



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

Dennis H. Treacy  
Director

(804) 698-4000  
1-800-592-5482

### MINUTES

#### VIRGINIA WASTE MANAGEMENT BOARD

#### TUESDAY, JULY 11, 2000 MEETING

House Room D, General Assembly Building  
Richmond, Virginia

Board Members Present:           Ralph B. Smith, Jr., Chairman  
  Gary H. Baise  
  Donald L. Carty  
  Susan E. Dudley  
  Richard D. Pluta

Board Members Absent:           Sheila McAllister - Vice-Chairman  
  Susan M. Eckerly

Staff Present:                     Dennis H. Treacy, Director  
  Department of Environmental Quality

  Cindy M. Berndt  
  Department of Environmental Quality

Attorney General's Office:       Stewart Leeth  
  Assistant Attorney General

- 1) The attached minutes summarize activities, which took place at this Board meeting.
- 2) The meeting was convened at 1:32 p.m. on Tuesday, July 11, 2000. The meeting was adjourned at 2:05 p.m.



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### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 12, 2000

#### MINUTE NO. 1 - Significant Noncompliance Report

Mr. Paul Rogers from the Office of Enforcement Coordination presented a report to the Board on facilities in significant noncompliance.

A handwritten signature in cursive script that reads "Cindy Berndt".

\_\_\_\_\_  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 11, 2000

#### MINUTE NO. 2 - Hazardous Waste Management Regulation - Amendment 15C

Mr. Robert G. Wickline, Office of Waste Programs, presented Amendment 15C to the Hazardous Waste Management Regulation (9 VAC 20-80-10 et seq.) to the Board for their consideration.

Mr. Wickline explained that Amendment 15 C was a final action to conform the regulation to federal regulations and as such was exempt from Article 2 of the Administrative Process Act. In addition, Mr. Wickline reviewed for the Board the substantive provisions of the amendments.

#### Decision

Based on the staff presentation and the briefing material provided, the Board unanimously adopted Amendment 15C to the Hazardous Waste Management Regulation and stipulated that the Board would receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of the amendments.

  
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### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 11, 2000

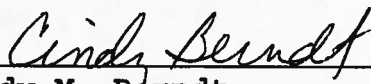
#### MINUTE NO. 3 - Regulations for the Certification of Recycling Machinery and Equipment for Tax Exemption Purposes

Mr. Sanjay Thirunagari, Office of Waste Programs, presented proposed Amendment 1 to the Regulations for the Certification of Recycling Machinery and Equipment for Tax Exemption Purposes (9 VAC 20-140-10 et seq.)

Mr. Thirunagari explained to the Board that the regulations provide for the certification by the department of machinery and equipment used to process recyclable waste material into a usable product. In addition, he briefed the Board on the development of the proposal and the substantive amendments being proposed.

#### Decision

Based on the briefing material and staff presentation, the Board unanimously authorized the Department to proceed to public comment on the proposed amendments.

  
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### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 11, 2000

#### MINUTE NO. 4 - Regulations for the Development of Solid Waste Management Plans

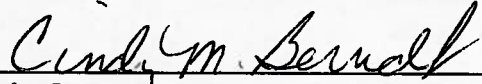
Mr. Daniel S. Gwinner, Office of Waste Programs, presented proposed Amendment 1 of the Regulations for the Development of Solid Waste Management Plans (9 VAC 20-130-10 et seq.)

Mr. Gwinner explained that the regulations require all cities, counties and towns in the Commonwealth to develop or be covered by a solid waste management plan. He briefed the Board on the development of the proposal and the substantive provisions of the proposed amendments.

After some discussion, the Board considered a motion, duly made and seconded, to not propose the addition of "and address" in 9 VAC 20-130-30. The motion failed 2 to 3 (ayes - Dudley, Pluta: nays - Smith, Carty, Baise).

#### Decision

The Board, based on the briefing material and staff presentation, (1) unanimously authorized the Department to proceed to public comment on Amendment 1 to the Regulations for the Development of Solid Waste Management Plans and (2) asked that the notice of public comment specifically request comment on alternative methods of calculating recycling rates and the appropriateness of allowing supplemental waste to count toward achieving the 25% recycling rate.

  
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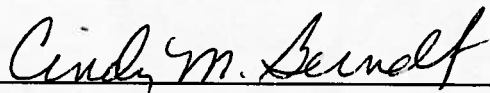
#### MINUTE NO. 5 - Financial Assurance Regulations for Solid Waste Management Facilities

Ms. Melissa Porterfield, Office of Waste Programs, presented proposed Amendment 1 of the Financial Assurance Regulations for Solid Waste Management Facilities (9 VAC 20-70-10 et seq.)

Ms. Porterfield briefed the Board on the development of the proposal and the substantive provisions of the proposed amendments.

#### Decision

The Board, based on the briefing material and staff presentation, (1) unanimously authorized the Department to proceed to public comment on Amendment 1 to the Financial Assurance Regulations for Solid Waste Management Facilities and (2) asked that the impact of requiring local governments to escrow money for their solid waste facilities be raised for consideration during executive review and public comment.

  
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### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 11, 2000

#### MINUTE NO. 6 - Regulations Governing the Transportation of Hazardous Materials

Ms. Melissa Porterfield, Office of Waste Programs, advised the Board that the Regulations Governing the Transportation of Hazardous Materials (9 VAC 20-110-10 et seq.) needed to be amended in order to, among other things, conform the regulation to federal regulations. Ms. Porterfield explained that the Department was seeking Board authorization to proceed with the regulatory process to amend the regional without using an advisory committee to assist in the development of the proposal.

#### Decision

The Board, based on the briefing material and staff presentation, unanimously authorized the Department to proceed without using an advisory committee to assist in the development of a proposal.

  
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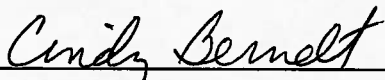
### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 11, 2000

#### MINUTE NO. 7 - Voluntary Remediation Program Regulations

Mr. John E. Ely, Office of Waste Programs, presented a periodic review report/evaluation on the Voluntary Remediation Program Regulation (9 VAC 20-160-10 et seq.). Mr. Ely explained the process the Department used to review the regulation, advised the Board that the Department was recommending initiating a regulatory process to consider amending the regulation, and detailed specific areas of the regulation that may need amendment.

#### Decision

The Board, based on the briefing material and staff presentation, approved the report.

  
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### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 11, 2000

#### MINUTE NO. 8 - Minutes

The Board unanimously approved the minutes from their meetings on August 26, 1999 and January 18, 2000.

A handwritten signature in cursive script that reads "Cindy Berndt".

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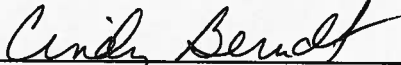
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### EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON JULY 11, 2000

#### MINUTE NO. 9 - Future Meetings

The Board did not set a specific date for the next meeting, but indicated that a meeting may be scheduled during early December 2000.

  
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Cindy M. Berndt