

Informal comment period for Solid Waste Planning and Recycling Regulations (9VAC20-130)

The following draft contains changes that are being considered to the Solid Waste Planning and Recycling Regulations (9VAC20-130). This regulation establishes requirements for localities to conduct planning efforts to ensure that solid waste is properly managed now and in the future. The regulation also implements the mandatory recycling rates described in state statute. These solid waste planning requirements are similar to the planning efforts that localities undertake to ensure their locality is planning for the future and is able to provide general services to their residents. This regulation allows localities to develop their own solid waste management plan or work with other localities to form a regional solid waste management plan. Solid waste management plans ensure that the locality or region is preparing for future waste management needs; which will protect the health and welfare of their citizens from impacts related to improper management of solid waste. In 2015, the agency conducted a periodic review of the Solid Waste Planning and Recycling Regulations (9VAC20-130). After the periodic review was completed, DEQ staff met individually with solid waste planning units to identify areas of the regulation that could be clarified or improved. As a result of these meetings and agency staff feedback, the regulation is being amended to be more easily understood. No new requirements are being added to the regulation.

The agency plans to present amendments to the Solid Waste Planning and Recycling Regulations (9VAC20-130) to the Virginia Waste Management Board at a future meeting. The agency plans to use the Fast Track regulatory process as allowed by § 2.2-4012.1 of the Code of Virginia to amend this regulation.

Prior to presenting this amendment to the Waste Management Board for adoption, the agency is holding an informal comment period. The informal comment period will end Friday April 28, 2017. Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Melissa Porterfield, Office of Regulatory Affairs, P.O. BOX 1105, Richmond, VA 23218, phone: 804-698-4238, FAX: 804-698-4019, email: melissa.porterfield@deq.virginia.gov.

As a courtesy, the entire text of the Solid Waste Planning and Recycling Regulations is being provided. Amendments are not being proposed to all sections. Changes to the regulatory text include:

- Updating of regulatory definitions to be consistent with definitions in other waste regulations;
- Reordering of regulatory sections;
- Moving the requirement for planning units to maintain and update solid waste management plans to a standalone section;
- Clarifying the difference between major and minor amendments to a solid waste management plan;
- Clarifying how to calculate the recycling rate; and
- Revising the regulation to be consistent with the language found in §10.1-1411 C of the Code of Virginia concerning recycling rate credits.

A chart identifying all proposed changes to the regulations has been included in this document after the proposed regulatory text.

Project 4196 – draft for informal public comment 3/20/17

VIRGINIA WASTE MANAGEMENT BOARD

Fast track amendment SW mgt plan reg

CHAPTER 130

SOLID WASTE PLANNING AND RECYCLING REGULATIONS

9VAC20-130-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

~~"Agricultural waste" means all solid waste produced from farming operations.~~

"Board" means the Virginia Waste Management Board.

"Commercial waste" means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

"Compost" means a stabilized organic product produced by composting a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land, without adversely affecting public health or the environment.

"Composting" means the manipulation of the natural process of decomposition of organic materials to increase the rate of decomposition.

"Construction waste" means solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to, lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos-containing material, any liquid, compressed gases, or semi-liquids and garbage are not construction wastes.

"Debris waste" means solid waste resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

"Demolition waste" means solid waste produced by the destruction of structures and their foundations and includes the same materials as construction wastes.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality or his designee. For purposes of submissions to the director as specified in the Waste Management Act, submissions may be made to the department.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

"Facility" means solid waste management facility unless the context clearly indicates otherwise.

"Hazardous waste" means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulation, 9VAC20-60.

"Incineration" means the controlled combustion of solid waste for disposal.

"Industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Institutional waste" means all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include regulated medical waste from health care facilities and research facilities that must be managed as a regulated medical waste.

"Integrated waste management plan" means a governmental plan that considers all elements of waste management during generation, collection, transportation, treatment, storage, disposal, and litter control and selects the appropriate methods of providing necessary control and services for effective and efficient management of all wastes. An "integrated waste management plan" must provide for source reduction, reuse and recycling within the jurisdiction and the proper funding and management of waste management programs.

"Jurisdiction" means a local governing body; city, county or town; or any independent entity, such as a federal or state agency, which join with local governing bodies to develop a waste management plan.

"Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill (as these terms are defined in the Solid Waste Management Regulations (9VAC20-81)).

"Litter" means all waste material disposable packages or containers, but not including the wastes of the primary processes of mining, logging, farming, or manufacturing.

"Market" or "markets" means interim or end destinations for the recyclable materials, including a materials recovery facility (MRF).

"Market conditions" means business and system related issues used to determine if materials can be targeted, collected, and delivered to an interim or end market in an efficient manner. Issues may include, but are not limited to: the cost of collection, storage and preparation or both; the cost of transportation; accessible volumes of materials targeted for recycling; market value of materials targeted for collection/recycling; and distance to viable markets.

"Materials recovery facility (MRF)" means, for the purpose of this regulation, a facility for the collection, processing and marketing of recyclable materials including, but not limited to: metal, paper, plastics, and glass.

"Mulch" means woody waste consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood waste that has undergone size reduction by grinding, shredding, or chipping, and is distributed to the general public for landscaping purposes or other horticultural uses, except composting as defined and regulated under the Solid Waste Management Regulations (9VAC20-81).

"Municipal solid waste (MSW)" means waste that is normally composed of residential, commercial, and institutional solid waste and residues derived from the combustion of these wastes.

"Permit" means the written permission of the director to own, operate or construct a solid waste management facility.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

"Principal recyclable materials (PRMs)" means paper, metal, plastic, glass, commingled yard waste, wood, textiles, tires, used oil, used oil filters, used antifreeze, batteries, electronics, or material as may be approved by the director. Commingled materials refers to single stream collections of recyclables where sorting is done at a materials recovery facility.

"Recycling" means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. For the purpose of this chapter, recycling shall not include processes that only involve size reduction.

