

**THE VIRGINIA BOARD FOR
WASTE MANAGEMENT FACILITY OPERATORS
MEETING MINUTES**

The Virginia Board for Waste Management Facility Operators met on Tuesday, May 20, 2003, in Conference Room 5 West at the offices of the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

The following members of the Board were present:

John S. Austin (Chairman)
Harry E. Gregori, Jr.
Dr. Margot Garcia
Dan Miles (Vice Chairman)
W.A. Dennison
Thomas H. Wade
Mark E. Brandon

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director, Regulatory Programs
Tonie Robinson, Examinations Supervisor
David E. Dick, Executive Director
Joseph Kossan, Regulatory Boards Administrator
Chris Olson, Licensing Specialist

Chairman Austin finding a quorum of the Board present, called the **Call to Order** meeting to order at 10:04AM.

Dr. Garcia moved that the Board approve the agenda. Mr. Gregori **Adopt Agenda** seconded the motion, which was carried unanimously by seven aye votes (Messrs. Austin, Brandon, Dennison, Gregori, Miles, and Wade; and Dr. Garcia). The agenda was as follows:

1. Call to Order
2. Approval of Agenda
3. Approval of Board Minutes of April 2, 2003

4. Public Comment period – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files.
5. Examination Issues – Tonie Robinson
6. Consideration of Amendments to the May 1, 2000, Board for Waste Management Facility Operators Regulations
 - A. Composting – David Dick
 - B. Continuing Professional Education
 - C. Entry Standards for Class IV License
 - D. Other Issues
7. Resolutions for Former Board Members
8. Complete Conflict of Interest Forms
9. Set Next Board Meeting Date - July 22, 2003
10. Adjourn

Mr. Gregori moved that the Board approve the minutes of its April 2, 2003 meeting as amended. Dr. Garcia seconded the motion, which was carried unanimously by seven aye votes (Messrs. Austin, Brandon, Dennison, Gregori, Miles, and Wade; and Dr. Garcia).

Approval of Board Minutes

Chairman Austin opened the floor for public comment. No members of the public were present.

Public Comment Period

Tonie Robinson gave a detailed summary of the Examinations Workshop given by Applied Measurement Professionals, Inc., the examination vendor for the Board. Ms. Robinson asked the Board to appoint members to approve the final examination form. She also asked the Board to approve the Exam Content Outline created during the workshop.

Examinations Issues

The following Board members were appointed by Chairman Austin to approve the examinations form:

Thomas Wade-Class I
Dan Miles-Class II
John Austin-Class III and IV

Mr. Gregori moved that the Board approve the examination content outline for the Class I Basic Operator Examination. Dr. Garcia seconded the motion, which was carried unanimously by seven aye votes (Messrs. Austin, Brandon, Dennison, Gregori, Miles, and Wade; and Dr. Garcia).

Dr. Garcia moved that the Board approve the examination content outline for the Class II Operator Examination. Mr. Miles seconded the motion, which was carried unanimously by seven aye votes (Messrs. Austin, Brandon, Dennison, Gregori, Miles, and Wade; and Dr. Garcia).

Mr. Miles moved that the Board approve the examination content outline for the Class III Operators Examination. Dr. Garcia seconded the motion, which was carried unanimously by seven aye votes (Messrs. Austin, Brandon, Dennison, Gregori, Miles, and Wade; and Dr. Garcia).

Dr. Garcia moved that the Board approve the examination content outline for the Class IV Operators Examination. Mr. Miles seconded the motion, which was carried unanimously by seven aye votes (Messrs. Austin, Brandon, Dennison, Gregori, Miles, and Wade; and Dr. Garcia).

The Board considered the regulation amendments developed by Mr. Dick through consultation with those providing public comment in response to the Board's Notice of Intended Regulatory Action on the issue of the regulation of composting facilities.

**Consideration of
Amendments to
May 1, 2000
Regulations**

The Board concluded that there are a number of environmental concerns and operational aspects of composting that require the same training and knowledge as is currently required for the operation of landfills. The Board concluded that the regulation of composting facilities is properly provided for in its current regulations.

Mr. Miles moved that the board make no amendments to its May 1, 2000 Regulations concerning composting. Mr. Dennison seconded the motion, which was carried by six aye votes and one no vote. Voting aye were Messrs. Austin, Miles, Dennison, Wade, and Brandon; and Dr. Garcia. Voting no was Mr. Gregori.

On the matter of amending or repealing the current regulation provisions for Continuing Professional Education/Training (CPE/T), the Board took no action.

The Board agreed without dissent to ask specifically for comment from the public on the issue of CPE/T should amendments to the regulation be proposed.

The Board discussed the Entry Standards for Class IV Licensure.

The Board agreed without dissent to have staff send a letter to Jim Topsail of EPA Region III to advise him that the Board's regulations are under review and ask for his advice and recommendations as to how the Board's regulations might be amended to address any concerns that he or EPA may have. The letter is to also invite Mr. Topsail to the Board's next meeting.

