



Virginia Recycling Markets Development Council
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Virginia Recycling Markets Development Council

Meeting Date: Wednesday, January 5, 2011
Meeting Location: Virginia Dept. of Environmental Quality: Piedmont Regional Office
4949-A Cox Road, Glen Allen, VA 23060
Meeting Time: 10:00 AM

Proposed Agenda

1. Welcome & Introductions

2. Determination of Quorum

3. Chairman's Message

4. Approval of Agenda

5. Approval of Minutes: December 1, 2010 (Attachment 1)

6. Old Business

- 1) Status of Council Appointments (VACO, VML, Aluminum)
- 2) DEQ Staff Report (Coe)
- 3) Sector-Specific Reports & Comments
 - i. Recycling Sector
 - Paper
 - Plastic
 - Aluminum & Other Metals
 - Glass
 - Organics & Composting
 - Electronics
 - Oil & Tires
 - ii. Waste Sector
 - iii. Public Sector (VACO, VML, PDCs)
 - iv. Southeast Recycling Development Council (SERDC) Report on Economic Impact

7. New Business

- 1) Council Response: Recommendations of Governor McDonnell's Commission on Government Reform & Restructuring (**page reference from Commission Report**)
 - i. Simplification & Operations Committee (**p. 22**)
 - **Eliminate the Recycling Markets Development Council (see Attachment 2)**
 - Eliminate the Litter Control and Recycling Fund Advisory Board
 - Consolidate State Air Pollution Control Board, State Water Control Board, and Virginia Waste Management Board
 - ii. Consolidation of Shared Services Committee (**p. 43**)
 - Operational Reviews of Commonwealth Commodities & Services: Waste Management
 - Contracting & Waste Management Operations (**p. 110**)
 - Source Reduction and Recycling Best Practices (**p. 111**)
 - iii. Intergovernmental Relations Committee
 - Local Mandate Review (**p. 64**)
 - Regionalism (**p. 66**)
 - iv. Customer Service, Performance, Accountability & Transparency Committee (**p. 68**)
 - Electronic Government (**p. 69**) & Transparency (**p. 71**)
 - Transparency of Commissions & Agencies (**p. 77**)
 - Modernizing Sunshine Laws (**p. 78 & Appendix F, p. 102**)

2) Discussion of Adopted 2011 Work Plan (Attachment 3)

i. Council Organization

- Committees & Committee Responsibility
- Compliance with FOIA & public meeting act

ii. Council Communication Strategies

- Review of proposed Committee communication strategy
- Feasibility & Desirability of using teleconference option such as the Litter Control and Recycling Fund Advisory Fund Board. **Example:**

The Virginia Council for Litter Prevention and Recycling Upcoming Teleconference:
December 15 at 10 a.m.

Here are the details for how to access the teleconference:

Free Conference Call

Conference Dial-in Number: (559) 546-1000

Participant Access Code: 177596#

Free Conference Recording

Subscriber PIN code: 772819#

To start recording, host hits: *9, then the PIN

To stop and save the recording, host hits: *9

Free Conference Play Back

Playback Number: (559) 546-1099

Access Code: 177596#

iii. Scope of 2011 Special Projects

- 2008 & 2009 Recycling Data by MSW Unit, by Region (See Attachment 4)
- Glass Beneficiation Study (see Attachment 5)
- Rural MRF Feasibility Study (See Attachment 6)

3) Proposed Amendments to Virginia Solid Waste Management Regs (VACO Rep. T. Smith)

Discuss Advantages of Proposed Amendments to Public & Private Permit Holders (See Attachment 7)

Proposed Action: None, Amendment 7 signed by Governor.

~~Communicate RMDC support to Governor & Secretary to Approve pending MSW Reg amendment.~~

4) Review of Recycling- and Recycling Markets-Related Proposed Legislation in 2011 Session

Handout of pre-filed bills (if any) to be distributed at meeting.

8. Public Comment

9. Next Meeting: April 13, 2011 @ DEQ-PRO

10. Adjourn

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL
December 1, 2010

10:00 AM
DEQ Piedmont Office
Glen Allen, VA

DRAFT MINUTES (**Amendments**)

1. Welcome and Introductions:

Jimmy Sisson, RMDC Chair, called the meeting to order at 10:15 A.M. and welcomed everyone and asked the members of the Virginia Recycling Markets Development Council and guests to introduce themselves.

2. Determination of a Quorum:

Chairman Sisson noted that there were seven voting members present and he declared that there was a quorum. Those who were present for some or all of the meeting are noted below:

RMDC	Representing	Absent RMDC	Representing
Kevin Byrnes	Urban PDC	Michael Ward	Oil Industry
Jimmy Sisson – Chair	Recycling	Toby Edwards	Rural PDC
Phillip Abraham,	Plastics Industry	John-Kemper Garrett	Glass
Bernard Harris – Vice Chair	Waste Industry	Tom Smith	VACO
Christopher Ambrose	Electronics Industry	VACANT	VML
John Kline	Tires	VACANT	Aluminum Industry
Jerome Segovia	Public at Large	Robert Broom	Composting Industry
William Bailey	VDOT	Richard Lerner	Metal Industry
Leslie Beckwith	VDEQ	Michael Benedetto	Paper Industry
Steve Coe	VDEQ	William Vehrs	VDBA
		Brad Crawford	VDGS

Visitors	Representing
Katie Vasquez	Virginia Recycling Association

3. Approval of Agenda:

Mr. Byrnes indicated that he would like to revise the agenda to add the Nominating Committee Report under new business. Mr. Kline moved to accept the change to the agenda. It was seconded by Mr. Harris and approved by the committee.

4. Approval of Minutes:

Mr. Coe noted that the representative from the Electronics Industry is Chris Ambrose and the minutes should be revised to reflect that. Additionally he pointed out that while Ms. Beckwith often attends the meetings, the DEQ has one

member on the Committee and was represented by Mr. Coe at the November meeting so Ms. Beckwith should not be listed as absent in the minutes.

Minutes from the November 3, 2010 meeting were then reviewed with the changes. A motion was then by Phil Abraham to approve the minutes, seconded by Kevin Byrnes, and approved unanimously by the Council.

Chairman Sisson indicated he would make the changes to the minutes and thanked Mr. Byrnes for his note taking and preparation of the minutes.

5. DEQ Report:

Leslie Beckwith shared a copy of the official DEQ letter to the EPA commenting on the proposed changes to the EPA Rule Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals (CCRs) from Electric Utilities. She summarized the DEQ position in the letter to note that the EPA does not need to promulgate new legislation under either subtitle C or D. The DEQ does not support the proposed changes to subtitle C and does not fully support the proposed changes to subtitle D. Additional detail included in Appendix A to the letter and not distributed to the Committee members can be found on the DEQ web site.

Chairman Sisson indicated that he would distribute a copy of the November 18th letter from the committee to the DEQ on the subject. The Governor, Mr. Domenech and Mr. Paylor, as well as all of the Virginia Congressional delegates were copied on the letter.

Mr. Byrnes asked what the impact would be on the State Recycling Rate if the proposed regulations were to be adopted. Mr. Coe replied that it would be negligible statewide but would impact a few locations since the CCRs are included in the credit tonnage portion of the calculation which is capped at 5%.

Steve Coe then noted that he had contacted the Secretary of the Commonwealth's Office about nomination to the Committee but was unable to get a definitive answer on the status of them. In addition to the VML and Aluminum Industry vacancies, terms have expired for current representatives from the Paper Industry, the Oil Industry and VACO who will serve until replacements are appointed. Mr. Byrnes reported that he had contacted VML about that Vacancy. Mr. Coe indicated that he had contacted the Aluminum Association about identifying a candidate for that vacancy.

Mr. Abraham noted that the Markets Council is on the Govt. Reform Commission list of Boards and Councils to be considered for elimination and that might be affecting the process of approving nominations. Mr. Coe indicated that the DEQ had not been asked for input on the Council as yet as they had been on the previous occasion when the RMDC was proposed to be eliminated by JLARC recommendation.

It was noted that the Council should send a letter to Delegate Oder and Secretary Domenech explaining the Council's activity and the value to the Commonwealth. Mr. Byrnes suggested that Senator Watkins be copied also. Chairman Sisson also indicated that he would speak with Delegate Cosgrove about the issue.

Ms. Beckwith asked if the Council had an annual plan. Chairman Sisson indicated that one was not developed this year. Mr. Abraham noted that the December meeting is the appropriate time to develop a work plan to set goals for the upcoming year and that we could do that in this meeting when we get to New Business and include this in the letter.

6. Open Discussion of Council Charge:

Chairman Sisson mentioned the letter on the proposed EPA rule change and Mr. Kline expressed concern about the EPA's proposal to classify used tires as a Solid Waste. He indicated that it would hurt the recycling of the product since much of it is used as RDF and this use would be eliminated. It was noted that the EPA proposal to reclassify used oil would also negatively impact the recycling of that product. Mr. Coe indicated that these are not rules as yet but he anticipates that the EPA will publish comment during the first quarter and then probably approve the proposals. It was suggested that the Council send a letter to the Virginia Congressional delegates on this issue and Chairman Sisson asked Mr. Kline to draft a letter and send it to him for distribution. Mr. Abraham pointed out that this is an example of green jobs that would be lost if the EPA proposal were enacted.

Industry Reports:

As part of several industry updates, Mr. Ambrose noted that there is little or no collection of used electronics in Southwest Virginia with most of it going to landfills. There is a need for collection in this area which would create green jobs.

Chairman Sisson noted that the CDD recycling industry is suffering like many others in this economy due to low tip fees and the glut of wood fiber currently on the market, in part largely due to the closing of the IP facility in Franklin.

7. New Business:

Mr. Byrnes, in giving the Nominating Committee report noted that he, Mr. Benedetto and Mr. Coe had discussed the process and the board members' interest in search of a slate. After going through the process, a slate of Kevin Byrnes for Chairman and Bernie Harris was put forward. Chairman Sisson then opened the floor for any additional nominations. Mr. Abraham noted he did not object to the proposed slate but observed that historically the Council leadership pair usually consisted of one member from the public sector and one from the private sector and that this should be kept in mind going forward. He then seconded that slate as proposed by the committee and it was unanimously approved by the members.

A discussion then ensued of the direction for the Council and the development of a Work Plan. One of the items noted was to educate the committee that is studying the elimination of the various Boards and Councils about the value of the Council.