"Recycling residue" means the (i) nonmetallic substances, including but not limited to plastic, rubber, and insulation, which remain after a shredder has separated for purposes of recycling the ferrous and nonferrous metal from a motor vehicle, appliance or other discarded metallic item and (ii) organic waste remaining after removal of metals, glass, plastics and paper that are to be recycled as part of a resource recovery process for municipal solid waste resulting in the production of a refuse derived fuel.

"Regional boundary" means the boundary defining an area of land that will be a unit for the purpose of developing a waste management plan, and is established in accordance with 9VAC20-130-180 through 9VAC20-130-220.

"Regulated medical waste" means solid wastes so defined by the Regulated Medical Waste Management Regulations (9VAC20-120) as promulgated by the Virginia Waste Management Board.

"Residential waste" means any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Residential wastes do not include sanitary waste in septic tanks (seepage), that is regulated by other state agencies.

"Resource recovery system" means a solid waste management system that provides for collection, separation, recycling and recovery of energy or solid wastes, including disposal of nonrecoverable waste residues.

"Reuse" means the process of separating a given solid waste material from the waste stream and using it, without processing or changing its form, other than size reduction, for the same or another end use.

"Sanitary landfill" means an engineered land burial facility for the disposal of household waste, which is so located, designed, constructed and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction demolition debris, and nonhazardous industrial solid waste.

"Site" means all land and structures, other appurtenances, and improvements on them used for treating, storing, and disposing of solid waste. This term includes adjacent land within the facility boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. (Note: This term includes all sites whether they are planned and managed facilities or open dumps.)

"Sludge" means any solid, semisolid or liquid waste generated from a public, municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

"Solid waste" means any of those materials defined as "solid waste" in the Solid Waste Management Regulations (9VAC20-81).

"Solid waste planning unit" means each region or locality that submits a solid waste management plan.

"Solid waste management facility ("SWMF")" means a site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

"Source reduction" means any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process. Source reduction minimizes the material that must be managed by waste disposal or nondisposal options by creating less waste. "Source reduction" is also called "waste prevention," "waste minimization," or "waste reduction."

"Source separation" means separation of recyclable materials by the waste generator of materials that are collected for use, reuse, reclamation, or recycling.

"Tons" means 2,000 pounds.

"Transfer station" means any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

"Vegetative waste" means decomposable materials generated by yard and lawn care or land-clearing activities and includes, but is not limited to, leaves, grass trimmings, and woody wastes such as shrub and tree prunings, bark, limbs, roots, and stumps. For more detail see the Solid Waste Management Regulations (9VAC20-81).

"Waste exchange" means any system to identify sources of wastes with potential for use reuse, recycling or reclamation and to facilitate its acquisition by persons who reuse, recycle or reclaim it, with a provision for maintaining confidentiality of trade secrets.

~~"White goods" means any stoves, washers, hot water heaters or other large appliances. For the purposes of this chapter, this definition also includes, but is not limited to, such Freon-containing appliances as refrigerators, freezers, air conditioners, and dehumidifiers.~~

"Yard waste" means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter.

9VAC20-130-20. Authority for regulations.

These regulations are promulgated pursuant to Chapter 14 (§ 10.1-1400 et seq. and specifically §§ 10.1-1402, 10.1-1411 and 10.1-1413.1) of Title 10.1 of the Code of Virginia, which authorizes the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and powers and the intent of the Virginia Waste Management Act and the federal acts.

9VAC20-130-30. Policy.

It is the policy of the Virginia Waste Management Board to require each region designated pursuant to ~~9VAC20-130-1809~~9VAC20-130-92 through ~~9VAC20-130-220~~9VAC20-130-102, as well as each city, county and town not part of such a region, to develop comprehensive and integrated solid waste management plans that, at a minimum, consider and address all components of the following hierarchy:

1. Source reduction;
2. Reuse;

3. Recycling;
4. Resource recovery (waste-to-energy);
5. Incineration; and
6. Landfilling.

9VAC20-130-40. Purpose of regulations.

The purpose of these regulations is to:

1. Establish minimum requirements for solid waste management planning and recycling for protection of the public health, public safety, the environment, and natural resources throughout the Commonwealth; promote local and regional planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources;
2. Establish procedures and rules for designation of regional boundaries for solid waste management plans;
3. Establish state, local government, regional or area served by the plan responsible for meeting and maintaining the minimum recycling rates;
4. Establish the requirement in compliance with the Virginia Waste Management Act, §§ 10.1-1411 and 10.1-1408.1 D 1 (vi) of the Code of Virginia, for withholding issuance of permits for solid waste management facility; and
5. Provide for reasonable variance and exemptions.

9VAC20-130-50. Administration of regulations.

The director is authorized and directed to administer and enforce these regulations in accordance with the Virginia Waste Management Act, §§ 10.1-1400 through 10.1-1457 of the Code of Virginia.

9VAC20-130-60. Applicability of regulations.

A. This chapter applies to all cities, counties, towns, designated solid waste planning units (under ~~9VAC20-130-180~~9VAC20-130-92) and permitted solid waste facilities within the solid waste planning unit, including those facilities covered under permit by rule procedures found in 9VAC20-81. Any city, county, and town may mutually agree to unite for the purpose of solid waste management planning, and upon joint written notification to the ~~director~~, department shall be deemed to be a solid waste planning unit for development of a solid waste management plan.

B. Any cities, counties, and towns may be represented by a planning district, public service authority, or designated region that has been adopted under 9VAC20-130-90 B.

C. The plan may (subject to statutory authority) specify that all solid waste must be recycled at the rate established by the plan regardless of the point of origin of the solid waste. Solid wastes from both public and private sources shall be subject to such requirement.

9VAC20-130-70. Enforcement and appeal.

A. All administrative enforcement and appeals taken from actions of the director relative to the provisions of this chapter shall be governed by Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia. Enforcement of this chapter will be in accord with §§ 10.1-1186, 10.1-1411 and 10.1-1455 of the Code of Virginia.

