

**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**

**FRIDAY, OCTOBER 28, 2022**

**Board Members Present:**

EJ Scott, Chair	Amarjit Singh Riat	Eric A. DeGroff
Michael P. Benedetto	Jennifer P. Johnson	
Daniel R. Ciesla	Steven J. Yob	

**Department of Environmental Quality (Department):**

Michael S. Rolband, Director	Rachael Harrell	Priscilla Rohrer
Jenny Poland	Kathryn Perszyk	Jeffery Steers
Geoff Christe	Lisa Ellis	Jill Hrynciw
Melissa Porterfield	William Norris	

**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 10:02 a.m. and was adjourned at 12:57 p.m.

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**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. DeGroff, and seconded by Mr. Riat, the Board unanimously approved the minutes from the Board's meeting on October 8, 2021.

**Minute No. 3 – Final Exempt Regulations – Virginia Hazardous Waste Management Regulations (9VAC20-60), Annual Update 2022**

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 from July 1, 2021 to June 30, 2022. 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) would be adopted during a future regulatory update. It was explained that the process used for this amendment is the final exempt process as stipulated in the Administrative Process Act (APA). Ms. Ellis responded to questions from Board members regarding aerosol cans and outreach.

Based on the Board book material, staff presentation and Board discussions, the Board, on a motion by Mr. Benedetto and seconded by Mr. Riat, 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 – Regulations Governing the Transportation of Hazardous Materials (9VAC20-110), Annual Update 2022**

Mr. William Norris of the Division of Water Planning presented a regulatory amendment to 9VAC20-110 for the Board’s consideration for adoption. Mr. Norris informed the Board that the Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, are amended to keep Virginia’s regulation current with the federal regulations in order for the Virginia State Police (VSP) to inspect and enforce the federal requirements for hazardous materials transport. Mr. Norris noted that this update will cover the federal rules amended by the U.S. Department of Transportation regarding the transportation of hazardous materials from October 1, 2020 to September 30, 2022. Mr. Norris then provided an explanation of the changes to the regulation and noted that the VSP had no comments on the proposed changes. 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 9VAC20-110 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 Regulations – Regulated Medical Waste Regulations (9VAC20-120)**

Ms. Priscilla Rohrer of the Office of Financial Responsibility and Waste Programs presented a final regulation to 9VAC20-120. Ms. Rohrer explained the background history of these regulations and why the final regulation is necessary. Ms. Rohrer also explained that this final regulation, due to its reorganization and modernization of standards, will repeal Chapter 120 and will establish a new Chapter 121. The Board was then provided an outline of the proposed final regulation and Ms. Rohrer explained each part of the revised regulations. Part I will be the definitions which were revised to remove outdated terms. Part II will include general information including prohibitions and exemptions. Part III will include the standards for the management RMW. Part IV will include the standards for permitted RMW transfer stations and treatment facilities and this part was reorganized to make the sections more intuitive and consistent in format with the Solid Waste Management Regulations. Ms. Rohrer discussed the requirements including the new requirements for recordkeeping, waste control, training and for modernizing the treatment requirements and standards in accordance with the industry’s best management practices. Ms. Rohrer explained that permits are still not required for RMW generators or transporters. A grace period for existing facilities to come into compliance with any new requirements is also proposed. Ms. Rohrer went over the benefits of this final regulation amendment such as greater clarity and ease of use due to the simplification of the structure and organization, simplifying generator requirements, modernizing treatment standards for RMW, and to also better prepare Virginia to deal with emerging disease RMW and Category A waste. The Board asked clarifying questions. Ms. Rohrer responded to the questions from Board members regarding inspections, enforcement, out of state medical waste, regulated medical waste in landfills, sharps, autoclaving and the regulatory process.

Based on the Board book material, staff presentation, and Board discussions, the Board, on a motion by Mr. Riat and seconded by Mr. DeGroff, unanimously voted to approve the final regulation.

**Minute No. 6 – Final Regulations – Solid Waste Management Regulations (9VAC20-81)**

Ms. Jenny Poland of the Office of Financial Responsibility and Waste Programs presented a final regulation to 9VAC20-81. Ms. Poland advised the Board that the Virginia Solid Waste Management Regulations, establish standards and procedures for the siting, design, construction, operation, maintenance, closure, and post-closure care of solid waste facilities in the Commonwealth. It also

establishes standards and procedures pertaining to the management of solid wastes. The requirements found in these regulations are protective of human health and the environment. Ms. Poland then provided details of the process used to develop the proposed final regulation. Ms. Poland then presented and explained the proposed final regulation in the areas of Landfill Siting, Landfill Operations, Landfill Groundwater Monitoring, Open Burning Exemptions and other changes that promote composting activities, require closure cost estimates in response to Executive Order 6, to offer clarification and assist the regulated community with understanding of the requirements, and technical amendments. The Board asked clarifying questions. Ms. Poland, Ms. Rohrer and Mr. Christe responded to the questions from Board members regarding the VDH's establishment of MCLs, EPA's response to PFAS and open burn notification and enforcement. Two citizens addressed the Board, Chris Bergin on behalf of the Virginia Manufacturer's Association, and Christopher Leyen on behalf of the Virginia League of Conservation Voters. Mr. Bergin spoke on concerns about the requirement that industrial landfills cover weekly verses as frequently as needed. Mr. Leyen spoke on concerns about monitoring and testing of groundwater for PFAS and 1,4-dioxane prior to adoption of MCLs. Ms. Scott asked DEQ staff questions in response to Mr. Bergin and Mr. Leyen's comments. Ms. Poland, Ms. Rohrer and Mr. Christe addressed those questions.

Based on the Board book material, staff presentation, and Board discussions, the Board, on a motion by Mr. Riat and seconded by Mr. Yob, voted 6-0, with Mr. Benedetto abstaining from the vote, to approve the final regulation.

**Minute No. 7 - Public Forum.**

No members of the public spoke.

**Minute No. 8 – Virginia's Response to Per- and Polyfluoroalkyl Substances (PFAS)**

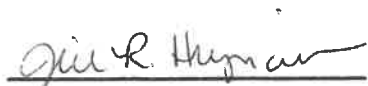
The Board received a presentation from Jeffery Steers, Director of Regional Operations, regarding the status of Virginia's response plan to PFAS.

**Minute No. 9 – Division Director's Report.**

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

**Minute No. 10 - Future Meetings.**

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



Jill R. Hrynciw  
Policy Analyst  
Division of Policy