

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 834

An Act to amend and reenact § 10.1-1408.4 of the Code of Virginia, relating to siting of landfills.

[H 1532]

Approved March 22, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1408.4 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1408.4. Landfill siting review.

A. Before granting a permit which approves site suitability for a new municipal solid waste landfill, the Director shall determine, in writing, that the site on which the landfill is to be constructed is suitable for the construction and operation of such a landfill. In making his determination, the Director shall consider and address, in addition to such others as he deems appropriate, the following factors:

1. Based on a written, site-specific report prepared by the Virginia Department of Transportation, the adequacy of transportation facilities that will be available to serve the landfill, including the impact of the landfill on local traffic volume, road congestion, and highway safety;

2. The potential impact of the proposed landfill on parks and recreational areas, public water supplies, marine resources, wetlands, historic sites, fish and wildlife, water quality, and tourism; and

3. The geologic suitability of the proposed site, including proximity to areas of seismic activity and karst topography.

The applicant shall provide such information on these factors as the Director may request.

B. In addition to such other types of locations as may be determined by the Board, no new municipal solid waste landfill shall be constructed:

1. In a 100-year flood plain;

2. In any tidal wetland or nontidal wetland contiguous to any surface water body;

3. Within five miles upgradient of any existing surface or groundwater public water supply intake or reservoir; however, ~~in any county with a population between 29,200 and 30,000, according to the 1990 United States Census in the Counties of Mecklenburg and Halifax~~, a new municipal solid waste landfill may be constructed within a shorter distance from an existing surface or groundwater public water supply intake or reservoir if the Director determines that such distance would not be detrimental to human health and the environment;

4. In any area vulnerable to flooding resulting from dam failures;

5. Over a sinkhole or less than 100 feet above a solution cavern associated with karst topography;

6. In any park or recreational area, wildlife management area or area designated by any federal or state agency as the critical habitat of any endangered species; or

7. Over an active fault.