B. After July 1, 2007, no permit for a new sanitary landfill, incinerator, or waste-to-energy facility, or for an expansion, increase in capacity, or increase in the intake rate of an existing sanitary landfill, incinerator, or waste-to-energy facility shall be issued until the solid waste planning unit within which the facility is located has a solid waste management plan approved by the board in accordance with the regulations, except as otherwise provided in § 10.1-1411 of

the Code of Virginia and the permit complies with the statutory requirements of the Virginia Waste Management Act, §§ 10.1-1408.1 D 1 (iv) and 10.1-1411 of the Code of Virginia. These provisions shall not be applicable to permits or permit amendments required for the operation or regulatory compliance of any existing facility, regardless of type, nor shall it be cause for the delay of any technical or administrative review of pending amendments thereto.

C. Failure to attain a mandated municipal solid waste recycling rate shall not be the sole cause for the denial of any permit or permit amendment, except as provided herein for sanitary landfills, incinerators, or waste-to-energy facilities, provided that all components of the solid waste management plan for the planning unit are in compliance with the regulations.

D. No application for a new solid waste management facility permit or for a modification of a permit to allow an existing solid waste management facility to expand or increase its capacity shall be complete unless the application contains certification, from the governing body for the locality in which the facility is or will be located, that (i) the proposed new facility or the expansion or increase in capacity of the existing facility is consistent with the applicable local or regional solid waste management plan developed and approved pursuant to § 10.1-1411 of the Code of Virginia; or (ii) the local government or solid waste management planning unit has initiated the process to revise the solid waste management plan to include the new or expanded facility. Inclusion of such certification shall be sufficient to allow processing of the permit application, up to but not including publication of the draft permit or permit amendment for public comment, but shall not bind the director in making the determination required by § 10.1-1408.1 D 1 of the Code of Virginia.

E. No application for coverage under a permit-by-rule or for modification of coverage under a permit-by-rule shall be complete unless it contains certification from the governing body of the locality in which the facility is to be located that the facility is consistent with the solid waste management plan developed and approved in accordance with § 10.1-1411 of the Code of Virginia.

9VAC20-130-90. Relationship to other bodies of regulation.

A. This chapter is a solid waste planning and recycling regulation that specifies minimum standards and planning requirements for solid waste management in the Commonwealth, including solid waste management planning by regional or local governmental entities of the Commonwealth and assessment of solid waste management in the Commonwealth. If there is a mutually exclusive conflict between this chapter and other adopted nonhazardous solid waste management regulations of this agency, the provisions of this chapter are superior. In any detail where there exists no mutually exclusive conflict between this chapter and other regulations of the board, compliance with all regulations is required.

B. Multi-jurisdictional plans developed in fulfillment of the requirements of this chapter must be adopted under authority of the Regional Cooperation Act (Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 of the Code of Virginia), the Virginia Water and Waste Authorities Act (Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2 of The Code of Virginia), the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions (§ 15.2-1300), or other authority as applicable.

C. If there is a mutually exclusive conflict between this chapter and the Virginia Hazardous Waste Management Regulations, the provisions of the hazardous waste regulations are superior. In any detail where no such mutually exclusive conflict exists, compliance with all regulations is required.

9VAC20-130-92. Designation of solid waste planning units.

The director has been authorized by the Governor to designate regional boundaries defining areas and jurisdictions to be considered for joint development of solid waste management plans. Only those solid waste planning units meeting the standards established in this chapter

will be considered. Any group of jurisdictions may petition the director for designation as a solid waste planning unit, and, if the proposed region meets the standards established for designation, the director shall approve the request.

9VAC20-130-94. Considerations in designating solid waste unit boundaries.

A. The following shall be considered in designating solid waste planning unit boundaries:

1. Geographic areas or jurisdictions which have a history of cooperating to solve problems in environmental or other related matters;
2. Existing regional management systems, authorities or similar institutions;
3. The size, configuration and location of the regional areas should have sufficient solid waste contribution and market availability to support the solid waste management system;
4. Solid waste types within areas and mutuality of solid waste management interests;
5. Geologic, hydrologic, soil and groundwater conditions; availability of land and soils; and natural barriers and ecosystems; and
6. Existing planning areas established for purposes other than solid waste management including the existence of informational databases containing data related to that needed for solid waste management planning and recycling.

B. Areas included within a solid waste planning unit's boundaries may be local or regional.

1. A local area may include a city, town or county and any towns within the county that through mutual agreement join with the county for the purpose of developing a plan.
2. A regional area may include:
 - a. The jurisdictions with existing regional planning district boundaries;
 - b. Any combination of local governments formally joined to form a region or service authority; or
 - c. Existing waste management or public service authorities.

9VAC20-130-96. Criteria for designating a solid waste planning unit.

A. The director may authorize an official committee or public body as authorized to develop, adopt and promulgate the solid waste management plan.

B. Prospective solid waste planning units shall have:

1. Demonstrated ability to plan, manage or operate solid waste management and recycling services; or
2. Completed planning that resulted in successful implementation of solid waste management and recycling facilities or services.

C. An entity designated as responsible for developing a solid waste management plan shall:

1. Be an organization that represents the executive boards of jurisdictions within the solid waste planning unit;
2. Have planning authority for the regional area;
3. Be capable of readily starting the plan development work tasks;
4. Have an established methodology for resolving conflicts, making planning decisions and providing public participation in the development of the plan;
5. Have experience in environmental planning and have a staff experienced in the work tasks involved in such planning;
6. Have established a methodology and authority sufficient to implement the plan once it is complete and approved; and

7. Have access to informational resources within the region.

9VAC20-130-98. Development of designated solid waste planning units.

A. At least 14 days prior to designating a regional boundary for solid waste management planning, the department shall place a notice of the proposed regional boundary and an opportunity to comment in the Virginia Register of Regulations and in a newspaper of general circulation within the proposed solid waste planning unit.

