REPORT OF THE VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Initiatives to Improve Virginia's Solid Waste Program

TO THE GENERAL ASSEMBLY OF VIRGINIA

SENATE DOCUMENT NO. 12

COMMONWEALTH OF VIRGINIA
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2011

COMMONWEALTH of VIRGINIA

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To: The Honorable Robert F. McDonnell

Members of the Virginia General Assembly

From: David K. Paylor

Date: December 1, 2011

Subject: Initiatives to Improve Virginia's Solid Waste Program

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I am pleased to provide you with a copy of "Initiatives to Improve Virginia's Solid Waste Program." This report has been prepared pursuant to Chapter 420 of the 2011 Acts of Assembly and sets forth the Department of Environmental Quality's (DEQ's) on-going initiatives to improve Virginia's solid waste program.

This report is being made available at www.deq.virginia.gov/regulations/reports/html. If you have any questions concerning this report or if you would like a hard copy of this report, please contact Angie Jenkins, Policy Director at (804) 698-4268.

Initiatives to Improve Virginia's Solid Waste Program

A Report to the Honorable Robert F. McDonnell, Governor and the Virginia General Assembly

December 2011

I. INTRODUCTION

This report is being provided to the General Assembly pursuant to Chapter 420 of the 2011 Acts of Assembly. Chapter 420 of the 2011 Acts of Assembly set forth the fee structure for facilities that manage solid waste and included a requirement that the Department of Environmental Quality (DEQ) submit a report regarding its efforts to improve the solid waste program by December 1, 2011.

DEQ's Division of Land Protection and Revitalization (Division or DLPR) is responsible for administering Virginia's Waste Management Act and associated regulations promulgated by the Waste Management Board. During calendar year 2011, the Division carried out a number of initiatives to improve the solid waste program. This report summarizes ongoing and planned improvements to the program.

Throughout the course of managing enhancements to the solid waste program in the Commonwealth, the DLPR has integrated a significant amount of stakeholder input. Thus, all parties that may be impacted by change have had the opportunity to weigh in on the Department's ideas and to make their own suggestions for change.

DLPR leadership has embarked on a culture change within the Division that places primary importance on managing risk to human health and the environment, with less emphasis on doing things just "because that is the way we've always done them." While such risk cannot be completely eliminated, there is an appropriate level of management that is relevant to implementing the solid waste program.

Day to day solid waste program implementation occurs in DEQ's six regional offices. This includes permitting, compliance inspections and groundwater data and remediation review. DPLR staff, in the Central Office , provide guidance development, workload tracking, consistency review and internal auditing. In an effort to address staffing shortages across the region, the DLPR has relied upon workload sharing across regional boundaries in all facets of its operations. Resource sharing is discussed further throughout the report.

Consistency throughout all solid waste regulatory programs and across all DEQ regions is critical to successful and fiscally responsible protection of the environment. The DLPR has instituted an internal auditing program with a dedicated full time employee to audit all program areas. During 2011, the Division conducted an audit of the financial assurance and groundwater programs and is sharing these results with stakeholders. Where recommended areas for improvement are identified, implementation plans are being developed.

This report is organized by functional program areas: permitting, compliance assessment and ground water monitoring/corrective action. Each program area includes a discussion regarding how DEQ is managing the risk, reducing redundancy while improving consistency, how timeframes are being improved and the manner in which the Department is soliciting stakeholder input.

II. PERMITTING

Amendment 7 to Virginia's Solid Waste Management Regulations (VSWMR) became effective on March 17, 2011. This regulatory amendment is the cornerstone to improved efficiencies in the permitting program. During 2011, DPLR spent considerable resources writing guidance and submission instructions while training DEQ staff and the regulated community on Amendment 7 implementation.

With a nearly 25 percent vacancy rate in the program, timely review of permits requires close workload tracking and sharing of work across the regions. DLPR's Central Office staff maintain a spreadsheet of all pending applications for permitting and other authorizations. The Permitting Application and Amendments Status Report (PASR) (Figure 1) is shared with regional offices and is the basis for monitoring workload and assigning projects amongst regional offices. It is not uncommon for staff in one region to assist another region in permit reviews.