Chairman Sisson at the suggestion of Mr. Abraham summarized the charge of the Council:

1. Upon request, assist local governments achieve the recycling mandate
2. Identify State policies and procedures that are detrimental to recycling
3. Facilitate access to markets for recycled materials
4. Develop and update and annual plan

Mr. Abraham noted that following up on discussions from the November meeting, a feasibility study for a Southwest Virginia / Southside regional MRF would fit with Council objectives 1 and 3. The pursuit of a glass beneficiation facility would also fit with item 3 and both issues should be included in the Work Plan.

Mr. Abraham suggested one of the first tasks for next year should be the development of a letter on the impact of abolishing the Council.

Mr. Byrnes suggested that the Council cultivate its relationship with the VRA during the upcoming year.

The Work Plan identified for next year includes the following:

- Preparation & communication of a RMDC response to the recommendations of the State Government Reform Commission
- Determine the feasibility and identify possible funding, partnerships and location for a MRF(s) in Southwest Virginia / Southside.
- Pursue the establishment of a glass beneficiation facility in the state.
- Updates from the various markets as appropriate
- Communication with State Government, Congress & EPA on actions that affect State recycling activities and markets in Virginia
- Explore with Mr. Coe possible format or content changes to the State Recycling Rate Report.

Mr. Abraham moved that the Work Plan be adopted. Mr. Byrnes seconded it and the Council approved it unanimously.

9. Public Comment:

Ms. Vasquez thanked everyone for coming to the VRA conference and allowing many of the conference attendees to sit in on the Markets Council meeting.

Ms. Vasquez also noted the opportunities for the two groups to work together in the upcoming year. She pointed out that the Markets Council is the “Official Voice” of recycling in the state and the two groups together could be a strong advocate of recycling in Virginia . She suggested that VRA would look into changing the reference to their “Recycling Markets Development Council” to avoid confusion with the RMDC.

She reported that the NRVC has prepared White Papers (fact sheets) on recycling markets and eCycling to use in lobbying efforts during the upcoming legislative session. The objective of the eCycling paper is to point out that the recently enacted eCycling producer responsibility regulations may not have had the impact hoped for. The markets paper contrasts the Carolinas and Pennsylvania with Virginia on issues such as green job creation.

10. Schedule next meeting, location and adjourn:

After some discussion it was decided that the next meeting should be held January 5, 2011 at the Piedmont DEQ office at 10 am.

The second meeting will be April 13 (assuming it doesn't conflict with the Veto Session which is thought to be April 6).

At 11:45 Chairman Sisson adjourned the meeting.

DRAFT

RECYCLING MARKET DEVELOPMENT COUNCIL (RMDC)

FIRST DRAFT FOR DISCUSSION

**RESPONSE TO REPORT AND RECOMMENDATIONS OF
GOVERNOR MCDONNELL'S COMMISSION ON
GOVERNMENT REFORM & RESTRUCTURING**

DRAFT



Recycling Market Development: Jobs for Virginia

Every Virginian generates recyclable materials that are sorted, processed, and manufactured into something new and valuable. With the development of more markets in state, they could also benefit and prosper from this vital economy. The majority of recyclables generated in the Commonwealth are sent out of state for remanufacturing, along with the related **jobs and tax revenue**, while Virginia plants import recycled feedstock rather than use material collected in state. Successful recycling systems rely on stable markets for the collected materials. Demand and values rise when those materials are processed into commodities used in the manufacture of something new. Difficulty finding buyers for recyclables limits the success of local recycling efforts—efforts that are mandated by law in Virginia.

Recycling markets buy more than aluminum and newspapers:

- Processors crush concrete, re-tread tires, and refine glass cullet.
- Brokers purchase materials and sell to manufacturers.
- Manufacturers use recyclables in foundries and factories.

Nearby states—Virginia's economic rivals—actively court businesses in this industry and enjoy benefits of new jobs and income.

The General Assembly and Governor agree on the importance of recycling and waste reduction for Virginia. Virginia law requires the state to “strengthen Virginia's recycling infrastructure and markets.” Localities continue to report challenges finding markets for recyclables.

North Carolina The Recycling Business Assistance Center works with businesses and provides technical assistance, extensive research on recycling markets, business plan advice, and consultation on facility siting, permitting, and financing.

Results: Recycling accounts for more than 14,000 jobs in North Carolina. The FY09 annual report on recycling: “Despite the serious effects of the recession on recyclable commodities... recycling continued to be a source of entrepreneurial activity and job creation in North Carolina in FY 09.”

South Carolina The Smart Business Recycling program, Recycling Market Development Advisory Council, and the Recycling Industry Group operate through the SC Department of Commerce to provide business development assistance to recycling businesses and industries using recycled materials in their manufacturing process.

Results: More than 300 companies broker, collect, process, manufacture and transform recovered materials into new products. The estimated economic impact statewide of the recycling industry is \$6.5 billion, and more than 37,000 people are employed in this industry sector, generating a personal income impact of \$1.5 billion.

Pennsylvania The number one importer of municipal solid waste for disposal and the largest state that requires recycling. A \$2 per ton fee on all waste disposed in landfills or processed by resource recovery facilities funds a range of local and state programs including a Recycling Markets Database and research center that connects sellers of recyclable materials with buyers.

Results: 3,803 recycling and reuse establishments employing 52,316 people, annual sales receipts of \$20.6 billion, and annual payroll of \$2.2 billion.

References

Joint Legislative Audit and Review Commission, "Waste Reduction Efforts in Virginia," 2008,
<http://jlarc.state.va.us/reports/Rpt376.pdf>

Code of Virginia, Section 2.2-2667

http://www.p2pays.org/rbac/business_assistance.html

<http://www.p2pays.org/rbac/publications.html>

<http://sccommerce.com/zh/resources/document-directory/recycling-market-development-advisory-council-annual-report-2009-south>

http://www.ahs2.dep.state.pa.us/recycle_markets/search.aspx

<http://www.parmc.org/about>

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=589514&mode=2>

Prepared by the Northern Virginia Regional Commission (NVRC) and local government staff under direction of the Northern Virginia Waste Management Board. The Northern Virginia Waste Management Board, composed of solid waste managers and public works directors from each of NVRC's member jurisdictions, was created in 1989 to promote regional approaches and solutions to recycling and waste management issues in Northern Virginia.



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1. Simplification & Operations Committee Recommendations (p. 22)

- a. Eliminate the Recycling Markets Development Council
- b. Eliminate the Litter Control and Recycling Fund Advisory Board
- c. Consolidate State Air Pollution Control Board, State Water Control Board, and Virginia Waste Management Board

COMMISSION RECOMMENDATION: (page 3)

“The following recommendations represent the initial work of the Simplification and Operations Committee adopted by the full Commission. Over the course of its work, this committee received input, analysis and proposals from a wide range of sources. Presentations on previous reform proposals, energy solutions, consolidation case studies, real estate management, and ABC privatization opportunities assisted the committee in identifying best practices, formulating proposals, and meeting its stated mission.

The Government Simplification & Operations Committee heard an initial proposal on the consolidation and elimination of some of the Commonwealth’s boards and commissions on November 15, 2010. These proposals have not been adopted by the committee or full Commission, but are meant as a starting point for reviewing what board and commissions are effective and which have outlasted their usefulness.”

CONSOLIDATION AND ELIMINATION OF VIRGINIA BOARDS AND COMMISSIONS

Recommendation #1:

Entity	Notes
Eliminate Virginia Recycling Markets Development Council.	DEQ could perform these duties

“The list of board and commission recommendations has been presented to Delegate Oder’s Committee of the Commission on Government Reform & Restructuring for consideration on November 15, 2010. They have been compiled by members of the Commission and staff, but no final recommendation has been adopted. They will be considered by Delegate Oder’s committee in the spring of 2011. The Commission encourages public comment and feedback: please submit your comments at www.reform.virginia.gov and click on the “Comment on the Commission’s Potential Recommendations” link on the left hand side.”

RMDC RESPONSE:

Neither DEQ recycling staff, the RMDC leadership or other membership has been contacted by any member or representative of Del. Oder’s Committee to:

- 1) ask about the work of the Council and assess whether its purpose still exists,
- 2) identify impediments to the Council’s productivity or effectiveness, or
- 3) evaluate the ability of DEQ to perform the functions of the Council.

Since the purpose, value and effectiveness of each B/C, relative to the cost of making appointments and the administrative cost of supporting the operation of the Council, seems to be the focus of Del. Oder's Committee; it is proposed that RMDC submit the following comments relative to the powers and duties of the Council for consideration.

Code of Virginia: § 2.2-2668. Powers and duties of Council.

"The Council shall have the power and duty to:

- 1. Upon request, assist local governments, regional authorities and agencies of the Commonwealth in meeting recycling mandates established under state law and identify markets for recycled or recovered materials collected or generated by local governments, regional authorities or agencies of the Commonwealth;***

RMDC Comment: Under power/duty #1, the Council has been limited by the General Assembly to providing assistance "Upon request" of local, regional or state actors. Consequently, the Council has been placed in a reactive position rather than in the pro-active, advocacy role¹ envisioned by the General Assembly in HJR 67 (1994) when the Council was established. The obligation to respond to such ad-hoc requests places a burden on the Council to sustain the capacity to provide requested assistance in a meaningful and timely way when the Council itself is restricted to providing its own staff support without State assistance.² Ineligible to receive any form of per diem or other form of compensation, and providing its own staff support with no direct financial support from the Commonwealth, the Council presently costs the Commonwealth nothing more than the small marginal cost of hosting public notices and minutes of Council meetings and the staff time to process reappointments periodically.

- 2. Identify and evaluate existing or proposed state statutes, policies, regulations, and procedures that may attract or deter new businesses or the expansion or retention of existing businesses that can use recycled or recovered materials generated in the Commonwealth or that may create barriers to the development of markets for or the reuse of recycled materials collected by or on behalf of local governments and regional authorities;***

RMDC Comment: The assertion of the Simplification and Operations Committee is that the DEQ can perform the functions of the RMDC. However, it is unclear how the DEQ would or could perform this inter-disciplinary legal, policy, regulatory and procedural review without the input of the various recycling market and inter-governmental sectors impacted by such procedures without increasing the cost of DEQ operations, since this input is available now through the pro-bono participation of all citizen industrial and governmental sector representatives. Moreover, RMDC sees potential issues of conflict of interest for DEQ to objectively evaluate the impact of such State policy actions when the Department has a clear responsibility to administer existing State environmental regulations. Furthermore, DEQ is not positioned to assert an advocacy role to challenge State policy or practice of other State agencies which may represent a barrier to market development or reuse of recycled materials. The assertion that DEQ can perform this function overturns the progress of 19 years and returns recycling market development to a time when so little was being done by existing State agencies that the General Assembly passed HJR 244 in 1992 "...to establish a joint sub-committee to study and develop recommendations on legislative actions necessary to create end-use markets for recycled materials collected in the Commonwealth of Virginia."

