

**TENTATIVE AGENDA
AND MINIBOOK
WASTE MANAGEMENT BOARD MEETING**

**Friday, December 3, 2010
HOUSE ROOM C
GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS
RICHMOND, VIRGINIA**

Convene – 10:00 a.m.

	TAB
I. Board Business	
Chair and Vice-Chair Elections	
Minutes (June 14, 2010)	A
II. Regulations - Final Exempt	
Virginia Hazardous Waste Management Regulations 9VAC20-60, Immediate Final Rule 2008-2010	Norris B
Virginia Regulations Governing the Transportation of Hazardous Materials 9VAC20-110, Immediate Final Rule 2010	Norris C
III. Significant Noncompliance Report	Williams D
IV. Public Forum	
V. Other Business	
Recycling Report	Beckwith
Division Director's Report	Steers
Future Meetings	
VI. ADJOURN	

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions on the latest status of the agenda should be directed to Debra A. Miller at (804) 698-4206.

PUBLIC COMMENTS AT WASTE MANAGEMENT BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration.

For **REGULATORY ACTIONS** (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For **CASE DECISIONS** (issuance and amendment of permits), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is an additional comment period, usually 45 days, during which the public hearing is held.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

POOLING MINUTES: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Debra A. Miller, Policy Planning Specialist, Office of Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4206; fax (804) 698-4346; e-mail: debra.miller@deq.virginia.gov

Final Regulations - Final Exempt

- *Virginia Hazardous Waste Management Regulations, 9VAC20-60, Immediate Final Rule 2008-2010*

For your consideration as a final regulation is Immediate Final Rule 2008-2010. Each year the U. S. Environmental Protection Agency (USEPA) makes several changes to the federal rules regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-60-18, which specifies the date of the federal regulations that are incorporated into Virginia regulations. This date is most often July 1; however, each year the text is amended to change the year of the date to the current year, thus incorporating federal changes from July 1 of the previous year through June 30 of the current year. Technical corrections are also needed to update the DEQ mailing address in 9VAC20-60-261 and to revise a Federal Register reference in 9VAC20-60-260; 261 & 270. Additionally, a previous change to the federal rules that was not adopted in the last cycle will need to be included at this time in order to adopt more stringent conditions applicable to comparable fuel that were promulgated concurrently with the Emission Comparable Fuel (ECF) exclusion on December 19, 2008. This results in a deletion of language in 9VAC20-60-261. §§ 2.2-4006 A 3 & 2.2-4006 A 4 (c) of the Code of Virginia allow the board to adopt the rule as a final regulation without previous consideration, announcement or public participation. The regulations would be final 30 days after publication in the *Virginia Register*. A draft Virginia Regulatory Town Hall document and a table of the amendment changes are also attached. The department requests that the board adopt the amendment, IFR2008-2010, to the Hazardous Waste Management Regulations, 9VAC20-60, and authorize its publication and affirm that the board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

USEPA Checklist Number	Date(s) Final Published	40 CFR Sections Affected	FR	Summary of Changes
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221	December 19, 2008 & June 15, 2010	261	73 FR 77963-64 & 75 FR 33712 - 33724	Expansion of RCRA Comparable Fuel Exclusion: EPA amended several provisions that apply to the comparable fuel conditions. The amendments: 1) clarify the consequences of failure to satisfy the conditions of the existing comparable fuel exclusion; 2) clarify the status of tank systems and container storage units that cease to be operated as comparable fuel storage units; 3) waive the RCRA closure requirements for tank systems and container storage units that are used only to store hazardous wastes that are subsequently excluded as comparable fuel; 4) clarify the regulatory status of boiler residues, including bottom ash and emission control residue; 5) require that the one-time notice by the generator to regulatory officials include an estimate of the average and maximum monthly and annual quantity of comparable fuel for which an exclusion is claimed.
222	January 8, 2010	262, 263, 264, 265 & 266	75 FR 1236-1262	OECD Requirements; Export Shipments of Spent Lead-Acid Batteries: The rule implements recent changes to the agreements concerning the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), establishes notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, specifies that all exception reports concerning hazardous waste exports be sent to the International Compliance and Assurance Division in the Office of Enforcement and Compliance Assurance's Office of Federal Activities in Washington, D.C., and requires U.S. receiving facilities to match EPA-provided import consent documentation to incoming hazardous waste import shipments and to submit to EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.
223	March 18, 2010 & June 4, 2010	260, 261, 262, 263, 264, 265, 266, 268 & 270	75 FR 12989 - 13009 & 75 FR 31716 - 31717	Hazardous Waste Technical Corrections and Clarifications and Clarifications Partial Withdrawal of Direct Final Rule: The rule makes a number of technical changes that correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the Federal Register, such as typographical errors, incorrect or outdated citations, and omissions. Some of the corrections are necessary to make conforming changes to all appropriate parts of the RCRA hazardous waste regulations for new rules that have since been promulgated. In addition, these changes clarify existing parts of the hazardous waste regulatory program and update references to Department of Transportation (DOT) regulations that have changed since the publication of various RCRA final rules.