	Part B Permits					Part A Permits			PBRs		SW Authorizations
	TOTALS		WORKSHARE[1]		PROPOSED[2]	TOTALS		WORKSHARE[1]	TOTALS		
OFFICE	Minors	New/Majors	Minors	New/Majors	New/Majors	New	Amend	Amend	New	Mods	TOTALS
NRO	4	4	0	-3	1	0	1	-1	0	0	3
PRO	2	5	0	0		1	3	0	0	2	4
SWRO	4	1	0	0		0	0	0	0	1	2
TRO	2	1	0	0	1	0	0	0	1	1	1
VRO	0	1	0	3		0	0	1	0	1	1
BRRO	10	3	0	0	3	0	0	0	0	0	2
TOTAL	22	15	0	0	5	1	4	0	1	5	13

Figure 1- PASR Report Sample

Communication between permit writers in the regional office and the division's central office permit coordinator occur as needed, but at least bi-monthly. The PASR report is reviewed and discussed during bi-monthly conference calls. Program managers and staff in the regional office understand the role resource management plays in processing permits.

DEQ recognizes that improvements to permit processing must include a review of the quality of applications received and the Department's review comments. There are two facets to an application, the Part A (which includes details pertaining to siting criteria) and the Part B (operational and engineering design criteria). Historically, the Department has spent a significant amount of time engaging in multiple reviews with an applicant to ensure that applications are complete and adequate. In last 5 years, DEQ has issued 45 major permit amendments.

DEQ analyzed the previous five years of permit application completeness and adequacy reviews. Of the major permit amendment applications received, 33% were administratively complete upon initial submission, 18 % required a re-submittal and 49% needed two resubmissions before being complete. Once an application is determined to be administratively complete, staff complete a technical adequacy review. Technical adequacy reviews are conducted in order to ensure that the contents of the application meet the regulatory requirements for various design and operation criteria. As noted in Figure 2, none of the applications received were deemed adequate upon receipt, only 8 of 45

applications (18%) were complete after only one technical adequacy review and nearly 60% of applications needed 3 reviews.

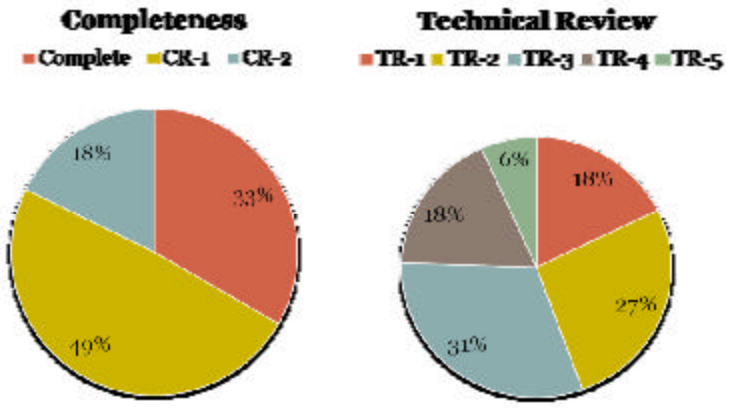


Figure 2- Permit Review Analysis

DLPR sought to understand the reasons for such significant iterative reviews; thus, staff conducted a thorough review of the types of comments being sent to applicants. Approximately 70% of the comments centered around issues such as the application not addressing a regulatory requirement, failing to include appropriate documentation or calculations to support a specific design, inconsistent references to details in the application (leading to confusion by the reader) and inappropriate use of engineering models . The remaining 30% of comments could be attributed to staff suggesting changes to wording, or other formatting issues along with suggestions on engineering alternatives.

