BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS MEETING AGENDA 9960 Mayland Drive

Board Room 4 $_$ 2ND Floor $_$ 10:00 A.M.

Thursday, April 4, 2024

Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses and enforcing standards of professional conduct for professions and occupations as designated by statute.

MEETING AGENDA

1. CALL TO ORDER:

- a) Emergency Egress
- b) Determination of Quorum
- 2. APPROVAL OF DRAFT AGENDA: Thursday, April 4, 2024

3. MINUTES:

Approval of October 26, 2023 Draft Minutes

4. PUBLIC COMMENT: *FIVE MINUTE PUBLIC COMMENT, PER PERSON*

5. NEW BUSINESS:

- a) Board Member Training
- b) Board Member Conflict of Interest Training
- c) Regulatory Update
- d) Legislative Update
- e) Examination Statistics
- f) Executive Director Report
- g) Reconsideration of Case Decisions
- h) Board Member Training Conference October 10th & 11th

6. OTHER BOARD BUSINESS:

Board Financial Statements

7. COMPLETE CONFLICT OF INTEREST AND TRAVEL VOUCHERS:

8. ADJOURNMENT:

NEXT MEETING SCHEDULED FOR: Thursday, August 29, 2024 at 10:00 AM

Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

- *Five minute public comment, per person, with the exception of any open disciplinary or application file.*
- Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation.
- ✤ The Department fully complies with the Americans with Disabilities Act.

PERIMETER CENTER CONFERENCE CENTER EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS (Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, <u>leave the room immediately</u>. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

DETERMINATION OF QUORUM

THE VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS MEETING MINUTES

The Virginia Board for Waste Management Facility Operators met on Thursday, October 26, 2023, at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present during all or part of the meeting:

Ellen C Thacker, Vice Chair Donald Lawhorne Jason Williams Matthew Terrell Joshua Byerly Brent Williams

The following members of the Board were not present:

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

Kishore S. Thota, Agency Director Marjorie King, Executive Director Mary Charity, Licensing Operations Administrator Stephanie Keuther, Administrative Coordinator

Board Counsel, Elizabeth Peay was not present during the meeting.

Board Liaison member of the Board for Professional and Occupational Regulation Liaison Program was not present during for the meeting:

Laurence A. Benenson, Board Liaison

Ms. Thacker, Vice Chair called the October 26, 2023 Board for Waste Management Facility Operators Meeting to order at 10:06 a.m.

Emergency Egress

Marjorie King, Executive Director reviewed the Emergency Egress procedures with the Board and members of the public.

New Board Member Introductions

Marjorie King, Executive Director welcomed new Board Member Brent Williams, Jason Williams, Matthew Terrell, and Joshua Byerly.

Approval of the Draft Agenda

A motion was made by Mr. Lawhorne and seconded by Mr. J. Williams to adopt the October 26, 2023 Draft Agenda as presented.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Nays: None Abstained: None Absent: None.

Approval of Minutes

A motion was made by Mr. Lawhorne and seconded by Mr. B. Williams to approve the Minutes of April 6, 2023 as presented.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Nays: None Abstained: None Absent: None.

Public Comment Period

Ms. Thacker, Vice Chair opened the Public Comment section of the meeting.

With no one wishing to come forward **Ms. Thacker, Vice Chair** closed the Public Comment section of the meeting.

Waste Management Facility Operators Meeting Minutes October 26, 2023 Call To Order

<u>Call</u> <u>To Order</u>

Emergency Egress

<u>New Board Member</u> <u>Introductions</u>

<u>Approval of the Draft</u> <u>Agenda</u>

Approval of Minutes

Public Comment Period Waste Management Facility Operators Meeting Minutes October 26, 2023 Ms. Thacker, Vice Chair presented a resolution to Sathish Anabathula

Commonwealth of Virginia



Department of Professional and Occupational Regulation

Board for Waste Management Facility Operators

Resolution To

Sathish Anabathula

WHEREAS, Sathish Anabathula, faithfully and diligently served as a member of the Virginia Board for Waste Management Facility Operators from 2020 to 2023; and

WHEREAS, Sathish Anabathula has generously completed three years of service and with dedication has selflessly given his knowledge, time and leadership to the Board; and

WHEREAS, Sathish Anabathula endeavored always to protect the health, safety and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Sathish Anabathula, be given all honors and respect due him for his outstanding service to the Commonwealth, 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.

Waste Management Facility Operators Meeting Minutes October 26, 2023 Ms. Thacker, Vice Chair presented a resolution to Toby Edwards.

