

**THE VIRGINIA BOARD FOR
WASTE MANAGEMENT FACILITY OPERATORS
MEETING MINUTES**

The Virginia Board for Waste Management Facility Operators met on Wednesday, September 28, 2005 at 10:00 AM, in Conference Room 4 West at the offices of the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

The following members of the Board were present:

P. Wade Kyle
W. A. Dennison
Michael J. Dieter
Mark Edward Brandon
Debra A. Jacobs

Board members Dan Miles and Thomas Wade were unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy Director
David E. Dick, Executive Director
Kera Woodard, Legal Assistant
Marilyn Cohn, Administrative Assistant

Others in attendance were:

Andrea Arredondo, Earth Compliance Solutions
Jeff Phillips, Waste Management
Milton Brown, Waste Management

In the absence of Chairperson Dan Miles, Vice Chairperson W. A. Dennison finding a quorum of the Board present, called the meeting to order at 10:10 AM. **Call to Order**

Mr. Kyle moved that the Board approve the agenda as prepared by staff. Ms Jacobs seconded the motion, which was unanimously approved by the following members: Jacobs, Brandon, Kyle, Dieter and Dennison. **Adopt Agenda**

Ms Jacobs moved that the Board approve the minutes of its September 29, 2004 meeting, the Public Hearing of August 11, 2005 and the IFF minutes of September 1, 2005. Mr. Brandon seconded the motion, which was unanimously approved by the **Approval of Minutes**

following members: Jacobs, Brandon, Kyle, Dieter and Dennison.

Chairperson Dennison opened the floor for public comment. No members of the public were present.

**Public Comment
Period**

In the matter of **File Number 2006-00386, Jeffrey Phillips**, the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Mr. Milton Brown, Operations Manager for Waste Management and Respondent Jeffrey Phillips, were present and addressed the Board. Mr. Brandon moved that the Board accept the presiding officer's summary and recommendation and approve the application for Class II Waste Management Facility Operator's License for Jeffrey Phillips. Mr. Dieter seconded the motion which was unanimously approved by the following members: Brandon, Kyle, Jacobs, Dieter and Dennison.

**File Number
2006-00386**

The Board received training course application for Class II training from Earth Compliance Solutions. Subsequent to receipt, Mr. Miles and Mr. Dennison reviewed the application and recommended approval of the application. Mr. Kyle moved that the Board accept the recommendations and approve Earth Compliance Solutions Class II training. Mr. Brandon seconded the motion which was unanimously approved by the following members: Brandon, Kyle, Jacobs, Dieter and Dennison.

**Training Course
Application**

David Dick provided the Board with the public comments received during the public comment period on its proposed regulation amendments and a draft Summary of Public Comment and Agency Response. The Board reviewed the public comments and the draft Summary of Public Comment and Agency Response.

**Proposed
Regulatory Action**

Mr. Kyle moved that the Board adopt the Summary of Public Comment and Agency Response drafted by staff with additional input from the Board. The motion was seconded by Mr. Brandon and unanimously approved by the following members: Brandon, Kyle, Jacobs, Dieter and Dennison.

**Summary of Public
Comment and
Agency Response
Adopted**

The Board reviewed its proposed regulation amendments and deleted all language concerning the creation of a separate class of license for municipal solid waste composting. Section 18 VAC 155-20-120.B.4. was amended to add the word "operational" after "verified" and before "experience" to make clear that experience

**Final Regulations
Adopted**

must involve the actual operation of a waste management facility in order to qualify.

The Board noted that there is no strong support for creating a separate license class for municipal solid waste composting but that there is strong and compelling opposition. A separate class is not economically justified at this time.

Mr. Dieter moved that the Board adopt as final regulation the proposed regulation as amended by the Board during the meeting. Ms. Jacobs seconded the motion which was unanimously approved by the following members: Brandon, Kyle, Jacobs, Dieter and Dennison.

Ms. Jacobs moved that Mr. Miles and Mr. Dennison continue as the Board Chair and Vice Chair, respectively. Mr. Kyle seconded the motion which was unanimously approved by the following members: Brandon, Kyle, Jacobs, Dieter and Dennison.

Other Business

The next meeting of the Board will be as called for by the Chair.

David Dick made a presentation to the Board members on its and responsibilities and process associated with carrying out their duties.

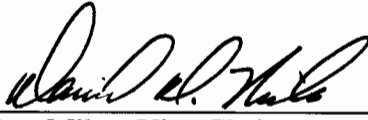
Board Member Training

Vice Chairperson Dennison asked the Board members to complete their conflict of interest forms and travel vouchers.

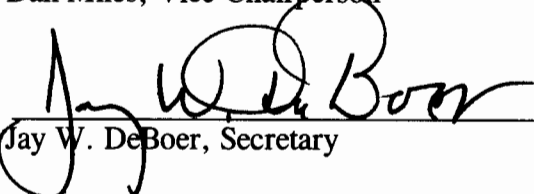
Conflict of Interest Forms

Vice Chairperson Dennison, finding no further business to conduct, adjourned the meeting.

Adjournment



Dan Miles, Vice Chairperson



Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of the Records

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

- 1. Name: P. Wade Kyle
- 2. Title: Board Member -Waste Management Facility Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____

- 6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 9/28/05
Signature: P. Wade Kyle

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: W. A. Dennison
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Government corporation
owns waste management facility

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: _____

09/28/05

Signature: _____

[Handwritten Signature]

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

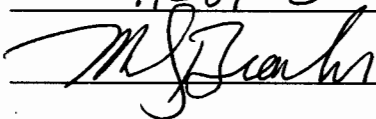
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Mark E. Brandon
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 9/28/05

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Debra A. Jacobs
2. Title: Board Member -Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: N/A
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6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: n/a

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 9/28/05

Signature: Debra Jacobs