



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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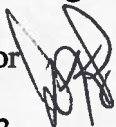
Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
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### MEMORANDUM

**TO:** Members of the Virginia Waste Management Board

**FROM:** David K. Paylor 

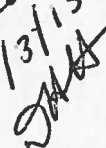
**DATE:** March 28, 2013

**SUBJECT:** Minutes

Attached are the minutes from your meeting on January 7, 2013. Staff will seek your approval of these minutes at your next regular meeting.

If you have any questions, please contact Debra Harris at (804) 698-4209 or [Debra.Harris@deq.virginia.gov](mailto:Debra.Harris@deq.virginia.gov).

Attachment  
cc: Cindy Berndt, DEQ

Approved  
5/3/13  


# THE HISTORY OF THE

## REPUBLIC OF THE UNITED STATES

OF AMERICA

### CHAPTER I

THE EARLY SETTLEMENTS

The first European settlers in North America were the Pilgrims, who arrived in 1620 on the Mayflower. They established the Plymouth Colony in Massachusetts. Other early settlers included the Jamestown colonists in Virginia (1607) and the Roanoke colony (1585-1586).

THE END

**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**  
**MONDAY, JANUARY 07, 2013**

DEPARTMENT OF ENVIRONMENTAL QUALITY  
2<sup>ND</sup> FLOOR CONFERENCE ROOM  
629 E. MAIN STREET  
RICHMOND, VIRGINIA

**Board Members Present:**

Steven J. Yob

N. Howard Burns, Jr.

Thomas Van Auken

EJ Scott

Tyrone W. Murray

Larisa Dobriansky (arrived 10:36 a.m.)

**Board Members Absent:**

Eric K. Sildon

**Department of Environmental Quality:**

David K. Paylor, Director

Cindy M. Berndt

Debra A. Harris

**Attorney General's Office:**

David C. Grandis, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The Chairman convened the meeting at 10:31 a.m. and adjourned at 12:04 p.m.

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**Minute No. 1 - Minutes.**

On a motion by Ms. Scott and seconded by Mr. Burns, the Board unanimously approved the minutes from the Board's meeting on June 15, 2012.

**Minute No. 2 – Virginia Hazardous Waste Management Regulations, 9VAC20-60, Immediate Final Rule 2012.**

Ms. Debra Harris of DEQ's Office of Regulatory Affairs presented an amendment to the Board's regulations entitled the Virginia Hazardous Waste Management Regulations, 9VAC20-60. Ms. Harris explained that each year, the U. S. Environmental Protection Agency makes changes to the federal regulations regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations (CFR). As 9VAC20-60 incorporates the CFR, with certain exceptions, it is necessary to change Section 18 of 9VAC20-60 to bring Virginia's regulations up-to-date with the federal changes. This regulatory amendment will bring these citations up to date and incorporate the latest Title 40 of the CFR to the one as published on July 1, 2012. The Board was informed that under §2.2-4006.A.4.a of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the federal regulations.

Based on the Board book material and staff presentation, the Board, on a motion of Dr. Van Auken and seconded by Ms. Scott, 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. 3 - Solid Waste Management Regulations, 9VAC20-81, Fast Track Amendment for Open Burning Exemptions.**

Ms. Harris presented an amendment to the Board's regulations entitled the Solid Waste Management Regulations, 9VAC20-81. Ms. Harris explained that this regulatory amendment will amend 9VAC20-81 by listing all the current open burning conditional exemptions in the chapter in lieu of referencing the State Air Pollution Control Board's Open Burning Regulations under 9VAC5-130-40. Furthermore, this regulatory amendment is necessary due to the proposed changes to 9VAC5-130 in order to retain the conditional exemptions for open burning for statewide applicability. The Board was informed that under §2.2-4012.1 of the Code of Virginia, the Board has authority for the use of the fast-track process for regulations that are expected to be noncontroversial. Ms. Harris then explained the fast track process to the Board.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Murray and seconded by Ms. Scott, unanimously voted to authorize the Department to promulgate the proposed amendment to 9VAC20-81 for public comment using the fast-track process established in §2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization also constituted its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal. Additionally, the Board authorized the Department to set an effective date 15 days after close of the public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.

**Minute No. 4 – Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities, 9VAC20-70, Amendment to Local Government Financial Test-Additional Mechanism.**

Ms. Harris presented an amendment to the Board's regulations entitled the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities under 9VAC20-70. Ms. Harris explained that this amendment will remove the requirement for an additional financial assurance mechanism for some local governments that use a financial test. The reason for this amendment is to provide clarity and simplify the financial test requirements for local governments. Ms. Harris explained that under the current requirements, local governments must provide an additional financial assurance mechanism in order to use the financial test to assure the closure, post-closure care, and corrective action costs for their solid waste management facilities if the costs are over 20% but less than 43% of their total annual revenue. This amendment will remove the requirement for this additional mechanism. The Board was informed that §2.2-4012.1 of the Code of Virginia provides the Board's authority for the use of the fast-track process for regulations that are expected to be noncontroversial.