B. If, as a result of the notices required by subsection A of this section, the director finds a need exists to hold a public hearing on the issues, a public hearing shall be held in the proposed region prior to the designation. At least 14 days prior to the public hearing, a notice of the public hearing shall appear in the same publications as the notice under subsection A of this section.

9VAC20-130-100. [Reserved]

9VAC20-130-102. Amendment of solid waste planning unit boundaries.

The director may amend a solid waste planning unit's boundary based on an application from the governing body or bodies of the solid waste planning unit. Along with the application, each locality (within the original region and any locality being added) must submit a letter acknowledging the change in the boundary. Once the director amends a solid waste planning unit's boundary, the solid waste planning unit must amend the solid waste management plan as required by 9VAC20-130-175. Any locality that withdraws membership from a regional solid waste planning unit must become a member of an existing solid waste planning unit, or develop and submit a solid waste management plan for approval as specified in 9VAC20-130-110.

9VAC20-130-110. Schedule for plan development.

A. Each solid waste planning unit in the Commonwealth shall develop and maintain a solid waste management plan or amend an existing solid waste management plan and submit it for approval in accordance with this chapter. Existing plans may be amended by addendum of items such as consideration of the waste management hierarchy, the recycling program implementation activities and other requirements of this chapter that are not a part of the existing plan. Details concerning amendments to solid waste management plans are found in 9VAC20-130-175.

B. The department shall review and approve or return comments on the deficiencies in each plan submitted in accordance with 9VAC20-130-110 A no later than 90 days from the date the plans are received. In the event the department is unable to complete its review within 90 days, the applicant will be notified and given a date as to when the review will be completed.

C. Each submitter who receives comments on its solid waste management plan under subsection B of this section shall submit a revised solid waste management plan to the department no later than 90 days following receipt of notification of deficiencies.

D. Plans approved without alteration shall become effective upon notification of such approval by the department. If after review of the corrected plan submitted pursuant to subsection C of this section, the department cannot approve the corrected solid waste management plan because the department finds the plan not to be in accordance with this chapter, it will issue a notice of intent to disapprove to the submitter. The notice of intent to disapprove shall set forth (i) the reason for the disapproval, (ii) what is required for approval, (iii) the right of the submitter to an informal fact-finding proceeding under Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia, and (iv) allow the development of an action plan for the solid waste planning unit as set forth in this chapter at 9VAC20-130-120 I. The department will give priority consideration for review of corrected plans where the solid waste planning unit has a pending permit application for a solid waste management facility.

E. The director may revoke the approval of any plan or require its revision and resubmittal if there is evidence that there has been significant deviation from the plan. Significant deviations

are departures or omissions from activities planned in accordance with 9VAC20-130-120. The ~~department director~~ will issue a notice of intent to revoke or require revision and resubmittal of a plan. The notice of intent shall set forth (i) whether the ~~department director~~ intends to revoke or require revision and resubmittal of the plan, (ii) the reason the ~~department director~~ intends to take the action, and (iii) the right of the submitter of the plan to an informal fact-finding proceeding under Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

9VAC20-130-120. Planning requirements.

A. Basic planning elements:

1. Objectives for solid waste management within the planning unit;
2. A discussion as to how the plan will be implemented and tracked, consisting of an integrated waste management strategy to support and promote the hierarchy set forth at 9VAC20-130-30; giving preference to alternatives in the following order of priority: source reduction, reuse, recycling, resource recovery, incineration, and landfilling;
3. Definition of incremental stages of progress toward the objectives and schedule for their implementation, including, for compliance with 9VAC20-81-450, specific solid waste management facility names, facility capacities, and life based on 20-year need;
4. Strategy for the provision of necessary funds and resources;
5. Descriptions of the funding and resources necessary, including consideration of fees dedicated to future facility development;
6. Strategy for public education and information on source reduction, reuse, and recycling; and
7. Consideration of public and private sector partnerships and private sector participation in execution of the plan. Existing private sector recycling operations should be incorporated in the plan and the expansion of such operations should be encouraged.

B. A minimum recycling rate as specified in § 10.1-1411 of the Code of Virginia for total municipal solid waste generated annually in each solid waste planning unit shall be met and maintained.

1. The plan shall describe how the minimum recycling rate shall be met or exceeded. The ~~department director~~ may approve the solid waste management plans of units that do not currently meet the minimum recycling rate only if all other requirements of these regulations have been met and the solid waste planning unit demonstrates its commitment to implementing a strong and detailed action plan for recycling to meet the required rate.

2. When a solid waste planning unit's annual recycling rate falls below the minimum rate, it shall constitute evidence of a significant deviation from the plan. The plan may be subject to revocation by the department under 9VAC20-130-110 E unless the solid waste planning unit submits a recycling action plan acceptable to the department per subsection I of this section.

C. The solid waste management plan shall include data and analyses of the following type(s) for each jurisdiction. Each item below shall be in a separate section and labeled as to content:

1. Population information and projections for 20 years of population growth and development patterns;
2. Urban concentrations, geographic conditions, economic growth and development, markets for the reuse and recycling of materials, transportation conditions, and related factors;

3. Estimates of solid waste generation from residential, commercial institutional, industrial, construction, demolition, debris and other types of sources, including the amounts reused, recycled, recovered as a resource, incinerated and landfilled. Entities engaged in the collection, processing, and marketing of recyclable materials should provide data for incorporation into the recycling rate calculation, when requested by the planning unit.
4. A listing of existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use;
5. All milestones in the implementation of the solid waste management plan over the 20-year projection and the parties responsible for each milestone;
6. A description of programs for solid waste reduction, reuse, recycling, resource recovery, incineration, storage, treatment, disposal and litter control;
7. A description of outreach programs for waste exchange, public education and public participation;
8. The procedures for and results of evaluating solid waste collection, including transfer stations; and
9. The assessment of all current and predicted needs for solid waste management for a period of 20 years and a description of the action to be taken to meet those needs.