- 3. Facilitate access to markets for recycled or recovered materials collected by local governments, authorities, businesses, and residents of the Commonwealth;***

RMDC Comment: It is unclear how the DEQ would or could provide the facilitation of access to markets without the structure provided by the RMDC, given the limitations of available DEQ staff. In spite of the handicaps imposed by the General Assembly of operating without financial or administrative support from the Commonwealth and operating under the restrictions of public meeting and freedom of information laws, the Council has been able to continue to attract citizen volunteers willing to serve on the Council to address the problems of the Commonwealth's recycling market infrastructure.

- 4. Develop, update annually, and implement a plan to fulfill its powers and duties; and***

RMDC Comment: Cognizant of the Council's obligation to adopt an annual plan of action and noting the Governor McDonnell's highest priority for economic development and recovery demonstrated by his establishment of the Governor's Economic Development and Job Creation Commission through Executive Order #1; on Dec. 1, 2010 the Council adopted a work plan for 2011 that is intended to position the Council to offer substantive recommendations to the Governor and his Economic Development Commission on:

¹ HJR 67 (1994). "...WHEREAS, the Council is to develop and monitor the implementation of a plan to strengthen Virginia's recycling infrastructure and markets, and..."

² SB 12 (2004), amending Sec 2.2-2668. paragraph D.

- a. how the Commonwealth can attract new business that can use recycled material generated in Virginia rather than relying on the importation of material from out-of-state and supporting those economies, and
- b. facilitating access to markets for recycled or recovered materials collected by local governments, authorities, businesses and residents of the Commonwealth, particularly in such rural, economically-disadvantaged areas as Southside and Southwest Virginia.

The General Assembly’s directive “...to implement a plan to fulfill the Council’s” explicit powers and duties without the corresponding authority or power to:

- raise Council operating revenues by such means as applying for and receiving grants,
- enter into contracts (e.g. for consultant support), or
- have the other functions typically associated with an organization empowered to conduct business.

These limitations handicap the Council’s ability to function to fulfill its mission to serve the Commonwealth. The Council suggests the Reform Commission look to successful examples set by both North and South Carolina and Pennsylvania where stronger State-led recycling market development efforts have vastly surpassed Virginia’s own efforts.

5. Upon request of the Governor, resolution of the General Assembly, a standing or joint study committee, the Secretary of Natural Resources, or the Department of Environmental Quality, report its findings and recommendations as directed.”

RMDC Comment: Like power/duty #1 above, #5 limits the authority of the RMDC to report its findings and recommendations upon receipt of a request from the Governor, a resolution of the General Assembly, a standing or joint study committee, the Secretary of Natural Resources, or the Department of Environmental Quality. The Council believes that the recent findings of the Southeast Recycling Development Council demonstrate that Virginia’s recycling market infrastructure lags behind many of its peer states in the Southeastern US. Given the Governor’s focus on economic recovery and development, the Council looks forward to an opportunity to inform the Governor’s Economic Development and Job Creation Commission of how supportive investments in recycling infrastructure can create jobs, stimulate private investment, reduce business costs for existing Virginia manufacturing industry and have a positive multiplier effect on Virginia’s economy.

Recommendation #2:

Entity	Notes
Eliminate Virginia Litter Control and Recycling Fund Advisory Board	DEQ could perform these duties

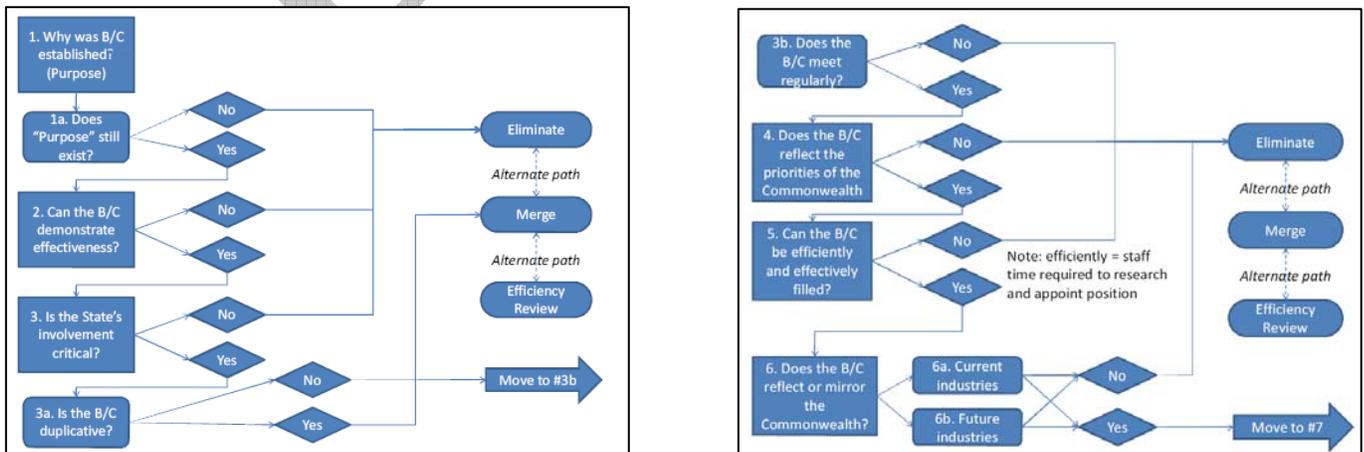
RMDC Comment: Coordinate RMDC comment with Litter Control and Recycling Fund Advisory Board response. Members of the Litter Board see the suggestion that DEQ staff can do the work of the Board as a conflict of interest. Possible consideration of legislation to merger of the RMDC & Virginia Litter Control and Recycling Fund Advisory Board as a compromise?

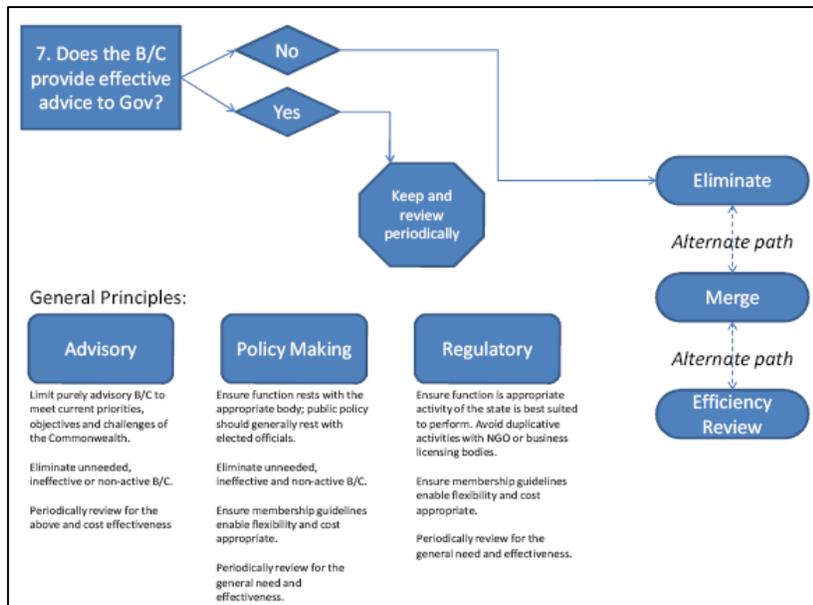
Recommendation #3: Future Evaluation Process for Boards and Commissions

Recommendation:

“In preparation for future recommendations on consolidation and elimination of various boards and commissions, the criteria flow chart for review of boards and commissions should be used.” (see below)

Recommended Flow Chart to Evaluate Boards & Commissions





Source: GOVERNOR MCDONNELL'S COMMISSION ON GOVERNMENT REFORM & RESTRUCTURING, REPORT TO THE GOVERNOR, DECEMBER 1, 2010, found at: http://www.reform.virginia.gov/docs/12-01-10_GovernorsCommissionReport.pdf

RMDC RESPONSE:

- A) The recommended process for future evaluation of Boards and Commissions does not stipulate any required contact with the Board or Commission under review by the Commonwealth to get the B/C's perspective on:
- 1) Does the B/C purpose still exist? (RE: Step 1a above)
 - 2) What measures of effectiveness are used by the B/C to evaluate its own performance? (RE: Step 2)
 - 3) Is State involvement still critical to the function served by the B/C? (RE: Step 3)
 - 4) How the "priorities of the Commonwealth" are to be assessed, if or when a presumed priority shift may have occurred. (RE: Step 4 above)
 - 5) Whether the B/C can be efficiently or effectively filled? (RE: Step 5 above)
 - 6) How well the B/C reflects or mirrors the Commonwealth?
 - 7) Whether the B/C operates under an appropriate mission statement that allows, even encourages, it to provide advice to the Governor.

Moreover, the recommended evaluation process fails to allow for an objective assessment of the opportunity cost or benefits of providing greater or more meaningful resource support to a B/C that could potentially have a greater positive impact on the State, its economy, local governments and the efficiency and effectiveness of their program operations, whatever they might be. While it is clear that there is great diversity in the form and function of Virginia's many Boards and Commissions, the recommended evaluation process does little to understand what unique operational constraints may exist (including extended delays in the appointment of candidates to vacant seats on various B/Cs) which further impairs the efficient operation of and achievement of the B/C mission.

2. Consolidation of Shared Services Committee (p. 42)

Operational Reviews of Commonwealth Commodities & Services: Waste Management

- **“Contracting & Waste Management Operations (p. 110)**

Recommendation: Develop a “waste-contracting-checklist” or new methodology.

Recommendation: Develop a list of those recycling commodities (by region of the state) that either generate revenue or are revenue neutral.

Recommendation: Split out the four waste functions (street collection, transfer/long-haul, disposal, recycling), which will allow the agency to take advantage of savings in any waste produced.

For example, using roll-off compactors will allow agencies to receive a separate bill for disposal to maximize savings from source reduction.

