

WASTE MANAGEMENT FACILITY OPERATORS REGULATIONS

18 VAC 155-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

*"Board" means the Board for Waste Management Facility Operators.

"Board-approved training course" means a course which has been approved by the board to provide appropriate training to an applicant in accordance with this chapter.

"Class I license" means the authorization from the board to act as a waste management facility operator of a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste.

"Class II license" means the authorization from the board to act as a waste management facility operator of ~~a facility which composts municipal solid waste~~, a sanitary, industrial, construction or debris landfill.

"Class III license" means the authorization from the board to act as a waste management facility operator of an infectious waste incinerator or autoclave.

"Class IV license" means the authorization from the board to act as a waste

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management facility operator of a municipal waste combustor.

“Class V license” means the authorization from the board to act as a waste management facility operator of a facility which composts municipal solid waste.

"Closed facility" means a solid waste management facility which has been properly secured in accordance with an approved facility closure plan.

"Closure" means an act of securing a solid waste management facility pursuant to the requirements established by the Virginia Department of Environmental Quality or appropriate regulatory authority.

“Contact hour” means 50 minutes of participation in a group program or 60 minutes of completion time for a project.

“Continuing professional education/training (CPE/T)” means an integral part of the lifelong learning process that enables a licensed solid waste management facility operator to maintain and increase the competence required to assure the public’s protection, which shall be pursued through an organized program or project in compliance with this chapter.

"Department" means the Department of Professional and Occupational Regulation.

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"Full-time employment" means 1,760 hours per year or 220 work days per year.

"In charge" means the designation of any person by the owner to have duty and authority to operate or modify the operation of a waste management facility.

"License" means an authorization issued by the board to an individual to practice as a waste management facility operator who meets the provisions of this chapter.

"Municipal solid waste (MSW)" means that waste which is defined as "municipal solid waste" in 9 VAC 20-80-10.

"Municipal waste combustor" means a mass burn or a refuse derived fuel incinerator or facility designed or modified for the purpose of noninfectious solid waste combustion.

"Operation" means any waste management facility which is under construction, treating, processing, storing or disposing of solid waste, or in the act of securing a facility for closure.

"Organized program" means a formal learning process designed to permit a participant to learn a given subject or subjects through interaction with an instructor in a formal course, seminar or conference.

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"Owner" means the person who owns a solid waste management facility or part of a solid waste management facility.

*"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation or any other legal entity.

“Project” means a learning process designed to permit a participant to perform work assigned by the owner, operator or manager of a waste management facility under the supervision of a knowledgeable person that results in a specific, predetermined end result and that increases the participant’s competence to practice as a waste management facility operator.

"Site" means within the vicinity of all land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste.

"Solid waste" means any of those materials defined as nonhazardous solid waste in regulations promulgated by the Virginia Department of Environmental Quality.

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"Storage" means housing a solid waste as consistent with the regulations of the Virginia Waste Management Board.

"Substantial change" means a deviation from a specific course that decreases the approved time of the course by more than 30 minutes or modifies the topics of the approved course to below the target levels of knowledge, as stated in the course application.

*"Waste management facility" means a site used for planned treatment, storage, or disposal of nonhazardous solid waste.

*"Waste management facility operator" means any person, including an owner, who is in charge of the actual, on-site operation of a waste management facility during any period of operation.

* As defined by Chapter 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia.

18 VAC 155-20-110. License classification.

A. The applicant shall apply for at least one classification of license as outlined

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below:

1. An individual operating a facility which is defined by the Department of Environmental Quality as a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste shall hold a Class I license. An individual who has obtained a ~~Class II, III or IV~~ Class II, III, IV or V license may also operate a facility listed under Class I, if the individual has completed the board-approved basic training course.
2. An individual operating a facility which composts municipal solid waste, or is defined by the Department of Environmental Quality as a sanitary, industrial, construction or debris landfill, shall hold a Class II license.
3. An individual operating a facility defined by the Department of Environmental Quality as an infectious waste incinerator or an autoclave shall hold a Class III license.
4. An individual operating a facility defined by the Department of Environmental Quality as a municipal waste combustor shall hold a Class IV license.