On June 22, 2011, DLPR hosted a workshop for solid waste consultants to review the above described findings and, working together, seek out quality improvement ideas for all parties. This successful event resulted in a number of ideas that are being implemented or contemplated for future implementation (Appendix A). For example, an immediate improvement included DLPR staff taking only "one bite at the apple" on technical adequacy comments. Except in rare cases, DEQ should not be suggesting new comments on applications that were not previously identified during an earlier review. The consultant community agreed that they need to improve the quality of the applications submitted, and have committed to improving quality assurance/quality control (QA/QC) of their product to the Department. In return, staff will not spend as much time reviewing detailed engineering plans, focusing instead on outcome-oriented facets of an application. A common goal of stakeholders and DEQ is the reduction of technical DEQ reviews to no more than two rounds.

Other improvements recently made to the permitting process include:

- Revision of the Part A form to reduce redundancies in Part A Applications

- Development of a new Part B Permit Application form stating required order of applications along with new draft submission instructions in an attempt to reduce application redundancies and thus reduce application inconsistencies

- Removal of the Operations Manual from the permit and associated applications. The Operations Manual describes how the facility is to operate, including hours of operation, available equipment and personnel, etc. Previously, minor changes required resubmission and approval through the permitting process. DEQ will now review the plan during compliance inspections, thus reducing the burden on the permittee to seek approval for changes to the manual. In the past, comments on facility operations and the manual accounted for almost 40% of all DEQ comments during Major Permit Amendments reviews over the last 5 years.

- Clarification that a Permit by Rule only undergoes a completeness review – some regions were doing full technical reviews on applications

- The streamlining of the actual facility permit that simply includes a cover document completed by the applicant and the relevant regulatory citations. There is no longer a need to include the entire application and supporting documents, thus making the permit more concise and facility compliance requirements more easily understood.

Going forward, the DLPR is developing a more streamlined review process, which recognizes the role and responsibility of the Professional Engineer who represents the applicant. This will include a risk-based approach that engages DEQ less on the front end of the process (less time reviewing engineering plans) and more on the back end (through field inspection during various phases of construction where the greatest threat to the environment may occur from a future failure of a landfill system). The Department will rely more on post issuance audits of applications with a more self-implementing permit authorization process. DEQ is forming a small advisory group on how to best accomplish this: a regulatory change, process change or new guidance.

III. COMPLIANCE EVALUATION AND ASSESSMENT

DEQ is implementing a risk-based inspection strategy (RBIS) across all environmental media, including the solid waste program. The solid waste program monitors compliance at 389 permitted facilities. Traditionally, DLPR conducts compliance inspections of all permitted solid waste facilities once per quarter. The RBIS program recognizes high performing and minimal risk facilities (e.g. transfer stations, materials recovery facilities) by reducing the frequency of inspections. During Federal fiscal year 2010, 1084 compliance inspections would have been scheduled according to the traditional (non-RBIS) inspection frequency. By applying RBIS, the baseline number of inspections was reduced by 14 percent, from 1084 to 928 scheduled compliance inspections. The DEQ RBIS allows necessary flexibility to focus available inspector resources where most needed. The strategy also minimizes time spent by facility personnel in accompanying DEQ personnel during these visits.

Considering RBIS factors, traditional inspection frequencies were modified at 35 percent (135 of 389) of the permitted facilities. For FFY2010, 98 of the 135 RBIS facilities received a reduced inspection frequency; others were on an enhanced inspection schedule. Facilities with a history of noncompliance may actually be inspected monthly.

During the course of every fiscal year unpredictable events develop and additional inspections (both Risk Based and Non-Risk Based) are conducted. The initial DEQ solid waste RBIS for Federal fiscal year 2010 proposed 928 inspections. During FFY2010 inclusion of the "unpredictable events" resulted in DEQ performing 938 actual inspections of permitted and a few unpermitted solid waste facilities. Figure 3 illustrates compliance records for both RBIS and non-RBIS.