- The Commonwealth could reduce the actual service pickups as the waste volumes/weights drop.
- Reduced volume/weight equals reduced disposal costs.
- Have a separate compactor and receiver box for recycling that would allow the State to track and maximize recycling services, which may have a payback for commodity sales. Roll-off compactors would only be applicable for larger facilities. The vendor or compactor manufacturer would help in installation and details.

Recommendation: When a site has dumpsters rather than compactors, the Commonwealth should bid pricing by the yard, rather than specific container requirements. This allows a local building manager to reduce or increase can sizes based upon need. A local state manager may see that his six- cubic yard dumpster, picked up three times a week, is two-thirds full on average. He may change this to an eight cubic-yard dumpster serviced twice a week. This would be a more than 10% cost reduction.

- Having both recycling and waste cans would allow the local manager to balance the two. Recycling collection is usually less expensive.
- This would require that the state identifies all dumpsters, roll offs, etc. that it has under contract. This is a central management function that does not appear to exist currently.

Recommendation: For major buildings the state should consider:

- Buying its own compactors, a probable cost savings.
- Contracting service by itself.
- Contracting disposal by itself.
- Contracting recycling rebates separately.

Recommendation: Amend waste disposal contract when waste generation is reduced due to source reduction/recycling efforts.

Recommendation: For metropolitan areas with a large number of state-owned buildings, potentially develop regional consolidated contracts to reduce costs.

- **Source Reduction and Recycling Best Practices (p. 111)**

Recycling is diverting end-of-life products and material from the waste stream, and then returning them to a processing network for recycling and reuse. The following information provides a checklist on how to set up and implement an agency recycling program:

Recommendation: Conduct a waste audit to determine the types of materials currently being disposed of in the trash.

Examples include:

- Paper materials (e.g., office paper, magazines, cardboard, etc.)
- Beverage containers (e.g., aluminum, glass, plastics)
- Food waste (e.g., employee lunches, cafeteria food)
- Batteries (e.g., auto, electronics)
- Packaging material (e.g., kraft papers, bubble wrap, envelopes)
- Electronics (e.g., computers, cell phones, printers, etc.)

Recommendation: Determine which material identified in the waste audit will be targeted for recycling.

Consider the following:

- Largest volume or amount of material
- Easily separated and stored
- Identified market/collector network for this material

Recommendation: Determine how materials will be collected within the office for recycling:

- Desktop bins
- Centrally located office bins
- Other (e.g., exterior storage such as a loading dock, basement, etc.)

Recommendation: Determine how materials will be collected by a vendor for processing:

- Materials collected and consolidated by housekeeping staff
- Materials collected and consolidated by office staff
- Indoor or exterior consolidation storage
- Materials collected and consolidated through a contract with a local vendor

Recommendation: Determine the one-time and on-going costs for recycling in the agency/office:

- Collection bins
- Consolidation bins
- Housekeeping costs
- Vendor contract(s)

Recommendation: Determine the training or guidance that will need to be provided to staff to implement the recycling collection program.”

3. Intergovernmental Relations Committee

- a. Local Mandate Review: ***RMDC should monitor for possible discussion of recycling mandate.***
- b. Regionalism: ***RMDC should monitor for suggestion of or need for incentives to encourage regional recycling program implementation.***

4. Customer Service, Performance, Accountability & Transparency Committee (p. 68)

- a. Electronic Government (p. 69) & Transparency (p. 71)
- b. Transparency of Commissions & Agencies (p. 77)
- c. Modernizing Sunshine Laws (p. 78 & Appendix F, p. 102)

RMDC Comment: Encourage allowance of sub-committee communications involving less than quorum of the political body if B/C is **advisory** in nature, comprised of appointed officials and all sub-Committee findings must be presented at public meeting of the full B/C.

RMDC 2011 Work Plan

The 2011 Work Plan adopted (12/1/2010) by the Council includes:

1. Preparation & communication of a RMDC response to the recommendations of the State Government Reform Commission
2. Determine the feasibility and identify possible funding mechanisms, partnerships and locations for material recovery facilities (MRFs) in Southwest Virginia and/or Southside Virginia.
3. Pursue the establishment of a glass beneficiation facility in the state.
4. Updates from the various recycling markets as appropriate
5. Communication with State Government, Congress & EPA on actions that affect State recycling activities and markets in Virginia
6. Explore with Mr. Coe possible format or content changes to the State Recycling Rate Report to solicit community feedback on market constraints, impediments or other matters that warrant the attention of the Council.

5. Discussion of Strategy to Communicate RMDC Comments to Governor's Office, Sec. Office, Reform Commission & Other General Assembly Members

RMDC Powers & Duties, By Function:

1. Legislative & Regulatory:
 - Identify and evaluate existing or proposed state statutes, policies, regulations, and procedures that may attract or deter new businesses or the expansion or retention of existing businesses that can use recycled or recovered materials generated in the Commonwealth or that may create barriers to the development of markets for or the reuse of recycled materials collected by or on behalf of local governments and regional authorities;
2. Public Outreach: “Do they want our help?”
 - Upon request, assist local governments, regional authorities and agencies of the Commonwealth in meeting recycling mandates established under state law and identify markets for recycled or recovered materials collected or generated by local governments, regional authorities or agencies of the Commonwealth;
3. Special Projects (Rural MRF & Glass Beneficiation) & Finance
 - Facilitate access to markets for recycled or recovered materials collected by local governments, authorities, businesses, and residents of the Commonwealth;
4. Full Council
 - Develop, update annually, and implement a plan to fulfill its powers and duties; and
 - Upon request of the Governor, resolution of the General Assembly, a standing or joint study committee, the Secretary of Natural Resources, or the Department of Environmental Quality, report its findings and recommendations as directed.

FOIA Compliance

- A gathering or meeting (in person or electronic (telephonic or e-mail)) = 3 or more members of public body (RMDC) requires advance public notice & access (with special requirements for electronic meetings)
- **Problem Statement:**
 - Is there a way to increase the level and frequency of communications between & among members of the RMDC (& interested NGOs) without violation or perversion of FOIA?

Answer: **Yes!**

- **Planning Principles:**
 - **No direct meeting or electronic communication between more than 2 RMDC members without public notice, agenda (optional) & minutes!**
 - **Communication from outside the Council to all members is unrestricted**
 - **More public participation in the business of the Council is a good thing & critical to our success!**

Public Meeting Process

- 30 days advance notice to DEQ (**Steve Coe**) is preferred, but 7 is really the minimum.
- A meeting can be announced without an agenda, but if an agenda is developed it should be sent to DEQ as soon as possible, but not less than 7 days before the meeting.
- Within 10 working days after the meeting, DEQ must post draft minutes.
- Once the minutes are approved, they must be posted within 3 working days.

Special Requirements for Electronic Meeting(s)

- normal notice requirements
- a quorum of the group has to be in a single location and
- all others have to be at a location that is open to the public
- alternate location(s) must be announced at least 3 days in advance of the meeting

Committee Responsibilities:

1. Develop a work plan for year
2. Implement a work plan
3. Communicate progress periodically to DEQ, RMDC Chair & VRA RMD Group Chair
4. Observe VA public meeting regs & communication guidelines adopted by RMDC

What Committees & What Guidelines?

Legislative
& Regulatory
13 & 8
& 21

Standing

Finance
10 or 6 & 17
& 21

Committees

Outreach
9 & 16
& 21

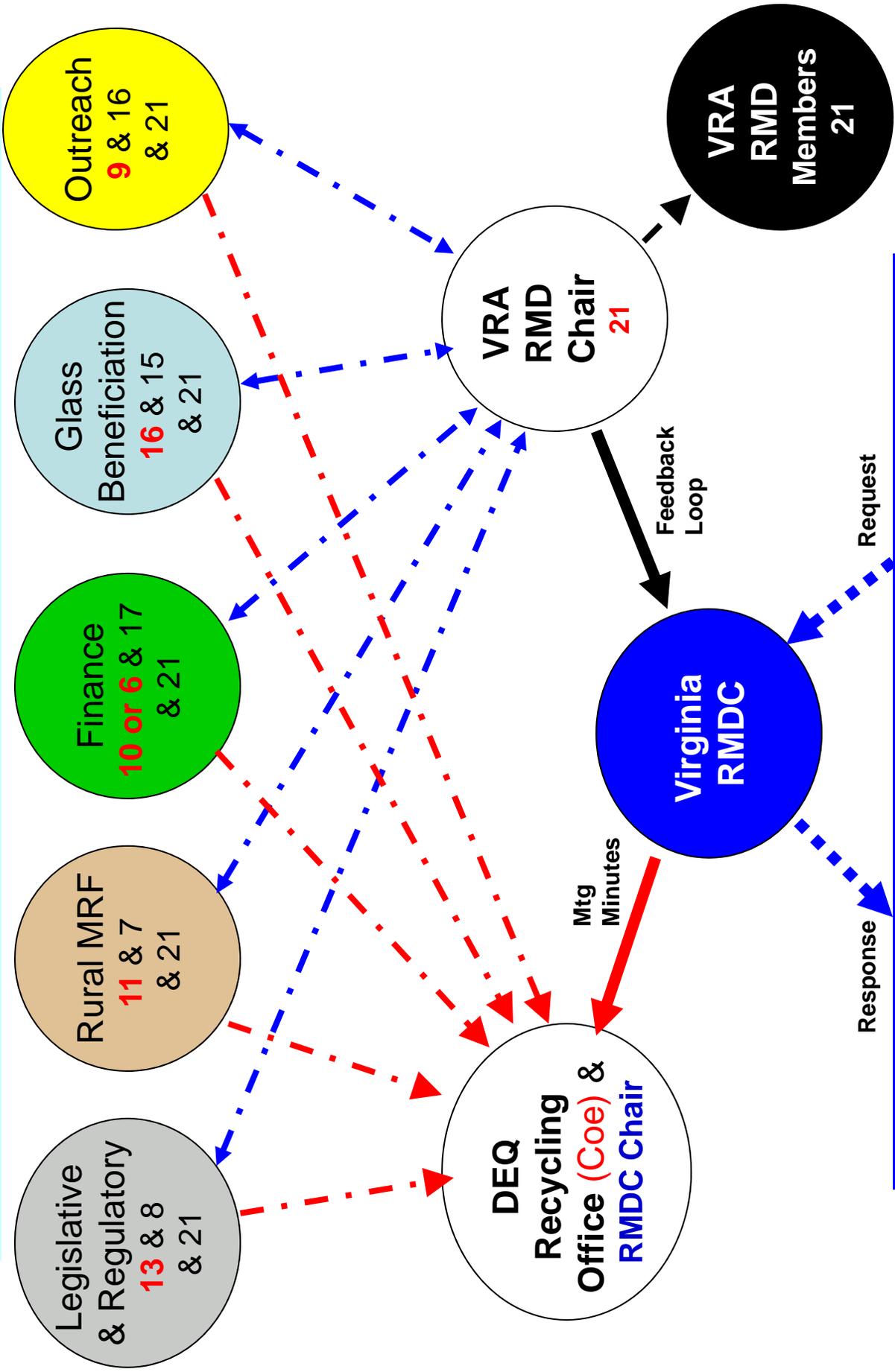
REF	Sector	Member	REF	Sector	Member
1	Aluminum	Vacant	11	Rural PDC	Toby Edwards
2	Electronics	Christopher J. Ambrose	12	Tires	John Kline
3	Glass	John Garrett Kemper	13	Urban PDC	Kevin F. Byrnes
4	Metals	Richard Lerner	14	VML	Vacant
5	Oil	Mike Ward	15	VACO	Tom Smith
6	Organics/Composting	Robert K. Broom	16	Waste	Bernard B. Harris
7	Paper	Mike Benedetto	17	VDBA	Will Vehrs
8	Plastics	Philip F. Abraham	18	VDEQ	Leslie D. Beckwith
9	Public At Large	Jerome Wiley Segovia	19	VDGS	Brad Crawford
10	Recycling	James Sisson	20	VDOT	William R. Bailey III
	21	VRA & KVB		Volunteers/General Public	

