

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING

WEDNESDAY, SEPTEMBER 6, 2023

Board Members Present:

EJ Scott, Chair	Jennifer P. Johnson
Daniel R. Ciesla	Steven J. Yob

Department of Environmental Quality (Department):

Michael S. Rolband, Director	Kathryn Perszyk
Jill Hrynciw	Lisa Ellis
Rachael Harrell	Priscilla Rohrer
Melissa Porterfield	

Attorney General's Office:

Katherine Kulbok, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The meeting was convened by the chairperson, Ms. EJ Scott, at 10:31 a.m. and was adjourned at 11:22 p.m.

Minute No. 1 - Introductions.

Ms. EJ Scott led the Board, Agency Director and Assistant Attorney General in introductions.

Minute No. 2 - Minutes.

On a motion by Mr. Ciesla, and seconded by Mr. Yob, the Board unanimously approved the minutes from the Board's meeting on October 28, 2022.

Minute No. 3 – Final Exempt Regulations – Virginia Hazardous Waste Management Regulations (9VAC20-60), Annual Update 2023

Ms. Lisa Ellis of the Office of Financial Responsibility and Waste Programs presented a regulatory amendment to 9VAC20-60 for the Board's consideration for adoption. Ms. Ellis informed the Board that their Virginia Hazardous Waste Management Regulations under 9VAC20-60 are regularly amended to keep Virginia's regulation current with the federal regulations and that this annual update will cover the federal rules amended through June 30, 2023. Ms. Ellis then provided an explanation of the changes to the regulations that were being included and explained that the Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes, (86 FR 54381 10/1/2021), which was excluded during the previous annual update, would now be included. It was explained that the process used for this amendment is the final exempt process as stipulated in the Administrative Process Act (APA).

Based on the Board book material, staff presentation and Board discussions, the Board, on a motion by Mr. Yob and seconded by Mr. Ciesla, unanimously voted to adopt this amendment to 9VAC20-60 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 – Final Exempt Regulations – Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9VAC20-70), Solid Waste Management Permit

Action Fees and Annual Fees (9VAC20-90), Solid Waste Planning and Recycling Regulations (9VAC20-130) and Transportation of Solid and Medical Wastes on State Waters (9VAC20-170), Regulated Medical Waste Management Regulations Citation Update

Ms. Priscilla Rohrer of the Office of Financial Responsibility and Waste Programs presented a regulatory amendment to 9VAC20-70, 9VAC20-90, 9VAC20-130 and 9VAC20-170 for the Board's consideration for adoption. Ms. Rohrer informed the Board that citation updates and technical amendments were necessary to these four regulations as a result of Amendment 3 to the Regulated Medical Waste Management Regulations, which amended and recodified those regulations and was effective March 15, 2023. Ms. Rohrer further explained that all citation references were being updated from 9VAC20-120, which was repealed as part of Amendment 3, and replaced with the new chapter, 9VAC20-121. It was explained that the process used for this amendment is the final exempt process as stipulated in the Administrative Process Act (APA).

Based on the Board book material, staff presentation and Board discussions, the Board, on a motion by Ms. Johnson and seconded by Mr. Yob, unanimously voted to adopt this amendment to 9VAC20-70, 9VAC20-90, 9VAC20-130 and 9VAC20-170 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 – Final Exempt Regulations – Solid Waste Management Regulations (9VAC20-81), Implementation of Chapter 503 of the 2023 Acts of Assembly (SB1050) and Regulated Medical Waste Management Regulations Citation Update

Ms. Kathryn Perszyk, Land Protection and Revitalization Division Director, presented a regulatory amendment to 9VAC20-81 for the Board's consideration and adoption. Ms. Perszyk advised the Board that this amendment is necessary to implement Chapter 503 of the 2023 Virginia Acts of Assembly (SB1050) into the Virginia Solid Waste Management Regulations. Ms. Perszyk explained that Chapter 503 of the 2023 Acts of Assembly requires the owner or operator of a proposed coal ash landfill in Planning District 8, if the facility boundary is located within one mile of an existing residential area that is not served by municipal water supply, to offer to provide, at its expense, municipal water supply service for such residential areas and any requested service connections for residential properties in existence at the time of permit application. Ms. Perszyk further explained that Chapter 503 of the 2023 Acts of Assembly also dictates that DEQ cannot approve the landfill permit application if the owner or operator does not provide written offers and coordinate with the municipal water authority. Ms. Perszyk informed the Board that this action will add a definition for Planning District 8 and amend Section 460 of the Solid Waste Management Regulations to include these new statutory requirements as part of the permit application process for such proposed landfills. Additionally, Ms. Perszyk explained to the Board that Amendment 3 to the Regulated Medical Waste Management Regulations, effective March 15, 2023, recodified those regulations from Chapter 120 to Chapter 121. This regulatory action also makes appropriate citation changes within the Solid Waste Management Regulations. It was explained that the process used for this amendment is the final exempt process as stipulated in the Administrative Process Act (APA).

Based on the Board book material, staff presentation and Board discussions, the Board, on a motion by Mr. Yob and seconded by Ms. Johnson, unanimously voted to adopt this amendment to 9VAC20-81 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. 6 - Division Director's Report.

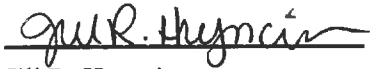
The Board received a report from Kathryn Perszyk, Land Protection and Revitalization Division Director. Ms. Perszyk provided an overview of the land division's programs and accomplishments.

Minute No. 7 - Public Forum.

No members of the public spoke.

Minute No. 8 - Future Meetings.

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



Jill R. Hrynciw
Policy Analyst
Division of Policy