



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: Members of the Virginia Waste Management Board

FROM: David K. Paylor *DKP*

DATE: November 14, 2013

SUBJECT: Minutes

Attached are the minutes from your meeting on May 3, 2013. Staff will seek your approval of these minutes at your next regular meeting.

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

Attachment
cc: Cindy Berndt, DEQ

*approved
12/13/13
DHH*

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
FRIDAY, MAY 3, 2013
HOUSE ROOM C
GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS
RICHMOND, VIRGINIA

Board Members Present:

Steven J. Yob
Tyrone W. Murray
Paul R. Schmidt

Thomas Van Auken
EJ Scott
Eric Sildon (arrived at 10:24 am)

Board Members Absent:

Larisa Dobriansky

Department of Environmental Quality:

Richard Weeks, Deputy Director
Cindy M. Berndt

Debra A. Harris

Attorney General's Office:

David C. Grandis, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The Chairman convened the meeting at 10:04 a.m. and adjourned at 11:24 a.m.

Minute No. 1 – Welcome New Board Member.

Mr. Paul Schmidt of Virginia Beach was introduced by Mr. Richard Weeks, DEQ Deputy Director, and welcomed to the Board.

Minute No. 2 – Election of Vice Chair.

The Board elected Mr. Tyrone Murray as Vice Chair.

Minute No. 3 – Minutes.

On a motion by Ms. Scott and seconded by Dr. Van Auken, the Board unanimously approved the minutes from the Board's meeting on January 7, 2013.

Minute No. 4 – Voluntary Remediation Regulations, 9VAC20-160, Final Regulations.

Gary Graham of DEQ's Office of Regulatory Affairs presented Amendment 2 to Voluntary Remediation Regulations, 9VAC20-160, to the Board. This amendment was presented to the Board for their final adoption. Mr. Graham explained that purpose of the amendment is to clarify requirements and update and revises the procedures of the program including update of sampling and analytical procedures. The background of the program was reviewed. Mr. Graham then presented a review of the amendments made as part of the proposed regulation and the public comments process which included a public hearing. There were 60 separate comments received from 14 commenters. These comments were summarized for the Board. Mr. Graham then provided the Board with the changes made to the regulation due to the comments received. The Board asked clarifying questions regarding the changes and responses were provided by the staff. Mr. Graham then presented the staff recommendation

Based on the board book briefing items and staff presentation and upon motion by Mr. Murray and seconded by Dr. Van Auken, the Board unanimously adopted Amendment 2 to 9VAC20-160 as a final regulation.

Minute No. 5 – Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, Immediate Final Rule 2012 – CFR Update.

Debra Harris of DEQ's Office of Regulatory Affairs presented Immediate Final Rule 2012 to 9VAC20-110 to the Board. Ms. Harris explained that each year, the U. S. Environmental Protection Agency makes changes to the federal regulations regarding the transportation of hazardous materials Title 49 of the Code of Federal Regulations (CFR). As 9VAC20-110 incorporates the CFR, it is necessary to change Section 110 to bring Virginia's regulations up-to-date with the latest Title 49 of the CFR which was published on October 1, 2012. The Board was informed that under §2.2-4006.A.4.c of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the federal regulations.

Based on the Board book briefing items and staff presentation, the Board, on a motion of Ms. Scott and seconded by Mr. Murray, unanimously voted to adopt this amendment to 9VAC20-110 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. 6 – Administrative Procedures for Hazardous Waste Facility Site Certification, 9VAC20-40, Final Exempt Action for HB2089.

Debra Harris of DEQ's Office of Regulatory Affairs presented a final exempt regulatory amendment to 9VAC20-40 due to statutory changes made to §10.1-1183 of the Code of Virginia by HB2089. In accordance with the statutory changes, the term "mail" and "certified" mail was revised in this regulation to conform to the statutory changes. The Board was informed that under §2.2-4006.A.4.a of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the state law.

Based on the Board book briefing items and staff presentation, the Board, on a motion of Ms. Scott and seconded by Mr. Schmidt, unanimously voted to adopt this amendment to 9VAC20-40 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. 7 - Significant Noncompliance Report.

The Board received a report from Mr. Russell Deppe, the Waste Enforcement Program Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year (FFY) 2013 and FFY2014 to date.

Minute No. 8 - Public Forum.

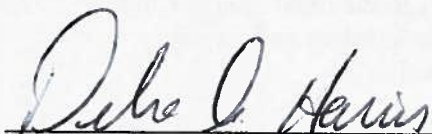
No one appeared during the public forum.

Minute No. 9 – Division Director's Report.

The Board received the Division Director's Report from Mr. Jeffery Steers, Land Protection and Revitalization Director.

Minute No. 10 - Future Meetings.

No future meetings were set for the Board at this meeting.



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