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Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

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| Agency name | Board for Waste Management Facility Operators |
| Virginia Administrative Code (VAC) citation | 18 VAC 155-20 |
| Regulation title | Waste Management Facility Operators Regulations |
| Date | January 11, 2016 |

This information is required pursuant to Executive Order 17 (2014).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.

§ 54.1-2211 A of the Code of Virginia states that, "The Board shall promulgate regulations and standards for the training and licensing of waste management facility operators."

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No viable alternatives were identified.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment was received.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The current regulations do not meet the criteria of Executive Order 17, but the regulatory amendments currently in the final state do meet all of the criteria set forth in Executive Order 17.

Result

Please state that the reason why the agency is recommending that the regulation should stay in effect without change.

After a review of the regulations and in consideration of the fact that the Board has a regulatory package in the final stage that involved a line by line review, resulting in the amending or elimination of regulations that were deemed obsolete, unnecessary, or overly burdensome, the Board voted to keep the regulations in effect with not change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

1) There is a continued need to ensure that the operators of waste management facilities (landfills, transfer stations, composting facilities, etc.) are properly licensed in order to protect the health of all individuals that utilize the facilities, live in proximity to the facilities, or work at

the facilities.

2) No public comments were received concerning the regulations

3) The regulations were relatively correct and the Board has taken action in a separate regulatory action, to clarify them and to remove sections that were deemed to be obsolete or overly burdensome.

4) There is no overlap, duplication, or conflict with any federal or state laws or regulations

5) The regulation is currently in two review processes, one that address technological advances in the industry and one that reviewed all other factors that have changed in the industry.