Mr. Yob then declared that his employer, Henrico County, owns a permitted solid waste landfill and will be affected by changes to these regulations; however, he is able to fairly consider and vote on this amendment.

Based on the Board book material and staff presentation, the Board, on a motion of Dr. Van Auken and seconded by Ms. Scott, unanimously voted to authorize the Department to promulgate the proposed amendment to 9VAC20-70 for public comment using the fast-track process established in §2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization also constituted its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal. Additionally, the Board authorized the Department to set an effective date 15 days after close of the public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.

**Minute No. 5 – Regulated Medical Waste Management Regulations, 9VAC20-120, Amendment to Remove HW Transporter Annual Report**

Ms. Harris presented an amendment to the Board's regulations entitled the Regulated Medical Waste Management Regulations under 9VAC20-120. This amendment will repeal the requirement for regulated medical waste transporters to register with the department. Ms. Harris informed the Board that this requirement was duplicative of the federal requirements and if information on the transporter is required it could be obtained through federal agencies. The Board was then informed that §2.2-4012.1 of the Code of Virginia provides the Board's authority for the use of the fast-track process for regulations that are expected to be noncontroversial.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Burns and seconded by Ms. Dobriansky, unanimously voted to authorize the Department to promulgate the proposed amendment to 9VAC20-120 for public comment using the fast-track process established in §2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization also constituted its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal. Additionally, the Board authorized the Department to set an effective date 15 days after close of the public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.

**Minute No. 6 – Solid Waste Management Permit Action Fees and Annual Fees, 9VAC20-90, Amendment to Corrective Action Permit Fee**

Ms. Harris presented an amendment to the Board's regulations entitled the Solid Waste Management Permit Action Fees and Annual Fees under 9VAC20-90. This amendment will reduce the permit action fee for corrective action from \$22,860 to \$3,000. The rationale for this regulatory action is to lessen the cost burden associated with this permit action fee. Ms. Harris

informed the Board that with the on-going streamlining efforts for the corrective action program, this fee was deemed to be burdensome and the new fee will be \$3,000 as this amount is more in line with the other permit amendment fees. It was explained to the Board that §2.2-4012.1 of the Code of Virginia provides the Board's authority for the use of the fast-track process for regulations that are expected to be noncontroversial.

Based on the Board book material and staff presentation, the Board, on a motion of Dr. Van Auken and seconded by Ms. Scott, unanimously voted to authorize the Department to promulgate the proposed amendment to 9VAC20-90 for public comment using the fast-track process established in §2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization also constituted its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal. Additionally, the Board authorized the Department to set an effective date 15 days after close of the public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.

**Minute No. 7 – Virginia Hazardous Waste Management Regulations, 9VAC20-60, Amendment to Remove HW Transporter Annual Report**

Ms. Harris presented an amendment to the Board's regulations entitled the Virginia Hazardous Waste Management Regulations under 9VAC20-60 which will remove the annual report requirement for hazardous waste transporters under 9VAC20-60-430.F. It was explained that the reporting requirement was reviewed and deemed to provide no valuable information for the Department to use when determining programmatic compliance. The report is, therefore, burdensome and by this amendment will be removed. It was explained to the Board that §2.2-4012.1 of the Code of Virginia provides the Board's authority for the use of the fast-track process for regulations that are expected to be noncontroversial.

Based on the Board book material and staff presentation, the Board, on a motion of Dr. Van Auken and seconded by Mr. Murray, unanimously voted to authorize the Department to promulgate the proposed amendment to 9VAC20-60 for public comment using the fast-track process established in §2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization also constituted its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal. Additionally, the Board authorized the Department to set an effective date 15 days after close of the public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.

**Minute No. 8 - Significant Noncompliance Report.**

The Board received a report from Mr. Russell Deppe, the Waste Enforcement Program Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year 2013.

**Minute No. 9 - Public Forum.**

No one appeared during the public forum.

**Minute No. 10 - Recycling Report.**

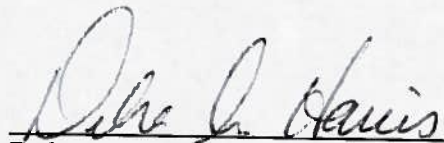
Ms. Leslie Beckwith, Director of the Office of Financial Assurance, presented the Virginia Annual Recycling Rate Report for Calendar Year 2011 to the Board. Ms. Beckwith highlighted the results of the report and noted that all Solid Waste Planning Units, except one, met their mandated recycling rate for 2011. The Board was informed that overall the recycling rate is 43.5% which is up from the previous year's 40.5%.

**Minute No. 11 - Division Director's Report**

The Board received the Division Director's Report from Mr. Jeffery Steers, Land Protection and Revitalization Director. The report provided the Board information on: (i) changes within the Division; (ii) the Solid Waste Program; (iii) the Universal Bulb Crushing amendment to 9VAC20-60; (iv) the Voluntary Remediation Programs; (v) the Uniform Environmental Covenants Act Regulation; and (vi) an update on coal ash.

**Minute No. 12 - Future Meetings.**

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



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Debra A. Harris  
Planning and Policy Specialist  
Office of Regulatory Affairs