Commonwealth of Virginia



Department of Professional and Occupational Regulation

Board for Waste Management Facility Operators

Resolution To

Toby Edwards

WHEREAS, Toby Edwards, faithfully and diligently served as a member of the Virginia Board for Waste Management Facility Operators from 2022 to 2023; and

WHEREAS, Toby Edwards has generously completed one year of service and with dedication has selflessly given his knowledge, time and leadership to the Board; and

WHEREAS, Toby Edwards endeavored always to protect the health, safety and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Toby Edwards, be given all honors and respect due him for his outstanding service to the Commonwealth, 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.

Waste Management Facility Operators Meeting Minutes October 26, 2023 Ms. Thacker, Vice Chair presented a resolution to Jason Mitchell.

Commonwealth of Virginia



Department of Professional and Occupational Regulation

Board for Waste Management Facility Operators

Resolution To

Jason Mitchell

WHEREAS, Jason Mitchell, faithfully and diligently served as a member of the Virginia Board for Waste Management Facility Operators from 2021 to 2023; and

WHEREAS, Jason Mitchell has generously completed two years of service and with dedication has selflessly given his knowledge, time and leadership to the Board; and

WHEREAS, Jason Mitchell endeavored always to protect the health, safety and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Jason Mitchell, be given all honors and respect due him for his outstanding service to the Commonwealth, 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.

Waste Management Facility Operators Meeting Minutes October 26, 2023 **Ms. Thacker, Vice Chair presented a resolution in memory of Timothy Torrez.**





Resolution in Memory of

Timothy Torrez

WHEREAS, Timothy Torrez, faithfully and diligently served as a member of the Waste Management Facility Operators from 2015 to 2023 and served as Chairman from 2019 to 2023; and

WHEREAS, Timothy Torrez has tirelessly served with dedication and has devoted generously of his knowledge and time to the Board; and

WHEREAS, Timothy Torrez endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board and the Commonwealth's citizens; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Timothy Torrez, be given all honors and respect due him for his outstanding service to the Commonwealth, its citizens, and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to his family 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.

New Business

Licensing Application

In the matter of File Number 2023-02959 Justin Mimms, the Board, members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts, exhibits, Min and the Presiding Officer's Summary and Recommendation.

Justin Mimms did not attend the Board meeting in person or by counsel or by any other qualified representative.

Mr. Lawhorne made a motion seconded by Mr. J. Williams to approve the hearing officer's recommendation for approval.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Nays: None Abstained: None Absent: None.

In the matter of File Number 2023-02835 Jason Estey, the Board, members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts, exhibits, and the Presiding Officer's Summary and Recommendation. 2023-02835 Jason Estey

Jason Estey did not attend the Board meeting in person or by counsel or by any other qualified representative.

Mr. Lawhorne made a motion seconded by Ms. Thacker to approve the hearing officer's recommendation for approval.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Nays: None Abstained: None Absent: None.

Periodic Review

Periodic Review

Marjorie King, Executive Director informed the Board Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board for Waste Management Facility Operator Regulations and the Public Participation Guidelines underwent a periodic review. The review of these regulations were guided by the principles in Executive Order 19.

The purpose of the review is to determine whether these regulations should be repealed, amended, or retained in its current form. Public comment was sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes

Education Provider Applications

Licensing Application ecord 2023-02959 Justin ibits, Mimms

New Business

Waste Management Facility Operators Meeting Minutes October 26, 2023 the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable. The public comment period began September 11, 2023, and ended October 2, 2023. Two public comments was received in reference to the Waste Management Facility Operator Regulations. The Board must review and respond to the comments received and vote to amend or retain its current regulations. Due to the Board's ongoing regulatory reduction efforts and current regulatory actions, Board staff recommends retaining the regulations as is. A motion was made by Mr. Terrell and seconded by Mr. J. Williams to approve the proposed responses to the comments received. The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Nays: None Abstained: None Absent: None. A motion was made by Mr. B. Williams and seconded by Mr. Lawhorne to retain the Waste Management Facility Operator Regulations and the Public Participation Guidelines as is. The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Navs: None Abstained: None Absent: None. Exams A motion was made by Mr. Terrell and seconded by Mr. J. Williams to allow staff to initiate a general notice to obtain public comment on Town Hall for stakeholders and licensees to provide feedback concerning the Boards closed book exams. The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Nays: None Abstained: None Absent: None.