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5. An individual operating a facility which is defined by the Department of Environmental Quality as a composting facility receiving municipal solid waste shall hold a Class V license.
- B. A licensee may not operate a facility outside of his classification other than that defined by subdivision A 1 of this section.
- C. An individual operating a solid waste management facility that has been issued a permit by the Department of Environmental Quality but for which the board has not established training and licensure requirements shall hold a Class I license until the board establishes the training and licensing requirements by regulation.

18 VAC 155-20-120. Qualifications for licensure.

- A. The board shall issue a license only after an individual has met, through a completed application and addendum, all training, testing, and experience requirements for a at least one specific class as set forth in this chapter.
- B. The applicant shall meet the following requirements for licensure for all classes of licenses:

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1. The applicant shall be at least 18 years of age.
2. The applicant shall provide proof of high school or college graduation, or of having a General Equivalency Diploma (GED).
3. An applicant who cannot fulfill the requirement outlined in subdivision B 2 of this section shall document at least five years of verified experience with a waste management facility during the preceding seven years, with at least three years of experience in at least one of the following activities:
 - a. Supervision;
 - b. Research;
 - c. Construction;
 - d. Project development;
 - e. Site development;
 - f. Compliance and enforcement of a permit or regulations;

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g. Operation; or

h. Review of materials for permitting purposes.

4. Except for applicants that qualify pursuant to subdivision 3 of this subsection, each applicant shall document one year of verified experience with a waste management facility.

~~4.~~ 5. All applicants shall successfully complete the basic training course as defined in 18 VAC 155-20-220 B.

~~5.~~ 6. An applicant may use employment responsibilities in lieu of facility specific training as defined in subsections D through F of this section; provided that:

a. The applicant has been a full-time employee at a waste facility specific to the desired license classification for at least three of the past seven years.

b. The employment responsibilities include at least one of those activities enumerated in subdivision 3 of this subsection.

~~6.~~ The board will accept facility specific training provided that (i) the training has

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~~been approved by the board pursuant to 18 VAC 155-20-230 and (ii) the training was successfully completed after January 1, 1989.~~

7. Experience requirements claimed on the application for licensure shall be verified by the individual's supervisor(s) or personnel officer. Individuals who are under contract with a facility owner may obtain a letter from the facility owner to verify experience.

8. Education requirements claimed on the application for licensure shall be verified by the attendee's educational institution or authorizing jurisdiction on the provided form or in the form of an official transcript or letter. Diplomas will not be accepted for verification of degree or graduation.

9. The applicant holding a valid license from another state or jurisdiction may qualify by reciprocity under the provisions of 18 VAC 155-20-150.

C. The specific requirements for Class I licensure are as follows:

1. Complete a board-approved basic training course; and
2. Pass the board-approved examination for Class I.

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D. The specific requirements for Class II licensure are as follows:

1. Complete a board-approved basic training course and an approved training course specific to Class II facilities; and
2. Pass the board-approved examination for Class II.

E. The specific requirements for Class III licensure are as follows:

1. Complete a board-approved basic training course and an approved training course specific to Class III facilities and pass the board-approved examination for Class III; or
2. Complete the training and examination requirement of a federal or state agency under the federal Clean Air Act, as amended, as of the date applicable to an interpretation of a regulation or adjudication of a case decision and complete the board-approved basic training course within one year after licensure.

F. The specific requirements for Class IV licensure are as follows:

1. Complete a board-approved basic training course and an approved training

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course specific to Class IV facilities and pass the board-approved examination for Class IV; or

2. Complete the training and examination requirement of a federal or state agency under the federal Clean Air Act, as amended, as of the date applicable to an interpretation of a regulation or adjudication of a case decision and complete the board-approved basic training course within one year after licensure.