D. All known solid waste disposal sites, closed, inactive and active, within the area of the solid waste management plan shall be documented and recorded at a centralized archive authorized to receive and record information and a copy shall be sent to the department. All new sites shall be recorded at the same central data source.

E. A methodology shall be utilized to monitor the amount of solid waste of each type produced within the area of the solid waste management plan and to record the annual production by solid waste types at a centralized archive and a copy shall be sent to the department.

F. The solid waste management plan shall include, when developed locally, a copy of the local governing body's resolution adopting the solid waste management plan.

G. The ~~When the~~ solid waste management plan is developed regionally, the solid waste management plan shall include, when developed regionally, a copy of the resolution of the solid waste planning unit approving the plan adopted in accordance with the Virginia Area Development Regional Cooperation Act, the Virginia Water and Waste Authorities Act, the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions (§ 15.2-1300 of the Code of Virginia), or other authority as applicable. The plan shall specify the solid waste planning unit's legal authority to adopt the solid waste management plan.

H. The solid waste management plan shall clearly and explicitly demonstrate the manner in which the goals of the planning requirements in these regulations shall be accomplished and actions to take if these requirements are not met.

I. A planning unit that does not meet the requirements of these regulations shall submit an action plan, by mail or electronic mail, for approval by the department. Such action plans shall include:

1. A description of the deficiency that requires the development of the action plan.
2. A time schedule to resolve the deficiency(ies) associated with the planning unit's failure to meet the requirements of the approved solid waste management plan.

3. A reporting requirement to the department, of a minimum of once every six months, including activities or updates documenting how the action plan requirements are being met.
4. Plans and all subsequent reports and submittals shall be reviewed by the department within 30 days of receipt by the department.
5. All the department's requests for further information or response(s) shall be provided within 30 days of receipt at the planning unit. The department may grant reasonable extensions to these deadlines on a case-by-case basis.

9VAC20-130-125. Recycling requirements.

A. Each solid waste planning unit shall maintain a minimum recycling rate for municipal solid waste generated within the solid waste planning unit pursuant to the following schedule:

1. Except as provided in subdivision 2 of this subsection, each solid waste planning unit shall maintain a minimum 25% recycling rate; or
2. Each solid waste planning unit shall maintain a minimum 15% recycling rate if it has (i) a population density rate of less than 100 persons per square mile according to the most recent United States Census, or (ii) a not seasonally adjusted civilian unemployment rate for the immediately preceding calendar year that is at least 50% greater than the state average as reported by the Virginia Employment Commission for such year.

~~B. The minimum recycling rate shall be determined by the following formula:~~

~~$$\text{Recycling Rate} = [\text{PRMs recycled}] \div [\text{MSW generated}] + [\text{all Credits in C}]$$~~

~~Where:~~

~~PRMs recycled equals the amount of principal recyclable materials received for recycling each calendar year; and~~

~~MSW generated equals the sum of PRMs recycled and MSW disposed. (MSW disposed equals the amount of MSW delivered to landfills, transfer stations, incineration and waste-to-energy facilities)~~

~~The amounts shall be expressed in tons using one of the methods below:~~

- ~~1. The actual weight of each component in tons; or~~
- ~~2. The volume of each component, converted to weight in tons (conversion chart in Form DEQ 50-30).~~

~~C. Credits may be added to the recycling formula in subsection BC of this section provided that the aggregate of all such credits shall not exceed five percentage points of the annual municipal solid waste recycling rate achieved for each solid waste planning unit:~~

- ~~1. A credit of one ton for each ton of any nonmunicipal solid waste material that is recycled; two percentage points of the minimum recycling rate mandated for the solid waste planning unit for a source reduction program (SRP) that is implemented within the solid waste planning unit. The existence and operation of such a program shall be certified by the solid waste planning unit;~~
- ~~2. A credit of one ton for each ton of any solid waste material that is reused; recycling residue generated in Virginia and deposited in a landfill permitted under § 10.1-1408.1 of the Code of Virginia;~~
- ~~3. A credit of one ton for each ton of recycling residue generated in Virginia and deposited in a landfill permitted under § 10.1-1408.1 of the Code of Virginia; any nonmunicipal solid waste material that is recycled;~~
- ~~4. A credit of two percentage points of the minimum recycling rate mandated for the solid waste planning unit for a source reduction program that is implemented within the solid~~

~~waste planning unit. The existence and operation of such a program shall be certified by the solid waste planning unit; and one ton for each ton of any solid waste material that is reused;~~

~~5. A credit of one ton for each inoperable vehicle for which a locality receives reimbursement from the Virginia Department of Motor Vehicles under § 46.2-1407 of the Code of Virginia.~~

C. Recycling rates shall be expressed in tons using the actual weight of the component or the volume of each component, converted to weight in tons using the conversion chart in Form DEQ 50-30.

1. Recycling rates shall be calculated using the following formulas:

$$B = \frac{P}{M} \times 100$$

$$A = \frac{P + C}{M + C} \times 100$$

$$S = B + 2\% \text{ or } S = A + 2\%$$

Where:

A = Adjusted recycling rate

B = Base recycling rate

C = the total tons that may be added to the recycling formula as allowed by 9VAC20-130-125 B2, B3 and B4

M= the sum of PRMs recycled and MSW disposed in the calendar year. (MSW disposed equals the amount of MSW delivered to landfills, transfer stations, incineration and waste-to-energy facilities)

P = the amount of PRMs received for recycling in the calendar year

S = Base or adjusted recycling rate with SRP credit

2. Annual municipal solid waste recycling rate

The annual municipal solid waste recycling rate is either the base recycling rate, adjusted recycling rate, base recycling rate with SRP credit or the adjusted recycling rate with SRP credit, whichever is higher; however, if the annual municipal solid waste recycling rate exceeds the base recycling rate by more than five percentage points, the annual municipal solid waste recycling rate shall be the base recycling rate plus five percentage points.