- *Virginia Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, Immediate Final Rule 2010*

For your consideration as a final regulation is Immediate Final Rule 2010 related to regulations governing the transportation of hazardous materials (9VAC20-110). Each year the U.S. Department of Transportation makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus incorporating federal changes from October 1 of the previously incorporated year (2006) through September 30 of the newly specified year (2010). This amendment covers four years, October 1, 2006 through September 30, 2010, and includes a total of thirty (30) changes. § 2.2-4006 A 4 (c) of the Code of Virginia allows the board to adopt the rule as a final regulation without previous consideration, announcement or public participation. The regulations would be final 30 days after publication in the *Virginia Register*. A draft Virginia Regulatory Town Hall document and a table of the amendment changes are also attached. The department requests that the board adopt the amendment, IFR2010 to the Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, and authorize its publication, and affirm that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Item	Docket	49 CFR Sections	Subject and Dates	Summary
1	PHMSA-06-25736 (HM-231) 75 FR 60333	171; 173; and 178	Hazardous Materials; Miscellaneous Packaging Amendments Final Rule: Published September 30, 2010 Effective Date: October 1, 2010	On February 2, 2010, the Pipeline and Hazardous Materials Safety Administration published a final rule amending the Hazardous Materials Regulations to: Revise several packaging related definitions; add provisions to allow more flexibility when preparing and transmitting closure instructions, including conditions under which closure instructions may be transmitted electronically; add a requirement for shippers to retain packaging closure instructions; incorporate new language that allows for a practicable means of stenciling the United Nations (UN) symbol on packaging; and clarify a requirement to document the methodology used when determining whether a change in packaging configuration requires retesting as a new design or may be considered a variation of a previously tested design. The February 2 final rule also incorporated requirements for the construction, maintenance, and use of Large Packagings. This final rule responds to one petition for reconsideration and four appeals submitted in response to the February 2, final rule and also corrects several errors that occurred in that rulemaking.
2	PHMSA-2010-0195 (HM-244C) 75 FR 53593	107; 171; 172; 173; 176; 177; 179; and 180	Hazardous Materials: Minor Editorial Corrections and Clarifications Final Rule: Published September 1, 2010 Effective Date: October 1, 2010	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements.
3	PHMSA-2009-0289 (HM-233A) 75 FR 27205	105; 107; 171; 173; 174; 176; 177; and 179	Hazardous Materials: Incorporation of Special Permits into Regulations Final Rule: Published May 14, 2010 Effective Date: October 1, 2010	On May 14, 2010, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Final Rule under Docket HM-233A (75 FR 27205). Under this final rule the PHMSA amended the Hazardous Materials Regulations to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations so long as an equivalent level of safety is maintained. The revisions in this final rule are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.
4	PHMSA-2009-0201 (HM-208H) 75 FR 15613	107	Hazardous Materials Transportation; Registration and Fee Assessment Program Final Rule: Published March 30, 2010 Effective Date: April 29, 2010	On March 30, 2010, the PHMSA published a Final Rule under Docket HM-208H (75 FR 15613). Under this final rule, the PHMSA is amending the statutory mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials. For those registrants not qualifying as a small business or not-for-profit organization, PHMSA is increasing the annual fee from \$075 (plus a \$25 administrative fee) to \$2,575 (plus a \$25 administrative fee) for registration year 2010 - 2011 and following years. The increase is necessary to fund the national Hazardous Materials Emergency Preparedness (HMEP) grants program at approximately \$28,300,000 in accordance with the Administration's Fiscal Year 2010 budget and proposed Fiscal Year 2011 budget.
5	PHMSA-06-25885 (HM-232F) 75 FR 10974	172	Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements Final Rule: Published March 9, 2010 Effective Date: October 1, 2010	On March 9, 2010, the PHSMA published a Final Rule under Docket HM-232F (75 FR 10974). Under this final rule, PHSMA, in consultation with the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS), modified the current security plan requirements applicable to the commercial transportation of hazardous materials by air, rail, vessel, and highway. Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the final rule narrowed the list of materials subject to security plan requirements and reduced the associated regulatory costs and paperwork burden. The final rule also clarified certain requirements related to security planning, training, and documentation.
6	PHMSA-06-25736 (HM-231) 75 FR 5376	171 - 180	Hazardous Materials: Miscellaneous Packaging Amendments Final Rule: Published February 2, 2010 Effective Date: October 1, 2010	On February 2, 2010, the PHSMA published a Final Rule, entitled "Miscellaneous Packaging Amendments" under Docket HM-231 (75 FR 5376). This rulemaking amends the Hazardous Materials Regulations by revising several packaging related definitions; adding provisions to allow more flexibility when preparing and transmitting closure instructions, including electronically; adding a requirement for shippers to retain packaging closure instructions; incorporating new language that will allow for a practicable means of stenciling the "UN" symbol on packagings; adding requirements for the construction, maintenance, and use of Large Packaging; and clarifying a requirement to document the methodology used when determining whether a change in packaging configuration requires retesting as a new design or may be considered a variation of a

