



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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Director

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### MEMORANDUM

**TO:** Members of the Virginia Waste Management Board

**FROM:** David K. Paylor *[Signature]*

**DATE:** November 12, 2015

**SUBJECT:** Minutes

Attached are the minutes from your meeting on January 9, 2015. Staff will seek your approval of these minutes at your next regular meeting.

If you have any questions, please contact Debra Harris at (804) 698-4209 or [Debra.Harris@deq.virginia.gov](mailto:Debra.Harris@deq.virginia.gov).

Attachment  
cc: Cindy Berndt, DEQ

*approved 12/14/15  
DHH*

**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**

**FRIDAY, JANUARY 9, 2015**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
2<sup>ND</sup> FLOOR CONFERENCE ROOM  
629 E. MAIN STREET  
RICHMOND, VIRGINIA

**Board Members Present:**

Michael Benedetto  
Jeffery Crate  
Eric DeGross

Paul Schmidt  
EJ Scott  
Eric Wallace

**Board Member Absent:**

Amarjit Riat

**Department of Environmental Quality:**

David K. Paylor, Director  
Cindy M. Berndt  
Debra A. Harris

**Attorney General's Office:**

Kelci Block, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The meeting was convened at 10:05 a.m. and was adjourned at 11:31 a.m.

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**Minute No. 1 – Election of Vice-Chair**

Mr. Paul Schmidt was nominated and was unanimously approved as the Board's Vice-Chair.

**Minute No. 2 - Minutes.**

The Board unanimously approved the minutes from the Board's meeting on June 24, 2014.

**Minute No. 3 – *Virginia Hazardous Waste Management Regulations, 9VAC20-60, Annual Update - Final Exempt Action.***

Ms. Debra Harris of DEQ's Office of Regulatory Affairs presented an amendment to the Board's regulations entitled the Virginia Hazardous Waste Management Regulations, 9VAC20-60. Ms. Harris explained that each year, the U. S. Environmental Protection Agency makes changes to the federal regulations regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations (CFR). As 9VAC20-60 incorporates the CFR, with certain exceptions, it is necessary to change Section 18 of 9VAC20-60 to bring Virginia's regulations up-to-date with the federal changes. This regulatory amendment will bring these citations up to date and incorporate the latest Title 40 of the CFR to the one as published on July 1, 2014. Ms. Harris noted that EPA's Hazardous Waste Electronic Manifest Rule (e-Manifest Rule) which was promulgated on February 7, 2014 is included as part of the rulemaking; however, Annual Update 2014 will not incorporate the subdivisions of the e-Manifest Rule which impose a user fee that EPA may collect for use of the manifest system. EPA has indicated that they will promulgate a subsequent rule which will provide the user fee schedule and compliance date for use of the e-manifest application. Therefore, this regulatory action will not include the provisions for imposition of a user fee by EPA. The Board was informed that under §2.2-4006.A.4.c of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the federal regulations.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Paul Schmidt and seconded by Mr. Jeff Crate, unanimously voted to adopt this amendment to 9VAC20-60 as a final regulation, authorized its

publication, and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Minute No. 4 – Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, Annual Update 2014 - Final Exempt Action.**

Ms. Debra Harris of DEQ's Office of Regulatory Affairs presented Annual Update 2014 to 9VAC20-110 to the Board. Ms. Harris explained that each year, the U.S. Department of Transportation makes changes to the federal regulations regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations (CFR). As 9VAC20-110 incorporates the CFR, it is necessary to change Section 110 to bring Virginia's regulations up-to-date with the latest Title 49 of the CFR which was published on October 1, 2014. The Board was informed that under §2.2-4006.A.4.c of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the federal regulations.

Based on the Board book briefing items and staff presentation, the Board, on a motion of Mr. Paul Schmidt and seconded by Mr. Eric DeGross, unanimously voted to adopt this amendment to 9VAC20-110 as a final regulation, authorized its publication, and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Minute No. 5 – Virginia Hazardous Waste Management Regulations, 9VAC20-60, Amendment 18 – Mercury-Containing Lamps, Proposed Regulation**

Ms. Leslie Romanchik, DEQ's Hazardous Waste Permitting Program Manager, and Ms. Harris presented a proposed regulatory amendment to the Virginia Hazardous Waste Management Regulations, 9VAC20-60, for mercury-containing universal waste (UW) lamp crushing operations. Ms. Romanchik provided the background on lamp crushing in Virginia. Currently, UW lamps are managed in accordance with the universal waste sections of 9VAC20-60 and crushing of these lamps for size reduction is allowed under the Virginia regulations. Ms. Romanchik explained that the federal universal waste regulations do not allow crushing and, in 2003, EPA withdrew its proposal to approve Virginia regulations allowing UW lamp crushing due to adverse comments received. As a result, Virginia's regulations do not operate in lieu of the federal requirements. After the withdrawal, EPA and DEQ have worked together to develop revisions to Virginia's UW lamp regulatory provisions supported by a demonstration of equivalency. Ms. Romanchik noted that recently EPA indicated that the demonstration of equivalency was adequate and that the proposed regulatory provisions were acceptable; therefore, DEQ moved forward with the proposed regulatory action.

Ms. Debra Harris provided the Board with the regulatory process information. A Notice of Intended Regulatory Action (NOIRA) was published on April 9, 2012. Comments received on the NOIRA were in support of DEQ's seeking EPA authorization for its lamp crushing proposed regulations. This regulatory action addresses UW lamp management including crushing and crushing of mercury-containing lamps at recycling facilities. Ms. Harris noted that the DEQ held two stakeholder meetings on February 12, 2013 and October 14, 2014. Stakeholders strongly supported the retention of the UW lamp crushing option in Virginia's regulations and also supported DEQ's efforts to obtain authorization from EPA for lamp crushing. Ms. Harris noted that the stakeholders did express concern regarding: (i) the air monitoring requirements proposed and the associated cost of this monitoring; (ii) the requirements for secondary filtration units; and, (iii) the "background" used for the demonstration of equivalency. The DEQ provided some additional flexibility in the proposed regulation based on these concerns. Ms. Harris then presented an amendment overview and a summary of the revisions made to 9VAC20-60. An errata sheet was provided to the Board which highlighted a few editorial changes made to the proposed regulation provided in the board book. The Board asked a few clarifying questions on the regulation and the information presented.

Based on the board book briefing items and staff presentation, the Board, on motion by Mr. Michael Benedetto and seconded by Mr. Eric DeGross, unanimously approved the proposed amendment to 9 VAC 20-60 for public comment.

**Minute No. 6 - Significant Noncompliance Report.**

The Board received a report from Mr. Russell Deppe, the Waste Enforcement Program Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year (FFY) 2014 and for actions in FFY2015 from October 1, 2014 to January 9, 2015.

**Minute No. 7 - Public Forum.**

No one appeared during the public forum.

**Minute No. 8 – Recycling and Litter Grant Reports.**

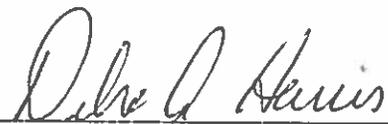
The Board received the Recycling and Litter Grant Reports from Ms. Leslie Beckwith, Office of Financial Assurance Director.

**Minute No. 9 – Division Director’s Report.**

The Board received the Division Director’s Report Mr. Jeffery Steers, Land Protection and Revitalization Director.

**Minute No. 10 - Future Meetings.**

No future meetings were set for the Board at this meeting.



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Debra A. Harris  
Planning and Policy Specialist  
Office of Regulatory Affairs