



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9VAC20-90
Regulation title	Solid Waste Management Permit Action Fees and Annual Fees
Action title	Final Exempt Amendment for the 2012-14 Virginia Biennium Budget
Final agency action date	June 15, 2012
Document preparation date	April 24, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 14 (2010) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This final exempt regulatory action is being taken in order to remove regulatory text which placed a cap on the total fees collected. The cap required that the fees collected not exceed more than 60% of direct costs of (i) processing an application to issue, reissue, amend or modify permits, and (ii) performing inspections and enforcement actions necessary to assure compliance with permits issued for any sanitary landfill and other facility for the disposal, treatment or storage of nonhazardous solid waste. This 60% cap was removed in the DEQ's appropriations under the enrolled [2012-14 Virginia Budget Bill](#); and, therefore, by this regulatory action, the 60% cap text will be removed from 9VAC20-90.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 15, 2012, the Virginia Waste Management Board adopted the amendments to the regulation entitled "Solid Waste Management Permit Action Fees and Annual Fees," specifically amending sections 113, 114, and 115 to remove the 60% cap on total fees collected.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006.A.4.a of the Administrative Process Act because they are necessary to conform to Virginia budget bill.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Current requirement	Proposed change and rationale
113	Annual fee calculation for incinerators and energy recovery facilities.	Subsection H deleted in accordance with the HB 1301 which removed the 60% cap for total fees collected.
114	Annual fee calculation for sanitary landfills, non-captive industrial landfills, and construction and demolition debris landfills.	Subsection I deleted in accordance with the HB 1301 which removed the 60% cap for total fees collected.
115	Annual fee calculation for other types of facilities.	Subsection I deleted in accordance with the HB 1301 which removed the 60% cap for total fees collected.

These changes are necessary as a result of changes made by the 2012-14 Virginia Budget for the Department of Environmental Quality.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

An analysis of the proposal was completed for alternative regulatory methods that will minimize the adverse impact on small businesses without compromising health, safety, environmental and economic welfare. As the 2012-14 Virginia Budget no longer specifies a cap on the total fees collected, as noted previously, this language has been removed from the regulation. The board has no discretion concerning this action as it is necessary to conform to the action of the General Assembly.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families.