				previously tested design.
7	PHMSA-2007-0065 (HM-224D) & PHMSA-2008-0005 (HM-215J) 75 FR 63	171; 172; 173; 175; and 178	Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code and International Civil Aviation Organization's Technical Instructions; Correction Final Rule Corrections: Published January 4, 2010 Effective Date: January 4, 2010	This final rule corrects several errors in the January 14, 2009 Final Rule. This final rule contains editorial corrections and clarifying amendments to sections that were amended by the January 14, 2009 final rule for purposes of consistency with grammatical conventions and for consistency with similar provisions within the HMR
8	PHMSA-2009-0238 (HM-224G) 74 FR 65696	172	Hazardous Materials; Chemical Oxygen Generators; Final Rule; confirmation of effective date Final Rule: Published December 11, 2009 Confirmation of Effective Date of November 16, 2009	On December 11, 2009, PHMSA confirmed the effective date of its direct rule, published under Docket No. PHMSA-2009-0238 (HM-224G) on October 15, 2009, to amend the Hazardous Materials Regulations by revising the quantity limitation from 25 kg "gross" to 25 kg "net" for packages of chemical oxygen generators transported aboard cargo aircraft only. The direct final rule stated that it would become effective on November 16, 2009 unless an adverse comment or notice of intent to file an adverse comment was received by November 16, 2009. PHMSA did not receive any adverse comments or notice of intent to file an adverse comment to its October 15, 2009 direct final rule.
9	PHMSA-2006-26322 (HM-206F) 74 FR 54489	172 & 174	Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers; Correction Final Rule: Published October 22, 2009 Correction of Final Rule - Effective Date: October 1, 2010	On October 22, 2009, PHMSA published a correction to the Final Rule related to Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers that was published on October 19, 2009. This final rule corrected the date of "November 18, 2009" to read "October 1, 2010".
10	PHMSA-2006-26322 (HM-206F) 74 FR 53413	172 & 174	Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers Final Rule: Published October 19, 2009 Effective Date: November 18, 2009	In this final rule, PHMSA is amending the Hazardous Materials Regulations to clarify requirements governing emergency response information services provided by arrangement with hazardous materials offerors (shippers). In order to preserve the effectiveness of these arrangements for providing accurate and timely emergency response information, PHMSA is requiring basic identifying information (offeror name or contact number) to be included on shipping papers. This information will enable the emergency response information provider to identify the offeror on whose behalf it is accepting responsibility for providing emergency response information in the event of a hazardous materials incident and obtain additional information about the hazardous material as needed.
11	PHMSA-2009-0237 (HM-244B) 74 FR 53182	107; 171; 172; 173; 174; & 180	Hazardous Materials: Minor Editorial Corrections and Clarifications Final Rule: Published October 16, 2009 Effective Date: October 16, 2009	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in the rule are non-substantive changes and do not impose new requirements.
12	PHMSA - 2009-238 (HM-224G) 74 FR 52896	172	Hazardous Materials: Chemical Oxygen Generators; Direct Final Rule Final Rule: Published October 15, 2009 Effective Date: November 16, 2009	This direct final rule amends the Hazardous Materials Regulations to revise the quantity limitation from 25 kg "gross" to 25 kg "net" for packages of chemical oxygen generators transported aboard cargo aircraft only. The intended effect of this rule is to provide regulatory relief by raising the quantity threshold for shipments of chemical oxygen generators transported aboard cargo aircraft only. This action is necessary to address difficulties concerning implementation and compliance with the requirements for the transportation of chemical oxygen generators in outer packaging meeting certain flame penetration resistance standards and thermal protection capabilities, as evidenced by comments received from the hazardous materials industry and other interested parties. The amendment contained in this rule is a minor substantive change, in the public interest, and unlikely to result in adverse comment.

