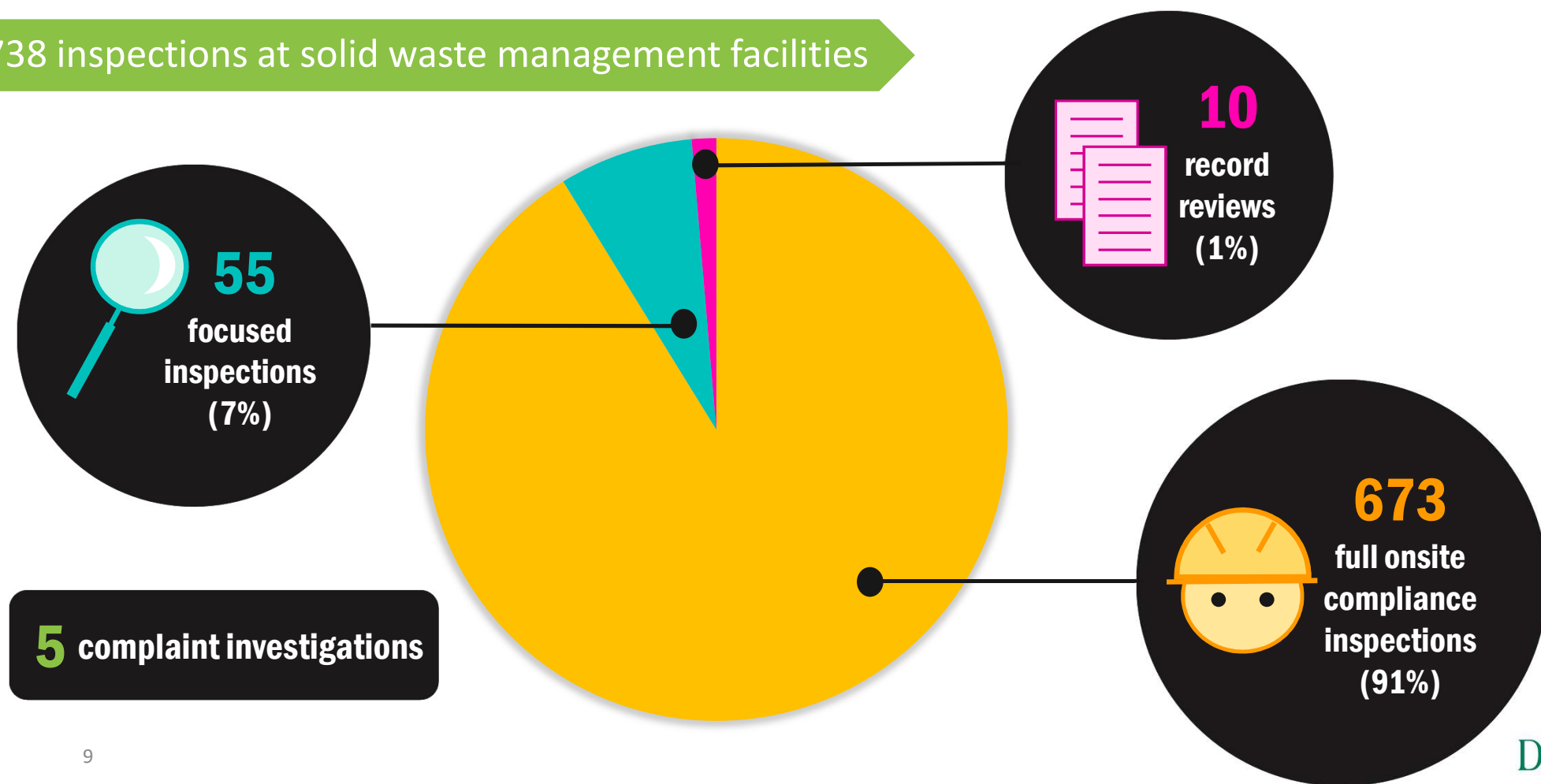
Warning Letter

Notice of Violation

FFY2019 Inspection Results

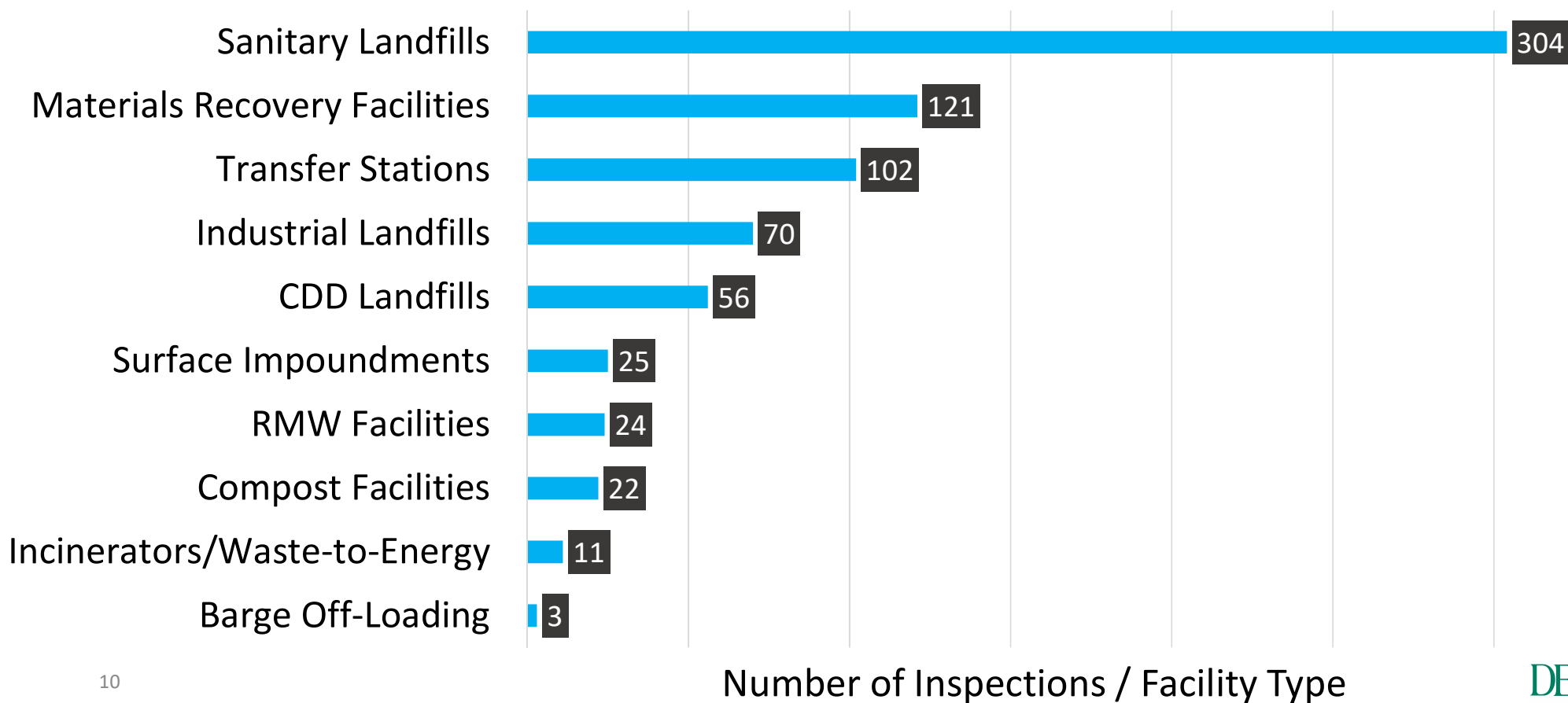
October 1, 2018 – September 30, 2019

738 inspections at solid waste management facilities

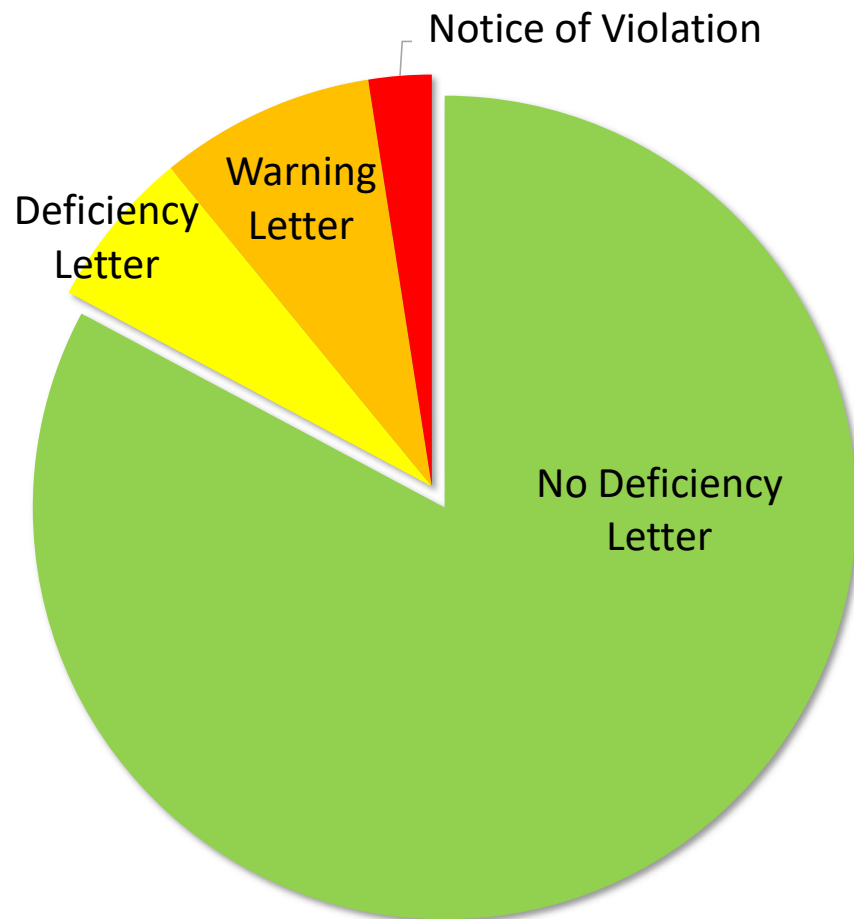


FFY2019 Inspection Results

October 2018 – September 2019



FFY2019 Inspection Results



83% No Deficiency Letter

6% Deficiency Letter

9% Warning Letter

2% Notice of Violation

Top 5 Alleged Violations

Active Sanitary Landfills

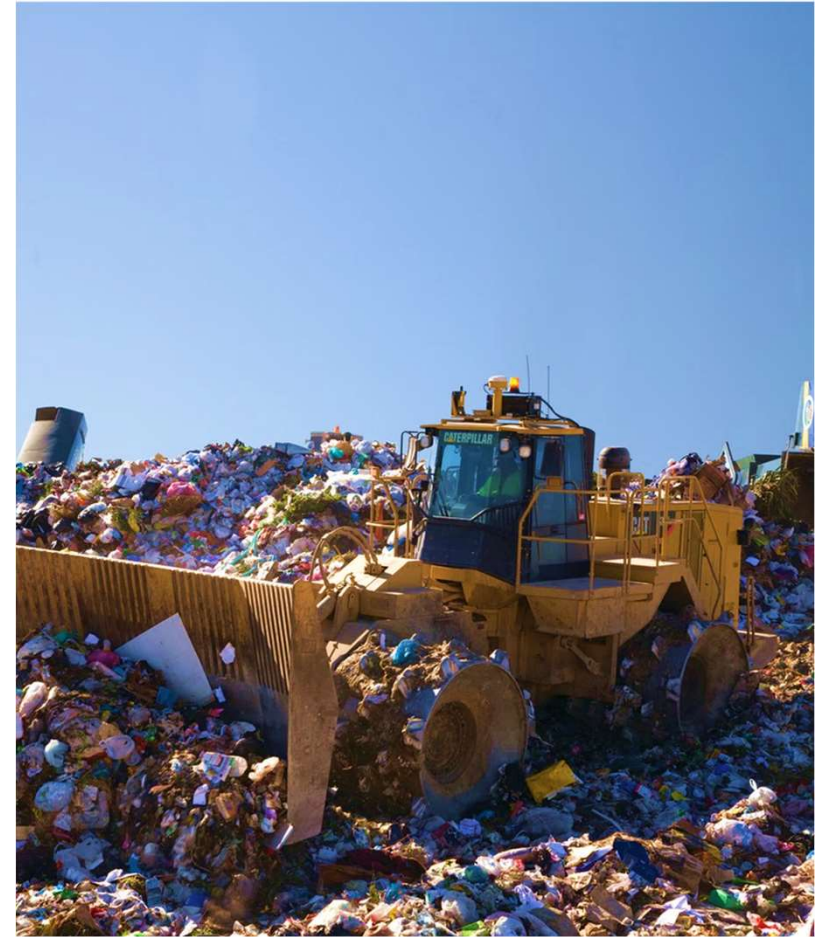
1 Leachate Management

2 Daily Cover