Rural MRF
11 & 7
& 21

Special Project Committees

Glass
Beneficiation
16 & 15
& 21

PROPOSED RMDC COMMUNICATIONS PROCESS GUIDELINES



Data for Special Project Committees

2008 & 2009 Recycling Data by MSW Unit, by Region

(Spreadsheet Output to be Distributed at Meeting)

DRAFT

Virginia Glass Beneficiation Study Sample Scope of Work

EXECUTIVE SUMMARY

I. INTRODUCTION

II. CONTAINER GLASS CHARACTERIZATION IN VIRGINIA

- A. Container Glass Processing In Virginia
- B. Container Glass Characterization Summary

III. REGIONAL MARKETS FOR CONTAINER GLASS

- A. Glass Container Manufacturing
 - 1. Owens-Brockway Glass Containers (Ringgold, VA)
 - 2. Owens-Brockway Glass Containers (Toano, VA)
- B. Blasting Media
 - 1. Precision Recycling Industries of VA
- C. Landscaping, Pavers, and Terrazzo Products
- D. Other Local Markets and Uses
 - 1. Drainage Media
 - 2. Glassphalt
 - 3. Glass As Road Aggregate

IV. OPTICAL SORTING TECHNOLOGY REVIEW AND REGIONAL BENEFICIATION FACILITY ASSESSMENT

- A. Technology Description and System Vendors
- B. Sizing and Process Flow for a Regional Beneficiation Facility
 - 1. Facility Sizing
 - 2. Facility Configuration and Process Flow Description
- C. Other Capital Equipment Needs
- D. Building and Site Needs
- E. Potential Facility Locations: Southside & Southwest VA

V. CAPITAL & OPERATIONAL COST ANALYSIS

- A. Processing System and Other Equipment Costs
- B. Estimated Land and Building Costs
- C. Estimated Facility Operating Costs
- D. Estimated Annual Revenues
- E. Preliminary Financial Feasibility and Estimated Tipping Fees
- F. Options for State, Regional or Local Financial Assistance
- G. Use of [Public-Private Education and Infrastructure Act of 2002 \(PPEA\)](#)³

VI. CONCLUSIONS AND RECOMMENDATIONS

- A. Conclusions
- B. Recommendations

APPENDIX A: GLASS MARKET CONTACT INFORMATION

APPENDIX B: GLASS CRUSHING EQUIPMENT VENDORS

Reference Study: <http://www.pca.state.mn.us/index.php/view-document.html?gid=4517>

³ Virginia PPEA guidance Document found at: <http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=H9WdcbwMscY%3d&tabid=62>

October 29, 2010



Strickland Announces Innovative Agreement to Increase Glass Recycling Market in Ohio

Columbus, OH— Ohio Governor Ted Strickland today announced that Ohio's glass recycling market will be strengthened by an innovative agreement between Rumpke, Inc. and Owens-Illinois, Inc. Facilitated by the Ohio Department of Natural Resources' (ODNR) Division of Recycling and Litter Prevention, the agreement will enable Rumpke to provide recycled glass feedstock to Owens-Illinois (O-I).

Recycled glass is used in the production of new glass containers. Historically, glass recycling has been a challenge for some Ohio communities when it has not been economically feasible. Further, Ohio's recycled glass has not met the specifications of large users, such as O-I. This landmark agreement between these two high profile Ohio businesses will begin to close the loop on glass recycling in the state.

Governor Ted Strickland helped connect these two companies after he visited them individually and saw the opportunity for them to work together. "Instead of looking outside of the state, Ohio companies, such as Owens-Illinois, can now utilize a valuable resource—locally recycled glass materials from Ohio's community recycling programs—which provides economic as well as environmental benefits to Ohioans," Strickland said. "This partnership with the private sector will provide an important service and help encourage glass recycling throughout Ohio while also facilitating the growth of two major Ohio companies."

The agreement calls for O-I to provide technical assistance to Rumpke in the development of a **recycled glass treatment center** which will provide up to **40,000 tons of ground glass** annually. O-I agrees to purchase the majority of recycled glass cullet handled by Rumpke. Both businesses will work with ODNR to increase municipal glass recycling programs across Ohio.

"Rumpke is excited to be a part of this important private-public partnership, which will positively impact both industry and local communities while strengthening glass recycling in Ohio," said Steve Sargent, director of Recycling Operations for Rumpke.

Rumpke's plans to expand their Dayton processing plant will create at least 20 jobs, which will also benefit other haulers and brokers, as well as improve regional glass collection programs. According to the U.S. EPA, the recycling and reuse industry employs more than 1.1 million people, generates an annual payroll of nearly \$37 billion and grosses more than \$236 billion in annual revenues.

"O-I has long sought to improve the sourcing of recycled glass from Ohio. Governor Strickland's involvement was instrumental to the creation of this collaboration between O-I and Rumpke, which will bolster O-I's Ohio glass container manufacturing operations," said Ken Lovejoy, vice president of Environmental Health and Safety for O-I.

Because of this partnership, more recycled glass can be processed to meet the needs of Ohio industry. The current market for recycled glass yields between \$5-15 per ton. It is expected that the improved processing of glass collected in Ohio will enable community recycling programs to increase glass recycling collections, rather than sending glass waste to landfills.

“This demonstrates the first true collaborative effort with manufacturers, hauling companies, glass processors and recycling professionals working together for a common goal—to develop strategies to strengthen Ohio’s recycling markets,” said ODNR Director Sean Logan.

The last waste characterization study conducted in Ohio concluded that nearly 60 percent of the waste going into state landfills can be recycled. Of that, 5 percent by weight is glass. ODNR has begun analyzing how much glass can be recycled in Ohio and determine how to increase glass recycling. The study being conducted by DSM Environmental will be released in December.

Owens-Illinois, Inc. is the world’s largest manufacturer of glass containers. Headquartered in Perrysburg, O-I is more than 100 years old.

Rumpke Consolidated Companies, Inc., ranks among the nation’s largest privately owned waste and recycling companies. It operates seven Ohio recycling facilities.

The Ohio Department of Natural Resources ensures a balance between wise use and protection of our natural resources for the benefit of all. Visit the ODNR Web site at www.ohiodnr.com.

For more information, contact:

Stephanie Johnston, Owens-Illinois, Inc.
567. 336.7199

Jonathan Kissell, Rumpke of Ohio
513. 741.6062

Terrie TerMeer, ODNR Recycling & Litter Prevention
614. 265.6424

Heidi Hetzel-Evans, ODNR Media Relations
614. 265.6860

Source: http://www.dnr.state.oh.us/home_page/NewsReleases/tabid/18276/EntryId/1975/Governor-Strickland-Announces-Innovative-Agreement-to-Increase-Glass-Recycling-Market-in-Ohio.aspx

Rural MRF Feasibility Study⁴

Sample Scope of Work: Modified from Pinellas Co Study

- 1 Introduction
 - 1.1 Background
 - 1.2 Methodology
- 2 Needs Assessment
 - 2.1 Existing Processing Infrastructure in SW & SS Virginia
 - 2.2 Current Recovery of Recyclable Materials in SW & SS Virginia
 - 2.3 Potential Increased Recovery of Recyclable Materials
 - 2.3.1 Residential Sector
 - 2.3.2 Commercial Sector
 - 2.4 Potential Need for Additional Processing Capacity
- 3 Other Factors Affecting MRF Development
 - 3.1 Design Options
 - 3.2 Adequate and Consistent Material Throughput
 - 3.3 Facility Ownership and Operation
 - 3.3.1 Use of [Public-Private Education and Infrastructure Act of 2002 \(PPEA\)](#)
 - 3.3.2 Existing or Potential Regional Operators
 - 3.4 Demand and Markets for Recovered Materials
 - 3-5 Financing Options
 - 3.6 Potential Costs and Benefits
 - 3.6.1 Capital Costs
 - 3.6.2 Operation and Maintenance Costs
 - 3.6.3 Benefits
 - 3.7 State and Local Solid Waste Policies
- 4 Findings and Conclusions

Table Page

- 2.1 Materials Recovery Facilities in SW & SS Virginia Counties
- 2.2 Fiber and Containers Recycled in 2007
- 2.3 Estimated Potential for Increased Recovery of Fiber and Containers
- 2.4 Estimated Potential for Increased Recovery of Residential Recyclables
- 2.5 Recyclable Fiber and Containers in Commercial Waste Disposed
- 2.6 Estimated Potential for Increased Recovery of Commercial Recyclables
- 3.1 Ownership and Operation of MRFs in the U.S. and Virginia
- 3.2 Capital Costs Based on Level of Technology (in 2006 dollars)

Figure

- 3.1 Average Recovered Fiber Prices in Southeast U.S., 1998-2009
- 3.2 Average Recovered Plastic Bottle Prices in Southeast U.S., 1997-2009
- 3.3 Average Recovered Aluminum Can Prices in Southeast U.S., 1997-2009
- 3.4 Average Recovered Steel Can Prices in Southeast U.S., 1997-2009
- 3.5 Average Recovered Glass Container Prices in Southeast U.S., 1997-2009
- 3.6 Recovered Fiber Prices in the Southeast U.S., September 2008-August 2009
- 3.7 Estimated Market Value of Curbside Recyclables in Southeast U.S.