G. The specific requirements for Class V licensure are as follows:

1. Complete a board-approved basic training course and an approved training course specific to Class V facilities and pass the board-approved examination for Class V.
2. Individuals holding a valid and unexpired Class II license on the effective date of this chapter shall be issued a Class V license without meeting the requirements of subpart 1 of this subsection.

18 VAC 155-20-160. Procedures for renewal.

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A. Licenses issued under this chapter shall expire biennially. Licensees shall be notified by mail of the fee and the procedures for license renewal. Each licensee desiring to renew his license shall ensure that the department receives the renewal notice; evidence of completion of continuing professional education/training; a statement that the license renewal applicant is in compliance with all facility specific operator training and examination requirements of federal and Virginia law and regulations, and of the facility operating permit(s); and the appropriate fee before the license expires.

~~B. For the purposes of the first renewal after May 1, 2000, the expiration date of all licenses issued to a single individual shall be the expiration date on the license most recently issued to or renewed for that individual. Each license issued after May 1, 2000, shall indicate the class or classes of licensure held by the licensee.~~

~~C.~~ B. Licenses shall be renewed for a period of 24 months from the date of the expiring license.

~~D.~~ C. Failure to receive written notice from the department does not relieve the regulant from the requirement to renew his license. If the license holder fails to receive the renewal notice, a copy of the license may be submitted with evidence of completion of the continuing education/training and the appropriate fee.

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~~E. D.~~ The date the required fee is received by the department or its agent will be used to determine whether a penalty fee or the requirement for reinstatement of a license is applicable.

~~F. E.~~ Revoked or suspended licenses are not renewable until reinstated by the board.

18 VAC 155-20-220. Training course curriculum.

A. The board shall approve only training courses which document that their instruction meets the minimum curriculum standards contained in this section.

B. A board-approved basic training course shall at a minimum include the following topics as they relate to nonhazardous solid waste management facilities:

1. Definitions.
2. Authority for regulations.
3. Purpose of regulations.
4. Administration of regulations.
5. Applicability of regulations.
6. Prohibitions.
7. Open dumps.
8. Unpermitted facilities.
9. Enforcement and appeal.
10. Penalties and enforcement.

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11. Public participation.
12. Relationship with other regulations promulgated by the Virginia Waste Management Board, the State Water Control Board, and the Virginia State Air Pollution Control Board.
13. Identification of solid waste.
 - a. Purpose and scope.
 - b. Definitions of solid waste.
 - c. Special wastes.
 - d. Exclusions.
 - e. Conditional exemptions.
14. Identification of unauthorized waste.
- ~~14.~~ 15. Overview of open dumps and unpermitted facilities.
- ~~15.~~ 16. Permitting of solid waste management facilities.
- ~~16.~~ 17. Review of Department of Environmental Quality Inspection Form.
- ~~17.~~ 18. Overview of permitted solid waste management facilities.
 - a. Transfer stations.
 - b. Material recovery facilities.
 - c. Experimental facilities.
 - d. Sanitary landfills.
 - e. Infectious waste incinerators.
 - f. Mass burn facilities.
 - g. Refuse derived fuel facilities.

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~~h.~~ Composting Yard waste composting facilities.

~~h. i.~~ Autoclaves.

~~18.~~ 19. Overview of general OSHA requirements.

~~19.~~ 20. Neighbor relations.

~~20.~~ 21. Recordkeeping and financial assurance.

C. A board-approved training course specific to Class II facilities shall include at a minimum the following topics:

1. Definitions.

2. Special wastes.

a. General.

b. Asbestos wastes.

c. Wastes containing polychlorinated biphenyls.

d. Liquids.

e. Tires.

f. Drums.

g. White goods.

h. Soil contaminated with petroleum products.

i. Lead acid batteries.

j. Other prohibited wastes.

k. Hazardous wastes.

l. Screening for prohibited wastes.

m. Handling procedures for special or hazardous wastes.

