

## MINUTES

### VIRGINIA WASTE MANAGEMENT BOARD MEETING WEDNESDAY, DECEMBER 12, 2007

#### HOUSE ROOM C GENERAL ASSEMBLY BUILDING 9<sup>TH</sup> & BROAD STREETS RICHMOND, VIRGINIA

Board Members Present:

Hunter H. McGuire, III, Chairman  
Eric K. Sildon  
Clarence M. Dunnaville, Jr.  
(one vacancy)

Robert G. Crockett, Vice-Chairman  
Donald L. Williams  
N. Howard Burns, Jr.

Department of Environmental Quality:

David K. Paylor

Cindy M. Berndt

Attorney General's Office:

Kerri L. Nicholas, Assistant Attorney General

The meeting was convened at 10:03 a.m. and adjourned at 11:25 a.m.

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**Minute No. 1 - 9 VAC 20-80 – Solid Waste Management Regulations – Amendment 5:** Mr. Allen Brockman presented amendments to the Solid Waste Management Regulations, 9 VAC 20-80. Mr. Brockman explained that the regulations establish standards and procedures for the siting, design, construction, operation, maintenance, closure, and post-closure care of solid waste facilities in the Commonwealth and establishes standards and procedures pertaining to the management of solid wastes.

Mr. Brockman detailed the proposed amendments to the existing regulation concerning: 1) the closure definition and procedure with particular reference to Code Section §10.1-1413.2 landfills; 2) plans and actions related to the management of landfill gas and odors; 3) an option for facilities to apply for research, design, and development; 4) public participation requirements by deleting automatic public hearings for certain permit or amendment issuance process; 5) the definition of "airport" to include military airfields and to ensure consistent wording in sections concerning safety plans and permitting timeframes; and finally, 6) incorporation of citations referencing two new statutory provisions for landfill location that is protective with respect to water supplies and wetlands and certification of permit application consistency with local government waste management plans. In addition, Mr. Brockman briefed the Board on the public comments received and detailed the minor changes being recommended in response to the comments.

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Crockett, unanimously adopted Amendment 5 as presented in accordance with the Administrative Process Act and authorized its publication.

**Minute No. 2 - VAC 20-60 – Hazardous Waste Management Regulations – IFR 2007:** Mr. Robert G. Wickline presented amendments to the Hazardous Waste Management Regulations - IFR 2007. Mr. Wickline explained that each year the U. S. Environmental Protection Agency (EPA) makes several changes to the federal rules regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations. He advised the Board that in order to bring the Board's regulations into conformance with the federal regulations, it was necessary to change the date of the federal regulations incorporated by reference in the regulation and reviewed for the Board the federal amendments being incorporated through the amendment.

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Dunnaville, unanimously adopted IFR 2007 as presented in accordance with the Administrative Process Act and authorized its publication.

**Minute No. 3 – Public Forum:** No one appeared during the public forum.

**Minute No. 4 – Significant Non-Compliers:** Mr. Carl Ciccarelli presented a report on significant non-compliers for the third and fourth quarters of FY 2007. The Board received the report and requested a report on enforcement and inspection staffing, duties and processes at a future meeting.

**Minute No. 5 – Recycling Council Update:** The Board received an update from Mr. James Sisson of the Recycling Markets Development Council.

**Minute No. 6 – Minutes:** The Board, on a motion by Mr. Dunnaville, approved the minutes from the Board's meeting on June 11, 2007. [Mr. Williams abstained.]

**Minute No. 7 – Waste Division Director's Report:** The Board received a report from Ms. Karen J. Sismour, Director of the Waste Division, on recent activities of the division.

**Minute No. 8 – Virginia Annual Recycling Rate Report:** The Board received a briefing from Mr. Michael P. Murphy on the Calendar Year 2006 Virginia Annual Recycling Rate Report.

**Minute No. 9 – Legislative Update:** Mr. David K. Paylor briefed the Board on the Department's legislative package for 2008 which consists of a single bill to extend the effective date of the \$1.00 tire fee. In addition, he briefed the Board on the current status of the 2007 board consolidation legislation.

**Minute No. 10 – Future Meetings:** No date was set for a future meeting.

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Cindy M. Berndt