Appendix

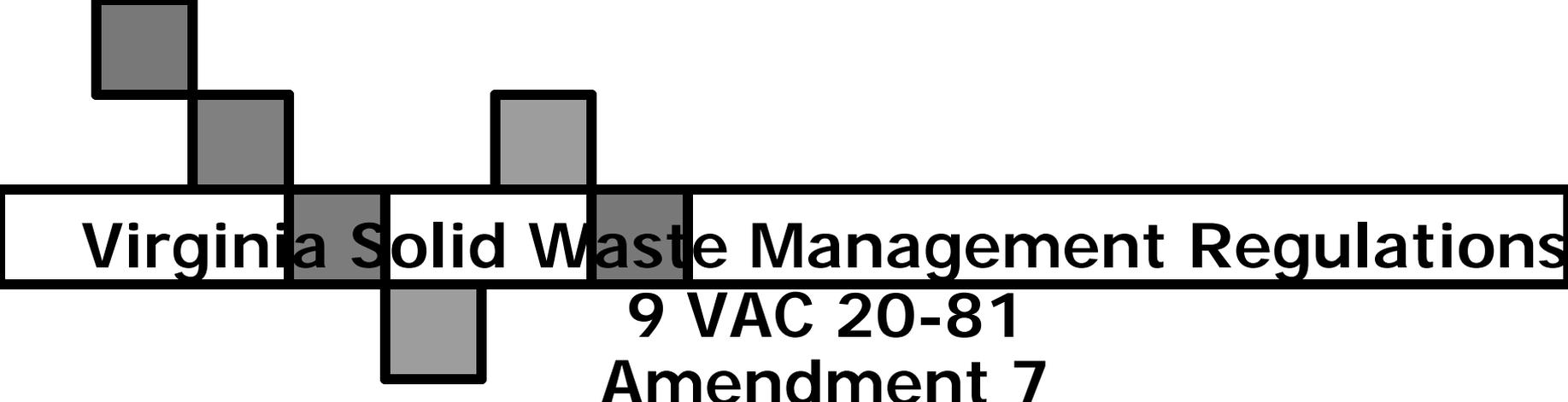
Southside & Southwest Virginia MSW & MRF Contacts

⁴ Pinellas Co, FL, [MATERIALS RECOVERY FACILITY FEASIBILITY STUDY](#), Sept., 2009.

City and County of Santa Barbara, CA, [Preliminary Feasibility Study of Regional MRF Alternatives](#), Nov., 2006.

**Presentation Summary on Proposed
Solid Waste Management Regulation Amendments**

DRAFT



Virginia Solid Waste Management Regulations

9 VAC 20-81 Amendment 7

Overview December 10, 2010

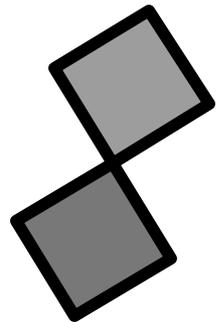


Richard Doucette
Waste Program Manager
DEQ Northern Regional Office



Things to Remember

- The BIGGEST change is in organization
 - Use your crosswalk guidance document!
- Many revisions are small clarifications of existing standards



Why, oh why, did we do this...?

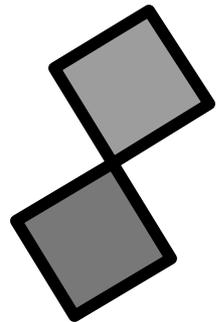
- Inconsistencies in regulation due to several small amendments
- Verbatim inclusion of federal standards
 - Some very dated
- Significant redundancy
- Improve organization
- Clarify confusing requirements





What is Amendment 7?

- Actually Three Regulatory Actions
 - Adopt a new chapter 9 VAC 20-81
 - Repeal old VSWMR, 9 VAC 20-80
 - Repeal Veg Waste Regs, 9 VAC 20-101
 - Now incorporated into the 9VAC 20-81





How we did it?

- Internal DEQ TAC (2007-2008)
- NOIRA (21 JAN 2008 published)
 - Comments mostly on compost (help encourage)
- TAC (May – Sept 2008)
 - Made up of industry, local governments, environmental advocacy groups, and public
- Proposed Phase (2 JUN 09 published)
 - Majority of technical comments on composting
- Finalization Phase (on going)
 - Adopted by WMB on December 4, 2009

Where is Amendment 7 now?

On Day 140....

Virginia Regulatory Town Hall View Stage - Windows Internet Explorer provided by Virginia IT Partnership

http://www.townhall.virginia.gov/L/ViewStage.cfm?stageid=5493

Agency: Department of Environmental Quality
Board: Virginia Waste Management Board
Chapter: Solid Waste Management Regulations [9 VAC 20 - 80]

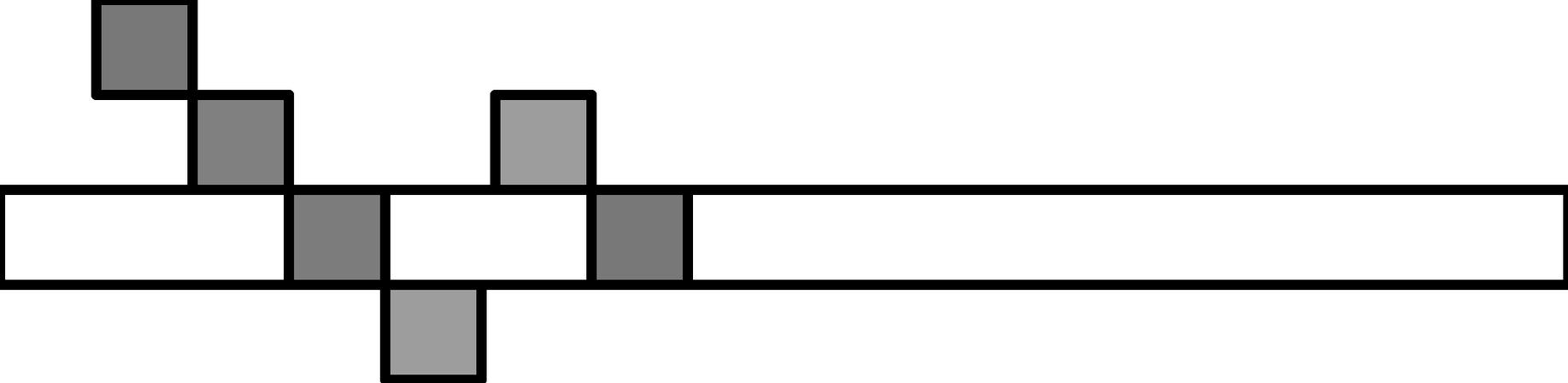
Action: Amendment 7

Final Stage (2490 / 5493)

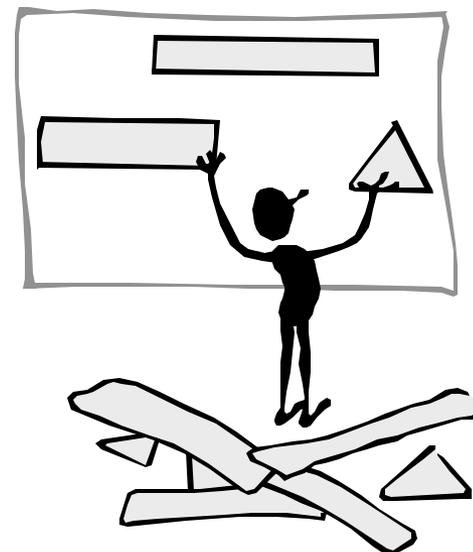
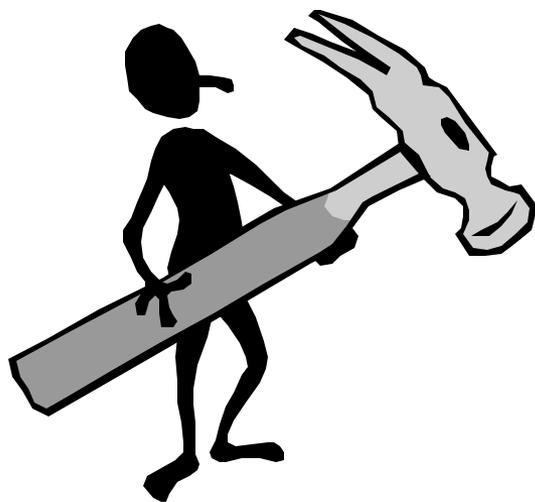
Edit Stage Withdraw Stage Suspend Stage Go to RIS Project

Stage Information	Documents	Contact Information
Changes to Text	Changes have been made to the text since the proposed stage was last published in the Register.	
Exempt from APA	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.	
Attorney General Certification	Submitted on 4/12/2010 Review Completed: 4/12/2010 Result: Certified	
DPB Review	Submitted on 4/12/2010 Economist: Oscar Ozfidan Policy Analyst: Rachael Harrell Review Completed: 4/26/2010 Result: Recommended	
Secretary Review	Review Completed: 7/22/2010 Result: Approved	
Governor's Review	Governor's office review in progress. [Day 89]	
Virginia Registrar	Not yet submitted	
Final Adoption Period	You may comment on this stage in a Town Hall comment forum as soon as it is published in <i>The Virginia Register of Regulations</i> . If you sign up for the Town Hall email notification service , you will be notified when the comment forum opens.	

Logged in: deqmill

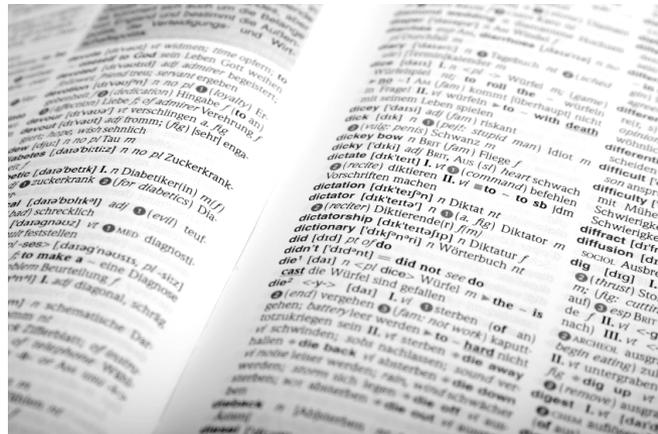


And the changes are....



