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## Exempt Action Final Regulation Agency Background Document

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| <b>Agency name</b>                                    | Virginia Waste Management Board   |
| <b>Virginia Administrative Code (VAC) citation(s)</b> | 9VAC20-40   |
| <b>Regulation title(s)</b>                            | Administrative Procedures for Hazardous Waste Facility Site Certification   |
| <b>Action title</b>                                   | Exempt action to correct technical errors identified during periodic review |
| <b>Final agency action date</b>                       | June 20, 2016   |
| <b>Date this document prepared</b>                    | May 2, 2016   |

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 3 of the Administrative Process Act. The changes being made to this regulation consist only of changes in style or form or corrections of technical errors. Technical corrections are being made to citations and to a definition to make them consistent with state statute. A title of a regulation referenced is also being corrected.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

On June 20, 2016, the Virginia Waste Management Board took final action to adopt amendments to the regulation entitled "Administrative Procedures for Hazardous Waste Facility Site Certification" (9VAC20-40-10 et seq.) The regulatory action will be filed as soon as possible, consistent with the Administrative Process Act.

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent 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.*

It is not anticipated that this regulatory amendment will have a direct impact on the institution of the family or family stability.

### All changes made in this regulatory action

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

| Current section number | Proposed new section number, if applicable | Current requirement                     | Proposed change and rationale  |
|------------------------|--|---|--|
| 20                     |  | Purpose of chapter                      | Technical correction being made to include missing punctuation from citation.  |
| 40                     |  | Definitions                             | Technical correction being made to the definition of term "treatment." Corrections are being made to the definition to make it match the term as defined in §10.1-1433 of the Code of Virginia.  |
| 50                     |  | Requirement of certification and waiver | Technical correction being made to replace the word "council" with the term "board." During a previous amendment to the regulation the term "council" was replaced with the term "board" throughout the regulation. This term was inadvertently overlooked during the previous amendment and is now being corrected. |
| 80                     |  | Briefing meeting                        | Technical corrections being made to reference the correct statutory citation.  |

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| 90  |  | Impact analysis                                  | Technical correction being made to reference the correct statutory citation.   |
| 100 |  | Application                                      | Technical correction being made to reference the correct statutory citation and correction being made to the title of the regulation referenced. |
| 110 |  | Negotiations; role of board; good faith required | Technical correction being made to reference the correct statutory citation.   |

*The proposed changes are technical corrections to the regulation.*

**Regulatory flexibility analysis**

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

The proposed changes are technical corrections to the regulation. The technical corrections being made to this regulation should avoid confusion concerning requirements that must be met. These changes will not impact the regulated community, which may include small businesses.