



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
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MEMORANDUM

TO: Members of the Virginia Waste Management Board
FROM: David K. Paylor *DKP*
DATE: May 8, 2019
SUBJECT: Minutes

Attached are the minutes from your meeting on December 17, 2018. Staff will seek your approval of these minutes at your next regular meeting on June 10, 2019.

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

Attachment
cc: Cindy Berndt, DEQ

*approved
6/10/19
DAM*

**MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING**

MONDAY, DECEMBER 17, 2018
HOUSE COMMITTEE ROOM
POCAHONTAS BUILDING
900 EAST MAIN STREET
RICHMOND, VA

Board Members Present:

EJ Scott, Chair
Jeffery Crate
Eric DeGroff

Amarjit Riat
Eric Wallace (arrived at 10:52 a.m.)
Steven Yob

Board Members Absent:

Michael Benedetto

Department of Environmental Quality:

David K. Paylor, Director
Cindy M. Berndt
Debra A. Harris

Attorney General's Office:

Paul Kugelman, 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 10:32 a.m. and was adjourned at 11:44 a.m.

Minute No. 1 - Minutes.

On a motion by Mr. DeGroff, and seconded by Mr. Riat, the Board unanimously approved the minutes from the Board's meeting on January 8, 2018.

Minute No. 2 – *Solid Waste Management Regulations (9VAC20-81) and Solid Waste Planning and Recycling Regulations (9VAC20-130) – Final Exempt Action.*

Ms. Melissa Porterfield of DEQ's Office of Regulatory Affairs presented an amendment to the Board's regulations, Solid Waste Management Regulations (9VAC20-81) and Solid Waste Planning and Recycling Regulations (9VAC20-130). Ms. Porterfield explained that the amendment is necessary in order to update these regulations to be consistent with changes that were recently made to the Virginia Hazardous Waste Management Regulations. EPA's Hazardous Waste Generator Improvements Rule (GIR) was adopted, by the Board, as part of Annual Update 2017, to the Virginia Hazardous Waste Management Regulations, 9VAC20-60. The GIR rule changed the term for Conditional Exempt Small Quantity Generator (CESQG) to Very Small Quantity Generator (VSQG). These regulations have been updated to reflect the new term.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Riat and seconded by Mr. Crate, unanimously voted to adopt this amendment to 9VAC20-81 and 9VAC20-130 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 Permit Action Fees and Annual Fees (9VAC20-90)* Amendment to Correct Citation – Final Exempt Action.

Ms. Melissa Porterfield of DEQ's Office of Regulatory Affairs presented a regulatory amendment to the Board's *Solid Waste Management Permit Action Fees and Annual Fees*, 9VAC20-90, regulations. Ms. Porterfield explained that this amendment corrects the reference to the Virginia Waste Management Act found in 9VAC20-90-40. The correct citation of the Virginia Waste Management Act is §§ 10.1-1400 through 10.1-1458 of the Code of Virginia.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Crate and seconded by Mr. Yob, unanimously voted to adopt this amendment to 9VAC20-90 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 – *Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9VAC20-70)* Amendments for Technical Corrections – Fast Track Process.

Ms. Melissa Porterfield of DEQ's Office of Regulatory Affairs presented a regulatory amendment to the Board's *Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities*, 9VAC20-70. Ms. Porterfield explained that the fast track process was being used for this amendment as it is expected to be non-controversial. She then provided the overview of the regulation and the proposed regulatory amendment. This amendment contains technical corrections. Ms. Porterfield noted that obsolete language pertaining to the government financial test for localities with closure cost obligations between 20% to 43% of their total annual revenue was being removed. It was noted that this amendment does not change any financial assurance requirements for local governments. Ms. Porterfield informed the Board that an informal comment period on the changes was held and no comments were received.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Riat and seconded by Mr. Crate, unanimously voted to:

1. Promulgate the proposal 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 constitutes its adoption of the amendments to the *Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities*, 9VAC20-70, 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 persons, or any member of the applicable standing committee of either house of the General Assembly or of 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.
2. Set an effective date 15 days after close of the 30-day 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 – *Voluntary Remediation Regulations (9VAC20-160)* Amendments to Clarify – Fast Track Process.

Ms. Melissa Porterfield of DEQ's Office of Regulatory Affairs presented a regulatory amendment to the Board's *Voluntary Remediation Regulations*, 9VAC20-160. Ms. Porterfield explained that the amendments being made are to assist the regulated community with understanding the regulation. Ms. Porterfield provided the Board with an overview of the changes made to the regulation and the reason

for the proposed regulatory amendment. Ms. Porterfield informed the Board that an informal comment period was held from July 26, 2018 through August 25, 2018 and no comments were received.

Based on the Board book material, staff presentation and staff responses, the Board, on a motion of Mr. DeGroff and seconded by Mr. Yob, unanimously voted to:

1. Promulgate the proposal 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 constitutes its adoption of the amendments to the *Voluntary Remediation Regulations*, 9VAC20-160, 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 persons, or any member of the applicable standing committee of either house of the General Assembly or of 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.
2. Set an effective date 15 days after close of the 30-day 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 - Significant Noncompliance Report.

The Board received a report from Mr. Justin Williams, Acting Office of Enforcement Director, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Years 2017 and 2018.

Minute No. 7 – Division Director's Report.


The Board received the Division Director's Report from Mr. Justin Williams, Land Protection and Revitalization Division Director.

Minute No. 8 - Public Forum.

No one appeared during the public forum.

Minute No. 9 - Future Meetings.

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



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