



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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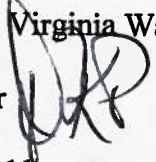
Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

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MEMORANDUM

TO: Members of the Virginia Waste Management Board

FROM: David K. Paylor 

DATE: November 4, 2011

SUBJECT: Minutes

Attached are the minutes from your meeting on May 27, 2011. Staff will seek your approval of the minutes at your next regular meeting.

If you have any questions, please contact Debra Miller at (804) 698-4209 or Debra.Miller@deq.virginia.gov.

Approved
11/5/11
DAM

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
FRIDAY, MAY 27, 2011
GENERAL ASSEMBLY BUILDING
HOUSE ROOM D
9TH & BROAD STREETS
RICHMOND, VIRGINIA

Board Members Present:

Steven J. Yob (Chairman)

N. Howard Burns, Jr. (Vice-Chairman)

Eric K. Sildon

Tyrone W. Murray

Thomas Van Auken

Larisa Dobriansky

EJ Scott

Department of Environmental Quality:

Richard F. Weeks, Deputy Director

Cindy M. Berndt

Debra A. Miller

Attorney General's Office:

Ryan J. Brown, Assistant Attorney General

David Grandis, Assistant Attorney General

The Chairman convened the board meeting at 10:07 a.m. and adjourned it at 11:08 a.m.

Minute No. 1 - Minutes.

The Board unanimously approved the minutes from the Board's meeting on December 3, 2010.

Minute No. 2 - Regulations - Final Exempt - Solid Waste Management Permit Action Fees and Annual Fees Regulation, 9VAC20-90, 2011 Immediate Final Rule Revisions.

Ms. Melissa Porterfield of DEQ's Office of Regulatory Affairs presented amendments to the Board's Solid Waste Management Permit Action Fees and Annual Fees Regulation, 9 VAC 20-120, as Immediate Final Rule 2011. This regulation specifies both the fees that applicants for solid waste permits must pay and the annual fees that must be paid. These fees are used to cover costs associated with overseeing solid waste facilities. The changes that are being proposed to this regulation only affect the annual fees assessed on solid waste facilities, not fees associated with obtaining a permit or modifying a permit.

Ms. Porterfield explained that this is an exempt action under the APA as they are necessary to conform to Virginia statutory law and provided a brief overview of the regulatory changes was presented. The 2011 General Assembly revised Section 10.1-1402.1:1 of the Code of Virginia to specify the annual fees solid waste management

facilities are required to pay and these changes will become effective on July 1, 2011. Additionally, the statute also specifies that the fees are to be adjusted annually for inflation. A brief overview of the statutory required changes to these regulations was presented, including the new annual fee structure required by the statute. The fees collected cover a portion of the direct costs for processing, compliance and enforcement of permits issued for the disposal, treatment or storage of nonhazardous solid waste. In addition to the changes needed to implement Chapter 420 of the 2011 Acts of Assembly, the regulation amendments also contain changes which are exempt from the state administrative procedures as allowed by § 2.2-4006 A 3 of the Administrative Process Act. These changes are necessary to change citations to as a result of recodification of the Solid Waste Management Regulations under 9VAC20-81.

The staff recommended that the Board adopt the regulation as a final regulation, including the noted changes to sections 113.B, 114.B, 114.H, and 115.H, and to direct the agency to make the regulation effective on July 1, 2011 or as soon thereafter as possible

The Board asked clarifying questions regarding the revenue effects, incinerator ash fee assessment, and changes presented in the errata sheet. Staff provided response to the questions and further clarified that statutory changes, which will be effective on July 1, 2011, require this action. There was no public comment.

Based on the Board book material, staff presentation and Board discussion, the Board, by motion of Mr. Burns and seconded by Mr. Murray, unanimously accepted the staff recommendation and adopted the amendment as a final regulation 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. 3 - Regulations - Final Exempt - Amendment 8 – Waste Management Regulations

Ms. Deb Miller, Office of Regulatory Affairs, presented Amendment 8 to the Board's waste regulations for consideration as final regulation. Amendment 8 makes minor form/style/technical changes to 9VAC20-81 and to other waste board regulations in order to update the citations from Chapter 80 and 101, which were repealed under Amendment 7 to Chapter 81. This is a regulatory amendment for only form, style, and technical changes and is exempt from the full regulatory process under § 2.2-4006 A 3 of the Administrative Process Act. The regulations amended by this action are:

- 9VAC20-81, Solid Waste Management Regulations
- 9VAC20-60, Virginia Hazardous Waste Management Regulations
- 9VAC20-70, Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities
- 9VAC20-85, Coal Combustion By-products Regulations
- 9VAC20-120, Regulated Medical Waste Management Regulations
- 9VAC20-130, Solid Waste Planning and Recycling Regulations
- 9VAC20-140, Regulations for the Certification of Recycling Machinery and Equipment for Tax Exemption Purposes
- 9VAC20-150, Waste Tire End User Reimbursement Regulations

- 9VAC20-160, Voluntary Remediation Regulations
- 9VAC20-170, Transportation of Solid and Medical Wastes on State Waters

This amendment revised 9VAC20-81 for typos, form/style changes for clarification, and citations/reference changes. The other waste regulations were amended to update citations to the repealed 9VAC20-80 and 9VAC20-101 to 9VAC20-81. There was no public comment and no questions from the board.

The staff recommended that the Board adopt Amendment 8 as a final regulation, authorize its publication, and affirm that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Based on the Board book material and staff presentation, the Board, by motion of Mr. Sildon and seconded by Ms. Scott, unanimously adopted Amendment 8 as a final regulation, authorized its publication, and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Minute No. 4 - Significant Noncompliance Report.

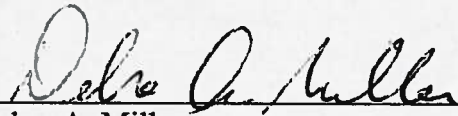
The Board received a report from Mr. Justin Williams, Waste Enforcement Program Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year 2011 to date.

Minute No. 5 - Public Forum.

No one appeared during the public forum.

Minute No. 6 - Other Business.

The Board received the Division Director's report from Ms. Leslie Beckwith, Waste Division's Office of Financial Assurance Director. This report provided the Board information on the 2010 Solid Waste Report, implementation initiatives for Amendment 7, an update of the UECA regulatory process, the regulations for fluorescent tube management, and a summary of the Division Director's listening session.



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