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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC20-70 (primary) 9VAC20-90 (secondary) 9VAC20-130 (secondary) 9VAC20-170 (secondary)
<b>VAC Chapter title(s)</b>	Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (primary) Solid Waste Management Permit Action Fees and Annual Fees (secondary) Solid Waste Planning and Recycling Regulations (secondary) Transportation of Solid and Medical Wastes on State Waters (secondary)
<b>Action title</b>	Regulated Medical Waste Citation Correction
<b>Final agency action date</b>	September 6, 2023
<b>Date this document prepared</b>	June 8, 2023

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Amendment 3 to the Regulated Medical Waste Management Regulations, effective March 15, 2023, recodified those regulations from Chapter 120 to Chapter 121. This final exempt regulatory action makes

appropriate citation changes and corrections of technical errors in applicable waste management regulations.

These regulatory amendments are exempt from the state administrative procedures for adoption of regulations because they include only changes in style or form or corrections of technical errors (§ 2.2-4006(A)(3) of the Code of Virginia).

### **Mandate and Impetus**

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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### **Acronyms and Definitions**

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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- RMW – Regulated Medical Waste
- RMWMR – Regulated Medical Waste Management Regulations
- VAC – Virginia Administrative Code

### **Statement of Final Agency Action**

*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.*

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The Virginia Waste Management Board adopted the amendments at its meeting on September 6, 2023.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006(A)(3) of the Administrative Process Act as they are changes in form, style, and technical corrections.

### **Legal Basis**

*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 statutory authority for these regulations is under § 10.1-1402 of the Code of Virginia. Changes to this chapter of the Virginia Administrative Code are exempt from Article 2 of the Administrative Process Act (2.2-4006(A)(3)).

**Purpose**

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.*

This final exempt regulatory action includes corrections to chapters of regulations governed by the Virginia Waste Management Board. These corrections are to technical errors and citations referencing the RMW Management Regulations which were recodified from Chapter 120 to Chapter 121 effective March 15, 2023.

**Details of All Changes Proposed in this Regulatory Action**

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.*

<b>Current section number</b>	<b>New section number, if applicable</b>	<b>Current requirements in VAC</b>	<b>Change, intent, rationale, and likely impact of new requirements</b>
9VAC20-70-10	N/A	Definitions	Updates references to the RMWMR from 9VAC20-120 to 9VAC20-121.
9VAC20-70-50	N/A	Applicability of chapter	Updates references to the RMWMR from 9VAC20-120 to 9VAC20-121. Updates references to sections of RMWMR specifying conditional exemptions and exclusions (9VAC20-121-90 C, 90 D, and 300 E).
9VAC20-70-70	N/A	Suspensions and revocations	Updates references to sections of RMWMR specifying authority to modify or terminate a permit for cause (9VAC20-121-310 and 320).
9VAC20-70-75	N/A	Forfeitures	Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121.
9VAC20-70-90	N/A	Closure, post-closure care and corrective action requirements	Updates reference to section of RMWMR specifying closure requirements (9VAC20-121-290).
9VAC20-70-290	N/A	Wording of financial mechanisms	Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121.
9VAC20-90-10	N/A	Definitions	Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC20-90-50	N/A	Applicability of regulations	Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121. Updates reference to sections of RMWMR specifying permitting of RMW facilities (Part V (9VAC20-121-300 through 9VAC20-121-340)).
9VAC20-90-70	N/A	General requirements	Updates reference to section of RMWMR specifying routine inspection authority (9VAC20-121-320). Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121.
9VAC20-90-90	N/A	Applications for permit actions, amendment or modification	Updates language for consistency with new terminology under RMWMR, 9VAC20-121.
9VAC20-90-110	N/A	Review of variance requests	Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121.
9VAC20-90-120	N/A	Permit application fee schedules	Updates language for consistency with new terminology under RMWMR, 9VAC20-121.
9VAC20-130-10	N/A	Definitions	Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121.
9VAC20-170-10	N/A	Definitions	Updates reference from Part III to Part II of the RMWMR. Updates references to the RMWMR from 9VAC20-120 to 9VAC20-121.
9VAC20-170-40	N/A	Relationship to other regulations	Updates reference to the RMWMR from 9VAC20-120 to 9VAC20-121.