

**MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
MONDAY, MAY 22, 2006**

**GENERAL ASSEMBLY BUILDING
HOUSE ROOM C
9TH & BROAD STREETS
RICHMOND, VIRGINIA**

Board Members Attending:

Hunter H. McGuire, III, Chairman
Betty Byrne Ware
Donald L. Williams

Robert G. Crockett, Vice-Chairman
Clarence M. Dunnaville, Jr.
Eric K. Sildon

Board Members Absent:

N. Howard Burns, Jr.

Department of Environmental Quality:

David K. Paylor, Director
Cindy M. Berndt

Attorney General's Office:

Catherina F. Hutchins, Assistant Attorney General

The meeting was convened at 9:35 a.m., recessed at 11:00 a.m., reconvened at 11:10 a.m. and adjourned at 11:56 a.m.

Minute No. 1 - Election of Chairman and Vice-Chairman. The Board, on a motion by Mr. Crockett, unanimously elected Mr. Hunter H. McGuire, III Chairman. The Board, on a motion by Mrs. Ware, unanimously elected Mr. Robert G. Crockett Vice-Chairman.

Minute No. 2 – Minutes: The Board unanimously approved the minutes from the meeting on May 12, 2005, with one correction (change Richard F. Weeks, Jr. to Robert G. Burnley on the first page under Department of Environmental Quality).

Minute No. 3 - Regulation Governing Management of Coal Combustion By-Products, Amendment 1, 9 VAC 20 – 85 – 10 et seq. Final Regulations 2006. Mr. Allen Brockman presented final amendments to the regulations governing coal combustion by-products. Mr. Brockman explained that coal combustion by-products, under the conditions provided in the Virginia Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) (VSWMR) and under the terms of these regulations, are exempt from solid waste disposal requirements when used as construction fill at sites outside landfills. However, the public requires the protection from potential misuse or poor design of such fill sites, as provided for in these regulations, in the event the ash fill is not managed in accordance with the regulatory requirements.

Mr. Brockman advised the Board that the regulation establishes procedures for the use, reuse and reclamation of coal combustion by-products (CCB) and establishes appropriate standards for

siting, design, construction and operation of projects using CCB. He briefed the Board on the regulation development process, the public comment received on the proposal and revisions to the regulation being recommended based on the public comment process. Also, Mr. Brockman provided the Board with additional language changes based on further review of public comments.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the amendments, with the language changes presented at the meeting, and authorized publication of the amendments.

Minute No. 4 – Amendment 1, 9 VAC 20-170-10 et seq. Final Regulations 2006. Ms. Virginia Butler presented an immediate final rule amending the Regulation Governing Transportation of Solid and Medical Wastes on State Waters. Ms. Butler explained that the amendments to the existing regulations are necessary to conform to changes in § 10.1-1454.1 B.2 of the Code of Virginia. This legislation was approved on March 31, 2006 and sets forth the requirements for the design, construction, and watertight standards for containers used to transport wastes carrying nonhazardous solid waste on Virginia waters.

Ms. Butler advised the Board that the current text of 9 VAC 20-170-70 D does not include the special container prototype test for watertight standards and detailed for the Board the substantive changes to the regulation.

The Board, based on the Board book material, staff presentation and Board discussion, unanimously adopted the amendments and authorized publication in the Virginia Register of Regulations.

Minute No. 5 - Regulations for Solid Waste Management Planning, Proposed Amendment 2, 9 VAC 20 – 130 – 10 et seq. Mr. Allen Brockman presented proposed amendments to the Regulations for Solid Waste Management Planning. Mr. Brockman explained that Section 10.1-1411 of the Virginia Waste Management Act authorizes the Board to promulgate regulations specifying requirements for local and regional solid waste management plans. He informed the Board that the proposed amendments to the existing regulation are, in part, mandated by state law; resulting from revisions to recycling rates and requirements for plan amendments in § 10.1-1411 and revisions to local government certifications and plan amendment requirements in § 10.1-1408.1; and the remaining items are to assure that the regulations conform with statutory purposes and to provide necessary clarification.

Mr. Brockman briefed the Board on the regulatory development process, the public comments received and the Department's response to those comments. In addition, Mr. Brockman briefed the Board on the changes being recommended in response to the comments. Also, Mr. Brockman distributed additional changes to the regulation since the Board books were mailed.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the amendments to the Solid Waste Management Planning Regulation with changes distributed at the meeting.

Minute No. 6 – Hazardous Waste Management Regulations, 9 VAC 20-60- Immediate Final Rule 2006 (IFR2006). Mr. Robert G. Wickline presented amendments to the Hazardous Waste Management Regulations. Mr. Wickline explained that each year the U. S. Environmental

Protection Agency makes several changes to the federal rules regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9 VAC 20-60-18, which specifies the date of the federal regulations that are incorporated into Virginia regulations.

Mr. Wickline briefed the Board on the various revisions to the federal regulations, emphasizing those that would have an impact on regulated entities in Virginia. In addition, Mr. Wickline briefed the Board on an additional change to the federal regulation since the Board book material was prepared.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the amendments to the Hazardous Waste Management Regulations.

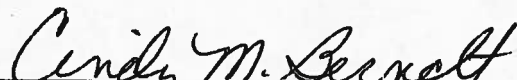
Minute No. 7 – Solid Waste Management Regulations. The Board received a report from Mr. Robert G. Wickline on the status of Amendment 5 of the Solid Waste Management Regulations.

Minute No. 8 – Public Forum. There were no speakers at the public forum.

Minute No. 9 – Significant Non-Compliers (SNYs) for the Third and Fourth Quarters of 2005 and First Quarter of 2006. The Board received a report from Ms. Mary Susan Davies on significant non-compliers.

Minute No. 10 – Division Director's Report. The Board received a report from Ms. Karen J. Sismour on some of the high priority activities of the Division.

Minute No. 11 – Future Meetings. No date for a future meeting was set.


Cindy M. Berndt

Approved Jan 8, 2006