The Board discussed whether amendments to the training course curriculum found in 18 VAC 155-20-220 should be made.

Chairman Austin appointed the following board members to review the requirements:

Thomas Wade-Class I
Dan Miles-Class II
John Austin-Class III and IV

The Board agreed without dissent that Mr. Austin, Mr. Miles and Mr. Wade will complete their review and send their recommended amendments to staff by June 10. Staff will distribute the recommended amendments to the entire Board by electronic mail.

The Board discussed whether amendments should be made to their regulations to accommodate a new waste technology that may not fall clearly under one of the current four classes of facility.

Mr. Gregori suggested that 18 VAC 155-20-100 could be amended to accommodate new waste technology and provided three approaches for the Board's consideration.

The Board agreed without dissent to review Mr. Gregori's language and send their comments to staff for distribution to the entire Board before the next meeting.

The Board discussed Mr. Dennison's suggestion that amendments should be made to the regulations to require experience related to waste management as an entry requirement for licensure.

The Board agreed without dissent that an amendment should be made to require a minimum of one year experience related to waste management as an entry requirement and asked staff to prepare

regulation amendment language implementing the same. The draft language is to be sent by electronic mail to the Board members for review before the next Board meeting.

Mr. Gregori moved that the board adopt the following resolutions:

**Resolutions for
Former Board
Members**

**Department of Professional and
Occupational Regulation**

Board for Waste Management Facility Operators

Resolution To

Daniel J. Buckley, Jr.

WHEREAS, Daniel J. Buckley, Jr., has faithfully and diligently served as a member of the Board for Waste Management Facility Operators since 1991; and

WHEREAS, Daniel J. Buckley, Jr., has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Daniel J. Buckley, Jr., has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Board for Waste Management Facility Operators this twentieth day of May, 2003 that Daniel J. Buckley, Jr. be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

**Department of Professional and
Occupational Regulation**

Board for Waste Management Facility Operators

Resolution To

Frederick L. Hilliard

WHEREAS, Frederick L. Hilliard, has faithfully and diligently served as a member of the Board for Waste Management Facility Operators since 1995; and

WHEREAS, Frederick L. Hilliard, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Frederick L. Hilliard, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Board for Waste Management Facility Operators this twentieth day of May, 2003 that Frederick L. Hilliard be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

**Department of Professional and
Occupational Regulation**

Board for Waste Management Facility Operators

Resolution To

John A. Kelley

WHEREAS, John A. Kelley, has faithfully and diligently served as a member of the Board for Waste Management Facility Operators since 1995; and

WHEREAS, John A. Kelley, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, John A. Kelley, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Board for Waste Management Facility Operators this twentieth day of May, 2003 that John A. Kelley be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

**Department of Professional and
Occupational Regulation**

Board for Waste Management Facility Operators

Resolution To

Thomas G. Botkins, Jr.

WHEREAS, Thomas G. Botkins, Jr., has faithfully and diligently served as a member of the Board for Waste Management Facility Operators since 1991; and

WHEREAS, Thomas G. Botkins, Jr., has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Thomas G. Botkins, Jr., has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Board for Waste Management Facility Operators this twentieth day of May, 2003 that Thomas G. Botkins, Jr. be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

Dr. Garcia seconded the motion, which was carried unanimously by seven aye votes (Messrs. Austin, Brandon, Dennison, Gregori, Miles, and Wade; and Dr. Garcia).

Mr. Austin asked the Board members to complete their conflict of interest forms and travel vouchers.

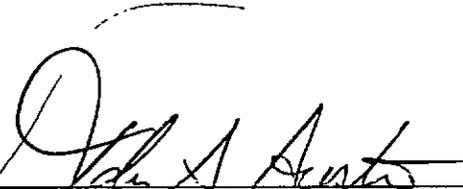
**Conflict of Interest
Forms**

The Board established its next meeting to be on July 22, 2003 at 10:00 AM.

Next Meeting

Mr. Austin, finding no further business to conduct, adjourned the meeting at 2:32 PM.

Adjournment



John S. Austin, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: John S. Austin
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None
-

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated:

5/20/03

Signature:

John S. Austin

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Thomas H. Wade
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 5-20-03
Signature: Thomas H. Wade

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Dan Miles
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 5/20/03
Signature: *Dan Miles*

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Margot W. Garcia
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 20, 2003
Signature: Margot W. Garcia

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Harry E. Gregori, Jr.
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 5/20/03
Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Mark E. Brandon
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

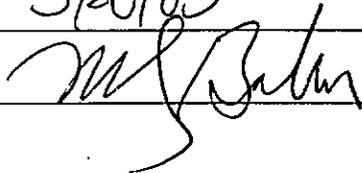
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

~~(b) I am able to participate in this transaction fairly, objectively, and in the public interest.~~

Dated:

5/20/03

Signature:



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

- 1. Name: W. A. Dennison
- 2. Title: Board Member -Waste Management Facility Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: N/A

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Municipality that operates a waste management facility

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 05/20/03

Signature: 