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- n. Recordkeeping and notification requirements.
3. ~~Solid waste disposal standards.~~ Sanitary landfills.
- ~~a. General standards for sanitary landfills.~~
 - ~~b. a. Design/construction.~~
 - ~~e. b. Operation.~~
 - ~~d. c. Groundwater monitoring.~~
 - ~~e. Closure.~~
 - ~~f. Post closure care requirements.~~
 - ~~g. d. Control of decomposition gases and landfill gas recovery systems.~~
 - ~~h. e. Leachate control system and monitoring.~~
 - ~~i. f. Leachate control system appurtenances.~~
 - ~~j. Corrective action program.~~
 - g. Large landfill air operating permits.
4. Construction/demolition debris standards.
5. Industrial waste disposal standards.
6. Other solid waste management facility standards.
- ~~a. Compost facilities.~~
 - ~~b.a. Surface impoundments and lagoons.~~
 - ~~e.b. Waste piles.~~
 - ~~d.c. Miscellaneous units.~~
7. Permitting of solid waste management facilities.
- a. Solid waste.

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b. Virginia Pollution Discharge Elimination System (VPDES) permits and related water and wastewater permits.

c. Air.

8. Financial assurance documentation.

a. Closure regulations.

b. Post-closure regulations.

c. Corrective action.

9. Rulemaking petitions and procedures.

D. A board-approved training course specific to Class III facilities shall include at a minimum the following topics:

1. Identification and listing of infectious waste.

a. General.

b. Exemption to regulations.

c. Exclusions.

d. Characteristics of infectious waste.

e. Controlled infectious waste.

2. General requirements.

a. Permits and permits by rule.

~~b. Financial assurance requirements.~~

~~e. b.~~ Packaging and labeling requirements.

~~d. c.~~ Management of spills.

~~e. Closure requirements.~~

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~~f.~~ d. Methods of treatment and disposal.

~~g.~~ e. Approved test method.

~~h.~~ f. Recordkeeping requirements.

3. Requirements for storage facilities.

a. Sanitation.

b. Access.

c. Temperature control and storage period.

d. Drainage and ventilation.

4. Requirements for transportation.

a. Sanitation.

b. Access.

c. Temperature and storage period.

d. Drainage.

e. Packaging, labeling and placards.

f. Management of spills.

g. Loading and unloading.

h. Registration of transportation.

5. Requirements for incineration.

a. Performance standards.

b. Analysis and management of ash residue.

c. Unloading operation.

d. Facility air operating permits.

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~~d.~~ e. Compliance with other regulatory requirements.

6. Requirements for steam sterilization.

a. Performance standards.

b. Compliance with other regulatory requirements.

7. Medical waste combustor regulations.

8. Financial assurance documentation.

a. Closure regulations.

b. Corrective action.

E. A board-approved training course specific to Class IV facilities shall include at a minimum the following topics:

1. Solid Waste Management Regulations.

a. Siting.

b. Design and construction.

c. Operation.

d. Waste characteristics.

2. Emissions formation and control.

a. Type of emissions.

b. Environmental effect.

c. Control techniques.

3. Emissions monitoring.

a. Parameters monitored.

b. Types of monitors.

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- c. Data acquisition.
 - d. Monitor calibration, certification and testing.
- 4. Combustion and gas reactions.
 - a. Combustion components.
 - b. Optimizing solid waste combustion.
 - c. Gas reactions related to combustor construction materials.
- 5. Solid waste materials handling.
 - a. Front end processing equipment.
 - b. Combustion enhancement.
 - c. Back end processing.
 - d. Recycling benefits.
- 6. Waste combustion residue handling and disposal.
 - a. Types of residue.
 - b. Characteristics.
 - c. Regulations.
 - d. Monitoring.
 - e. Handling and transportation.
 - f. Disposal.
 - g. Alternative uses.
- 7. Safety.
 - a. Employer/employee obligations.
 - b. OSHA.

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c. Hazard communication.

d. Equipment tagout.

e. Respiratory protection.

