



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: Members of the Virginia Waste Management Board

FROM: Jill R. Hrynciw

DATE: May 5, 2022

SUBJECT: Minutes

Attached are the minutes from your meeting on October 8, 2021. Staff will seek your approval of these minutes at your next regular meeting on October 28, 2022.

If you have any questions, please contact me at (804) 929-6559 or Jill.Hrynciw@deq.virginia.gov.

Attachment

Approved
10/28/22
MST

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING

FRIDAY, OCTOBER 8, 2021

Board Members Present:

EJ Scott, Chair	Amarjit Singh Riat	Eric A. DeGroff
Michael Benedetto	Eric K. Wallace	
Jeffery T. Crate	Steven J. Yob	

Department of Environmental Quality (Department):

David K. Paylor, Director	Kathryn Perszyk	Tiffany Severs
Cindy M. Berndt	Lisa Ellis	Jeffery Steers
Jill R. Hrynciw	Michelle Callahan	

Attorney General's Office:

Christopher E. Bergin, 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 10:30 a.m. and was adjourned at 11:39 a.m.

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. Benedetto, and seconded by Mr. Riat, the Board unanimously approved the minutes from the Board's meeting on September, 21, 2020.

Minute No. 3 – Final Exempt Regulations – Virginia Hazardous Waste Management Regulations (9VAC20-60), Annual Update 2021

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 keep Virginia's regulation current with the federal regulations and that this annual update will cover the federal rules amended from July 1, 2020 to June 30, 2021. Ms. Ellis then provided an explanation of the changes to the regulations that were being included and explained that the Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations provisions were not included in the update. It was explained that the process used for this amendment is the final exempt process as stipulated in the Administrative Process Act (APA). In response to questions from a Board member regarding aerosol cans, Ms. Ellis explained that the Department was still considering the best path forward in Virginia.

Based on the Board book material, staff presentation and Board discussions, the Board, on a motion by Mr. Benedetto and seconded by Mr. Wallace, 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 – Coal Combustion By-Product Regulations (9VAC20-85), HB1855 Amendment

Ms. Kathryn Perszyk, Land Protection and Revitalization Director, presented a regulatory amendment to 9VAC20-85 for the Board’s consideration for adoption. Ms. Perszyk explained that the amendment was necessary based on the action of the General Assembly under Chapter 532 of the 2021 Special Session I Acts of Assembly that changed the name of the “Department of Mines, Minerals and Energy” to the “Department of Energy”. This regulatory amendment will update the Virginia Waste Management Board’s Coal Combustion By-Products Regulations in order to incorporate the name change as well as replace the acronym “DMME” with Virginia Department of Energy. Ms. Perszyk explained that this action was also a final exempt action as it was necessary to conform to changes in the Virginia statute and is exempt from the Administrative Process Act (APA). The Board had no questions regarding the final exempt amendment to 9VAC20-85.

Based on the Board book material and staff presentation, the Board, on a motion by Mr. Riat and seconded by Mr. Crate, unanimously voted to adopt this amendment to 9VAC20-85 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 – Proposed Regulations – Solid Waste Management Regulations (9VAC20-81)

Ms. Kathryn Perszyk, Land Protection and Revitalization Director, presented a regulatory amendment to 9VAC20-81. Ms. Perszyk 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. Perszyk then provided details of the process used to develop the proposed amendments. Ms. Perszyk then presented and explained the proposed changes to the 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.

Based on the Board book material, staff presentation, and Board discussions, the Board, on a motion by Mr. Riat and seconded by Mr. Crate, unanimously voted to approve the proposed regulation to proceed to public comment.

Minute No. 6 - Significant Noncompliance Report.

The Board received a report from Ms. Michelle Callahan, Land Protection and Revitalization Enforcement Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for land quarter of Federal Fiscal Year 2020 and first three quarters of Federal Fiscal Year 2021.

Minute No. 7 - Public Forum.

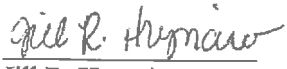
No members of the public spoke.

Minute No. 8 – 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. 9 - Future Meetings.

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



Jill R. Hrynciw
Policy Analyst
Division of Policy