D. Yard wastes and vegetative wastes are deemed to be recycled if they are composted or mulched and the finished mulch or compost is marketed or otherwise used productively. Tires are deemed to be recycled if they are beneficially used in a method consistent with the waste tire program operated by the department. Used oil, oil filters and antifreeze are deemed to be recycled if they are marketed or otherwise used productively.

9VAC20-130-130. Public participation.

A. Each solid waste planning unit shall provide for public participation during plan development through such means as public meetings or citizen advisory committees.

B. Prior to submission of a plan or major amendment the solid waste planning unit shall publish a notice and hold a public hearing on the plan. When the solid waste planning unit represents multiple government units, the unit submitting a major plan amendment(s) needs to conduct the above public participation requirements only in the county or locality involved in the major amendment. A record of the public hearing, a copy of all written comments and the submitter's response to all comments received shall be submitted with the plan or plan amendment.

9VAC20-130-165. Recycling data reporting.

A. Each solid waste planning unit or locality with a population of greater than 100,000 persons according to the most recent United States census shall prepare and submit a recycling survey report to the department by April 30 of each year.

B. Each solid waste planning unit or locality with a population of 100,000 or less according to the most recent United States census shall prepare and submit a recycling survey report to the department once every four years. These recycling survey reports shall include only information for the most recent single year. The first reports submitted pursuant to this subsection shall be submitted by April 30, 2013, for the reporting year ending December 31, 2012. Thereafter, recycling survey reports shall be submitted by April 30 of every fourth year (i.e., 2017, 2021, 2025, and so on).

C. The recycling survey report required by subsections A and B of this section shall include the data and calculations required in 9VAC20-130-125 A, B, and C.

9VAC20-130-173. Maintenance of solid waste management plans.

A. Solid waste management planning units are required to maintain current solid waste management plans containing a 20 year planning window.

B. On or before each five-year anniversary of the department's plan approval date, the planning unit shall submit a letter to the department, by mail or electronic mail, certifying that the following plan elements, listed in 9VAC20-130-120 C, have been maintained and updated:

1. waste generation estimates are current (9VAC20-130-120 C 3);
2. the schedule increments have been met (9VAC20-130-120 C 5); and
3. a projected 20-year waste management capacity remains available or projects otherwise are on schedule to meet the planning unit's solid waste needs (9VAC20-130-120 C 9).

C. The letter of certification submitted in accordance with 9VAC20-130-173 B shall be used in the department's assessment of whether any plan amendments are necessary and to ensure compliance with 9VAC20-130-110 E.

D. If revisions to the plan are needed, solid waste management planning units shall amend the plan as described in 9VAC20-130-175.

9VAC20-130-175. Amendments to plans.

A. Amendments to the plans shall be classified as major or minor. ~~These classifications are as described in this section below.~~

B. Major Amendments

1. Major amendments shall include:

- a. Any addition, deletion, or cessation of operation of any solid waste disposal facility;
- b. Any increase in landfill capacity;
- c. Any change that moves toward implementation of a waste management strategy that is lower in the waste management hierarchy;

- d. Action plan(s), including an action plan to address a planning unit's recycling rate that has fallen below the statutory minimum; or
- e. Any change to membership in the approved area. Director approval of changes to planning unit boundaries, as described in 9VAC20-130-102, shall occur prior to submission of solid waste plan amendments to revise plan membership.

~~2. Minor amendments shall include:~~

- ~~a. Any addition, deletion, or cessation of operation of any facility that is not a solid waste disposal facility;~~
- ~~b. Any change that moves toward implementation of a waste management strategy that is higher in the waste management hierarchy; or~~
- ~~c. Any nonsubstantive administrative change such as a change in name.~~

~~3. Minor amendments shall be submitted, by mail or electronic mail, directly to the department for notation. The planning units are the repository for the minor amendments to the plans.~~

~~B.2.~~ Major amendments shall require the same public participation as detailed in 9VAC20-130-130 B before being submitted, by mail or electronic mail, to the department for approval prior to implementation.

~~C.3.~~ The department shall review major amendments and approve or return comments on any deficiencies no later than 90 days from the date the amendments are received. In the event the department is unable to complete its review within 90 days, the applicant will be notified and given a date as to when the review will be completed. No department approval shall be necessary for minor amendments.

~~D.4.~~ Each submitter who receives comments on his major plan amendment under subsection C of this section shall submit a corrected amendment to the department no later than 90 days following notification of deficiencies.

~~E.5.~~ Major amendments approved without alteration shall become effective upon notification. If after review of the corrected amendment submitted pursuant to ~~subsection D subdivision 4~~ of this section, the department cannot approve the corrected amendment because it finds the amendment not to be in accordance with this chapter, it will issue a notice of intent to disapprove to the submitter. The notice of intent to disapprove shall set forth (i) the reason for the disapproval, (ii) what is required for approval, and (iii) the right of the submitter to an informal fact-finding proceeding under Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia. The department will give priority consideration for review of corrected amendments when the planning unit has a pending permit application for a solid waste management facility.

~~F. Solid waste management planning units are required to maintain current plans. On or before each five-year anniversary of the department's plan approval date, the planning unit shall submit a letter to the department, by mail or electronic mail, certifying that the following plan elements, listed in 9VAC20-130-120 C, have been maintained and updated: waste generation estimates are current, the schedule increments have been met, and a projected 20-year waste management capacity remains available or projects otherwise are on schedule to meet the unit's solid waste needs. The letter of certification will be used in the department's assessment of whether any plan amendments are necessary and to ensure compliance with 9VAC20-130-110 E.~~

C. Minor amendments

1. Minor amendments shall include:

- a. Any addition, deletion, or cessation of operation of any facility that is not a solid waste disposal facility;

- b. Any change that moves toward implementation of a waste management strategy that is higher in the waste management hierarchy; or
 - c. Any nonsubstantive administrative change such as a change in name.
- 2. Minor amendments shall be submitted, by mail or electronic mail, directly to the department for notation. The planning units are the repository for the minor amendments to the plans.

9VAC20-130-180. Designation of solid waste planning units. (Repealed.)

