



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9VAC20-60
Regulation title	Hazardous Waste Management Regulations
Action title	Immediate Final Rule 2008-2009
Final agency action date	December 16, 2009
Document preparation date	December 17, 2009

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, 9VAC20-60, 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 30, 2009 was specified as that incorporated. Immediate Final Rule 2008-2009 addresses only 9VAC20-60-18, 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, 2009, 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. Additionally, in order for the chapter to operate properly, some additional specifications about what portions of the federal rules are not being adopted have been added to 9VAC20-60-260, 9VAC20-60-261, and 9VAC20-270.

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 2008-2009, on December 16, 2009 as a final regulation, a revision of 9VAC20-60-18 of the Hazardous Waste Management Regulations.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
9VAC20-60-18		Incorporates U.S. EPA federal documents by reference.	Most recent adoption date updated to 2009. Needed to ensure that the most recent and accurate federal documents are adopted and enforceable by Virginia.
9VAC20-60-260		Provides additional information about specific portions of 40 CFR Part 260 that are incorporated by reference.	Specifications about what portions of the federal rules are not being adopted have been added. Needed in order for the chapter to operate properly.
9VAC20-60-261		Provides additional information about specific portions of 40 CFR Part 261 that are incorporated by reference.	Specifications about what portions of the federal rules are not being adopted have been added. Needed in order for the chapter to operate properly.
9VAC20-60-270		Provides additional information about specific portions of 40 CFR Part 270 that are incorporated by reference.	Specifications about what portions of the federal rules are not being adopted have been added. Needed in order for the chapter to operate properly.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulations apply to all facilities, including small businesses. Any (1) establishment of less stringent compliance or reporting standards; (2) establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; or (5) exemption of small businesses from all or any part of the requirements contained in the proposed regulation for all small businesses would directly, significantly and adversely affect the benefits that would be achieved through the implementation of the regulations.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

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