



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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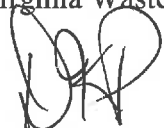
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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

MEMORANDUM

TO: Members of the Virginia Waste Management Board

FROM: David K. Paylor 

DATE: November 19, 2019

SUBJECT: Minutes

Attached are the minutes from your meeting on June 10, 2019. Staff will seek your approval of these minutes at your next regular meeting on December 9, 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
12/9/19
DHH

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING

MONDAY, JUNE 10, 2019
3RD FLOOR CONFERENCE ROOM
1111 E. MAIN STREET
RICHMOND, VIRGINIA

Board Members Present:

EJ Scott, Chair
Michael Benedetto
Jeffery Crate

Eric DeGroff
Amarjit Riat
Steven Yob

Board Members Absent:

Eric Wallace

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 10:34 a.m. and was adjourned at 12:20 p.m.

Minute No. 1 - Minutes.

On a motion by Mr. Crate, and seconded by Mr. Riat, the Board approved the minutes from the Board's meeting on December 17, 2018. Mr. Benedetto abstained as he was not at the December meeting.

Minute No. 2 – Annual Update 2018, Regulations Governing the Transportation of Hazardous Materials (9VAC20-110) – Final Exempt Action.

Ms. Debra Harris of DEQ's Office of Regulatory Affairs presented a regulatory amendment to 9VAC20-110 to the Board for their consideration for adoption. Ms. Harris noted that, as 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. Ms. Harris 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, 2016 to September 30, 2019. Ms. Harris then provided an explanation of the changes to the regulations and noted that the VSP had no comments on the proposed changes. The process used for this amendment is the final exempt process as stipulated in the Administrative Process Act (APA). The Board then asked clarifying questions. VSP's Trooper Patrick Phalen provided assistance in the responses and noted VSP concurrence with the amendment.

Based on the Board book material, staff presentation, and responses to the Board's questions, the Board, on a motion by Mr. Yobb and seconded by Mr. DeGroff, 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. 3 – Annual Update 2018, Virginia Hazardous Waste Management Regulations (9VAC20-60) – Final Exempt Action.

Ms. Debra Harris of DEQ’s Office of Regulatory Affairs and Ms. Lisa Ellis, Hazardous Waste Compliance Program Coordinator, presented a regulatory amendment to the Virginia Hazardous Waste Management Regulation (VHWMR), 9VAC20-60, to the Board for their consideration for adoption.

Ms. Harris explained that the annual update of these regulations was necessary to conform to the most current federal regulations. She noted that this regulatory amendment will correct incorporate four new federal rules: (i) Confidentiality Determinations for Hazardous Waste Export and Import Documents (82 FR 60894, 12/26/2017); (ii) Hazardous Waste Management System; User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations (83 FR 420, 01/30/2018); (iii) Safe Management of Recalled Airbags (83 FR 61552, 11/30/2018); and, (iv) Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine (84 FR 5816, 02/22/2019). Ms. Ellis then provided the details of each of the federal rules to be incorporated into the VHWMR and explained the vast outreach program that the DEQ had undertaken in order to assist the regulated community regarding compliance with the pharmaceuticals rule. Ms. Harris explained that Annual Update 2018 does not include the provisions of EPA’s Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule, 83 FR 24664, 05/30/2018. She explained the reasons for not incorporating this provision as it was not as protective as the 2015 rule. Additionally, it was noted that EPA was not requiring states to adopt this rule. Ms. Harris then explained all the changes to the VHWM and the final exempt process under the APA. The Board then asked clarifying questions regarding the amendment. Ms. Harris and Ms. Ellis provided responses to the questions asked.

Based on the Board book material, staff presentation, and responses to the Board’s questions, the Board, on a motion by Mr. Riat and seconded by Mr. Crate, 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 - 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. 5 - Public Forum.

Eleven citizens addressed the Board regarding concerns over a proposed landfill in Cumberland County and the landfill permitting requirements of the Solid Waste Management Regulations, 9VAC20-81. The citizens who addressed the Board were: Ronald R. Tavernier, C.H. Youngblood, Victoria Ronnau, Kevin Halligan, Nicholai Jerome Smith, Barbara Speas, Ralph Mulligan, Michael Scales, Dorrie Mullins, Keith Oulie, and Artour Saakian.

Minute No. 6 – Division Director’s Report.

The Board received the Division Director’s Report from Mr. Justin Williams, Land Protection and Revitalization Division Director. Mr. Williams also provided an explanation of the landfill permitting

process and noted that the DEQ has not yet received any documents regarding the proposed landfill in Cumberland County.

Minute No. 7 - Future Meetings.

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

A handwritten signature in cursive script that reads "Debra A. Harris". The signature is written in black ink and is positioned above a horizontal line.

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

