



Virginia  
Regulatory  
Town Hall

[townhall.state.va.us](http://townhall.state.va.us)

## Exempt Action Final Regulation Agency Background Document

<b>Approval authority name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) citation</b>	9 VAC 20-90-10 et seq.
<b>Regulation title</b>	Solid Waste Management Facility Permit Action Fees and Annual Fees
<b>Action title</b>	Amendment 2 - Annual Permit Fees
<b>Final agency action date</b>	
<b>Document preparation date</b>	May 19, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) ([townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://townhall.state.va.us/dpbpages/dpb_apa.htm)), 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 ([leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100)), the *Virginia Register Form, Style, and Procedure Manual* ([legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)), and Executive Orders 21 (02) and 58 (99) ([governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html))

### 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 Virginia Waste Management Board's Solid Waste Management Facility Permit Action Fee and Annual Fee Regulation, 9 VAC 20-90-10 et seq., establishes the fees for new permits and modifications to permits for solid or regulated medical waste management facilities. -The Virginia General Assembly provided new requirements in the Code of Virginia for annual permit fees during the legislative session of 2004. The regulation has been modified to include the new requirements from the Code and to establish appropriate administrative procedures for implementation of the new annual fee requirements.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

The Virginia Waste Management Board adopted regulations entitled Solid Waste Management Permit Action Fees and Annual Fees as final regulations on June 18, 2004.

**Family impact**

*Assess the impact of this 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.*

There is no direct impact on the institution of the family and family stability. However, owners or operators of facilities may attempt to recoup their increased costs by increasing the costs of their goods and services, and disposable family income may be decreased for those families affected by such increases.

**Public Comments**

*Public comment was not required for this final exempt action. However, an opportunity to comment was given to the public. A summary of the comments received and the agency response is included.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Virginia Chemistry Council	Supports fee reductions for participation in environmental excellence program. 10% for E-2 sites 20% for E-3 sites.	The regulations provide reductions in annual fees for those at the Environmental Enterprise (E2) or Exemplary Environmental Enterprise (E3) level of participation of the Environmental Excellence Program.
Department of the Navy-Mid Atlantic Region	Endorses fee reductions for participation in environmental excellence program.	Fee reductions were provided for in the draft regulations.
Department of the Navy	9 VAC 20-90-60 B Because of the difficulty with issuing checks, payment by credit card would be an advantage for some organizations.	The department is diligently working to enhance our accounts receivable system to allow electronic payments. This enhancement involves staff resources and procuring a third party vendor to handle the banking interface. The department expects arrangements to be made to allow for electronic payments by the 2005 annual fee cycle.
Department of the Navy	9 VAC 20-90-65 A 2 Annual fees have not been included in budget	The statute contains provisions allowing for the deferral of payments until Jan 1, 2005, if a

	for this fiscal year. Delay payment of fees until October 2005.	deferral is requested prior to Oct. 1, 2004. Further deferral of payment is not allowed by statute.
Department of Navy	Are renewals of landfill and incinerator permit considered "minor" permit modifications and therefore not subject to a charge or are they billable.	Landfill and incinerator permits do not require renewal and are good for the life of the facility. Permits may require amendment if the regulations change or operations change at the facility. If the amendments are major, they are subject to fees.
American Electric Power	Supports payment of annual fees in four installments. Could be beneficial to some permittees.	Facility operators that are required to pay annual fees exceeding \$8,000 for single or multiple permits may submit four equal payments, in accordance with the regulations. This was provided in the draft regulations.
American Electric Power	Supports annual fee reductions for participation in environmental excellence program	Fee reductions were provided for in the draft regulations.
American Electric Power	Supports reduced fees or waste during emergencies. The administrative procedures are acceptable.	Authority for the director to waive fees during a state of emergency or for waste resulting from an emergency response action was been provided for in the draft regulations.
American Electric Power	The examples of the fee calculations provided in the regulation are acceptable.	No response required.
Waste Management of Virginia	9 VAC 20-90-115 G The provision regarding fees for facilities that remove waste at the time of closure is not clear.	Clarification of the provision has been provided.
Waste Management of Virginia	9 VAC 20-80-115 H The provision regarding fees for the transition from closure to post closure care is not clear. Suggest no annual fee be required for facilities in post-closure care.	The code requires a fee of \$500 for all facilities in post-closure care. The purpose of the provision is to indicate at what point the payment of that fee will be begin. The section has been modified for clarity.
Loudoun County	Quarterly payments may offer some facilities needed flexibility.	Facility operators that are required to pay annual fees exceeding \$8,000 for single or multiple permits may submit four equal payments, in accordance with the regulations. This was provided for in the draft regulations.
Loudoun County	Support the environmental excellence program, but if facilities qualify for fee reductions based on participation in the environmental excellence program, how will DEQ make up those lost revenues.	If the calculated total of all discounts exceeds \$140,000, the department will re-evaluate the discounts offered to environmental excellence program participants and shall begin the regulatory process to revise the discounts offered.
Loudoun County	Support the provisions for fee reductions for emergency activities.	No response required.
Loudoun County	Fees should result in more timely responses from DEQ.	The annual fees to be assessed will support staffing of the program. In addition, as a result of the legislation, the agency is required to examine the efficiency of the inspection and permitting programs, and implement the use of electronic permitting, filing, and reporting as a way to be more efficient with resources and staff.

Chesterfield County	When will the new annual fee regulation become effective	We anticipate that the regulation will become effective on July 1, 2004 after it is approved by the Waste Management Board
Chesterfield County	Who were the participants in the stakeholder groups for the development of the law and regulations related to annual fees	The Board Book contains the list of stakeholders. In addition, the stakeholders are provided on DEQ's web-site at <a href="http://www.deq.state.va.us/regulations/pdf/fundingstudy112003.pdf">http://www.deq.state.va.us/regulations/pdf/fundingstudy112003.pdf</a> .
Chesterfield County	The group may not be representative of all of those parties effected.	The Department believes that the group was representative. The Board Book contains the list of stakeholders. In addition, the stakeholders are provided on DEQ's web-site at <a href="http://www.deq.state.va.us/regulations/pdf/fundingstudy112003.pdf">http://www.deq.state.va.us/regulations/pdf/fundingstudy112003.pdf</a>  A 30-day public comment period was provided for all interested parties to comment on the regulation.
Botetourt County	9 VAC 20-90-65 The time period to submit payment should be changed from 30 to 45 days to allow for County government processes.	Parties can begin preparing now for the payment of the fees in accordance with the regulatory schedule. The Department will send bills approximately 30 days before the payment date. The 30-day timeframe is consistent with other agency timeframes for the submission of payments to the department.
Botetourt County	9 VAC 20-90-65 Fees are due in 2004. The County's budget for FY05 was prepared with out this fee in mind. This is a burden on localities and private companies.	The Virginia Association of Counties was involved in this process. For the first year, the code and the regulation, allows fees payments to be deferred until January 1. In addition, the quarterly payment schedule may also help reduce the burden on localities this year.