



townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC20-60 9VAC20-90
VAC Chapter title(s)	Virginia Hazardous Waste Management Regulations Solid Waste Management Permit Action Fees and Annual Fees
Action title	Amend regulations to increase fees assessed by Waste Management Board Regulations
Date this document prepared	October 28, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The intent of this regulatory action is to amend or modify Virginia Waste Management Board regulations to increase fees assessed by these regulations. The fees assessed by these regulations were last revised 10 years ago.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

Board – Virginia Waste Management Board
Department or DEQ – Department of Environmental Quality

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

There is no mandate from the General Assembly, federal government, or court that requires these amendments.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Board is authorized to adopt regulations under § 10.1-1402 of the Code of Virginia, including to set fees.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The regulatory amendments are necessary support the Department’s regulatory programs for hazardous waste and solid waste.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The substance of this action is to increase fees assessed through Virginia Waste Management Board regulations to support the activities of the Virginia Waste Management Board’s regulations. An overview of the fees to be increased is listed below.

Virginia Hazardous Waste Management Regulations Permit Application Fee and Annual Fee Schedules
These fees collected from certain facilities that manage hazardous waste are needed to defray the costs associated with the permitting and inspection oversight at these facilities and provide direct program support for the hazardous waste management program. These fees were last modified in 2014.

Solid Waste Management Permit Action Fees and Annual Fees Permit Application Fee Schedules
Permit fees are required prior to the construction, operation, or modification of a solid waste management facility. These fees were established to help support the solid waste management program. These fees were last modified in 2004.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives to this regulatory action were considered.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation. The Board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

This NOIRA is not being used to announce a periodic review or a small business impact review.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

Anyone wishing to submit written comments for the public comment file may do through the Public Comment Forums feature of the Virginia Regulatory Town Hall website at <https://townhall.virginia.gov>. Comments may also be submitted by mail or email to Rebecca Rathe at P.O. Box 3000, Harrisonburg, VA 22801 or Rebecca.rathe@deq.virginia.gov. In order to be considered, comments must be received by 11:59 p.m. on the last day of the public comment period.

Public Hearing at Proposed Stage

A public hearing will not be held following the publication of the proposed stage of this regulatory action unless requests for a public hearing are received during the NOIRA public comment period from at least 25 persons.

Regulatory Advisory Panel

Please indicate, to the extent known, if advisers (e.g., regulatory advisory panel or negotiated rulemaking panel) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using a panel in the development of the proposal; 2) the agency is using a panel in the development of the proposal; or 3) the agency is inviting comment on whether to use a panel to assist the agency in the development of a proposal.

The Board is not using a panel to develop a proposal.