~~The director has been authorized by the Governor to designate regional boundaries defining areas and jurisdictions to be considered for joint development of solid waste management plans. Only those solid waste planning units meeting the standards established in this chapter will be considered. Any group of jurisdictions may petition the director for designation as a solid waste planning unit, and, if the proposed region meets the standards established for designation, the director shall approve the request.~~

9VAC20-130-190. Development of designated solid waste planning units. (Repealed.)

~~A. At least 14 days prior to designating a regional boundary for solid waste management planning, the director shall place a notice of the proposed regional boundary and an opportunity to comment in the Virginia Register of Regulations and in a newspaper of general circulation within the proposed solid waste planning unit.~~

~~B. If, as a result of the notices required by subsection A of this section, the director feels a significant need exists to hold a public hearing on the issues, a public hearing shall be held in the proposed region prior to the designation. At least 14 days prior to the public hearing, a notice of the proposed public hearing shall appear in the same publications as the notice under subsection A of this section.~~

9VAC20-130-200. Considerations in designating solid waste planning unit boundaries. (Repealed.)

~~A. The following shall be considered in designating solid waste planning unit boundaries:~~

- ~~1. Geographic areas or jurisdictions which have a history of cooperating to solve problems in environmental or other related matters;~~
- ~~2. Existing regional management systems, authorities or similar institutions;~~
- ~~3. The size, configuration and location of the regional areas should have sufficient solid waste contribution and market availability to support the solid waste management system;~~
- ~~4. Solid waste types within areas and mutuality of solid waste management interests;~~
- ~~5. Geologic, hydrologic, soil and groundwater conditions; availability of land and soils; and natural barriers and ecosystems; and~~
- ~~6. Existing planning areas established for purposes other than solid waste management including the existence of informational databases containing data related to that needed for solid waste management planning and recycling.~~

~~B. Areas included within a solid waste planning unit's boundaries may be local or regional.~~

- ~~1. A local area may include a city, town or county and any towns within the county that through mutual agreement join with the county for the purpose of developing a plan.~~
- ~~2. A regional area may include:~~
 - ~~a. The jurisdictions with existing regional planning district boundaries;~~
 - ~~b. Any combination of local governments formally joined to form a region or service authority; or~~
 - ~~c. Existing waste management or public service authorities.~~

9VAC20-130-210. Criteria for designating a solid waste planning unit. (Repealed.)

~~A. The director may authorize an official committee or public body as authorized to develop, adopt and promulgate the solid waste management plan.~~

~~B. Prospective solid waste planning units shall have:~~

- ~~1. Demonstrated ability to plan, manage or operate solid waste management and recycling services; or~~
- ~~2. Completed planning that resulted in successful implementation of solid waste management and recycling facilities or services.~~

~~C. An entity designated as responsible for developing a solid waste management plan shall:~~

- ~~1. Be an organization that represents the executive boards of jurisdictions within the solid waste planning unit;~~
- ~~2. Have planning authority for the regional area;~~
- ~~3. Be capable of readily starting the plan development work tasks;~~
- ~~4. Have an established methodology for resolving conflicts, making planning decisions and providing public participation in the development of the plan;~~
- ~~5. Have experience in environmental planning and have a staff experienced in the work tasks involved in such planning;~~
- ~~6. Have established a methodology and authority sufficient to implement the plan once it is complete and approved; and~~
- ~~7. Have access to informational resources within the region.~~

9VAC20-130-220. Amendment of solid waste planning unit boundaries. (Repealed.)

~~The director may amend a solid waste planning unit's boundary based on an application from the governing body or bodies of the solid waste planning unit. Along with the application, each locality (within the original region and any locality being added) must submit a letter acknowledging the change in the boundary.~~

9VAC20-130-230. Petitioning for variance or exemption.

A. Any person regulated by this chapter may petition the director to grant a variance or an exemption from any requirement of this chapter subject to the provisions of this section. Any petition submitted to the department is also subject to Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

B. The director may grant the variance or an exemption provided the applicant demonstrates to the satisfaction of the director that: ~~1. The~~ the solid waste planning unit has demonstrated that it has made a good faith effort to comply with the minimum recycling rates and with the requirements of this chapter before that unit petitioned for a variance; ~~and;~~ and;

~~2. (i) 1.~~ 1. If the minimum recycling rate is addressed in the petition, and strict application of the minimum recycling rates will result in undue hardship as a result of the solid waste planning unit's particular market conditions that are beyond the planning unit's control; or ~~(ii) if~~

2. If the recycling rate is not addressed in the petition, ~~and~~ granting the variance will not have an adverse impact on the integrity of the overall solid waste management plan.

C. The petition shall be submitted to the department by certified mail and shall include:

1. The petitioner's name and address;
2. A statement of petitioner's interest in the proposed action;
3. A description of desired action and a citation of the regulation from which a variance is requested;

4. A description of need and justification for the proposed action, including impacts from existing operations and market conditions (if the planning unit chooses to petition for subdivision B 2 (i) of this section);
5. The duration of the variance, if applicable;
6. Other information believed by the applicant to be pertinent; and
7. The following statement signed by the petitioner or authorized representative:

"I certify that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

D. Petition processing and resolution.

1. In the case of a denial, the petitioner's procedural rights are outlined in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.
2. If the director grants a variance request, the notice to the petitioner shall provide that the variance may be terminated upon a finding by the director that the petitioner has failed to comply with any variance requirements.

FORMS (9VAC20-130)

[Locality Recycling Rate Report for Calendar Year 2016, DEQ Form 50–30 \(rev. 12/2016\)](#)

DOCUMENTS INCORPORATED BY REFERENCE (9VAC20-130) (Repealed.)