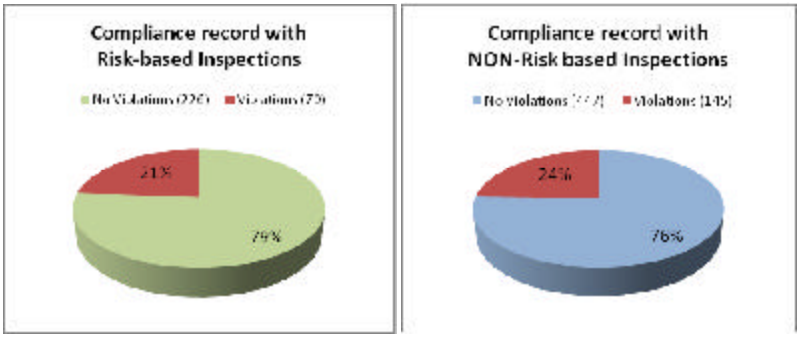


Figure 3- Risk Based Inspection Compliance Record

In addition to the RBIS program, the DLPR has instituted a variety of improvements focused on improving consistency during compliance evaluation inspections. During 2011, the Division published the Solid Waste Inspection Manual (SWIM). The manual details how inspectors are to conduct compliance evaluations and defines various severity levels in response to noncompliance and the response action that the Department will take for violations or deficiencies. Table 1 illustrates the response actions by severity type. Prior to implementing the SWIM, there was some variation among regional offices with respect to application of severity levels and categorization of violations within each level. This resulted in inconsistency among regions with respect to response actions, leading to confusion and inequity in resolving noncompliance. The manual is available on-line at http://www.deq.virginia.gov/export/sites/default/waste/pdf/guidance/swcpim2010a.pdf and has been shared with various stakeholder groups.

Violation	1st Occurrence	1st Consecutive Violation	2nd Consecutive Violation
Severity I *(low risk)*	Deficiency Letter	Warning Letter	Notice of Alleged Violation (NOAV)
Severity II *(medium risk)*	Warning Letter	NOAV	NOAV
Severity III *(high risk)*	NOAV	NOAV	NOAV

Table 1- SWIM Severity Levels

As a backstop to the SWIM, the Central Office solid waste compliance coordinator conducts regular reviews of warning letters and NOAVs generated by regional inspectors to ensure consistent interpretation of the regulations by the regional offices.

In partnership with two Virginia landfills, DEQ conducted statewide inspector's training during the past year. These "in the field" events of actual operating landfills were facilitated by Frederick County and the City of Virginia Beach and allowed DEQ staff to share their thoughts on how they interpreted various things they were seeing through a peer review process that will help with consistency among inspections.

