



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9VAC20-60
Regulation title	Virginia Hazardous Waste Management Regulations
Action title	Amendments to eliminate the hazardous waste transporter permit requirement in response to Chapter 139 of the 2014 Acts of Assembly
Final agency action date	June 24, 2014
Document preparation date	April 29, 2014

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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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.

The regulation is being modified in response to Chapter 139 of the 2014 Acts of Assembly. As of July 1, 2014, a permit will not be required to transport hazardous waste, and modifications are being made to the regulation to remove this requirement. Transporters of hazardous waste will continue to comply with federal and state regulations that address the transportation of hazardous waste. A hazardous waste transporter will continue to be required to have an EPA identification number before it may transport hazardous waste.

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 adopted final amendments to the Virginia Hazardous Waste Management Regulations on June 24, 2014.

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
262 B. 6.		Hazardous waste transporter permit and EPA identification number required for transport of hazardous waste.	A hazardous waste transporter permit is no longer required before transporting hazardous waste, only an EPA identification number. References to hazardous waste transporter permits are being removed from the regulation.
315 H.		An identification number is required to be obtained for new generators, transporters, treaters, storers, and disposers of hazardous waste.	Changes to the regulation are being made to remove hazardous waste transporter permit requirements and transporter permit identification numbers. This change is being made to avoid confusion concerning the identification number that needs to be obtained. An EPA identification number is required to be obtained for new generators, transporters, treaters, storers, and disposers of hazardous waste.
420 E.		Transporters of hazardous waste are required to obtain a hazardous waste transporter permit.	Transporters of hazardous waste are no longer required to obtain a hazardous waste transporter permit. This requirement is being removed from the regulation.
420 F. and G.	420 E. and 420 F.	Requirements for transporters of hazardous waste.	These requirements are being renumbered due to the removal of 420 E. which required hazardous waste transporter permits to be obtained.
440 A.		References identification number required.	Clarification made to regulation to specify an EPA identification number is required. Hazardous waste transporters were issued hazardous waste transporter ID numbers and transporter permit numbers. With the removal of hazardous waste transporter permit requirements, this clarification is necessary to avoid confusion concerning identification numbers.
440 B.		Persons transporting hazardous waste must receive an EPA identification number from	EPA identification numbers may be issued by EPA or an authorized state. This clarification removes confusion concerning which entities issue EPA identification numbers. Hazardous

		the administrator.	waste transporters were issued hazardous waste transporter ID numbers and transporter permit numbers. With the removal of hazardous waste transporter permit requirements, this clarification is necessary to avoid confusion concerning identification numbers.
440 C.		References identification number required. References hazardous waste transporter permit number.	Clarification made to regulation to specify an EPA identification number is required. Hazardous waste transporters were issued hazardous waste transporter ID numbers and transporter permit numbers. With the removal of hazardous waste transporter permit requirements, this clarification is necessary to avoid confusion concerning identification numbers. Hazardous waste permits are no longer required; therefore the references to these numbers are being removed.
440 D.		References identification number required.	Clarification made to regulation to specify an EPA identification number is required. Hazardous waste transporters were issued hazardous waste transporter ID numbers and transporter permit numbers. With the removal of hazardous waste transporter permit requirements, this clarification is necessary to avoid confusion concerning identification numbers. Clarification made concerning which entities issue EPA identification numbers.
440 E.		References identification number required.	Clarification made to regulation to specify an EPA identification number is required. Hazardous waste transporters were issued hazardous waste transporter ID numbers and transporter permit numbers. With the removal of hazardous waste transporter permit requirements, this clarification is necessary to avoid confusion concerning identification numbers.
450		Requirements for transporter permits	This section is being repealed since permits are no longer required for the transportation of hazardous waste. Language concerning transportation of hazardous waste during an emergency has been moved to 440 E.
480 E.		Transporter shall have an identification number.	Clarification made to regulation to specify an EPA identification number is required.
480 L.		Requires an identification number to be provided from EPA	Clarifies an EPA identification number is to be obtained from EPA or an authorized state.
480 M.		Requires an ID number to be provided from EPA	Clarifies an EPA identification number is to be obtained from EPA or an authorized state.
490 B. 3.		Discusses situation when emergency transporter permit may be issued.	This requirement is being removed since transporter permits are no longer required.
490 B. 4.	490 B. 3.	Disposal of discharged	This requirement is being renumbered due to

		materials	the removal of 490 B. 3. which required hazardous waste transporter permits to be obtained.
1260 B		Applicability of permit application fees	Removed reference to section 9VAC 420 E that is no longer part of the regulation.
1260 F.		Exclusion of emergency hazardous waste transporter permits from permit fees.	This language is being removed since permits are no longer required for the transportation of hazardous waste.
1270 B.		Transporter fees	This language is being removed since permits are no longer required for the transportation of hazardous waste.
1270 C.5	1270 B. 5.	Hazardous waste transporter requirements	This language is being removed since permits are no longer required for the transportation of hazardous waste.
1270 C. through 1270 F.	1270 B. through 1270 E.	Determination of fee amounts	These requirements are being renumbered due to the removal of 1270 B. which detailed hazardous waste transporter permit fees.
1285 A.		Permit Application Fee table	This language is being removed since permits are no longer required for the transportation of hazardous waste.
1285 B. through 1285 G.	1285 A. through 1285 F.	Permit Application Fee table	These requirements are being renumbered due to the removal of 1285 A. which detailed hazardous waste transporter permit fees.
Forms		Application for a Transporter Permit, Form 7.1 (rev. 12/01)	This form is being removed from the regulation since hazardous waste transporter permits are no longer required.

Citations referenced within the regulation have been corrected as a result of regulatory language being removed.

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.

This regulatory amendment removes the requirement for hazardous waste transporters to obtain a hazardous waste transporter permit from the state of Virginia. This decreases the amount of paperwork a transporter of hazardous waste is required to obtain to transport hazardous waste. Hazardous waste transporters must continue to obtain an EPA identification number from the EPA or an authorized state prior to transporting hazardous waste. Transporters must also continue to use manifests to track the transportation and transfer of hazardous waste. Since there are federal regulations that address the transportation of hazardous waste that must be adhered to, there are no alternative regulatory methods that the Board may use to further reduce the regulatory burden on hazardous waste transporters, including those that are small businesses.

Family impact

Please assess the impact of the proposed 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.

This regulatory action is not anticipated to have any impact on the family or family stability.

Acronyms and Definitions

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

EPA- Environmental Protection Agency