



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING

MONDAY, JANUARY 14, 2002

DEPARTMENT OF ENVIRONMENTAL QUALITY PIEDMONT REGIONAL OFFICE
4949-A COX ROAD, GLEN ALLEN, VIRGINIA

Board Members Present:

Ralph B. Smith, Jr., Chairman
Sheila W. McAllister - Vice-Chairman
Ronald E. Bowman
Gary H. Baise
Clements Berezoski

Board Members Absent:

Donald L. Carty
Vacant

Staff Present:

David A. Johnson
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Catherina F. Hutchins
Assistant Attorney General

- 1) The following minutes summarize activities, which took place at this Board meeting.
- 2) The meeting was convened at 9:38 a.m. on Monday, January 14, 2002, and adjourned at 11:09 a.m.

Minute No. 1 - Minutes

The Board, after directing that the decision on Minute No. 5 be corrected to include the word "adopted", unanimously approved the minutes from the September 14, 2001 meeting.

Minute No. 2 - Significant Violators Report

The Board received a report from Mr. Paul Rogers, Division of Enforcement Coordination, on significant non-compliers. He informed the Board about facilities with significant unresolved violations of the Virginia Hazardous Waste Management Act and permitted facilities with significant unresolved violations of the Virginia Solid Waste Management Act.

Minute No. 3 - Proposed Regulations Governing the Transportation of Hazardous Materials Amendment 13 - 9 VAC 20-110

Ms. Melissa Porterfield, Division of Waste Program Coordination, presented proposed amendments to the Regulations Governing the Transportation of Hazardous Materials. Ms. Porterfield explained that the regulations needed to be amended to incorporate current federal regulations governing the loading, unloading, packing, identifying, marking, placarding, storing and transporting of hazardous materials into state regulations. She advised the Board that the changes included incorporation of federal regulations in effect as of October 1, 2001; revisions to definitions used in the regulations; updating the regulations to be consistent with current statute and clarification of the requirements pertaining to the registration of shippers of hazardous radioactive materials.

Decision: Based on the briefing materials and staff presentation and recommendations, the Board unanimously approved the proposal and authorized the initiation of the public participation process on the proposal.

Minute No. 4 Virginia Solid Waste Management Regulations Amendment 3 - 9 VAC 20-80

Mr. Michael Dieter, Division of Waste Program Coordination, presented proposed amendments to the Virginia Solid Waste Management Regulations. Mr. Dieter explained that Amendment 3 was needed in order to address statutory changes enacted by the General Assembly that were not addressed in Amendment 2 of the Virginia Solid Waste Management Regulations. Other major changes included moving all groundwater provisions to 9 VAC 20-80-300 and providing for increased inspections at facilities that accept waste from states with less stringent regulatory standards than Virginia's. In addition, the regulation had been updated to correct any errors or omissions resulting from previous amendments.

Decision: Based on the briefing materials and the staff presentation and recommendation, the Board unanimously approved the proposal and authorized the initiation of the public participation process on the proposal. In addition, the Board requested that a specific request for comments on the "needs determination" issue be included in the notice of public comment.

Minute No. 5 - Hazardous Waste Management Regulation Amendment 15A - 9 VAC 20-60

Mr. Robert G. Wickline, Division of Waste Program Coordination, presented for final adoption Amendment 15A to the Hazardous Waste Management Regulations. He explained that Amendment 15 A was a comprehensive review of the new format for the regulations and incorporation by reference of additional federal text in replacement of analogous Virginia text. In particular, the main effect of Amendment 15 A was a deletion of text describing the permitting process located in Part XI (9 VAC 20-60-960 through 9 VAC 20-60-1250) and replacing it with

incorporation of analogous text at 40 CFR 270 and elsewhere in Title 40 of the federal regulations. Mr. Wickline also detailed other changes to the regulation that included the reinstatement of a number of forms and procedures regarding transporters and petitions to the director, which were previously in the regulations, but were removed in Amendment 14.

Decision: Based on the briefing materials and the staff presentation and recommendation, the Board unanimously adopted, with changes presented at the meeting, the amendments and directed staff to publish the amendments as final regulations.

Minute No. 6 - Hazardous Waste Management Regulation Amendment 15B - 9 VAC 20-60

Mr. Robert G. Wickline, Division of Waste Program Coordination, presented for final adoption Amendment 15B to the Hazardous Waste Management Regulations. Mr. Wickline explained that Amendment 15B deleted and repealed 9 VAC 20-60-261 B 8 which states, "All radioactive wastes classified as low-level radioactive material by the United States Nuclear Regulatory Commission shall be a hazardous waste. NOTE: A waste may be a hazardous waste as defined by 40 CFR Part 261 and a low-level radioactive waste. These "mixed wastes" are required to comply with the requirements of these regulations and all regulations of the United States Nuclear Regulatory Commission that apply."

Decision: Based on the briefing materials and the staff presentation and recommendation, the Board unanimously adopted the amendment and directed staff to publish the amendment as a final regulation.

Minute No. 7 - Public Forum

There were no speakers during the public forum.

Minute No. 8 - Director's Report

The Board received a report from Ms. Karen Sismour, Director, Division of Waste Program Coordination on waste program activities. The report focused on the Office of Remediation and detailed two important issues underway (Formerly Used Defense Sites, a new program to clean up sites that were operated by the Department of Defense, and Defense Supply Center Richmond, a Superfund site that has gained much attention over the past few months).

Minute No. 9 - Future Meetings

The Board set April 25, 2002 as the date of the next meeting.


Cindy M. Berndt