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| ***Overview***  *DEQ is responsible for ensuring that facilities that treat, store or dispose of solid waste must satisfy all minimum requirements of the Virginia Solid Waste Management Regulations to receive a permit.* |
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**What is a Solid Waste Permit?**

A solid waste permit allows for the construction and operation of a solid waste management facility that disposes, treats or stores solid waste, including landfills. Permits are sometimes referred to as full solid waste permits (SWPs) and differ from Permits-by-Rule (PBRs), which are available for certain non-landfill types of solid waste management facilities. *(See: Public Guide to Permits-by-Rule.)*

**What are the application requirements for a Solid Waste Permit?**

The permit application for a new landfill includes three separate documents, each with its own review:

1. Notice of Intent (NOI)
2. Part A – Siting Evaluation
3. Part B – Detailed plans for facility design, operation, landfill gas and groundwater monitoring, closure and post-closure care.

The application consists of various forms and plans, including application fees, to ensure the proposed facility meets the requirements of the Virginia Solid Waste Management Regulations. Typically, review of Part A takes 90 days and Part B 180 days.

**What are the Virginia Solid Waste Management Regulations?**

These regulations are adopted by the Virginia Waste Management Board. The regulations provide the process, standards and requirements for the permits as well as the basis for compliance and enforcement.

**What is the local government’s role in approving a solid waste landfill?**

Prior to applying for a solid waste permit, the applicant must obtain the following from the local government:

* Certification, typically from the zoning administrator, that the proposed landfill location and operation is consistent with all applicable local ordinances.
* Certification that the proposed landfill is consistent with the approved solid waste management plan.

If a proposed facility has these local government approvals, and all other application requirements are met, including meeting minimum location and design standards, it is likely the facility will obtain a permit.

**How is the permit applicant required to involve the public?**

Prior to applying for a solid waste permit, the applicant is responsible for posting a weekly notice for two consecutive weeks in a newspaper serving the locality where the proposed facility will be located and holding at least one public meeting prior to submitting the NOI. This helps identify concerns, facilitate communication and establish a dialogue between the applicant and the community. If the applicant is a local government or public authority proposing a new sanitary landfill, they must also form a Citizens Advisory Group to assist with the selection of a proposed site. (Construction demolition and debris landfills as well as captive industrial landfills are exempt from these steps.)

**When can the public provide input on a proposed solid waste permit for a landfill?**

There are several opportunities to provide comment. In addition to providing input directly to the applicant at their public meeting, concerns should be directed to the local government. Opportunities for public comment may vary depending on the locality. However, public comment is typically a part of zoning changes and special or conditional use permit requests, or any proceeding relating to the modification of the local government’s solid waste management plan.

If DEQ’s review shows that the application (NOI, Part A, and Part B) meets regulatory requirements and is technically sound, a draft permit is prepared. If any variance requests are included, they will be acted on prior to issuing a draft permit or public notice with the draft permit. Public participation on a draft permit for a new landfill includes:

* Local newspaper notice.
* Virginia Regulatory Town Hall posting announcing at least 45 days for public comment. Hosting a public hearing at least 30 days after the public notice is published to take verbal comments.
* Accepting written public comments from the date of the public notice and up to 15 days after the public hearing.

Verbal and written comments are given the same consideration. Public comments should target specific issues and cite specific provisions. Comments should support the position and can provide ideas or suggestions for addressing the problems identified. Following review of all comments, DEQ will prepare a written response and make a decision to issue or deny the permit.

It’s important to note that the approval process is different for various types of environmental permits. While the three boards (Land, Air and Water) approve some types of permits, DEQ issues landfill permits.

**What is a variance?**

A variance is a regulatory action that allows exemption from specific requirements. These often include siting, design, construction, operation or closure. The applicant must demonstrate that the regulation causes undue hardship, an alternate design will be equally protective, or technical considerations make the regulation difficult to achieve. Applications for a variance must include all information as outlined in regulations.

**How are variance applications reviewed and decided on?**

DEQ will review the variance application and if necessary, reach out to the local government to ensure the request does not conflict with their requirements. Prior to making a final decision, the agency will make a tentative decision, publish a public notice in the newspaper and accept public comments for 30 days. The local government will also be notified of the tentative decision. DEQ will notify both the applicant and all persons who provided comment on the final decision, within 15 days after the comment period ends. The variance and final decision can occur prior to the draft permit, or be noticed with the draft permit.

**Additional information**

* Sign up for Virginia Regulatory Town Hall notices at [www.townhall.virginia.gov](http://www.townhall.virginia.gov).
* Virginia Solid Waste Management Regulations: <https://law.lis.virginia.gov/admincode/title9/agency20/chapter81/>
* Submission Instruction No. 1: Procedural Requirements for a New or Modified Solid Waste Management Facility Permit Application: <http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_2126_v5.pdf>

More information can be found on DEQ’s website: [www.DEQ.Virginia.gov](http://www.DEQ.Virginia.gov).