PART I

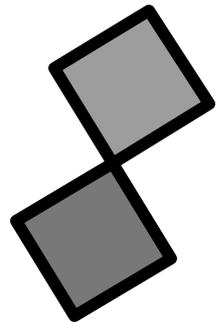
Definitions





Changes to Part I

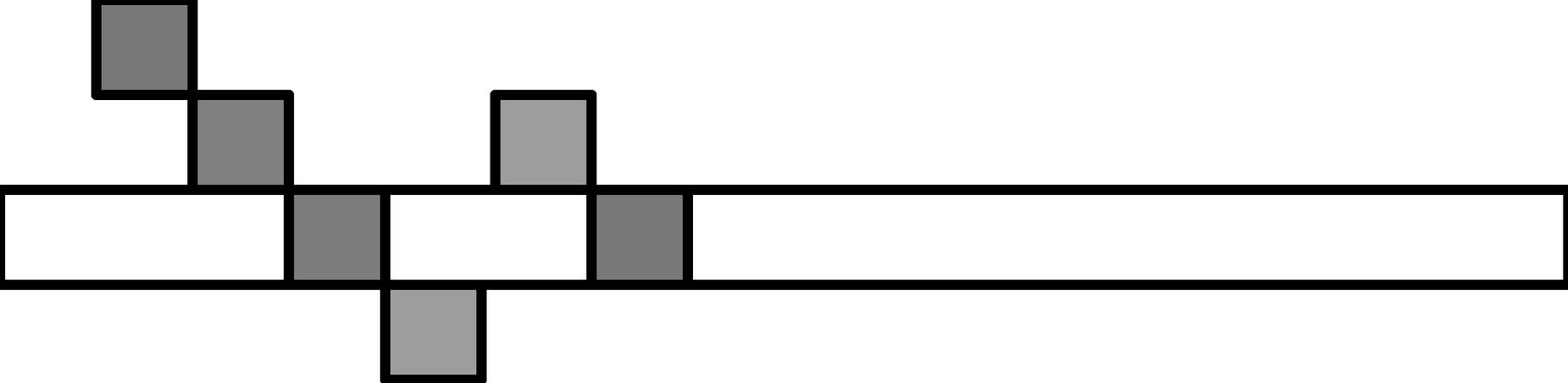
- Removed those terms that were not used in the regulation
- Clarified or added definitions to address issues brought up by stakeholders and/or staff
- Clarified or added definitions to address issues from guidance and/or statutes





New/Revised Definitions

- “Process Rate” new metric to quantify maximum throughput for treatment and storage operations (TSFs).
- “Landfill mining” new definition to support Section 385.
- “Construction” new definition to clarify activities permissible prior to permit approval.
- “Responsible Official” new definition consistent with other medias.



PART II

General Information



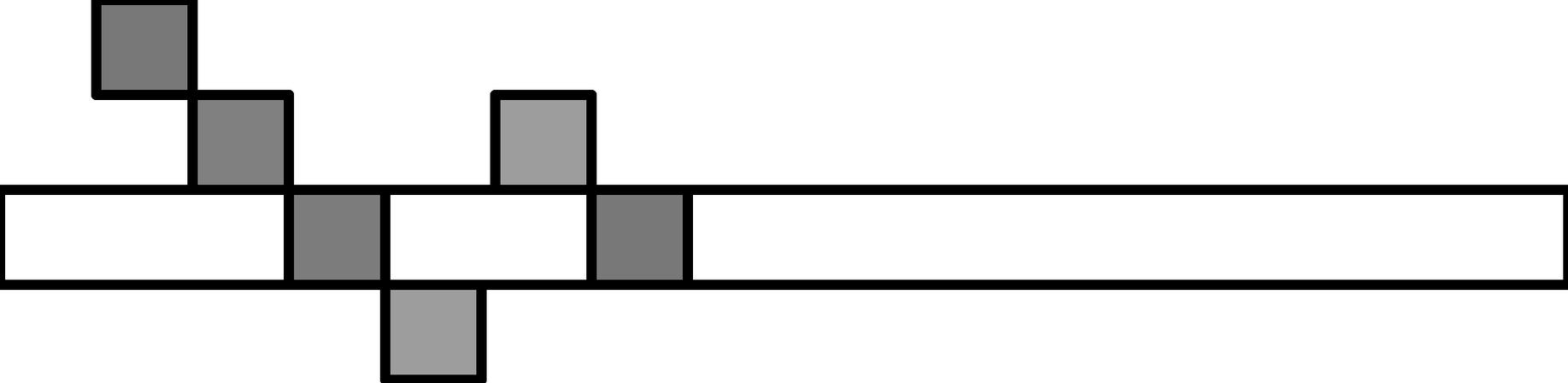
Changes to Part II

- Added recycling to the Waste Hierarchy to be consistent with other solid waste regulations
- Added CRT prohibition (new statute)
- Consolidated the open dump criteria into one section and referenced Federal Open Dump criteria
 - State specific evaluation process streamlined



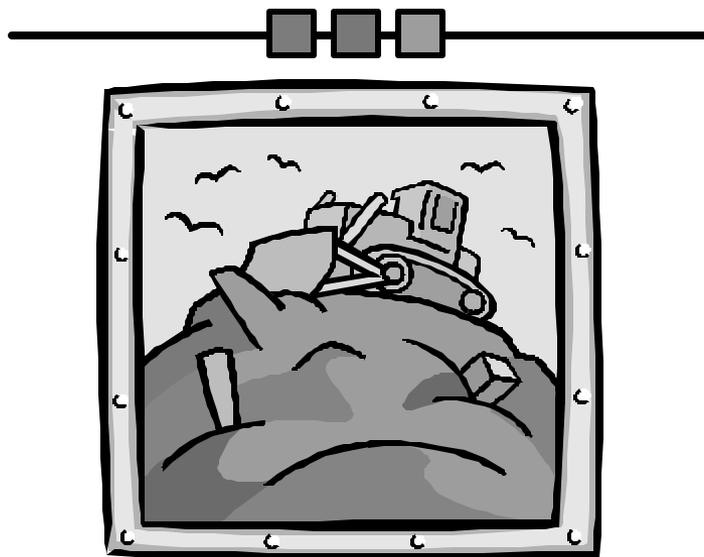
Part II continued...

- Definition of Solid Waste
 - Exemptions and exclusions that were previously spread throughout the regulation are consolidated
 - See beneficial use guidance document
- Included additional composting exemptions
 - To support various composting initiatives
 - See compost changes guidance document



PART III

Landfill Standards





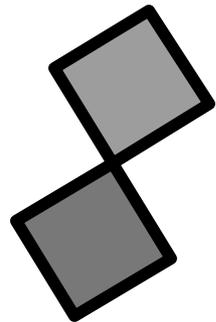
Changes to Part III

- Elimination of redundant requirements
 - Consolidates landfill requirements
- Reorganized to make sections intuitive
- Clarification of operation standards
- Clarification of post-closure care termination



Design standards

- New “pre-approved” liner system utilizing geosynthetic clay liner in lieu of clay
 - No demonstration required
 - No variance approval needed
- All other alternate liner designs will require demonstration, but not a variance





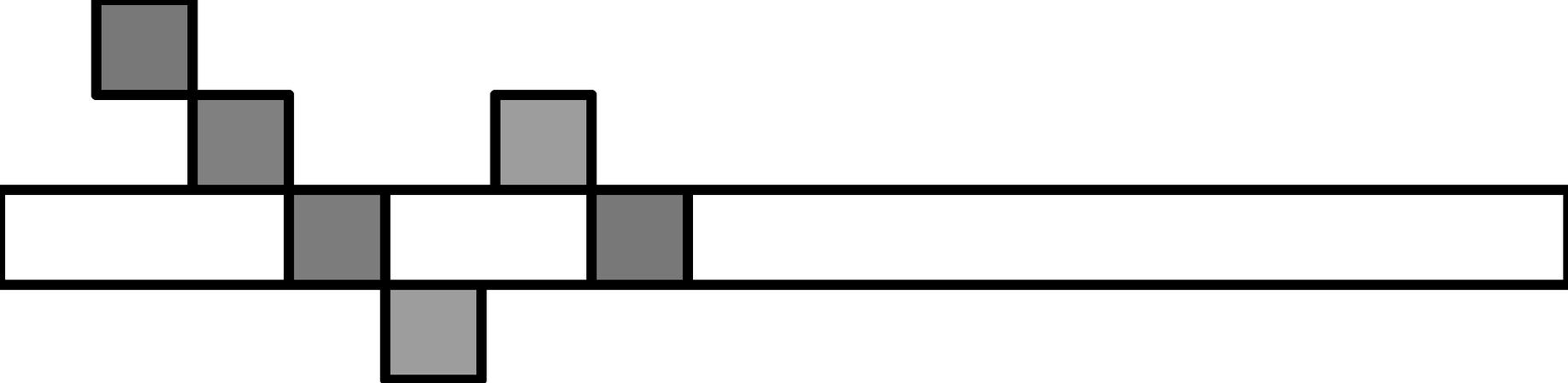
Operational standards

- Revised litter standard to performance based
 - Continues to require fencing or other suitable means to control litter, but now includes a performance requirement to collect litter on a weekly basis
- Fugitive dust control references air regulatory requirements
 - Using opacity as performance standard
- New requirement for landfills to “maintain and operate” all appurtenances in accordance with permit



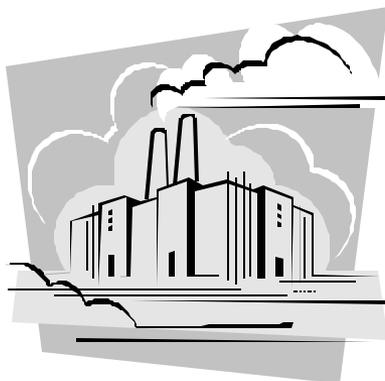
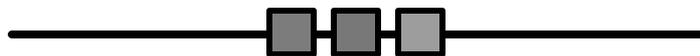
Groundwater

- Groundwater
 - Reorganized to be chronological
 - ACLs no longer require variance
 - First Determination Program
 - Replaced antiquated Phase I and the modified Phase I
 - Verification Sampling
 - Data Validation
 - Presumptive Remedy loophole for Sub D's closed
 - Streamlined Reporting Requirements



PART IV

Other Solid Waste Management Facility Standards





Changes to Part IV

- Elimination of redundant requirements
- Incorporated yard waste regulations
- Clarified composting requirements
 - Design and Ops – clarifications added
 - Simplified compost testing requirements
- Added new TSF
Centralized Waste Treatment Facilities



Changes to Part V

- SCC for NOI
- New and Updated Forms
- Clarified and reduced number of items requiring a “Major Modification”
- Operations manual (not a Part B submittal)
- Clarify PBR



NOI, Part A, Part B changes

- New SCC certification. Ensures permitted entity is valid and authorized to transact business in VA
- Includes reference to fee regulation
- New Part B standards
 - New Form PTB
 - Requirement to include essential operational information to facilitate operational manual procedural change.