13	PHMSA-2006-25910 (HM-218E) 74 FR 16135	171; 173; 176; 178; & 180	Hazardous Materials: Miscellaneous Cargo Tank Motor Vehicle and Cylinder Issues: Petitions for Rulemaking Final Rule: Published April 9, 2009 Effective Date: May 11, 2009	PHMSA amended the Hazardous Materials Regulations to revise certain requirements applicable to the manufacture, maintenance, and use of DOT and MC specification cargo tank motor vehicles, DOT specification cylinders and UN pressure receptacles. The revisions are based on petitions for rulemaking submitted by the regulated community and are intended to enhance the safe transportation of hazardous materials in commerce, clarify regulatory requirements, and reduce operating burdens on cargo tank and cylinder manufacturers, requalifiers, carriers, shippers, and users. The most significant amendment adopted in this final rule addresses a safety issue identified by the National Transportation Safety Board concerning the transportation of compressed gases in cylinders mounted on motor vehicles or in frames, commonly referred to as tube trailers.
14	PHMSA-2007-0065 (HM-224D) & PHMSA-2008-0005 (HM-215J) 74 FR 2199	171 - 178	Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code and International Civil Aviation Organization's Technical Instructions; Correction Final Rule: Published January 14, 2009 Effective Date: February 13, 2009	This final rule revises the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packaging groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the Hazardous Materials Regulations with recent changes to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, Transport Canada's Transportation of Dangerous Goods Regulations, and the United Nations Recommendations on the Transport of Dangerous Goods.
15	FRA-2006-25169 (HM-246) 74 FR 1771	171 -179	Hazardous Materials: Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials Final Rule: Published January 13, 2009 Effective Date: March 16, 2009	PHMSA, in coordination with the Federal Railroad Administration (FRA), is amending the Hazardous Materials Regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard (PIH) materials, including interim design standards for railroad tank cars. Pending validation and implementation of the crashworthiness performance standard proposed in the NPRM issued under the April 1, 2008 docket, the rule mandates commodity-specified improvements in safety features and design standards for newly manufactured DOT specification tank cars. The rule also adopts a 50 mph speed restriction for loaded rail tank cars transporting PIH materials; an improved top fittings performance standard; an allowance to increase the gross weight of tank cars that meet the enhanced standards; and adoption of the industry standard for normalized steel in certain tank cars. The interim standards established in this rule will enhance the accident survivability of PIH tank cars when compared to existing regulations while providing tank car owners continued flexibility in car selection. Adoption of this interim standard will ensure the ongoing availability of tank cars while PHMSA and FRA complete research and testing on advanced tank car design to validate and implement a more stringent performance standard.
16	FRA-2006-25169 74 FR 1769	171-179	Hazardous Materials: Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials Final Rule: Published January 13, 2009 Effective Date: March 16, 2009	PHMSA, in coordination with the Federal Railroad Administration (FRA), is amending the Hazardous Materials Regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard (PIH) materials, including interim design standards for railroad tank cars. Pending validation and implementation of the crashworthiness performance standard proposed in the NPRM issued under the April 1, 2008 docket, the rule mandates commodity-specified improvements in safety features and design standards for newly manufactured DOT specification tank cars. The rule also adopts a 50 mph speed restriction for loaded rail tank cars transporting PIH materials; an improved top fittings performance standard; an allowance to increase the gross weight of tank cars that meet the enhanced standards; and adoption of the industry standard for normalized steel in certain tank cars. The interim