Regulatory Review Update

Marjorie King, Executive Director informed the Board the General Regulatory Reduction to amend the regulations that are determined to be overly burdensome or no longer applicable and provide clarity and/or combine other regulations, is in the Executive Branch Review stage.

Marjorie King, Executive Director informed the Board the Fee Amendment is in the proposed stage.

Election of Officers

Ms. Thacker turned the chair to Marjorie King, Executive Director for the purposes of conducting the Election of Officers.

Ms. King called for nominations from the floor for Chair of the Board.

Election of Officers

Regulatory Review

Exams

Update

Waste Management Facility Operators Meeting Minutes October 26, 2023 **Mr. Lawhorne made a motion, seconded by Mr. J. Williams, to nominate Ms. Thacker as Chair**.

Ms. King called for other nominations, hearing none, the nominations for Chair were closed.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams,
Terrell and Byerly. Nays: None Abstained: None Absent: None.

Ms. King called for nominations from the floor for Vice-Chair of the Board.

Ms. Thacker made a motion, seconded by Mr. J. Williams, to nominate Mr. Lawhorne as Vice Chair.

Ms. King called for other nominations, hearing none, the nominations for Vice Chair were closed.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. Nays: None Abstained: None Absent: None.

Other Board Business

None

<u>Completion of</u> Paperwork

Adjournment

Ms. King returned the chair to Ms. Thacker.

None

Completion of Paperwork

Marjorie King, requested the Board members complete their Conflict of Interest Statements and Travel Reimbursement Forms.

Adjournment

Chair, Thacker thanked the Board and Staff and adjourned the meeting at 11:30 A.M.

The next board meeting will be January 4, 2024

Ellen Thacker, Chair

Kishore S. Thota, Director

Copy teste:

Custodian of the Record

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

NEW BUSINESS

BOARD MEMBER TRAINING

BOARD MEMBER CONFLICT OF INTEREST TRAINING

REGULATORY UPDATE

Board for Waste Management Facility Operators

Update on Regulatory Actions – 18 VAC 155-20

(as of April 3, 2024)

Action: Fee Amendment

Current Stage: Proposed

- Currently under Executive Branch Review
- Upon approval, submittal to Virginia Registrar for publication, followed by a 60-day public comment period and a public hearing.

Next Step: Final

• Board to review and adopt final language.

Action: General Regulatory Reduction Initiative

Current Stage: NOIRA

- Executive Branch review complete.
- Board adopted proposed regulations on 4/6//2023.

Next Step: Proposed Stage

• *Board staff to file Proposed*, followed by the Executive Branch Review.

Other: Closed Book Exam – Soliciting Feedback

Current Stage: General Notice

- On 10/26/2023, the Board voted to solicit feedback from stakeholders and licensees regarding closed-book exams.
- On March 28, 2024, a General Notice was posted to Town Hall. The public comment period will remain open from April 1, 2024, through April 30, 2024.

Next Step

• Board to review and consider all public comments received during the August 15, 2024 meeting.

LEGESLATIVE UPDATE

EXAMINATION STATISTICS REPORT

EXECUTIVE DIRECTOR REPORT

RECONSIDERATION OF CASE DECISIONS

SAVE THE DATE!

The 2024 DPOR Board Member Training Conference, The Spirit of Service & Innovation: Advancing Regulatory Excellence, will be held

October 10-11, 2024, at Great Wolf Lodge in Williamsburg. The conference will include high profile guest speakers, relevant training sessions, breakout sessions, and networking opportunities.

Stay tuned— additional information regarding registration and reservations will be provided as we get closer to the date.



549 E. Rochambeau Drive Williamsburg, VA 23188 https://www.greatwolf.com/williamsburg

Board for Waste Management Facility Operators 954730

2022-2024 Biennium

January 2024

			Biennium-to-Date Comparison	
	January 2024 Activity	July 2020 - January 2022	July 2022 - January 2024	
	Activity	January 2022	January 2024	
Cash/Revenue Balance Brought Forward			0	
Revenues	1,200	30,125	31,335	
Cumulative Revenues			31,335	
Cost Categories:				
Board Expenditures	53	3,179	9,440	
Board Administration	389	11,582	12,179	
Administration of Exams	173	5,576	2,783	
Enforcement	1	20	30	
Legal Services	11	41	43	
Information Systems	88	8,084	7,661	
Facilities and Support Services	198	6,719	4,697	
Agency Administration	192	5,330	8,436	
Other / Transfers	0	(0)) (0)	
Total Expenses	1,105	40,530	45,268	
Transfer To/(From) Cash Reserves	0	0	(14,028)	
Ending Cash/Revenue Balance			95	
Cash Reserve Beginning Balance	22,251	0	36,279	
Change in Cash Reserve	0	0	(14,028)	
Cash Reserve Ending Balance	22,251	0	22,251	
Number of Regulants Current Month Previous Biennium-to-Date	608 663			

