



Virginia  
Regulatory  
Town Hall

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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

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| <b>Agency name</b>                                 | Board for Waste Management Facility Operators             |
| <b>Virginia Administrative Code (VAC) citation</b> | 18 VAC 155-20   |
| <b>Regulation title</b>                            | Board for Waste Management Facility Operators Regulations |
| <b>Action title</b>                                | Addition of license class                                 |
| <b>Date this document prepared</b>                 | October 30, 2013  |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board for Waste Management Facility Operators seeks to review its regulations regarding the classes of licensure, changes in the scope of practice allowed those license classes and, if determined to be necessary, the inclusion of a new license class. The proposed amendments will respond to changes in the industry and address concerns brought to the Board by its licensees, staff, and waste management facilities.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.*

§ 54.1-2211 A of the Code of Virginia states that, "The Board shall promulgate regulations and standards for the training and licensing of waste management facility operators."

**Need**

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

The proposed amendments will focus solely a review of the current classes of license and changes in the industry, brought to the attention of the Board by licensees and waste management facilities, as a result in advances in composting, waste-to-energy, recycling and other technologies. The review will amend the definitions of the scope of practice allowed the current classes of license and, if necessary, add an additional class of license that will ensure that operators of those types of facilities are adequately trained and meet the minimum competency requirements, ultimately producing updated regulations that will effectively protect the health, safety, and welfare of the public.

**Substance**

*Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

Section 18 VAC 155-20-10 is amended to update the definitions of the scope of practice allowed the current four classes of license and, if determined necessary, to add a fifth class of license or other level of regulations allowed by the statutes.

Section 18 VAC 155-20-110 amendments, as required to facilitate regulatory changes proposed in 155-20-10.

Section 18 VAC 155-20-120 amendments, as required to facilitate regulatory changes proposed in 155-20-10.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

No viable alternative has been identified.

## Public participation

*Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

*Please also indicate pursuant to your Public Participation Guidelines whether a panel will be appointed to assist in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is \_\_\_\_\_; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.*

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The agency is seeking comments on this regulatory action, including but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Eric Olson, c/o Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233; email: [wastemgt@dpor.virginia.gov](mailto:wastemgt@dpor.virginia.gov); fax (866) 430-1033. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action.

The agency is using the participatory approach in the development of the proposal. Pursuant to the Public Participation Guidelines, 18 VAC 155-11-10 *et seq.*, a panel will not be used.

## Family impact

*Assess the potential impact of the proposed 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.*

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These amendments will have no impact on the institution of the family or family stability.