				standards established in this rule will enhance the accident survivability of PIH tank cars when compared to existing regulations while providing tank car owners continued flexibility in car selection. Adoption of this interim standard will ensure the ongoing availability of tank cars while PHMSA and FRA complete research and testing on advanced tank car design to validate and implement a more stringent performance standard.
17	PHMSA - RSPA - 2004-18730 (HM-232E) 73 FR 72181	172 & 174	Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments Final Rule: Published November 26, 2008 Effective Date: December 26, 2008	PHMSA, in coordination with FRA and the TSA, is improving safety by revising the current requirements in the Hazardous Materials Regulations applicable to the safe and secure transportation of hazardous materials by rail. The final rule requires rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials; use the data to analyze safety and security risks along rail routes where those materials are transported; assess alternative routing options; and make routing decisions based on those assessments. The final rule also clarifies the rail carrier's responsibility to address in their security plans issues related to en-route storage and delays in transit. In addition, the final rule adopts a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or the presence of suspicious items, including improvised explosive devices. These requirements were adopted in an interim final rule published April 16, 2008. This final rule fulfills requirements in Section 1551 of the Implementing Recommendations of the 9/11 Commission Act of 2007.
18	PHMSA-2008-0227 (HM-244A) 73 FR 57001	171; 172; 173; 175; 176; 178; 179; & 180	Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications Final Rule: Published October 1, 2008 Effective Date: October 1, 2008	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes.
19	PHMSA-2006-25446 (HM-243) 73 FR 23362	171; 173; & 175	Hazardous Materials: Fuel Cell Cartridges and Systems Transported on Board Passenger Aircraft in Carry-On Baggage Final Rule: Published April 30, 2008 Effective Date: October 1, 2008	PHMSA amended the Hazardous Materials Regulations (HMR) to permit certain fuel cell cartridges and fuel cell systems designed for portable electronic devices to be transported by passengers and crew in carry-on baggage on board passenger-carrying aircraft. Fuel cell cartridges and fuel cell systems are an emerging energy technology developed to provide a more efficient, longer-lasting, and renewable power source for electrically operated equipment. This final rule prescribes regulations for transporting fuel cells containing flammable liquids, including methanol; formic acids; certain borohydride materials or butane that meet certain performance and consumer use standards. PHMSA issued this final rule in cooperation with the Federal Aviation Administration (FAA).
20	PHMSA-RSPA-2004-18730 (HM-232E) 73 FR 20751	172; 174; & 209	Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments; Interim Final Rule Interim Final Rule: Published April 16, 2008 Effective Date: June 1, 2008	The PHMSA, in coordination with the Federal Railroad Administration and the Transportation Security Administration, is revising the current requirements in the Hazardous Materials Regulations applicable to the safe and secure transportation of hazardous materials transported in commerce by rail. This interim final rule fulfills requirements in Section 1551 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This interim final rule requires rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials, to use the data to analyze safety and security risks along rail routes where those materials are transported, to assess alternative routing options, and to make routing decisions based on those assessments. The interim final rule also clarifies rail carriers' responsibility to address in their security plans issues related to en route storage and delays in transit. There is also a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or suspicious items, including improvised explosive devices.
21	PHMSA-05-21812 (HM-218D) 73 FR 4699	171; 172; 173; 175; 177; 178; & 180	Hazardous Materials; Miscellaneous Amendments Final Rule: Published January 28, 2008 Effective Date: October 1, 2008	Under this final rule, the PHMSA amended the Hazardous Materials Regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce. Among other provisions, PHMSA adopted a new proper shipping name and identification number for fuel blends composed of ethanol and gasoline. In addition, PHMSA updated references to consensus standards, revising and clarifying transportation requirements applicable to dry ice, detonator assemblies, and explosives. PHMSA also expanded exceptions from regulations for small quantities of hazardous materials.
22	PHMSA-2006-28711 (HM-145N)	172	Hazardous Materials: Revisions to the List of Hazardous Substances and Reportable Quantities Final Rule: Published January 7, 2008	This final rule amends the Hazardous Materials Regulations (HMR) by revising the list of hazardous substances and reportable quantities (RQs) and by correcting editorial errors to the list of hazardous substances and RQs. Superfund (i.e., CERCLA) requires PHMSA to list and regulate all hazardous substances designated by the Environmental Protection

