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## Periodic Review Report of Findings

<b>Agency name</b>	Waste Management Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC20-130
<b>Regulation title</b>	Solid Waste Planning and Recycling Regulations
<b>Date this document prepared</b>	May 8, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

## Acronyms and Definitions

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

CFR- Code of Federal Regulation

## Legal Basis

*Please 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.*

Section 4002(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6942(b)), requires all states to develop and implement state solid waste management plans. 40 CFR Parts 255 and 256 contain requirements applicable to state solid waste management plans.

Section 10.1-1402 of the Code of Virginia directs the Virginia Waste Management Board to "Supervise and control waste management activities in the Commonwealth." Section 10.1-1411 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate this regulation. The regulation is required to include all aspects of solid waste management including waste reduction, recycling and reuse, storage, treatment, and disposal. The board is also required to consider urban concentrations, geographic conditions, markets, transportation conditions, and other appropriate factors and provide reasonable variances and exemptions from regulatory requirements when adopting this regulation.

## Alternatives

*Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

Section 10.1-1411 of the Code of Virginia requires the regulation to include all aspects of solid waste management including waste reduction, recycling and reuse, storage, treatment, and disposal. The board is also required to consider urban concentrations, geographic conditions, markets, transportation conditions, and other appropriate factors and provide reasonable variances and exemptions from regulatory requirements when adopting this regulation.

One alternative considered was to require localities to coordinate with an adjacent locality to form a regional solid waste management plan. The regulation currently allows for localities to develop their own plan or to join together with other local governments to develop a regional plan. This alternative was rejected since it would remove a locality's ability to develop a stand alone plan. Mandating localities to join together to develop a regional plan would not be beneficial for all localities, and would not automatically increase recycling rates or the marketability of recyclable materials, therefore this alternative was rejected.

The Board believes that the regulation, as currently written, is the least burdensome alternative available for achieving the purpose of the regulation.

### Public Comment

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

An informal advisory group was not formed to assist with the periodic review. No comments were received during the comment period.

### Effectiveness

*Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This regulation is necessary for the protection of public health, safety and welfare and is clearly written and easily understandable.

### Decision

*Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

The regulation continues to be needed and is being retained without changes.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.*

This regulation continues to be needed. The regulation contains requirements for the content of solid waste management plans and details the options localities have when developing solid waste management plans. Localities may choose to develop their own plans or may join with other localities to form solid waste planning units. These plans promote source reduction, reuse, and recycling of materials, thereby reducing the amount of solid waste that needs to be disposed of in landfills.

No comments were received during the public comment period.

The regulation provides details concerning the content of solid waste management plans, required recycling rates, and the formation of solid waste planning units. The regulation is written in non-technical language.

This regulation is a state only regulation and there is no equivalent federal regulation. This regulation does overlap to an extent with the Solid Waste Management Regulation, 9VAC20-81-10 et. seq. Both regulations address solid waste and the need to properly manage solid waste at permitted facilities. Some facilities that manage solid waste receive permits from the department that are issued through the Solid Waste Management Regulation 9VAC20-81-10 et seq.

The regulation was amended in March 2019 to update terminology to be consistent with Virginia Hazardous Waste Management Regulations. The regulation was amended in February 2019 to clarify requirements and reorganize sections of the regulation to make the regulation easier to use.

The regulation requires localities to develop Solid Waste Management Plans. Small businesses are not required to develop Solid Waste Management Plans. Localities may collect information from businesses and industries in their localities in developing and implementing their plans. This regulation has minimal impact on small businesses.

### Family Impact

*Please assess the potential impact of the regulation's impact on the institution of the family and family stability.*

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This regulation does not impact the institution of the family or family structure.