



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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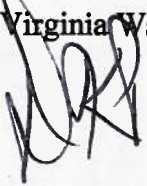
Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

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### MEMORANDUM

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

**FROM:** David K. Paylor 


**DATE:** July 9, 2012

**SUBJECT:** Minutes

Attached are the minutes from your meeting on June 15, 2012. Staff will seek your approval of these 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](mailto:Debra.Miller@deq.virginia.gov).

cc: Cindy Berndt, DEQ

Approved 7/21/13  


**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**  
**FRIDAY, JUNE 15, 2012**

HOUSE ROOM C  
GENERAL ASSEMBLY BUILDING  
9<sup>TH</sup> & BROAD STREETS  
RICHMOND, VIRGINIA

**Board Members Present:**

Steven J. Yob (Chairman)	EJ Scott
N. Howard Burns, Jr. (Vice-Chairman)	Thomas Van Auken
Eric K. Sildon (arrived at 10:58 am)	Larisa Dobriansky
Tyrone W. Murray	

**Department of Environmental Quality:**

David K. Paylor, Director	Debra A. Miller, Planning & Policy Specialist
Cindy M. Berndt, ORA Director	

**Attorney General's Office:**

Kerri L. Nicholas, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The Chairman convened the meeting at 10:31 a.m. and adjourned the meeting at 12:05 p.m.

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**Minute No. 1 - Minutes.**

On a motion by Ms. Scott and seconded by Mr. Murray, the Board unanimously approved the minutes from the Board's meeting on December 5, 2011.

**Minute No. 2 – Legislative Update.**

Ms. Angela Jenkins, DEQ's Policy Director, provided the Board with an update of legislation resulting from the latest General Assembly Session (2012 and 2012 Special Session I). Ms. Jenkins updated the Board on:

- Senate Bill 504, Energy Efficiency Projects
- Senate Bill 676, Recycling Rate Report
- House Bills 1300 and 1301, Budget
- House Bill 1291 & Senate Bill 678, Government Reorganization
- Other bills that affected other DEQ media programs.

**Minute No. 3 - Solid Waste Management Permit Action Fees and Annual Fees, 9VAC20-90, Final Exempt Amendment – 2012-14 Virginia Biennium Budget.**

Ms. Debra Miller of DEQ's Office of Regulatory Affairs presented an amendment to the Board's regulations entitled Solid Waste Permit Action Fees and Annual Fees Regulations, 9VAC20-90. Ms. Miller explained that this regulatory amendment removes the 60% cap on the amount of fees collected by the Department of Environmental Quality (DEQ) from permitted solid waste management facilities as this cap was not in DEQ's appropriation language for the 2012-14 Virginia Budget Bill. It was noted that annual fees are now set by the Virginia Waste

Management Act so DEQ does not control the amount received as the fee is set by statutory law. The Board was informed that under § 2.2-4006.A.4.a of the Administrative Process Act, the Board may adopt this amendment as a final regulation under a final exempt action as the amendment is necessary to conform to changes in the appropriations act.

Based on the Board book material and staff presentation, the Board, on a motion of Ms. Scott and seconded by Mr. Burns, unanimously adopted this amendment to 9VAC20-90 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 – Solid Waste Planning and Recycling Regulations, 9VAC20-130, Final Exempt Amendment – Recycling Rate Report.**

Ms. Debra Miller of DEQ's Office of Regulatory Affairs presented an amendment to the Board's regulations entitled Solid Waste Planning and Recycling Regulations, 9VAC20-130. Ms. Miller explained that this regulatory amendment was necessary to conform to Chapter 834 of the 2012 Acts of Assembly (Chapter 834) which amended § 10.1-1411 of the Virginia Waste Management Act. Chapter 834 decreases the frequency for submittal of the recycling report for each solid waste planning unit or locality with a population of 100,000 or less from annually to once every four years. In accordance with § 2.2-4006.A.4.a of the Administrative Process Act, the Board may adopt this amendment as a final regulation under a final exempt action as the amendment is necessary to conform to changes in the statutory law.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Burns and seconded by Mr. Murray and by a vote of 5-2 (Mr. Van Auken and Ms. Scott voted against), adopted this amendment to 9VAC20-130 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. 5 - Various Virginia Waste Management Board Regulations, Final Exempt Amendment – DEQ Address Update.**

Ms. Debra Miller, Office of Regulatory Affairs, presented final amendments to various Waste Management Board regulations, 9VAC20 Chapters 170, 20, 50, 60, 70, and 160. This regulatory amendment corrects the DEQ mailing address in these regulations. In accordance with § 2.2-4006.A.3 of the Administrative Process Act, the Board may adopt this amendment as a final regulation under a final exempt action as the amendment is only for technical corrections to the regulations.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Van Auken and seconded by Ms. Scott, unanimously adopted the amendments as presented, 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 - 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 for Federal Fiscal Year 2012, updated to date.

**Minute No. 7 - Public Forum.**

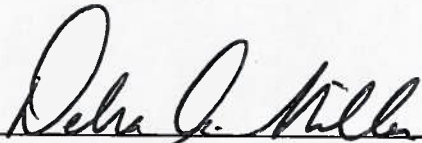
No one appeared during the public forum.

**Minute No. 8 - Other Business – Division Director’s Report.**

The Board received the Division Director’s Report from Mr. Jeffery Steers, Land Protection and Revitalization Director. The report provided the Board information on: (i) the 2011 Solid Waste Information Assessment; (ii) updates for the Solid Waste, Hazardous Waste, and Voluntary Remediation Programs; (iii) the Tire Program; and, (iv) sustainable materials management initiatives.

**Minute No. 9 - Future Meetings.**

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



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