

**SOLID WASTE MANAGEMENT DIVISION
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AGENCY OF NATURAL RESOURCES
STATE OF VERMONT**

**PROCEDURE ADDRESSING THE MINIMUM NUMERICAL CRITERIA
FOR THE DISTANCE TO DRINKING WATER SOURCES
FROM DISCRETE DISPOSAL FACILITIES**

March 5, 1997

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I. INTRODUCTION

Section 6-503(b)(4) of the Solid Waste Management Rules sets forth the "minimum numerical criteria" required to be established for the siting of solid waste management facilities. That subsection sets forth that the operator of a discrete disposal facility must satisfactorily demonstrate that there exists a minimum of 1000 feet between the Waste Management Boundary of such a facility and any drinking water source. Discrete disposal facilities are defined in Section 6-201(m) to mean facilities that serve for the disposal of solid wastes in a concentrated manner. Solid waste landfills are considered discrete disposal facilities.

The Rules do not prohibit landowners from establishing a drinking water source within 1000 feet of an existing landfill. The Rules do prohibit the Agency from issuing an initial full certification for a landfill which is sited within 1000 feet of an established drinking water source. The administrative process required to review an application for an initial full certification for a discrete disposal facility and either issue or deny the certification typically involves some time. This procedure establishes a point in time during the application review process when the applicant is required to demonstrate compliance with this siting criterion.

This procedure supersedes the October 12, 1995, Procedure Addressing the Minimum Numerical Criteria for the Distance to Drinking Water Sources from Discrete Disposal Facilities.

II. Definitions

Drinking Water Source: A surface water or ground water intake currently in use, or having received a permit to be used in the future, as a source of drinking water for human consumption.

Complete Application: An application for solid waste facility certification which has been filed with the Agency of Natural Resources and has been determined to be administratively complete by the Solid Waste Management Division under §6-305(a) of the Vermont Solid Waste Management Rules.

III. Requirement

The minimum numerical siting criterion (1000 feet) for the distance between any drinking water source and the Waste Management Boundary of a discrete disposal facility must be demonstrated for any drinking water source which has been established at the time of the Solid Waste Management Division's receipt of a Complete Application for initial full certification. The development of a drinking water source after that time will not be considered under §6-503(b)(4) during the review of that application, and will not be a cause for denial of the certification application under §6-503(b)(4).

In the event that a drinking water source is identified to be located within 1000 feet of a landfill, the applicant may demonstrate compliance with the Rules by completing any of following actions:

1. Prior to deposition of waste at the facility, the drinking water source has been replaced with an alternative source of drinking water located greater than 1000 feet from the waste management boundary of the solid waste disposal facility.
2. Prior to the deposition of waste at the facility, the owner of the drinking water source executes a legally binding agreement that waives all rights on his or her behalf and on behalf of his or her successors, heirs and assigns to an alternative drinking water source, which agreement has been made a matter of permanent record with the recorder of deeds for the affected property prior to the deposition of waste at the facility; or
3. Prior to the issuance of the initial full certification, the Applicant has received a variance from Section 6-503(b)(4) from the Air and Solid Waste Variance Board.

ADOPTED:

Barbara Ripley, Secretary
Agency of Natural Resources

Date