Board for Waste Management Facility Operators 954730

2022-2024 Biennium

February 2024

		Biennium-to-Date Comparison	
	February 2024 Activity	July 2020 - February 2022	July 2022 - February 2024
	Activity		
Cash/Revenue Balance Brought Forward			0
Revenues	1,875	32,200	33,210
Cumulative Revenues			33,210
Cost Categories:			
Board Expenditures	103	3,266	9,543
Board Administration	693	12,155	12,872
Administration of Exams	348	5,906	3,131
Enforcement	2	22	32
Legal Services	6	41	49
Information Systems	976	8,545	8,637
Facilities and Support Services	216	7,076	4,913
Agency Administration	420	5,627	8,856
Other / Transfers	0	(0)	(0)
Total Expenses	2,764	42,637	48,032
Transfer To/(From) Cash Reserves	(794)	0	(14,822)
Ending Cash/Revenue Balance			0
Cash Reserve Beginning Balance	22,251	0	36,279
Change in Cash Reserve	(794)	0	(14,822)
Cash Reserve Ending Balance	21,457	0	21,457
Number of Regulants Current Month Previous Biennium-to-Date	599 665		

Agency Total

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2022-2024 Biennium

January 2024

		Biennium-to-Date Comparison	
	January 2024 Activity	July 2020 - January 2022	July 2022 - January 2024
	Activity	January 2022	January 2024
Cash/Revenue Balance Brought Forward			3,453,476
Revenues	2,059,381	31,627,084	32,553,156
Cumulative Revenues			36,006,632
Cost Categories:			
Board Expenditures	79,193	2,624,673	3,040,474
Board Administration	240,012	7,055,433	7,544,605
Administration of Exams	13,956	476,222	468,595
Enforcement	(96,406)	11,041,140	11,497,389
Legal Services	48,691	397,264	392,588
Information Systems	55,858	5,047,089	4,866,916
Facilities and Support Services	146,826	3,065,312	3,069,297
Agency Administration	121,603	3,328,459	5,359,029
Other / Transfers	0	4,862	554
Total Expenses	609,733	33,040,453	36,239,449
Transfer To/(From) Cash Reserves	0	0	(3,531,491)
Ending Cash/Revenue Balance			3,298,674
Cash Reserve Beginning Balance	14,462,459	0	17,993,950
Change in Cash Reserve	0	0	(3,531,491)
Ending Cash Reserve Balance	14,462,459	0	14,462,459
Number of Regulants Current Month Previous Biennium-to-Date	319,362 308,696		

Agency Total

2022-2024 Biennium

February 2024

			Biennium-to-Date Comparison	
	February 2024 Activity	July 2020 - February 2022	July 2022 - February 2024	
	Activity			
Cash/Revenue Balance Brought Forward			3,453,476	
Revenues	1,180,098	33,353,632	33,733,253	
Cumulative Revenues			37,186,729	
Cost Categories:				
Board Expenditures	173,613	2,737,565	3,214,087	
Board Administration	428,694	7,411,067	7,973,299	
Administration of Exams	28,077	502,172	496,672	
Enforcement	652,978	11,673,616	12,150,367	
Legal Services	36,417	404,520	429,005	
Information Systems	618,566	5,340,053	5,485,482	
Facilities and Support Services	158,749	3,225,366	3,228,046	
Agency Administration	265,886	3,516,935	5,624,916	
Other / Transfers	0	4,862	554	
Total Expenses	2,362,980	34,816,155	38,602,429	
Transfer To/(From) Cash Reserves	(853,722)	0	(4,385,334)	
Ending Cash/Revenue Balance			2,969,634	
Cash Reserve Beginning Balance	14,462,339	0	17,993,950	
Change in Cash Reserve	(853,722)	0	(4,385,334)	
Ending Cash Reserve Balance	13,608,617	0	13,608,617	
Number of Regulants				
Current Month Previous Biennium-to-Date	320,070 308,696			

<u>COMPLETE CONFLICT OF INTEREST</u> <u>FORMS AND</u>

TRAVEL VOUCHERS

ADJOURNMENT