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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC20-40
VAC Chapter title(s)	Administrative Procedures for Hazardous Waste Facility Site Certification
Date this document prepared	June 29, 2020

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 (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

This section is not applicable.

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 10.1-1436 of the Code of Virginia directs the Waste Management Board to "promulgate criteria for approval of hazardous waste facility sites." This regulation establishes administrative procedures for the submission and evaluation of applications for certification of hazardous waste facility sites, including the processing of applications and public notice requirements.

Alternatives to Regulation

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.

Alternatives to this regulation were considered by the Department. One alternative considered was the repeal of the regulation. This alternative was rejected since statute directs the Board to "promulgate criteria for the approval of hazardous waste sites" (§10.1-1436 of the Code of Virginia). The Department also considered revising the regulation. This alternative was also rejected since the regulation, as currently written, complies with the minimum requirements of state law.

Public Comment

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

An advisory group was not formed for the purposes of assisting with the periodic review. No comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, 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. This regulation establishes administrative procedures for the submission and evaluation of applications for certification of hazardous waste facility sites, including the processing of applications and public notice requirements. This regulation is technical in nature and is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The regulation is effective and continues to be needed and is being retained.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

The regulation continues to be needed to establish administrative procedures for the submission and evaluation of applications for certification of hazardous waste facility sites, including the processing of applications and public notice requirements.

No public comments were received during the public comment period.

This regulation establishes administrative procedures for the submission and evaluation of applications for certification of hazardous waste facility sites, including the processing of applications and public notice requirements. It is clearly written and is consistent with the requirements of statute and other related regulations.

This regulation does not overlap, duplicate, or conflict with any state law or other state regulation. This regulation is part of a set of four related regulations mandated by Virginia statutes that establish a procedure for siting of hazardous waste management facilities including certification of the site, investigation of the site, resolution of issues between the applicant and the host community, and funding the process.

A periodic review was last conducted on this regulation in 2016 and the regulation remains current.

The Department has determined that the regulatory requirements currently minimize the economic impact of these regulations on small businesses while meeting the requirements of state law.

Family Impact

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

This regulation does not have a direct impact on the family or family stability.