



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

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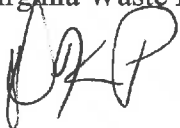
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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director  
(804) 698-4000

**MEMORANDUM**

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

**FROM:** David K. Paylor 


**DATE:** November 28, 2018

**SUBJECT:** Minutes

Attached are the minutes from your meeting on January 8, 2018. Staff will seek your approval of these minutes at your next regular meeting on December 17, 2018.

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

Attachment  
cc: Cindy Berndt, DEQ

approved  
12/17/18  


**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**

**MONDAY, JANUARY 8, 2018**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
PIEDMONT REGIONAL OFFICE – TRAINING ROOM  
494-A COX ROAD  
GLEN ALLEN, VIRGINIA

**Board Members Present:**

EJ Scott, Chair

Michael Benedetto

Jeffery Crate

Amarjit Riat

Eric Wallace

**Board Members Absent:**

Steven Yob

Eric DeGroff

**Department of Environmental Quality:**

Jeff Steers, Deputy Director of Operations

Cindy M. Berndt

Debra A. Harris

**Attorney General's Office:**

Kelci Block, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The meeting was convened by the chairperson, Ms. EJ Scott, at 10:31 a.m. and was adjourned at 12:22 p.m.

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**Minute No. 1 - Minutes.**

On a motion by Mr. Riat and seconded by Mr. Crate, the Board unanimously approved the minutes from the Board's meeting on February 24, 2017.

**Minute No. 2 – Virginia Hazardous Waste Management Regulations (9VAC20-60) - Annual Update 2017, Final Exempt Action.**

Ms. Lisa Ellis, DEQ's Hazardous Waste Compliance Program Coordinator, presented an amendment to the Board's regulations for hazardous waste management under 9VAC20-60. Ms. Ellis explained that each year, the EPA makes changes to the federal regulations regarding hazardous waste management under Title 40 of the Code of Federal Regulations (40 CFR). Ms. Ellis informed the Board that this update will adopt into 9VAC20-60 EPA's rules published between July 1, 2016 through June 30, 2017, including: (1) *Imports and Exports of Hazardous Waste*, which was published on November 28, 2016 and which will be administered by EPA; and, (2) *Hazardous Waste Generator Improvements Rule* which was also published on November 28, 2016. Ms. Ellis provided a brief background of these rules, the final exempt regulatory process, and responded to clarifying questions from the Board.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Benedetto and seconded by Mr. Riat, unanimously voted to adopt Annual Update 2017 (Amendment 19) to 9VAC20-60 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. 3 - Public Participation Guidelines (9VAC20-11) – Fast Track Process.**

Ms. Melissa Porterfield of DEQ's Office of Regulatory Affairs presented a regulatory amendment to Board's *Public Participation Guidelines*, 9VAC20-11. Ms. Porterfield explained that the fast track process was being used for this amendment as it is expected to be non-controversial. This amendment incorporated the changes to Section 50 of 9VAC20-11 made by Chapter 795 of the 2010 Acts of Assembly and the Department of Planning and Budget's model public participation guidelines. The amendment allows interested parties to be accompanied by or represented by counsel during the formulation of a regulation.

Based on the Board book material, staff presentation, and staff responses to the Board's questions, on a motion of Mr. Benedetto and seconded by Mr. Crate, unanimously voted to:

1. Promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization also constitutes its adoption of the amendments to the Public Participation Guidelines (9VAC20-11) at the end of the public comment period provided that: (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules; and, (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.
2. Set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

**Minute No. 4 – Amendments to the Solid Waste Planning and Recycling Regulations (9VAC20-130) – Fast Track Process.**

Ms. Melissa Porterfield of DEQ's Office of Regulatory Affairs presented a regulatory amendment to Board's *Solid Waste Planning and Recycling Regulations*, 9VAC20-130. Ms. Porterfield explained that the fast track process was being used for this amendment as it is expected to be non-controversial. She then provided the overview of the regulation and the proposed regulatory amendment. The amendment is primarily to make the regulation clearer and more user-friendly. The primary change being made is to re-order the regulatory sections so that similar requirements are together. Additionally, the regulation was revised to list only the credits identified by statute. Ms. Porterfield informed the Board that an informal comment period was held from March 27, 2017 to April 28, 2017. Ms. Porterfield then provided the responses and changes made based on the public comments received from two commenters.

Based on the Board book material, staff presentation and responses provided to Board questions, the Board, on a motion of Mr. Wallace and seconded by Mr. Crate, unanimously voted to:

1. Promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization also constitutes its adoption of the amendments to the Solid Waste Planning and Recycling Regulations (9VAC20-130) at the end of the public comment period provided that: (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules; and, (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.
2. Set an effective date 15 days after close of the 30-day public comment period provided: (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act; and, (ii) the department does not find it necessary to make any changes to the proposal.

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

The Board received a report from Ms. Kristen Sadtler, the Waste Enforcement Program Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year (FFY) 2017 and for FFY 2018 from October 1, 2017 to December 12, 2017.

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


No one appeared during the public forum.

**Minute No. 7 – Division Director’s Report.**

The Board received the Division Director’s Report from Mr. Justin Williams, Land Protection and Revitalization Division Director.

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

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



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

