



# COMMONWEALTH of VIRGINIA

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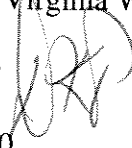
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## MEMORANDUM

**TO:** Members of the Virginia Waste Management Board

**FROM:** David K. Paylor 

**DATE:** October 18, 2010

**SUBJECT:** Minutes

Attached are the minutes from your meeting on June 14, 2010. Staff will seek your approval of the minutes at your next regular meeting.

If you have any questions, please contact Debra Miller at (804) 698-4206 or [Debra.Miller@deq.virginia.gov](mailto:Debra.Miller@deq.virginia.gov).

**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**  
**MONDAY, JUNE 14, 2010**  
**GENERAL ASSEMBLY BUILDING**  
**HOUSE ROOM C**  
**9TH & BROAD STREETS**  
**RICHMOND, VIRGINIA**

Board Members Present:

Hunter H. McGuire, III, Chair  
Eric K. Sildon  
Tyrone W. Murray

EJ Scott  
Steven J. Yob

Board Members Absent:

Clarence M. Dunnville  
N. Howard Burns, Jr.

Department of Environmental Quality:

David K. Paylor, Director  
Cindy M. Berndt

Attorney General's Office:

Kerri L. Nicholas, Assistant Attorney General

The meeting was convened at 10:02 a.m. and adjourned at 11:34 a.m.

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**Minute No. 1 - Minutes.**

The Board approved the minutes from the Board's meeting on December 16, 2009. The Board also revised the agenda for today's meeting and started with other business first.

**Minute No. 2 - Waste Division Directors Report.**

The Board received a report from Mr. Jeffery Steers, Waste Division Director. The report focused on the current data from the soon to be released Solid Waste Managed in Virginia During Calendar Year 2009 annual report, the Toxic Release Inventory (TRI) report for 2008, a summary of DEQ's Voluntary Remediation Program efforts, an update on EPA's coal combustion residuals proposed rulemaking, and other initiatives in the waste programs including permit streamlining efforts.

**Minute No. 3 - 2010 Legislative Session Update.**

Ms. Angela Jenkins, DEQ's Policy Director, briefed the Board on the 2010 General Assembly and adopted bills that affected the Board.

- HB 326 regarding mercury thermostats recycling and authorizes localities to prohibit the disposal of mercury thermostats provided a recycling program is implemented.

- SB686, Uniform Environmental Covenants Act, authorizes the Department of Environmental Quality to enter into environmental covenants with interest holders in real property that restrict the use of the real property.
- Budget activity during this session reduced the waste program general funding by \$1.25 million and also gave authority to board to recover these monies through increases in the program's fees. That regulatory action will be presented to the board today.

**Minute No. 4 - Regulations - Final Exempt - Final Rule (Rev. A10w) Solid Waste Management Permit Action Fees and Annual Fees, 9VAC20-90.**

Mr. Gary Graham of DEQ's Office of Regulatory Affairs presented the amendments to the Board's regulations necessitated by 2010 General Assembly's HB30 budget bill which reduced the waste program funding by \$1.25 million and authorized the Board to recoup this money through increases to fees. The regulations to initially implement the provisions of the budget bill were exempted from the Administrative Process Act, Article 2 of Chapter 40 of Title 2.2 of the Code of Virginia. Mr. Graham presented to the Board the proposed changes to 9VAC20-90 which are necessary to accommodate the legislative mandates and implement by the July 1, 2010 deadline. The hazardous waste fees were not increased as DEQ was able to absorb the \$250,000 cut to that program. The rationale for the increase in the annual fees was presented to the board. The recommendation was for an 80% increase to these annual fees and included an ability to increase fees by based on the consumer price index. There were stakeholder meetings and a short comment period held in May on this amendment. Comments received were reviewed and, as a result of these comments, CCD and non-captive industrial landfills annual fees were not given an across the board increase but instead the fees were restructured to be similar to the fee structure for sanitary landfills.

The Board asked for public comment. Mr. Tim Hayes, representing the Virginia Waste Industry Association, addressed the Board and provided comment. He noted issues regarding the continual increase of fees that that waste industry has had to contend with over the last years. Although, VWIA supports the fee increase in part, they believe that the regulation needs to go further and provided recommendations for long-term fixes to be considered. Mr. Joseph Levine, Executive Director of the New River Resource Authority, addressed the Board and noted that there is concern with the increase and that it is hoped that as the process moves forward that stakeholder involvement be continued and that other waste facilities such as incinerators, WTEs, captive industrial landfills fee structures be reviewed as well.

After public comment, Mr. Steven Yob disclosed that he will be affected by the regulation as he is Solid Waste Division Director for Henrico County and is also President of SWANA Old Dominion; but can still fairly and objectively consider this amendment.

Based on the Board book material, staff presentation and Board discussion, the Board, by motion of Mr. Murray, unanimously adopted the amendments to the Solid Waste

Management Permit Action Fees and Annual Fees Regulations (9VAC20-90) as presented.

**Minute No. 5 - Regulations – Proposed - Voluntary Remediation Regulations, 9 VAC 20-160, Amendment 2.**

Mr. William Norris of the Office of Regulatory Affairs presented amendments to the Voluntary Remediation Regulations, 9 VAC 20-160. Mr. Norris explained that 9VAC20-160 was being amended based on a 4-year periodic review of these regulations. The amendments include updates to the current remediation levels; updates of sampling and analysis methods; improved reporting requirements; and clarification of eligibility, termination, and application requirements. Mr. Norris presented to the Board the process for development of this amendment which included meetings of a technical advisory committee to assist DEQ.

Based on the Board book material, staff presentation and Board discussion, the Board, by motion of Mr. Yob, unanimously approved the proposed amendments to the Voluntary Remediation Regulations, 9 VAC 20-160, and to proceed to public comments on these amendments.

**Minute No. 6 - Significant Noncompliance Report.**

The Board received a report from Mr. Justin Williams of the Division of Enforcement on Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year 2010 to date (October 1, 2009 until June 14, 2010).

**Minute No. 7 - Public Forum.**

No one appeared during the public forum.

**Minute No. 8 - Future Meetings.**

Mr. Hunter H. McGuire, III, Chair, noted that this was his last meeting unless reappointed. Other Board members thanked him for his service. Mr. McGuire thanked all on the Board and the DEQ staff for their work, dedication, and assistance over the years. No dates were set for a future meeting.

  
Cindy M. Berndt, Director, Office of Regulatory Affairs