



Exempt Action Final Regulation Agency Background Document

Approving authority name	Virginia Waste Management Board
Primary action	9VAC20-80 (Solid Waste Management Regulations)
Secondary action(s)	0VAC20-85 (Coal Combustion By-Products Regulations) 9VAC20-101 (Vegetative Waste Management and Yard Waste Composting Regulations) and 9VAC20-170 (Transportation of Solid and Medical Wastes on State Waters)
Regulation title	Waste Management Regulations
Action title	Definition of Disclosure Statement (Rev. A09w)
Date this document prepared	December 22, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 A of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Chapter 27, 2009 Acts of the Assembly amended § 10.1-1400 of the Code of Virginia (Definitions, Virginia Waste Management Act) by revising the definition of "disclosure statement" to remove the requirement that social security numbers of key personnel be provided. The Waste Management Regulations must be revised such that the definition of "disclosure statement" is consistent with state law. In addition, 9VAC20-85 is amended to conform to Chapter 348, 2009 Acts of the Assembly which provides that the board shall not exclude or exempt from the definition of solid waste or any solid waste permitting requirements the use, reuse, or reclamation of unamended coal combustion byproduct in an area designated as a 100-year floodplain.

Statement of final agency action

Please provide a statement of the final action taken by the agency, including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 16, 2009, the Virginia Waste Management Board took final action to adopt amendments to the Waste Management Regulations, specifically, 9VAC20-80 (Solid Waste Management Regulations), 9VAC20-101 (Vegetative Waste Management and Yard Waste Composting Regulations), and 9VAC20-170 (Transportation of Solid and Medical Wastes on State Waters). The regulatory action is to be effective as provided in the Administrative Process Act.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Administrative Process Act because they are necessary to conform to Virginia statutory law.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
9VAC20-80-10		"Disclosure statement" defined, including the full name, and business address, and social security number of all key personnel.	Requirement to provide social security number removed. Needed to conform to state law.
9VAC20-101-10		"Disclosure statement" defined, including the full name, and business address, and social security number of all key personnel.	Requirement to provide social security number removed. Needed to conform to state law.
9VAC20-170-10		"Disclosure statement" defined, including the full name, and business address, and social security number of all key personnel.	Requirement to provide social security number removed. Needed to conform to state law.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: (1) the establishment of less stringent compliance or reporting requirements; (2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) the consolidation or simplification of compliance or reporting requirements; (4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and (5)

the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulations apply to all facilities, including small businesses. Any (1) establishment of less stringent compliance or reporting standards; (2) establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; or (5) exemption of small businesses from all or any part of the requirements contained in the proposed regulation for all small businesses would directly, significantly and adversely affect the benefits that would be achieved through the implementation of the regulations.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on the institution of the family or family stability.

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