~~Paint Filter Liquids Test, Method 9095, USEPA Publication SW-846.~~

The following chart identifies all proposed changes to the regulations.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
10		Definitions	The terms "agricultural waste" and "white goods" are being removed from the regulation since these terms are not used in the regulation. The term "compost" has been revised to be consistent with the defined terms in the Solid Waste Management Regulations (9VAC20-81). The acronym MSW has been added to the definition of the term municipal solid waste since the acronym is used in the regulation.
20		Authority for Regulation	NO CHANGES PROPOSED TO THIS SECTION.
30		Policy	Regulatory citations have been updated in response to sections of the regulation being reorganized.
40		Purpose of Regulations	NO CHANGES PROPOSED TO THIS SECTION.
50		Administration of Regulations	NO CHANGES PROPOSED TO THIS

			SECTION.
60		Applicability of Regulations	A citation has been updated in response to sections of the regulation being reorganized. The term “director” is being replaced with the term “department” to indicate the notification referenced in 9VAC20-130-60 A is to be submitted to the department.
70		Enforcement and appeal	NO CHANGES PROPOSED TO THIS SECTION.
90		Relationship to other bodies of regulation	NO CHANGES PROPOSED TO THIS SECTION.
	92	Designation of solid waste planning units	The language in this section was previously found in section 180 and has been moved to this section. No changes have been made to the language in this section.
	94	Considerations in designating solid waste planning unit boundaries	The language in this section was previously found in section 200 and has been moved to this section. No changes have been made to the language in this section.
	96	Criteria for designating a solid waste planning unit	The language in this section was previously found in section 210 and has been moved to this section. No changes have been made to the language in this section.
	98	Development of designated solid waste planning units	The language in this section was previously found in section 190 and has been moved to this section. Minor editorial wording changes have been made to this section. The phrase “director feels a significant need” has been revised to read “director finds a need”.
	102	Amendment of solid waste planning unit boundaries	The language in this section was previously found in section 220 and has been moved to this section. Additional language has been added to the regulation to assist the regulated community with understanding the steps to be taken once a solid waste planning unit’s boundary is amended. When membership of the planning unit changes, the solid waste management plan must be amended. Entities leaving a regional solid waste planning unit are required to join another solid waste planning unit or become a solid waste management planning unit.
110		Schedule for plan development	Solid waste planning units are required to maintain their solid waste management plan and amend their plan when things change. Language has been added to this section that directs the reader to

			<p>Section 175 of the regulation for further details concerning amendments to a solid waste management plan. This clarification has been added to assist the reader with finding the details concerning amendments of solid waste management plans. The term “department” has been replaced with the term “director” in 9VAC20-130-110 E since the director, not the department has the authority to approve or revoke solid waste management plans.</p>
120		Planning requirements	<p>The term “department” has been replaced with the term “director” in 9VAC20-130-120 B 1 since the director, not the department approves the solid waste management plans. The regulation has been revised to update the name of the Regional Cooperation Act. The regulation has also been amended to clarify regional solid waste management plans must include the planning unit's legal authority to adopt the solid waste management plan.</p>
125 C	125 B	Recycling credits	<p>The content of subsection C has been moved to subsection B. The regulatory language now mirrors the information on DEQ form 50-30 that is provided to solid waste planning units to assist them with calculating their recycling rate. The recycling credits listed in subsection B have been rearranged to be listed in the order they appear in statute. (§10.1-1411 C.) The recycling credit for inoperable vehicles for which a locality receives reimbursement from the Virginia Department of Motor Vehicles (§46.2-1207) has been removed from the list of credits since it is not a credit that is listed in statute. Localities may include the tonnage of inoperable vehicles they recycle and receive reimbursement from the Department of Motor Vehicles per §46.2-1207 of the Code of Virginia in the category PRMs recycled.</p>
125 B	125 C	Recycling rate calculation	<p>Information on calculating the recycling rate has been moved from subsection B to subsection C. This subsection has been rewritten to further explain how to calculate the recycling rate. The current regulation contains a single formula that is confusing. The current formula does not include a conversion factor to calculate the recycling rate as a percentage. The current formula also does not specify how the recycling credits, which are in both</p>

			tons and percentages, should be added to the recycling rate. This subsection has been rewritten to be consistent with how the formula has been historically interpreted and is consistent with the reporting form- Locality Recycling Rate Report for Calendar Year 2016 - Form 50-30.
130		Public participation	NO CHANGES PROPOSED TO THIS SECTION.
165		Recycling data report	NO CHANGES PROPOSED TO THIS SECTION.
	173	Maintenance of Solid Waste Management Plans	This language was previously found in 175 F and has been moved to this new section. Requirements for solid waste management plans to be maintained have been inserted in a new section. The language has been re-structured to make the requirements easier to understand. The regulatory language has been modified to clarify the plans are to contain a twenty year planning window. Regulatory citations related to certain requirements have been added to the regulation to refer the reader to the section of the regulation where the specific requirements for solid waste plan content are discussed in further detail. The regulation also refers the reader to section 175 if plan amendments are needed.
175		Amendments to plans	This section has been reorganized to discuss major and minor amendments in separate subsections to make the requirements easier to read and understand. Language has been added to remind the reader about the correct order of steps for amending solid waste management plans (changes to planning unit boundaries are to be approved by the director prior to amending the solid waste management plan). Language previously in subsection F has been deleted since it was moved to a new section, §173.
180		Designation of solid waste planning units	This section is being repealed since language in this section was moved to section 92.
190		Development of designated solid waste planning units	This section is being repealed since language in this section was moved to section 98.
200		Considerations in designating solid waste planning unit boundaries	This section is being repealed since language in this section was moved to section 94.
210		Criteria for designating a solid waste planning unit	This section is being repealed since language in this section was moved to

			section 96.
220		Amendment of solid waste planning unit boundaries	This section is being repealed since language in this section was moved to section 102.
230		Petition for a variance or exemption	Language in 230 B has been clarified. Previously the construction of this subsection was unclear concerning requirements to be met and optional requirements.
FORMS		FORMS	NO CHANGES PROPOSED TO THIS SECTION.
DIBR		Documents incorporated by reference	Deleting the Painter Filter Liquids Test, Method 9095, USEPA Publication SW846 since this test method is not applicable to this regulation.