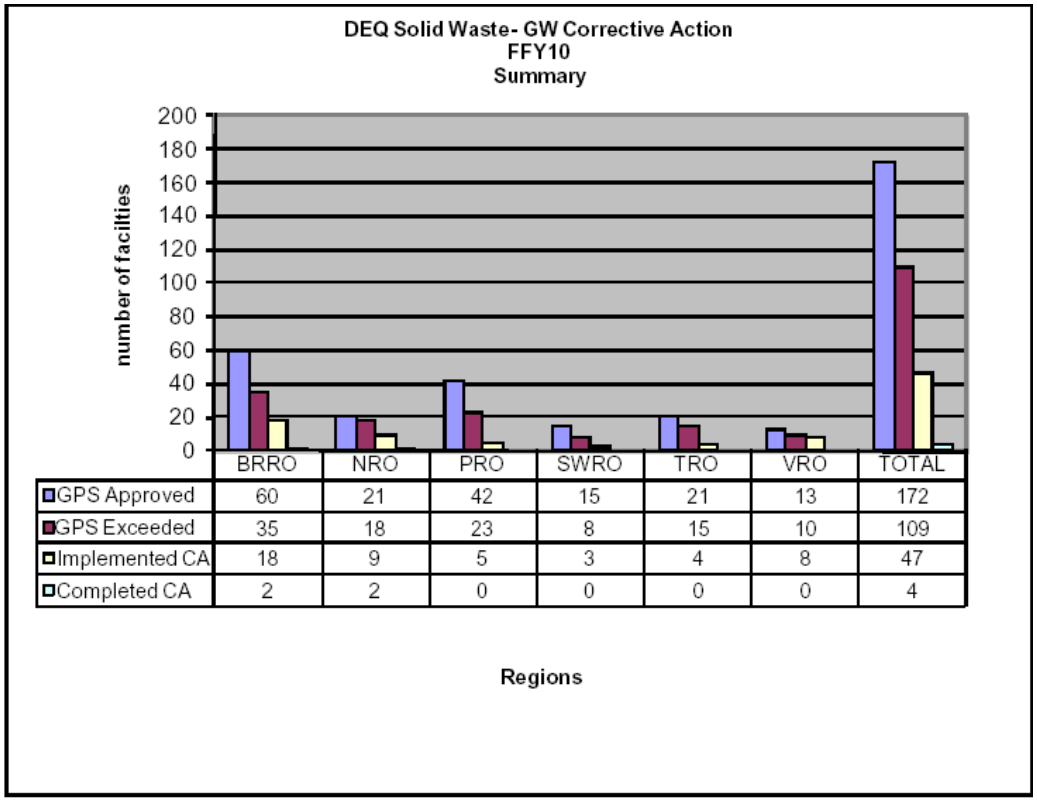
IV. GROUNDWATER MONITORING & CORRECTIVE ACTION

The Department began improving efficiencies in the solid waste groundwater protection program during state fiscal year 2010 and this continues into SFY 2012. While Amendment 7 reduced some of the reporting and monitoring burden, other areas of improvement are either being implemented or planned for the future. All facilities permitted to operate after 1988 are required to implement a groundwater monitoring program designed to detect exceedances of protection standards and to clean up (remediate) contaminated aquifers through a corrective action program at sites that are impacting groundwater.

Groundwater Protection Standards (GPS) are based upon Maximum Contaminant Levels (MCLs) established under the federal Safe Drinking Water Act. Oftentimes, an MCL does not exist for a chemical of concern. In those cases the GPS is determined using a risk-based approach, commonly referred to as Alternate Concentration Limits (ACLs). These ACLs are based upon very conservative assumptions on the potential for human exposure. The U.S. Environmental Protection Agency (EPA) conducts a semiannual review and update of the risk data used in setting the ACLs. DEQ historically would update the ACLs at least twice per year. The Department recently changed this process to help provide more certainty by reviewing the updates once per year, issuing a draft of the changes for public review and providing context to the changes along with a review of the impacts on Virginia facilities. In some cases, the Department also is allowing a facility to take into account background concentrations for naturally

occurring metals, through the use of an Alternate Source Determination. Additionally, the Department recognizes that many facilities are located in areas where the underlying aquifer is not being used for human consumption. In these cases, a facility may seek to amend the stricter ACL for one that recognizes the lower level of risk associated with this scenario and is based upon site specific characteristics and groundwater use.

Many local governments throughout the Commonwealth have operating or closed municipal solid waste landfills. In 1991, EPA issued new national standards for the design, construction and operation of solid waste facilities in Subtitle D of the Resource Conservation and Recovery Act (RCRA). These standards generally require that all new landfills be equipped with state of the art liner systems with leachate collection systems. Subtitle D also requires a stringent groundwater monitoring program and response to leaks or GPS exceedances should a liner system fail. Virginia adopted these requirements in 1993 and has applied the groundwater standards of care equally to those pre-1993 and post-1993 sites. Figure 4 illustrates the current state of groundwater contamination and corrective actions taken through 2010. All of these sites are pre-1993 landfills. Note that 51 sites have yet to implement a corrective action plan, while only four sites have completed all requirements for addressing contaminated groundwater.



	BRRO	NRO	PRO	SWRO	TRO	VRO	TOTAL
GPS Approved	60	21	42	15	21	13	172
GPS Exceeded	35	18	23	8	15	10	109
Implemented CA	18	9	5	3	4	8	47
Completed CA	2	2	0	0	0	0	4

Figure 4- Groundwater Corrective Action Program

Staff in the DLPR recognize the burden being placed on the pre-1993 sites where oftentimes there is no revenue being generated to meet post closure care and groundwater remediation obligations. The realities at these sites include:

- They represent unlined disposal areas.
- Many have waste disposed at, or near, property boundaries or surface water features.
- Many are located in rural areas with no alternate water source.
- Nearly all have plumes exceeding GPS.
- Some have off site plumes or display GW contamination at 'hazardous waste' site levels.

