



**Application Procedures for the amendment of the
Regional Solid Waste Management Plan
of Southeastern Virginia**

Revised 3/18/09

Adopted by SPSA's Board of Directors
March 26, 2008

Procedures to Amend the Regional Solid Waste Management Plan of Southeastern Virginia

Virginia's Solid Waste Planning and Recycling Regulations (9 VAC 20-130-10, et al) require each region, or city, county and town not part of a region in the Commonwealth, 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.

In 2004, 16 the communities of Southeastern Virginia designated the Southeastern Public Service Authority (SPSA) as the planning agency to develop a solid waste management plan on their behalf. These communities include the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach, the Counties of Isle of Wight and Southampton, and the Towns of Boykins, Branchville, Capron, Courtland, Ivor, Newsoms, Smithfield and Windsor. SPSA's Board of Directors adopted the Regional Solid Waste Management Plan of Southeastern Virginia (RSWMP) in 2004 that was subsequently approved by the Department of Environmental Quality (DEQ) in 2005. In 2006, DEQ approved Amendment 1 of the RSWMP.

The approved RSWMP discusses and presents available options for meeting the long-term solid waste management needs of the region, including listing all existing and planned solid waste facilities located within the region. SPSA's Board of Directors adopted the following procedures for interested parties to request an amendment to the approved RSWMP, and for SPSA staff to review and process such requests. To initiate an amendment to the RSWMP, a completed application form (Form 1) with supporting documentation, must be submitted. The application will be reviewed for completeness and evaluated based on the justification of need for the proposed amendment. SPSA's Board of Directors must approve any revisions to the RSWMP prior to its submittal to DEQ.

Virginia's Solid Waste Planning Regulations allow for two types of amendments to approved solid waste management plans. They are classified as major or minor amendments.

Section 9 VAC 20-130-175.A.1 of defines major amendments as:

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

- Action plan(s), including an action plan to address a planning unit’s recycling rate that has fallen below the statutory minimum;
- And any change to membership in the approved area.”

Section 9 VAC 20-130-175.A.2 defines minor amendments as:

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

RSWMP Amendment Procedures

To request an amendment to the RSWMP, an applicant shall:

- Submit a completed application and supporting documentation to SPSA for the desired amendment (Form 1) and
- Pay out of pocket expenses associated with its application such as advertisement of public notice.
- The application and all supporting documents shall be submitted to SPSA at the following address:

SPSA
 Scott D. Whitehurst
 Superintendent of Environmental Management
 3809 Elm Avenue
 Portsmouth, VA 23702

- Within fifteen (15) days of receipt, SPSA will acknowledge receipt of the application to amend the RSWMP.
- Within thirty (30) days of receipt, SPSA will evaluate the application for completeness. A letter acknowledging a complete application will be sent to the applicant.
- If needed, a request for additional information will be sent to the applicant, who will have thirty (30) days to submit the additional information.
- Within sixty (60) days of receipt of a complete application, SPSA Staff will review and evaluate the justification of need for the proposed facility. This review may include discussions with the applicant, local government officials, members of SPSA’s Board of Directors and permitting staff at DEQ.
- The approved RSWMP will be the primary instrument used to evaluate the need for the requested amendment.

- If the conclusion of the evaluation is that the requested amendment is consistent with the intent of the RSWMP and in the best interest of the planning region, SPSA staff will amend the text of the approved RSWMP to accommodate the amendment request.
- Public participation is required for all requests to amend the RSWMP.
- SPSA Staff will arrange for publication of a required public notice describing the proposed amendment, the commencement of a public comment period (30 days, at minimum), and date, time and location of a required public hearing.
- Publication of the public notice will occur not less than fifteen (15) days prior to the scheduled hearing.
- SPSA Staff will arrange for and conduct a public hearing not less than fifteen (15) days prior to the end of the public comment period, nor less that fifteen (15) days following the publication of notice of said hearing.
- SPSA Staff will ensure the text of the proposed amendment is available for review during the public comment period. The proposed amendment will be placed on SPSA's internet website at www.spsa.com. Hard copies of the amendment will also be provided upon written request.
- SPSA Staff will collate and evaluate any comments received.
- SPSA Staff will make a recommendation to the Board of Directors as to the action to be taken relative to the requested amendment.
- Upon the Board of Directors' approval of the proposed amendment, SPSA Staff will forward the revised RSWMP to DEQ. Minor amendments will be submitted to DEQ for informational purposes. Major amendments will be submitted to DEQ for approval.
- In the event a requested amendment is deemed to not be in keeping with the strategy outlined in the RSWMP or Solid Waste Planning Regulations, SPSA will so advise the Board of Directors requesting its denial of the amendment request, and will so advise the Virginia DEQ, and the applicant.