



townhall.virginia.gov

Periodic Review Report of Findings

Agency name	Waste Management Board
Virginia Administrative Code (VAC) citation	9VAC20-60
Regulation title	Virginia Hazardous Waste Management Regulations
Date this document prepared	February 26, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

CFR- Code of Federal Regulations

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The Waste Management Board is authorized by subdivision 11 of §10.1-1402 of the Code of Virginia to promulgate and enforce regulations to carry out the intent of Chapter 10.1 of the Code of Virginia. Section 10.1-1426 of the Code of Virginia requires permits for the storage, treatment and disposal of hazardous waste and permits are to contain the requirements required by the Board's regulations. Federal requirements for the management of hazardous waste are found in 40 CFR Parts 260-273, and this regulation incorporates provisions of federal regulations into state regulation.

Alternatives

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

Virginia incorporates federal regulations by reference into state regulations. One alternative considered was the adoption of regulatory language that is unique to Virginia but that is similar to the requirements of federal regulations. This alternative was rejected since it would add an additional level of complexity to the regulations for the regulated community. The incorporation by reference of federal regulations into

state regulation makes the state regulation more compact and facilitates the updating of the state regulation to retain consistency with federal regulations. The incorporation of federal regulations by reference into state regulation also benefits the regulated community by minimizing differences between state and federal hazardous waste regulatory requirements.

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. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

An informal advisory group was not formed to assist with the periodic review. No comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation continues to be needed to protect public health, safety and welfare. The regulation establishes requirements for the treatment, storage, and disposal of hazardous waste and incorporates federal requirements into state regulation. The regulation is clearly written and easily understandable.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The requirements of the regulation continue to be needed and the regulation is being retained without changes.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include 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, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The regulation continues to be needed to regulate the treatment, storage and disposal of hazardous waste.

No comments were received on the regulation during the comment period for the periodic review.

The regulation is technical and complex in nature. The regulation adopts federal regulations into state regulation and minimizes confusion concerning applicable requirements. This regulation does not conflict with federal or state laws or regulations.

This regulation was last updated in 2018. This regulation is typically updated annually to address changes that are made to the federal regulation. This regulation has been updated annually since 2010 to maintain consistency with federal requirements. Annual updates minimize the impact the regulation has on all

regulated entities (including small businesses) associated with complying with federal requirements that potentially may change throughout the year.