In an effort to address contaminated groundwater at this universe of sites in a fiscally appropriate manner, DEQ hosted a workshop to share suggestions and solicit ideas for improvements. The results of this meeting are included in Appendix B. Efficiency and program improvements are being implemented or planned for implementation in both the short and long term. Suggestions for improvements that reduce local government cost expenditures fall into four categories:

- Laboratory work
- Field activities associated with installing and maintaining wells and sampling
- Notifications and report submissions to the Department and
- Financial assurance requirements and permit fees for corrective action.

The actions taken in response to an exceedance of a groundwater GPS can be extensive, time consuming and costly and generally involve delineating the rate and extent of a plume and identifying interim and final measures to remediate an aquifer. During 2011, the Department began affording facilities the opportunity to use an alternate point of compliance for the relocation of wells away from a landfill's waste mass. This may benefit facilities who are detecting what amounts to a false positive for GPS exceedances for metals.

Proposed long term improvements include carving out the regulatory requirements for the pre-Subtitle D landfills allowing for site specific flexibility in addressing groundwater contamination (managing plumes on site with long term monitoring). This would necessitate regulatory changes, the likely focus of DLPR's upcoming rulemaking process. DLPR is pulling together a small focus group of stakeholders to develop the scope of this long term rulemaking process.

V. OUTREACH, TRAINING & COMMUNICATION

The DLPR has spent considerable time this past year in soliciting stakeholder input, establishing partnerships with the regulated community and improving communication from the Department. In an effort to help permitted facilities and consultants comply with the requirements of Amendment 7, DEQ partnered with the Solid Waste Association of North America, Virginia Chapter(SWANA) and the Southwest Virginia Solid Waste Management Association to conduct three training events in northern Virginia, Richmond and southwest Virginia. The events, which occurred during the spring of 2011, were extremely popular with over 300 in attendance. DEQ also is conducting webinars to review implementation issues being observed now that the regulation has been in effect for over six months.

During 2011, DEQ DLPR conducted seven stakeholder meetings to gather stakeholder input on a variety of topics including solid waste permitting and groundwater. The Department posts presentations and minutes from many of these meetings on its web site at: http://www.deq.virginia.gov/waste/stakeholder.html .

The Director of the DLPR has established a listserv news feed to facilitate the timely communication of information to stakeholders and regulated facilities. Interested parties need only sign-up for the service to receive regular updates from the Division. Information can be found at: http://www.deq.virginia.gov/lists/?action=show_list&id=21

APPENDIX A

SOLID WASTE PERMITTING CONSULTANT WORKSHOP MINUTES
JUNE 22, 2011

QUALITY IMPROVEMENT IDEAS
What / What is not important in a review
From DEQ and Consultant Perspective
Consistency Issues

WHAT'S IMPORTANT IN REVIEW

- Sticking with regulations or identify where not
- Performance Specification vs. technical specifics – flexibility
- Calculations – standardization
- Alternate designs – alternate technologies
    - Precept meetings / discussion
    - Consultant "education" of regulators & consultant community
    - Appropriateness of technologies / other regulations
    - Distribution of information once accepted by regulators to consultant community
- Comparison against previous permit application of similar complexity

CONSISTENCY

- Use of Permit Manager for interpretation / standardization of regulatory action
- Between regions & Between experience of reviewers: communication with managers on inconsistency
- Use of checklists
- Internal reviews by DEQ to assure clarity, simplicity and consistency
- Sets bar for review: unclear – more review; clear less review
- Meetings if continued issues

PURPOSE OF QUALITY – CHANGES IN SYSTEM LIKE

- Protect human health environment
- Save time – money; and or
- Prevent failures
    - Clean Air
    - Clean Water
- Safety
- Long term life of facility

IMPROVEMENTS IN QUALITY

- At what point defend in court (PEs)
- Timeliness of responses

QUALITY

- Real issues vs. perceived issues
  - Minimum – using DEQ to design (old issue)
- Maturity of program
- Need for spend - turnaround time – demands by client vs. reality of DEQ

SHORT TERM IMPROVEMENT IDEAS – TIMELINESS
DEQ's Review
Consultant Responses

IDEAS

Owner / Consultant / VADEQ – Conceptual Meeting

- Get in front of permit writer before we start; pre-contracting with consultant
- Meeting to review - communication
- Pre-application before application is submitted – Introduction to PE
- Step back from letter writing – use email; particularly on smaller applications; permit by rule easy to do
- Permit writer sends word copy of letter
- Pages are numbered properly
- VADEQ comments are found on permit modification only
- SW permit writer conference call → submit entire application incorporated comments
- Redefine permit level documents vs. construction level – Define
- OPS Plan / Future specifications not in permit
- 1 TR letter and done
- Certification Reports ← VADEQ won't review sample data
- Permit writer – spending on databases
  - Going electronic – taking too much time
  - ECM (Resource Issue)
- VADEQ – Goes electronic things will go faster
  - Keep permit writers focused on permits
  - Find permit pdf
- Social Environment
  - Created ftp sites for projects
  - Web base page ← access page, collaborative work specifications
- Personnel Resource Management – get timeline right

COMMUNICATION IDEAS

IMPROVING BETTER COORDINATION BETWEEN DEQ & CONSULTANTS

- Hold Pre-Submission Meeting
- Have another meeting to explain application prior to submission
- CALL about questions
- Be efficient with communication – address pieces in significant blocks
- One bite at the apple
- DEQ management involvement with permit writer along the way
- Recommendations → if based on DEQ experience of past problem observed
    - DEQ outlines issue - then consultant can better respond
- DEQ needs to be consistent across Commonwealth
- Owners need to be involved

LONG TERM OPPORTUNITY
IDEAS FOR STREAMLINED PERMITS & REVIEWS

- Reliance on Permit writer stamps

- Standards vs. non-standard
    - Variance
    - Typical design
    - DEQ focus on non-standard
- List of safe design standards
    - Use checklist to confirm
    - More analysis regarding permit writer review
- DEQ to audit
    - QA on design
    - Reduce formatting
    - Break out items that need routine review
    - Technical specs that change that don't exist anymore – easiest way
- Flexibility should be built in
    - Geosynthetics change frequently – how it operates and functions
- Flexibility of ASTM or GRI specs
    - Consider design intent – don't just list – get manager to come in and do meeting / present to explain instead of copying information over

Questions / Comments

DEQ needs to give future consideration to supporting innovative and research development. Is there a procedure for encouraging – testing new designs/

APPENDIX B
Groundwater Consultant's Workshop Minutes

MW Network Requirements and GW Sampling

1. Drop sampling of UG well if no Background based GPS
2. Drop VOC sampling of UG well if no source UG
3. Sample un-impacted DG wells less frequently (1 yr., 1-5 years) look at case-by-case?drop it if no impacts
4. Look at prior detects / GPS exceedances drop sampling for constituents not exceeding GPS
5. Only use one sample for MCLs

Sampling / Program Constituent list -

1. Only sample for COCs – site specific
2. Only sample for COCs – well specific
3. Defining COCs – Detected? Currents? Trend? Risk-based? Concentration-LOQ, GPS? Daughter Products
4. Criteria to move COC from sampling list
5. Stop sampling background well
6. Implement by variance? VSWNMR? Consent Order – Not desired?

Sampling Frequency -

1. Focused Sampling Compliance / other
2. Sampling frequency set by flow rates & plume stability / risk
3. Reduce or change the wells sampled

a. Eliminate un-impacted comp. wells
b. Re-designate as appropriate

i. Sentinel wells

4. Move all to first determination / phase II monitoring
5. Sample for site specific

a. Detect only
b. Limit to last two years

6. Remove VOCs from up-gradient unless previously detected
7. Allow alternate sampling techniques

a. Diffusion base, etc.
b. Don't require monitoring plan amendment

8. Accept other standard lab methods beyond SW-846
9. Allow Pre-93 sites into VRP

a. Brownfield Redevelopment

10. Eliminate Permit Amendment Fee – for all changes
11. Sample for only constituent with MCL

a. Only detects

Frequency of Stats Determinations -

1. Stats comparison to GPS once every three years, per case reporting period
2. Remove stats requirements from VSWMR, but a may allow stats as option for data evaluation
3. Reduce stats analysis to only those constituents with background (naturally occurring)
4. Intra-well comparison for metals

5. Point-to-Point for GPS
6. Reporting GPS except in AR only for those constituents previously reported

Use of GPS -
1. Base GPS on site-specific risk to potential receptors
2. If no risk, ID'd, it may not be necessary to establish GPS
3. If risks, ID'd, tailor GPS to site-specific risks
a. This is specific to LF's for which a substantial historic data set exists (pre-93's only)
4. May choose to mediate risk rather than establish / adjust GPS and deal with exceedances (i.e. provide public water; expand compliance boundary, etc.)
5. Match GPS list to those compounds that are important to drinking water protection

PLUS: Termination of post-closure care

Plume delineation (NES)
1. For constituents with reduced ACLs
a. Rather than install additional well allow for other method of delineation
i. (modeling, trend analysis, factoring flow rate)
b. Rather than permit amendment / more document submittals simply add except constituent to current monitoring list.
c. Base timeframes on risk
d. Risk flow chart based on RCRA criteria – Environmental Indicators
e.

ACM / PPR / CAP Submission -
1. Eliminate ACM Process
a. MNA checklist – Plume on-site not public use (90-D to Declare)
b. ACM required under set conditions
i. High GW flow, receptors
2. Use Interim measures for proven technologies
a. Reduce risk drivers
3. Public comment meeting – if expected to go off-site
4. Camp only
5. General Permit
6. Public notice mandated / Meeting if requested

GW Submittal Requirements - Richard Doucette – Table 8
1. GW Submittal Requirements
a. Well installation preapproved removes need for immediate not within timeframe / next submittal
2. GW rate / direction
a. annually
3. Exception reporting (don't repeat) Simplified report – changes
4. Notification within 14 days by email
5. Submittal consolidated
a. Before next sampling event
6. Approaching site boundary
a. Required notification (email)
7. If site conditions are suitable (checklist)
a. Move to annual report only
8. GW changes not considered
a. Permit mods
9. Divided Annual Report

a. Due Dates

Question and Answer Session

1. Filtering samples for analysis?
a. Could consider for pre-93s
2. Vanadium LOQ allowance ? similar for naphthalene?
a. Site-specific, as long as LOQ is 2
b. Should notify GW staff about any change
3. Develop DEQ compendium of site gw decisions
4. Can other risk level applied for other COCs, e.g. naphthalene? Or just 1,1 DCA
a. Better no-cost option to use alternate LOQ
b. If future ACLs drop, can apply same factors as for 1,1 DCA but agency will consider LOQ issue in future ACL guidance
c. Also consider ongoing pre-sub D discussion, may offer other alternatives based on site conditions
5. Can DEQ establish expected LOQs e.g. for analytic without ACLs?
a. DEQ not wanting to penalize good quality labs, work with regional staff
6. Would DEQ use EQLs which all labs must meet?
a. EPA regs state that EQLs are not standard; are also higher than LOQs; lab should try to get as low as possible
7. Other out of the box options beyond APC variance for ACL exceedances?
a. DEQ will work with facilities on site-specific issues
b. Presented 5 options today but others may apply, e.g. surface water monitoring, sampling residential wells, …
c. May require letter of agreement or consent order or other compliance agreement
8. ACLs for facilities in CA – can they be locked in at the time the CAP is established?
a. May consider it but that may also lock in lower values
b. Need to be protective of human health
c. May have other options to address when ACLs drop
9. Setting GPS is also on the table for consideration