	73 FR 1089		Effective Date: March 31, 2008	Agency (EPA). This final rule enables shippers and carriers to identify the affected hazardous substances, comply with all applicable regulatory requirements, and make the required notification if the release of a hazardous substance occurs.
23	PHMSA-2007-29245 (HM-244) 72 FR 55678	105; 106; 107; 110; 130; 171; 172; 173; 174; 175; 176; 178; 179; & 180	Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications Final Rule: Published October 1, 2007 Effective Date: October 1, 2007	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes that do not impose new requirements.
24	RSPA-04-17664 (HM-224B) 72 FR 55091	173; 175; & 178	Hazardous Materials Regulations: Transportation of Compressed Oxygen, Other Oxidizing Gases and Chemical Oxygen Generators on Aircraft; correction Final Rule: Published September 28, 2007 Effective Date: October 1, 2008	On January 31, 2007, PHMSA published a final rule that amended requirements in the Hazardous Materials Regulations applicable to the air transportation of compressed oxygen cylinders and oxygen generators. In response to appeals submitted by entities affected by the January 31, 2007 final rule, this final rule amends requirements adopted in the January 31, 2007 final rule and delays the effective date of these requirements from October 1, 2007 to October 1, 2008.
25	PHMSA-2005-23141 (HM-215F) 72 FR 55090	171	Hazardous Materials: Revision and Reformatting of Requirements for the Authorization To Use International Transport Standards and Regulations; Correction Final Rule: Published September 28, 2007 Effective Date: September 28, 2007	On May 3, 2007, PHMSA published a final rule to amend the Hazardous Materials Regulations (HMR: Parts 171-180) by revising and consolidating the requirements applicable to the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, the International Maritime Dangerous Goods Code, the Canadian Transport of Dangerous Goods Regulations, and the International Atomic Energy Agency Safety Standards Series: Regulations for the Safe Transport of Radioactive Material. This rule corrects errors in the final rule.
26	PHMSA-02-11989 (HM-224C) & PHMSA-04-19886 (HM-224E) 72 FR 44929	171; 172; 173; & 175	Hazardous Materials: Transportation of Lithium Batteries Final Rule: Published August 9, 2007 Effective Date: January 1, 2008	In this final rule, the PHMSA is amending the Hazardous Materials Regulations (HMR) to tighten the safety standards for transportation of lithium batteries, including both primary (non-rechargeable) and secondary (rechargeable) lithium batteries. Specifically, they are adopting with minor changes the amendments to the HMR published in an interim final rule on December 15, 2004, imposing a limited prohibition on the transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft. In addition, they are adopting many of the proposed changes to the HMR published under the April 2, 2002 NPRM: (1) Eliminating a hazard communication and packaging exception for medium-size lithium cells and batteries of all types transported aircraft or vessel; (2) revising an exception for small lithium batteries and cells of all types to require testing in accordance with the United Nations Manual of Tests and Criteria; and (3) revising an exception for consumer electronic devices and spare lithium batteries of all types carried by airline passengers and crew. These amendments enhance transportation safety by reducing fire hazards associated with lithium batteries and harmonizing U.S. and International Standards.
27	PHMSA-2005-23141 (HM-215F) 72 FR 25161	171; 172; 173; 175; & 176	Hazardous Materials: Revision and Reformatting of Requirements for the Authorization to Use International Transport Standards and Regulations Final Rule: Published May 3, 2007 Effective Date: October 1, 2007	In this final rule, PHMSA is amending the Hazardous Materials Regulations to revise and consolidate the requirements applicable to the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air; the International Maritime Dangerous Goods Code, Transport Canada's Transportation of Dangerous Goods Regulations, and International Atomic Energy Agency's Safety Standards Series: Regulations for the Safe Transport of Radioactive Material. The revisions and reformatting provide a user-friendly format to promote understanding of the conditions and limitations on the use of international standards and regulations. In addition, PHMSA is authorizing the use in domestic transportation of portable tanks, cargo tank motor vehicles, and rail tank cars manufactured in accordance with Transport Canada's Transportation of Dangerous Goods Regulations. The amendments adopted in this final rule maintain the high transportation safety standard established under the Hazardous Materials Regulations.
28	PHMSA-2006-25589 (HM-208F) 72 FR 24536	107	Hazardous Materials Transportation: Miscellaneous Revisions to Registration and Fee Assessment Program Final Rule: Published May 3, 2007 Effective Date: June 30, 2007	Under this final rule, PHMSA is amending the statutorily mandated registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. In this final rule, PHMSA eliminates the 24-hour, seven days-per-week telephonic expedited registration option because it is no longer necessary now that there is an internet option. In addition, they are adopting an explicit exception from registration requirements for Indian Tribes. The registration fee is not being increased in this final rule.

29	PHMSA-2005-23141 (HM-215F) 72 FR 4442	171; 172; 173; 175; & 178	Hazardous Material: Revision and Reformatting of Requirements for the Authorization To Use International Transport Standards and Regulations Final Rule: Published January 31, 2007 Effective Date: October 1, 2007	Under this final rule, PHMSA is amending the Hazardous Materials Regulations (HMR) to: require cylinders of compressed oxygen and other oxidizing gases and packages of chemical oxygen generators to be placed in an outer packaging that meets certain flame penetration and thermal resistance requirements when transported aboard aircraft; revise the pressure relief device (PRD) setting limit on cylinders of compressed oxygen and other oxidizing gases transported aboard aircraft; limit the types of cylinders authorized for transporting compressed oxygen aboard aircraft; and convert most of the provisions of oxygen generator approval into requirements in the HMR. PHMSA is issuing this final rule in cooperation with the Federal Aviation Administration (FAA) to increase the level of safety associated with transportation of these materials aboard aircraft.
30	PHMSA-06-25476 (HM-2151) 71 FR 78595	171 - 180	Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions Final Rule: Published December 29, 2006 Effective Date: January 1, 2007	This final rule revises the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. These revisions will harmonize the Hazardous Materials Regulations with certain recent changes to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods.

Significant Noncompliance (SNC) Report

Active HW SNC Cases – Table A

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Franklin Co. (BRRO)	Blue Ridge Solvents & Coatings, Inc.	Manifest, record keeping, and training violations. Unpermitted storage of Hazardous Waste ("HW"). Failure to obtain EPA ID number.	Consent Order under development.
City of Roanoke (BRRO)	Chemicals and Solvents, Inc.	Failure to adhere to HW generator and transporter requirements. Possible releases.	Pending U.S. Environmental Protection Agency ("EPA") enforcement action.
City of Richmond (PRO)	Dominion Packaging Inc.	Storage and labeling violations. Manifest, record keeping, and training violations.	Consent Order under development.
Fauquier Co. (NRO)	Fiberglass Engineering Co.	Failure to have waste analysis plan. Failure to make proper HW determination. Training violations.	Consent Order under development.
City of Lynchburg (BRRO)	Griffin Pipe Products	Failure to make a HW determination. Labeling and storage requirements. Land Disposal Restriction ("LDR") violation.	Consent Order at public notice until October 29, 2010. \$8,000 civil charge. Schedule of Compliance included.

Sussex Co. (PRO)	Indmar Coatings (2)	Unpermitted storage of HW. Container violations. Failure to do HW training. Other violations.	Draft order sent to party 11/5/09. Party requested Ability-to-Pay analysis.
City of Radford (BRRO)	J & J Sales	Failure to make HW determination. HW Container violations.	Draft Consent Order sent to party on 9-25-2009.
Fauquier Co. (NRO)	Kelmar, Inc.	Failure to make HW determination. Labeling and storage violations. Unpermitted HW management.	Consent Order at public notice until October 28, 2010. \$4,716 civil charge. Schedule of Compliance included.
Accomack Co. (TRO)	KMX	LDR violations.	Pending EPA enforcement action.
Henry Co. (BRRO)	Northpoint Trading, Inc.	Accumulation of HW past 90 days as Large Quantity Generator ("LQG").	Consent Order under development.
City of Roanoke (BRRO)	Pragmatic Environmental Solutions Co.	Failure to make HW determination. HW container violations. Failure to perform HW training.	Public notice for Consent Order ended October 14, 2010. \$7,100 civil charge. Schedule of Compliance included.
City of Harrisonburg (VRO)	Sherwin-Williams (Seaguard)	Violations are undetermined.	Pending EPA enforcement action
City of Harrisonburg (VRO)	Transprint USA, Inc.	Air emission violations under HW requirements. Improper labeling, managing, and contingency plan violations.	Pending EPA enforcement action.

Resolved HW Cases – Table B

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Henrico Co. (PRO)	Advanced Technologies Processing, Inc., et als.	Failure to obtain permit to receive, store or recycle HW. Failure to operate Universal Waste ("UW") lamp processing equipment properly. Failure to contain releases from UW lamps. Other violations.	Consent Order effective December 21, 2009. \$165,000 civil charge and Schedule of Compliance included. Consent Order requires RCRA closure at the facility.
Henry Co. (BRRO)	Bassett Furniture Industries, Incorporated	Failure to make HW determination. Improper labeling and training violations.	Consent Order effective October 16, 2009. \$5,500 civil charge.
Campbell Co. (BRRO)	BGF Industries, Inc.	Improper labeling and UW storage violations.	Consent Order effective April 26, 2010. \$3,850 civil charge.
Westmoreland Co. (PRO)	Carry-On Trailer Corp.	Unpermitted storage of HW. Manifest, record keeping and reporting violations. Training violations.	Consent Order effective September 18, 2010. \$13,500 civil charge. Schedule of Compliance included.
City of Danville (BRRO)	Essel Propack Graphics	Labeling and storage violations. Failure to conduct weekly inspections.	Consent Order effective August 18, 2010. \$19,110 civil charge. Schedule of Compliance included.
Carroll Co. (SWRO)	Gary H. Parsons	Improper storage of HW. HW container violations.	EPA removal action at the site. No viable responsible party. Matter de-referred from formal enforcement.
Campbell Co. (BRRO)	Georgia-Pacific Wood Products	Improper managing and labeling of HW. Failure to meet LDR.	Consent Order effective February 24, 2010. \$11,000 civil charge.
City of Roanoke (BRRO)	ITT Corporation-Night Vision	Improper acceptance of HW from off-site facility.	Consent Order effective June 9, 2010. \$1,800 civil charge.
City of Harrisonburg (VRO)	James Madison University	HW generator violations. HW storage violations. HW container violations. Failure to perform HW training. UW violations.	Executive Compliance Agreement effective January 25, 2010. Schedule of Compliance included.
Amherst Co. (BRRO)	Lynchburg Steel Company, LLC	Failure to notify and submit reports and fees. UW, manifest, and labeling violations.	Consent Order effective May 25, 2010. \$17,407 civil charge.
City of Norfolk (TRO)	Naval Station Norfolk	Accumulation of HW past 90 days as LQG.	Consent Order effective September 29, 2010. \$8,610 civil charge.
City of Portsmouth (TRO)	Norfolk Naval Ship Yard	Transporter and manifest violations.	Consent Order effective August 12, 2010. \$8,400 civil charge.
Henrico Co. (PRO)	Oilfield Pipe and Supply, Inc.	Labeling violations. Failure to make HW determination. Failure to inspect containers.	Consent Order effective May 10, 2010. \$9,814 civil charge.

City of Richmond (PRO)	Sampson Coatings	HW container violations. UW violations.	Consent Order effective August 16, 2010. \$17,500 civil charge.
Essex Co. (PRO)	SCER Supreme Inc. (New Jersey ID)	Failure to meet notification or storage requirements for HW and UW lamps in trailers at facility. Failure to obtain HW transporter permit.	Issues combined with Advanced Technologies Processing, Inc.
Russell Co. (SWRO)	Strata Mine Services Inc.	HW container violations. HW generator violations. Multi-media VPDES violations identified as well.	Waste and Water Consent order effective October 28, 2009. \$8,400 civil charge for HW violations.
Amelia Co. (PRO)	The Amelia Lumber Co.	HW storage violations. HW generator violations.	Consent Order effective September 17, 2010. \$37,663 civil charge. Schedule of Compliance included.
City of Roanoke (BRRO)	Transformer Electric Co. Inc.	HW container violations. Solid waste violations. HW emergency and preparedness violations.	All violations returned to compliance. Ability-to-pay analysis showed no ability to pay civil charge. Matter de-referred from formal enforcement.
City of Salem (BRRO)	Tecton Products	Failure to make HW determination. Improper HW treatment. HW generator violations.	Consent Order effective December 21, 2009. \$44,642 civil charge. Schedule of Compliance included.

Total FFY 10 Hazardous Waste Consent Orders = 15

Total FFY 10 Civil Charges= \$372,196

Resolved Solid Waste Cases – Table C

Note: SNC status does not apply to Solid Waste cases

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
City of Suffolk (TRO)	American Transportation Systems LLC f/k/a American Environmental Group AEG LLC	Unpermitted regulated medical waste management activity, including loading, repackaging, and storage of regulated medical waste.	Consent Order effective October 1, 2009. \$75,000 civil charge. Schedule of Compliance included.
City of Chesapeake (TRO)	C & M Industries, Inc.	Unpermitted solid waste management activity.	Consent Order effective October 1, 2009. \$4,200 civil charge. Schedule of Compliance included.
Albemarle Co. (VRO)	Crown Orchard Company L.P., L.L.P	Unpermitted solid waste management activity involving municipal solid waste.	Consent Order effective January 10, 2010. \$9,551 civil charge. Schedule of Compliance included.
City of Marion (SWRO)	Dept. of Behavioral Health and Dev. Services and Southwestern Virginia Mental Health Institute	Improper management and disposal of regulated medical waste.	Executive Compliance Agreement effective April 6, 2010. Schedule of Compliance included.
Montgomery Co. (BRRO)	Haile Landscaping Design, Inc.	Unpermitted solid waste management activity and open burning of solid waste.	Consent Order effective December 21, 2009. \$13,164 civil charge.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Northumberland Co. (PRO)	Phillip Jackson	Unpermitted solid waste disposal	Consent Order effective September 21, 2010. Schedule of Compliance Included.
City of Winchester (VRO)	PolyOne Engineered Films, Inc.	Old unpermitted solid waste management site.	Consent Order effective March 17, 2010. Schedule of Compliance included.
City of Lynchburg (BRRO)	Rock-Tenn Inc.	Failure to provide financial assurance for industrial landfill.	Consent Order effective May 26, 2010. \$9,000 civil charge.
Roanoke Co. (BRRO)	Thomas Bros L.C.	Placement of waste in un-permitted area; financial assurance update; maintain slopes	Consent Order effective June 25, 2010. \$14,560 civil charge. Schedule of Compliance included.
City of Chesapeake (TRO)	Tidewater Green Corporation	Unpermitted materials recovery facility.	Consent Order effective October 1, 2009. \$3,500 civil charge. Schedule of Compliance included.
City of Arlington (NRO)	Va. Hospital Center Arlington Health System &Aramark Healthcare Support Services	Improper regulated medical waste handling and disposal.	Consent Order effective October 5, 2009. \$93,758 civil charge. Schedule of Compliance included.

Total FFY 10 Solid Waste Consent Orders

Total FFY 10 Civil Charges= \$222,733