

**TENTATIVE AGENDA  
 VIRGINIA WASTE MANAGEMENT BOARD MEETING  
 FRIDAY, JULY 25, 2003**

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

Convene - 10:00 A.M.

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<b>III. Regulations - Final</b>	
9 VAC 20-170 - Transportation of Solid and Medical Wastes on State Waters - Sections 70 and 195	Wickline 2
9 VAC 20-60-18 - Hazardous Waste Management Regulations Immediate Final Rule 2003	Wickline 5
<b>IV. Public Forum</b>	
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**ADJOURN**

**NOTE:** The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

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**Transportation of Solid and Medical Waste on State Waters 9 VAC 20-170-70 and 9 VAC 20-170-195:** The Department of Environmental Quality has conducted the additional public participation authorized by the Board on two sections of the Transportation of Solid and Medical Waste on State Waters Regulations, 9 VAC 20-170-10, et seq. The two sections are 9 VAC 20-170-70 (Design, operation and maintenance of containers) and 9 VAC 20-170-195 (Off-loading fee requirements). The Board

adopted these sections at its meeting on March 28, 2003, but suspended the regulatory process for additional public comment.

Notice of the additional opportunity for public comment was posted in the Virginia Register on May 19, 2003. The Department held public meetings on June 10, 2003 at the Charles City Government and School Board Administrative Building, and on June 11, 2003 at the Rappahannock Community College in Warsaw, Virginia. Additional public comment was received by letter and electronic mail. In all, over 2,200 comments were received during the comment period.

In response to the comments, the department recommends several changes, including:

1. The provision for transport of construction and demolition debris (CDD) in covered barges without other containerization has been narrowed and now applies only to rocks, brick, cement block, uncontaminated dirt, broken concrete, and broken road pavement. Other CDD that is not being transported directly to a recycling facility for processing must be placed in containers, like other waste. Transport of such waste must continue to meet performance standards.
2. The testing and certification of containers is no longer restricted to a single classification society, but includes any "approval authority" delegated by the U.S. Coast Guard Commandant. The certification standards have not changed.
3. The 24-inch standing water test has been clarified; however, a return to the former "soap-bubble" or "gas-pressure" test is not recommended. The current standards are robust and reasonable. They remain the strongest regulations in the nation on the transport of such wastes. The performance standards remain in effect.
4. The section on fees has been renamed "Monthly fee requirements," consistent with its intent and effect. No change to the amount of the fee (\$1 per ton or part of a ton) is being recommended.
5. The effect for non-payment of the monthly fees has been clarified and made consistent with other portions of the regulation.
6. The effect of non-payment of the monthly fees has been clarified and made consistent with other portions of the regulation.

**Waste Management Regulations, 9 VAC 20-60 - Final Regulations: Immediate Final Rule 2003:**

Each year the U. S. Environmental Protection Agency makes several changes to the federal rules regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9 VAC 20-60-18, which specifies the date of the federal regulations that are incorporated into Virginia regulations. This date is always July 1; however, each year the text is amended to change the year of the date to the current year, thus incorporating federal changes from July 1 of the previous year through June 30 of the current year.

Normally, there are a dozen or so changes to consider; however, this year there are only three. The first allows the exclusion of certain materials from being considered a hazardous waste when they are

secondary materials used to make zinc fertilizers and those fertilizers have constituents below specified control limits for contaminants. The second change establishes treatability standards under the Land Disposal Restrictions. The standards are for radioactively contaminated cadmium-, mercury- and silver-containing batteries. The third change consists of technical corrections to regulations that control emissions of hazardous air pollutants from incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste. A table is attached that provides more information on these changes.

Because of the limited scope and purpose of the action, § 2.2-4006.A.4. (c) of the Code of Virginia allows the Board to adopt the rule as a final regulations without previous consideration, announcement or public participation. The regulations would be final 30 days after publication in the *Virginia Register*.

**Solid Waste Management in Virginia During Calendar Year 2002:** The Code of Virginia requires the Department to prepare a report annually describing the amount of solid waste disposed of in the Commonwealth during the preceding calendar year. All permitted facilities (except captive waste management facilities) that treat, store or dispose of solid waste are required to provide the Department with information in their possession as is reasonably necessary to prepare the report. The report describes the types of solid waste and the methods of their management. The report also includes information on the jurisdiction of origin of the waste and the remaining landfill capacity in the Commonwealth.

In June of this year, the Department published its Report on Solid Waste Managed in Virginia During Calendar Year 2002. Copies of the report and the news release will be presented to the Board.

**Federal Interstate Waste Legislation:** At the last meeting, the Board voiced support for federal legislation that would authorize states to fully regulate waste imported from other states. A draft resolution to communicate those concerns to Virginia's Congressional delegation will be considered.