



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Virginia Waste Management Board
<b>VAC Chapter Number:</b>	9 VAC 20-60
<b>Regulation Title:</b>	Hazardous Waste Management Regulations,
<b>Action Title:</b>	Immediate Final Rule 2003
<b>Date:</b>	September 9, 2003

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and file with the Registrar and publish their regulations in a style and format conforming with the Virginia Register Form, Style and Procedure Manual. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and therefore are not subject to publication. Please refer to the Virginia Register Form, Style and Procedure Manual for more information.

### Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Hazardous Waste Management Regulations, 9 VAC 20-60-12 et seq., include requirements in the form of incorporated federal regulatory text at Title 40 of the Code of Federal Regulations. The federal regulatory text as it existed July 1, 2002 was specified as that incorporated.

Immediate Final Rule 2003 addresses only 9 VAC 20-60-18, the section making the specification of the date of incorporated text. This section is altered by striking the previous prescribed date and adopting the new date of July 1, 2003, thus making it the new date of reference of all incorporated federal regulatory text. The effective date of the incorporated text will be the effective date as published in the Federal Register notice or the effective date of this amendment, whichever is later.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

The Virginia Waste Management Board approved Immediate Final Rule: Amendment 2003 on July 25, 2003 as a final regulation, a revision of 9 VAC 20-60-18 of the Hazardous Waste Management Regulations.

### Additional Information

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

A copy of Immediate Final Rule 2003, the final regulation, is attached; there are no forms associated with the action; and the only incorporated material is from the U. S. Code of Federal Regulations. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law. Part 271, particularly Section 271.4, of Title 40 of the Code of Federal Regulations requires that authorized hazardous waste management programs of the states have essential statutory and regulatory requirements consistent with current federal requirements.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

There is no impact on the institution of the family or family stability.

Changes to Federal Hazardous Waste Management Regulations Between July 1, 2002 and June 30, 2003

USEPA Checklist Number	Date(s) Final Federal Regulations <i>Published</i>	CFR Sections Affected by Federal Amendment(s)	Federal Rule Reference(s)	Summary of Changes
200	July 24, 2002	40 CFR 261 40 CFR 266 40 CFR 268 40 CFR 271	67 <u>FR</u> 48393	This rule establishes a more consistent regulatory framework for the practice of making zinc fertilizer products from recycled hazardous secondary materials. Specifically, it establishes conditions for excluding hazardous secondary materials used to make zinc fertilizers from the regulatory definition of solid waste. The rule also establishes new product specifications for contaminants in zinc fertilizers made from those secondary materials.
none	October 7, 2002	43 CFR 268 40 CFR 271	67 <u>FR</u> 62617	This rule establishes a national treatability variance from the Land Disposal Restrictions treatment standards for radioactively contaminated cadmium-, mercury-, and silver-containing batteries by designating new treatment subcategories for these wastes. The current treatment standards of thermal recovery for cadmium batteries and of roasting and retorting for mercury batteries are technically inappropriate, because any recovered metals would likely contain residual radioactive contamination and not be usable. The current numerical treatment standard for silver batteries is also inappropriate because of the potential increase in radiation exposure to workers associated with manually segregating silver-containing batteries for the

				purpose of treatment. Macroencapsulation in accordance with the provisions for treatment standards for hazardous debris is designated as the required treatment prior to land disposal for the new waste subcategories, allowing for safe disposal of these radioactively contaminated materials.
none	December 18, 2002	40 CFR 270	67 <u>FR</u> 77687	This rule contains technical corrections to regulations that control emissions of hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes.