



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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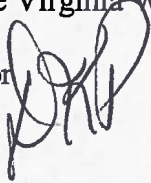
Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

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### MEMORANDUM

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

**FROM:** David K. Paylor 

**DATE:** May 5, 2011

**SUBJECT:** Minutes

Attached are the minutes from your meeting on December 3, 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).

Board approved  
5/27/11  
Debra Miller

**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**  
**FRIDAY, DECEMBER 3, 2010**  
**GENERAL ASSEMBLY BUILDING**  
**HOUSE ROOM C**  
**9TH & BROAD STREETS**  
**RICHMOND, VIRGINIA**

**Board Members Present:**

N. Howard Burns, Jr.

Eric K. Sildon (arrived at 10:20 a.m.)

Tyrone W. Murray

Thomas V. Van Auken

Larisa Dobriansky

EJ Scott (arrived at 10:43 a.m.)

Steven J. Yob

**Department of Environmental Quality:**

David K. Paylor, Director

Debra A. Miller

**Attorney General's Office:**

Ryan J. Brown, Assistant Attorney General

The meeting was convened at 10:10 a.m. and adjourned at 11:50 a.m.

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**Minute No. 1 - Chair and Vice-Chair Elections.**

The Board elected Mr. Steven Yob as the Chairman and Mr. Howard Burns as the Vice-Chairman of the Virginia Waste Management Board.

**Minute No. 2 - Minutes.**

The Board approved the minutes from the Board's meeting on June 14, 2010, with one minor grammatical correction under Minute 4.

**Minute No. 3 - Regulations - Final Exempt - Virginia Hazardous Waste Management Regulations (9VAC20-60, Immediate Final Rule 2008-2010)**

Mr. William Norris of DEQ's Office of Regulatory Affairs presented amendments to the Board's Virginia Hazardous Waste Management Regulations, 9 VAC 20-60, as Immediate Final Rule 2008-2010.

Mr. Norris explained that this is an exempt action under the APA and is necessary as 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. As the Board's regulations incorporate the federal regulations by reference, it is necessary to amend the date of incorporation in the regulations in order to bring the 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. Additionally, technical corrections were also needed to update the DEQ mailing address in 9VAC20-60-261 and to revise a Federal Register reference in 9VAC20-60-260, 9VAC20-600261, and 9VAC20-60-270. Also, a previous change to the federal rules which was not adopted in the last cycle is included in order to adopt the more stringent conditions applicable to comparable fuel which the EPA promulgated concurrently with the Emission Comparable Fuel (ECF) exclusion on December 19, 2008. This change resulted in a deletion of language in 9VAC20-60-261. As this is a final exempt action, once adopted, the regulations would be final thirty (30) days after publication in the Virginia Register.

The Board asked some clarifying questions regarding the ECF exclusion and then asked for public comment. No one chose to speak. The staff then presented the recommendation.

Based on the Board book material, staff presentation and Board discussion, the Board, by motion of Mr. Van Auken and seconded by Mr. Murray, unanimously accepted the staff recommendation and adopted the amendment, IFR2008-2010, to the Virginia Hazardous Waste Management Regulations, 9VAC20-60, and authorized its publication and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

**Minute No. 4 - Regulations - Final Exempt - Virginia Regulations Governing the Transportation of Hazardous Materials (9VAC20-110, Immediate Final Rule 2010)**  
Mr. William Norris of DEQ's Office of Regulatory Affairs presented the amendments to the Board's Virginia Regulations Governing the Transportation of Hazardous Materials 9VAC20-110, as Immediate Final Rule 2010. Mr. Norris informed the Board that this was also an exempt action under the APA, and was also necessary as 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.

As the Board's regulations incorporate by reference the federal regulations, it is necessary to amend the date of incorporation in the regulations in order to bring the 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 the Virginia regulations. The amendment before the Board covers four years of federal regulatory changes from October 1, 2006 through September 30, 2010, and includes a total of thirty (30) changes. If adopted, the regulatory amendment would be final thirty (30) days after publication in the Virginia Register.

The Board asked some clarifying questions including how the federal fee is used. After some discussion, the staff presented the staff recommendation.

Based on the Board book material, staff presentation and Board discussion, the Board, by motion of Mr. Sildon and seconded by Mr. Van Auken, unanimously accepted the staff recommendation and adopted the amendment, IFR2010 to the Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, and authorized its publication, and

affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

**Minute No. 5 - Significant Noncompliance Report.**

The Board received a report from Mr. Justin Williams, Waste Enforcement Program Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year 2010 and for Federal Fiscal Year 2011 to date.

**Minute No. 6 - Public Forum.**

No one appeared during the public forum.

**Minute No. 7 - Other Business.**

The Board received a report from Ms. Leslie Beckwith, Waste Division's Office of Financial Assurance Director, regarding Virginia's recycling efforts. The Board then received the Division Director's Report from Mr. Jeffery Steers, Waste Division Director. Mr. Steers' report focused on an update on Amendment 7 to the Virginia Solid Waste Management Regulations, update on the Solid Waste Fees stakeholder group efforts, EPA's coal combustion residuals proposed rulemaking and DEQ's comments on the proposal, and other initiatives in the waste programs.

At the conclusion of other business, Ms. EJ Scott addressed her fellow Board members encouraging all to keep up the good work.

 5/5/11

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Debra A. Miller  
Planning and Policy Specialist  
Office of Regulatory Affairs