3 Run-on/Run-off Control

4 Intermediate Cover

5 Landfill Gas



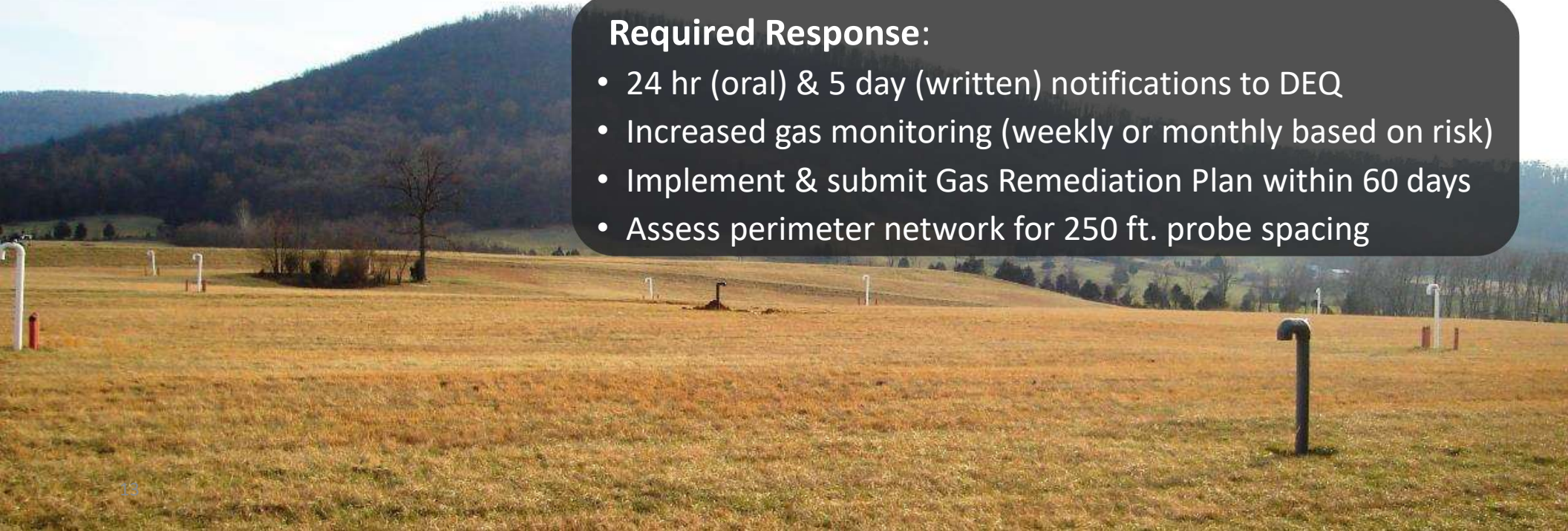
#5 Landfill Gas Requirements

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



#5 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



#3

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

#3 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

#3

Run-on/Run-off Control Violations



- 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)



#1

Leachate Management Requirements

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



#1

Leachate Management Requirements

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

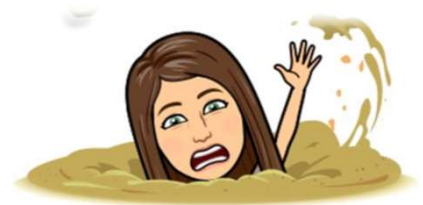


Leachate guidance under development
to address seeps, leachate head
exceedances & storage units



#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



#1 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

LEACHATE MANAGEMENT

1

DAILY COVER

2

RUN-ON/RUN-OFF CONTROL

3

INTERMEDIATE COVER

4

LANDFILL GAS

5

Other Common Violations

Active Sanitary Landfills

groundwater wells
not maintained

late report submittal
(GW Reports, SWIA)

incident not
reported to DEQ

inadequate random
load inspections

late Operations
Manual recertification

**daily disposal
limit exceedances**

disclosure statement not
updated quarterly

access roads impassable

self-inspections not completed,
or not reflective of operations

excessive blowing litter

whole tires in workface

**equipment down &
no backup equipment**

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)



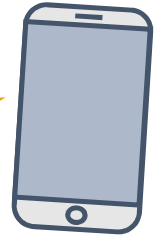
24-Hr/5-Day Reporting to DEQ



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

email



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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