Modifications

- Amendment is replaced by modification to be consistent with other programs
- Permittee Change (formerly the “non-director approval minors”)
- New table format
 - Table 5.2 only lists items that are major modifications or permittee changes. All other changes are minor modifications.



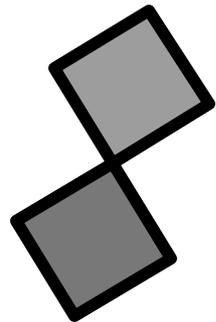
Operations Manual

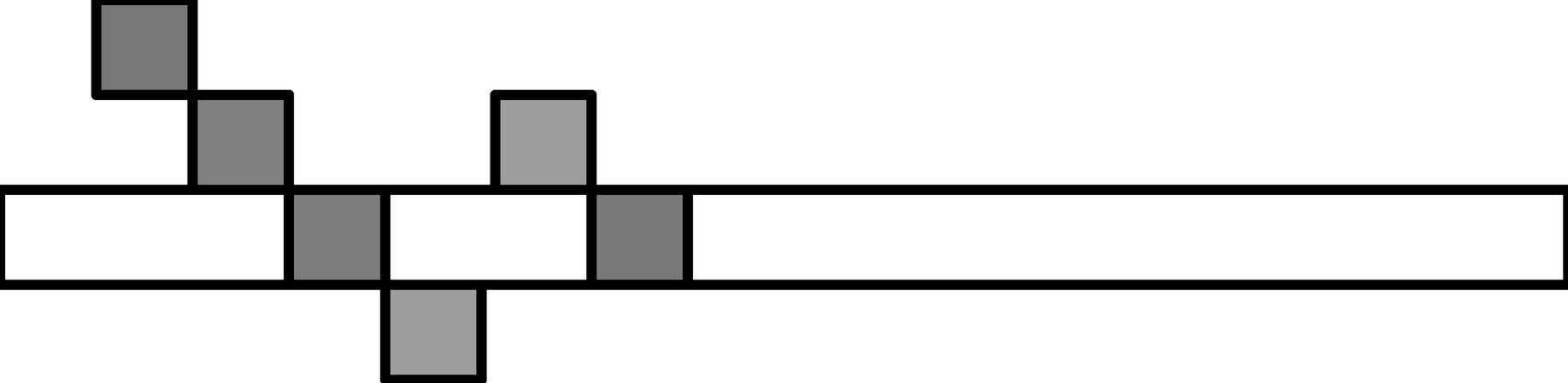
- No longer element of Part B application, but still maintained in operating record.
- See Operations manual guidance document
 - Annual certification (by December 31)
 - Responsible official
- Operations Manual will be incorporated by reference into the Permit
- Specific conditions will be part of Permit
 - Daily disposal limit, operational hours, waste types accepted, etc.



Permits by rule

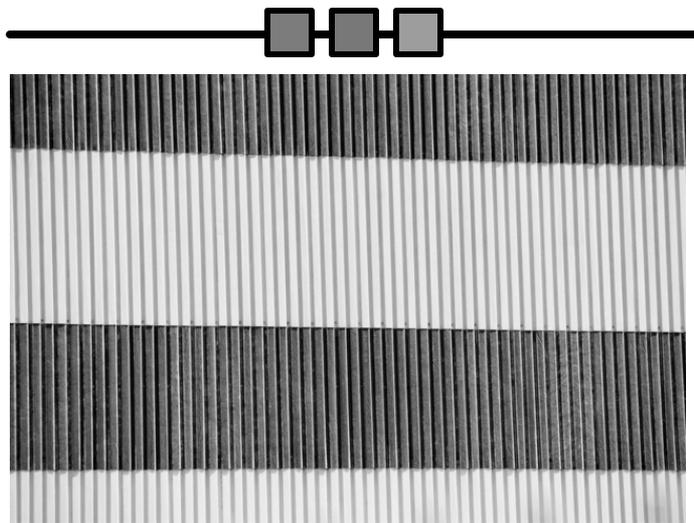
- New SCC certification requirement (same as new full permit NOI requirement)
- Clarifies certification responsibilities owner/operator versus PE
- Clarifies DEQ conducts “administrative review”
- Includes reference to fee regulation





PART VI

Special Wastes





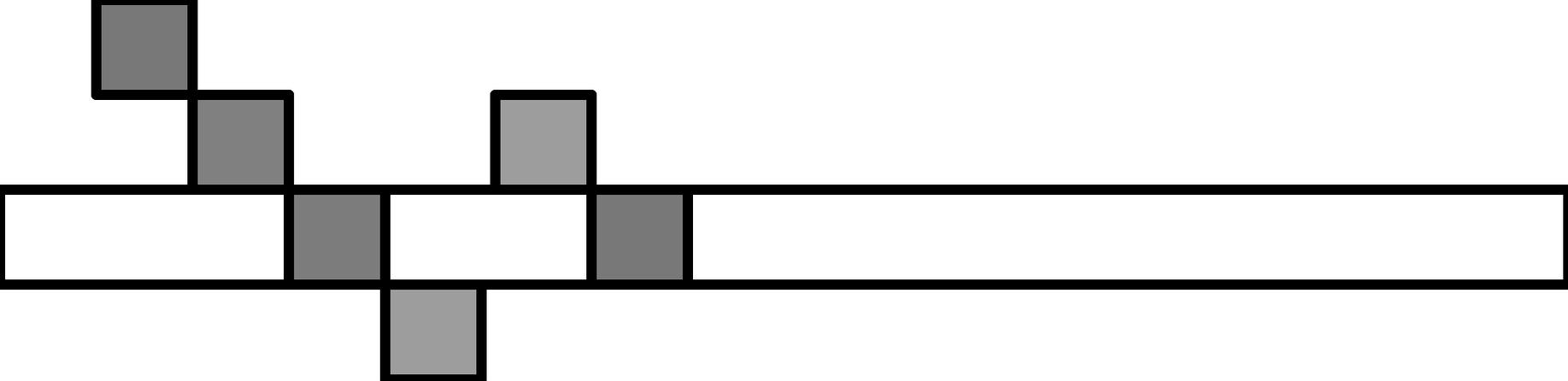
Changes to Part VI

- Asbestos reference to federal standards
- PCB reference to federal standards
- Removes white goods storage timeline in favor of speculative accumulation
- Free liquid, bulk container, lead acid battery sections removed. Duplicative of prohibitions and operations sections.



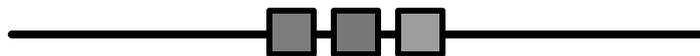
Part VI continued...

- Petroleum Contaminated Soil
 - Expands PCS to include sediment, soil, earthen material, absorbents, and dredge spoils contaminated ONLY by petroleum.
 - Increases PCS testing frequency to 250 cubic yards. Over 2,500 cubic yards other frequency may be approved.
 - Allows disposal of PCS with <500ppm TPH and <10ppm BTEX in any landfill with liners and leachate collection.



PART VII

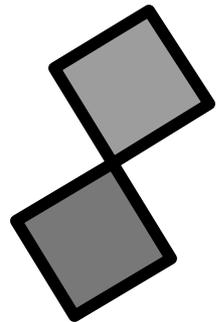
Variance Procedures





Changes to Part VII

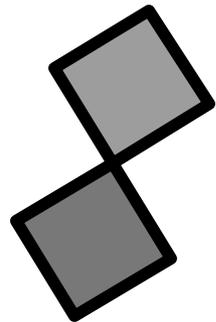
- No longer a variance for use of groundwater Alternate Concentration Levels
- No longer a variance for use of alternate landfill liner system design

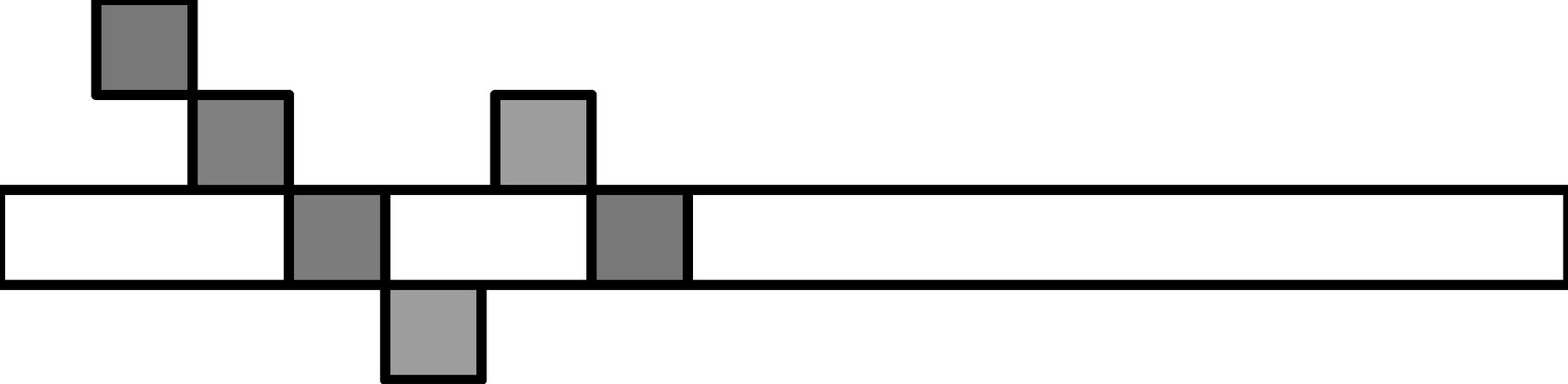




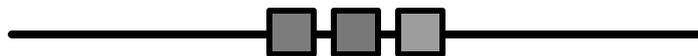
Another Amendment?

- Yes, likely going to need a “clean-up” amendment
 - Technical Clarifications
 - Grammatical Errors
 - Minor changes (Final exempt)





Questions?



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