8. Recordkeeping.

a. Engineering log keeping.

b. Maintenance.

c. Solid waste.

9. Virginia pressure vessel regulation.

10. Air pollution control regulations for waste combustors.

11. Facility air operating permits.

12. Plant operations.

a. Thermal fluids theory.

b. Boiler plant operations.

13. Financial assurance documentation.

a. Closure regulations.

b. Corrective action.

F. A board-approved training course specific to Class V facilities shall include at a minimum the following topics:

1. Land use, siting, facility design and operation.

2. Applicable Department of Environmental Quality regulations.

a. The Virginia Waste Management Board, 9 VAC 20-80-10 et seq.

(Solid Waste Management Regulations) and 9 VAC 20-101-10 et seq.

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(Vegetative Waste Management and Yard Waste Composting Regulations);

b. The Virginia State Water Control Board, 9 VAC 25-31-10 et seq. (Virginia Pollutant Discharge Elimination System Permit Regulation), 9 VAC 25-32-10 et seq. (Virginia Pollution Abatement Permit Regulation), and 9 VAC 25-151-10 et seq. (Virginia Pollutant Discharge Elimination System General Permit Regulation for Storm Water Discharges Associated with Industrial Activity); and

c. The Virginia State Air Pollution Control Board, 9 VAC 5-40-130 (Emission Standards for Odor (Rule 4-2)) through 9 VAC 5-40-150 (Standards of Performance for Odorous Emissions (Rule 5-2)).

3. Overview of biological decomposition of organic materials.

4. Characteristics of aerobic and anaerobic composting.

5. Municipal solid wastes suitable for composting.

6. Preparation of MSW for composting.

a. Particle size.

b. Pile size.

c. Temperature range.

d. Temperature retention.

e. Microorganisms.

f. Oxygen.

g. Moisture.

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h. Chemical environment.7. Nutrients.a. Biodegradable carbon.b. Nitrogen.c. Carbon to nitrogen ratios.8. Composting systems.a. Windrow.b. Aerated static piles.c. In-vessel.9. Compost applications.a. Economic and market considerations.b. Landfill cover.c. Application uses.10. Problem solving.a. Odor control and odor control action plan.b. Leachate control.c. Contamination control.

18 VAC 155-20-280. Grounds for denial of application, denial of renewal, or discipline.

A. The board shall have the authority to deny an application for and to deny renewal of a license or training course approval, and to revoke or suspend the license or training

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course approval as well as to discipline a licensee or an approved training provider for the following reasons:

1. Violating or inducing another to violate any provisions of Chapters 1 (§[54.1-100](#) et seq.), 2 (§[54.1-200](#) et seq.), 3 (§[54.1-300](#) et seq.) or 22.1 (§[54.1-2209](#) et seq.) of Title 54.1 of the Code of Virginia, or any ~~provisions~~ provision of this chapter.
2. Obtaining or renewing a license or training course approval through fraudulent means or misrepresentation.
3. Having been found guilty by the board, an administrative body or by a court of any material misrepresentation in the course of performing his operating duties.
4. Subject to the provisions of § 54.1-204 of the Code of Virginia, Having having been convicted or found guilty, regardless of jurisdiction, of any felony, or of any violation which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction.

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5. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony, or of any violation which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.
 6. Gross negligence, or a continued pattern of incompetence, in the practice as a waste management facility operator.
 7. Violating the permit conditions for the facility, or violating any federal, state or local laws or regulations which ~~results~~ resulted in the significant harm or ~~an~~ the imminent and substantial threat of significant harm to human health or the environment.
- B. Any individual whose license is revoked under this section shall not be eligible to apply for licensure for a period of one year from the effective date of the final order of revocation. After the one-year period, the individual shall meet all education, examination, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.
- C. The board shall conduct disciplinary procedures in accordance with the Administrative Process Act (~~§9-6.14:1~~ § 2.2-4004 A et seq. of the Code of Virginia).