



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9 VAC 20-60
Regulation title	Hazardous Waste Management Regulations,
Action title	Immediate Final Rule 2007
Final agency action date	December 12, 2007
Document preparation date	November 6, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Hazardous Waste Management Regulations, 9 VAC 20-60, include requirements in the form of incorporated federal regulatory text at Title 40 of the Code of Federal Regulations. The federal regulatory text as it existed June 19, 2006 was specified as that incorporated. Immediate Final Rule 2007 addresses only 9 VAC 20-60-18, the section making the specification of the date of incorporated text. This section is altered by striking the previous prescribed date and adopting the new date of July 1, 2007, thus making it the new date of reference of all incorporated federal regulatory text. The effective date of the incorporated text will be the effective date as published in the Federal Register notice or the effective date of this amendment, whichever is later. This action also provides regulations required by § 10.1- 1425.26.B. of the Code of Virginia, "The Board shall promulgate regulations to encourage cathode ray tube and electronics recycling."

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Virginia Waste Management Board approved the amendment, Immediate Final Rule 2007, on December 12, 2007 as a final regulation, a revision of 9 VAC 20-60-18 of the Hazardous Waste Management Regulations.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 2.2 4006 A 4 c of the APA please include the federal law or regulations being relied upon for the final agency action.

A copy of Immediate Final Rule 2007, the final regulation, is attached; there are no forms associated with the action; and the only incorporated material is from the U. S. Code of Federal Regulations. Also attached is a table summarizing the changes. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law. Part 271, particularly Section 271.4, of Title 40 of the Code of Federal Regulations requires that authorized hazardous waste management programs of the states have essential statutory and regulatory requirements consistent with current federal requirements.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the institution of the family or family stability.

Changes to Federal Hazardous Waste Management Regulations Between June 20, 2006 and June 30, 2007

USEPA Checklist Number	Date(s) Final Federal Regulations Published	40 CFR Sections Affected by Federal Amendment(s)	Federal Rule Reference(s)	Summary of Changes
Delisting Outside Virginia	June 20, 2006	261	71 <u>FR</u> 35395	The Environmental Protection Agency (EPA) removed its final rule granting a petition by Tokusen U.S.A, Inc. to exclude (or delist) a certain F006 filter cake generated by its Conway, Arkansas Plant from the lists of hazardous wastes.
XL Program Outside Virginia	June 21, 2006	262	71 <u>FR</u> 35547	The EPA took direct final action to extend the expiration date of the New England University Laboratories XL Project (Labs XL Project) rule that EPA previously promulgated under the eXcellence and Leadership program (Project XL), allowing laboratories at certain universities in Massachusetts and Vermont to follow alternative RCRA generator requirements until April 15, 2009.
Corrections	July 14, 2006	260, 261, 262,264, 265, 266, 267 268, 270, 271, 273, 279	71 <u>FR</u> 40153	EPA corrected errors in the hazardous waste and used oil regulations, which occurred as a result of printing omissions, typographical errors, misspellings, citations to paragraphs and other references that had been deleted or moved to new locations without correcting the citations, and similar mistakes appearing in numerous final rules published in the Federal Register. This final rule does not create new regulatory requirements.
Unknown	July 28, 2006	260, 261, 271	71 <u>FR</u> 42917	A cathode ray tube (CRT) is the glass video display component of an electronic device (usually a computer or television monitor). In this rule, the EPA amended its regulations under the Resource Conservation and Recovery Act (RCRA) to streamline management requirements for recycling of used CRTs and glass removed from CRTs. The

				amendments exclude these materials from the RCRA definition of solid waste if certain conditions are met. This rule is intended to encourage recycling and reuse of used CRTs and CRT glass.
Delisting Outside Virginia	July 31, 2006	261	71 <u>FR</u> 43067	EPA took direct final action to codify a longstanding generator-specific delisting determination for brine purification muds (K071) generated by Olin Corporation at its facility in Charleston, Tennessee.
Delisting Outside Virginia	January 3, 2007	261	72 <u>FR</u> 43	EPA granted a petition by General Motors Corporation-Arlington Truck Assembly Plant to exclude (or delist) a wastewater treatment plant sludge generated in Arlington, TX from the lists of hazardous wastes.
Delisting Outside Virginia	February 1, 2007	261	72 <u>FR</u> 4645	EPA granted a petition by General Electric (GE), King of Prussia, Pennsylvania, to exclude (or delist) certain solid wastes that have been deposited and/or accumulated in two on-site drying beds and two on-site basins at GE's RCA del Caribe facility in Barceloneta, Puerto Rico from the lists of hazardous wastes contained in the regulations.
Delisting Outside Virginia	June 6, 2007	261	72 <u>FR</u> 31185	EPA granted a petition by the Ford Motor Company Kansas City Assembly Plant to exclude (or delist) a wastewater treatment plant sludge generated by Ford in Claycomo, Missouri, from the lists of hazardous wastes.
Corrections	June 29, 2007	273	72 <u>FR</u> 35666	In 40CFR Parts 266 to 299, USEPA revised (as of July 1, 2006) Sec. 273.9 to reinstate the definition of "On-site" to read as follows: " * * * On-site means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the

				public does not have access, are also considered on-site property. * * * “
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