

From: [Bob Fink](#)
To: [DHCD-Mandate Relief](#);
Subject: Suggestion for CSA program changes
Date: Friday, November 04, 2011 3:35:28 PM

Westmoreland County officials and staff are in the process of reviewing state mandates in response to Governor McDonnell's invitation and to provide our comments to the Task Force for Local Government Mandate Review.

One program that was identified by the County Social Services office is the Comprehensive Services Act (CSA). While they feel that the program cannot be suspended or eliminated, it does create an increasing administrative burden for the county. While administrative costs increase annually, as far as we know, the state funding available to the county for these costs have not been increased since the program was created in 1994. They suggest that the administrative requirements and funding be re-examined.

We appreciate the opportunity to comment on this issue.
Sincerely,

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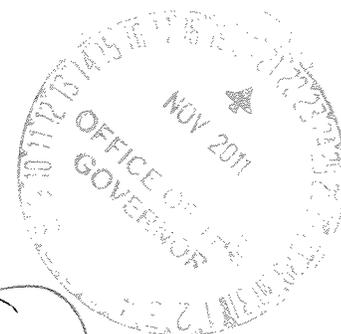


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WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000



November 9, 2011

The Honorable Robert F. McDonnell, Governor of Virginia
Office of the Governor
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

RE: Governor's Task Force for Local Government Mandate Review

Dear Governor McDonnell:

Thank you for providing local governments the opportunity to list state mandates that should be considered for modification/elimination by the Task Force for Local Government Mandate Review. On behalf of Westmoreland County, I present the following for Task Force consideration. The three items listed pertain to our closed landfill.

Background

Westmoreland County closed our landfill in 1994. The landfill is classified as a "pre-Subtitle-D" (EPA 1993) landfill for regulatory purposes. Under the regulations in place at the time of closure, the VDEQ stipulated that the landfill would be governed by post-closure monitoring regulations for ten years until 2004. VDEQ could extend this period based on monitoring results. As is the case at many similar landfills, post-closure care at Westmoreland has continued beyond 2004, and this is attributable to periodic changes in the way groundwater monitoring data is interpreted by the VDEQ, not conditions at the landfill itself.

Subtitle-D regulations still govern all landfills, except that EPA **excluded** pre-Subtitle-D landfills from the provisions of Subtitle-D post-closure monitoring. VDEQ, however, unilaterally chose to continue to **include** them, and therefore we and all localities with pre-Subtitle-D landfills continue to spend significant funds on them that could otherwise be used for economic development, infrastructure improvements and other needed County services.

With this as background, we request consideration for relief from the following:

1. Financial Assurance for Corrective Action (9VAC20-70-113)

Under this citation, a landfill is to provide financial assurance upon triggering the need for corrective action to address a groundwater impact. The value is set arbitrarily at \$1,319,447.00 until such time as a corrective action plan is written into the landfill permit, at which point the actual estimated dollar figure for the corrective action (invariably much less than \$1 million) is used as the basis. However, in Westmoreland County's case, it has taken several years to process the various steps of the landfill corrective action application program from identification of the need for corrective action to the (still pending) amendment of the solid waste permit to incorporate a Corrective Action Plan.

Therefore, we request that no financial assurance burden for corrective action be placed on closed non-Subtitle-D landfills until the landfill permit is revised. At that point the financial assurance would be based on the actual corrective action plan incorporated into the permit.

2. Cost of Corrective Action Permit Amendment (9VAC20-90-60)

9VAC 20-90-60.A.4 states that facilities entering the corrective action program are to submit a permit amendment fee, which is currently in the amount of \$22,860.00. This exceeds the amount for a permit application fee for the *design* of an active landfill!

Therefore, we request that there be no permit amendment fee applied for corrective action at closed non-Subtitle-D landfills having no revenue stream.

3. Relief from Subtitle-D based Regulations

As noted above, Virginia greatly exceeds federal standards because it applies to non-Subtitle-D the same stringent requirements under which modern landfills are regulated. As a result, Westmoreland County continues to spend funds monitoring the landfill, with little hope of relief in the near future (and this is all because of a few parts per billion of metals which may well be naturally occurring). Rather than monitoring for the sake of regulation, it is suggested that a risk-management based approach be applied, such as occurs under Virginia's Voluntary Remediation Program (VRP). Based on its monitoring history, the Westmoreland Landfill does not appear to represent adverse threat to public health or the environment. Evaluation under the VRP instead of the Virginia Solid Waste Management Regulations (VSWMR) would continue to allow DEQ's oversight of the end of post-closure care. It would also allow flexibility to consider the big picture as opposed to the strict application of a regulation never intended by the EPA for application to older landfills.

Having said this, we understand that the DEQ is considering a more risk-management oriented approach to older landfills like Westmoreland County's. This may be incorporated into Amendment 9 to the VSWMR, but this revision will most likely be years in coming.

Therefore, we request that landfills that ceased to accept solid waste prior to the federally imposed deadline of October 9, 1993, or in the case of a "small landfill" (such as Westmoreland County) before April 9, 1994, be provided the option for relief from the requirements of the VSWMR (9VAC20-81) by being allowed instead to be regulated under the VRP (9VAC20-160).

Thank you for this opportunity to provide insight based on Westmoreland's experience.

Sincerely,



W. W. Hynson, Chairman
Board of Supervisors
Westmoreland County