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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Board for Waste Management Facility Operators
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 155-11
<b>Regulation title</b>	Public Participation Guidelines
<b>Date</b>	January 12, 2016

This information is required pursuant to Executive Order 17 (2014).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.*

*Code of Virginia §§ 2.2-4007.1 and 2.2-4017 give authority to each agency pursuant to the provisions of this chapter (Code of Virginia, Title 2.2), which includes the Board for Waste Management Facility Operators (Board), to promote public involvement in the development, amendment, or repeal of any agency's regulations by soliciting the input of interested parties. This is done through the adoption of Public Participation Guidelines and the use of these guidelines in the development of the Board's regulations.*

### Alternatives

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

No viable alternatives were identified.

### 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. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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No public comment was received.

### Effectiveness

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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The current regulations meet the criteria of Executive Order 17.

### Result

*Please state that the reason why the agency is recommending that the regulation should stay in effect without change.*

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The Board for Waste Management Facility Operators conducted a periodic review and small business impact review of 18 VAC 155-11 (Public Participation Guidelines) and determined that the regulations were compliant with the provisions of EO17. The Board voted to keep the regulations in effect with no change.

### Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, 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, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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- 1) There is a continued need to promote public involvement in the development, amendment, or repeal of a Board's regulation. By soliciting the input of interested parties, the Board is better equipped to ensure that waste management facility operators have met minimum competencies and that the regulations are not overly burdensome.
- 2) No public comments were received concerning the regulations
- 3) The regulations are currently clear and are not a burden to the public or the licensees.
- 4) There is no overlap, duplication, or conflict with any federal or state laws or regulations
- 5) The last review of these regulations was in November 2011.