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Proposed Regulation Agency Background Document

Agency name	Board for Waste Management Facility Operators
Virginia Administrative Code (VAC) citation	18 VAC 155 -20
Regulation title	Waste Management Facility Operators Regulations
Action title	Amending
Document preparation date	July 20, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The proposed amendments will make the following substantive changes:

1. Create a new license classification (Class V) for Municipal Solid Waste (MSW) composting facilities and move MSW composting from Class II to the new Class V.
2. Clarify that a waste management facility for which the Board has not established training and licensure requirements may be operated by a Class I licensee.
3. Require applicants using experience to substitute for a high school diploma to have obtained that experience during the seven years immediately preceding the date of application.
4. Require applicants to document at least one year of experience with a waste management facility in order to qualify for licensure.
5. Repeal language requiring facility specific training to have been completed after January 1, 1989 and language concerning the first renewal after May 1, 2000, which assigned a single expiration date to all classes of license held by a single individual.
6. Require license renewal applicants to state that they are in compliance with all Virginia and federal laws and regulations.

7. Amend the training course curriculum section to be more reflective of current technology and training needs; to amend Class II training to remove MSW composting requirements; and to create a new curriculum for Class V MSW composting.
8. Amend the “grounds for denial of application, denial of renewal or discipline” section to make renewing a license through fraudulent means or misrepresentation a ground for license denial and disciplinary action and to cite the provisions of Section 54.1-204 of the Code of Virginia pertinent to applicants with criminal convictions.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-2211 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-2211>) mandates that the Board promulgate regulations and standards for the training and licensing of waste management facility operators, and that the Board consider an applicant’s prior experience in determining whether the applicant meets the training requirements established by regulation. Discretion is allowed only to the extent that the Board may establish classes of training and licensing based upon the type of facility to be operated and may vary the training and licensing requirements for each facility class.

The proposed amendments change a number of training and licensing requirements; implement a new license classification for municipal solid waste (MSW) composting; and implement a new experience requirement for initial licensure in response to the Board’s legislative mandate to promulgate training and licensing standards.

The imperative form of the verb “shall” is used in the statute making the rulemaking provisions mandatory rather than discretionary.

By memorandum dated June 24, 2004, the Office of the Attorney General stated that the proposed regulations do not conflict with the laws of the Commonwealth of Virginia and the United States, and that the Board has the authority to promulgate the proposed regulations under Section 54.1-2211 of the Code of Virginia.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

The subject matter of the planned regulation amendments is to continue to establish procedures and requirements for the licensure of individuals to operate waste management facilities in Virginia.

The intent of the planned regulation amendments is to assure the existence of an infrastructure of trained and qualified individuals to operate waste management facilities in compliance with both federal and state regulations that have the protection of Virginia's environment as their goal. All citizens benefit from properly operated waste management facilities that assure that the quality of our environment is protected and enhanced.

The amended regulations will continue the current regulatory program that establishes licensure requirements focused on approving only those applicants that clearly meet the minimum competency standards necessary to protect the public. This is accomplished by requiring facility specific training and experience as well as an examination. The training curriculum places emphasis on those aspects of facility operation that most directly affect the public and the environment. This includes familiarization with applicable federal and state regulations governing the approval and operation of facilities.

All waste management facilities must be approved for operation by the Department of Environmental Quality (DEQ) and, once approved, must operate under regulations promulgated by the boards under DEQ. All such facilities must be operated by an individual that has been issued a license by the Board. Licensed operators may be and have been disciplined by the Board for failing to operate their facilities in compliance with the various DEQ regulations. The training and examination provisions and the amendments thereto proposed by the Board will continue to assure that facilities are properly operated and that disciplinary action may be taken against those that fail to assure proper operation.

The proposed regulations are mandated by statute, and are essential to protect the health, safety and welfare of citizens and for the efficient and economical performance of an important governmental function.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

The following is a summary of the proposed amendments to the Board's May 1, 2000 regulations:

Section 18 VAC 155-20-10 is being amended to modify existing definitions and add new definitions to support the creation of a separate license classification for municipal solid waste (MSW) composting facilities.

Section 18 VAC 155-20-110 is being amended to anticipate the future development and implementation of new waste management technologies that are not included in the current facility classification scheme and to implement the new Class V license for operators of MSW composting facilities.

Section 18 VAC 155-20-120 is being amended to require that applicants using experience to substitute for high school graduation to obtain that experience during the seven years immediately preceding their application.

Section 18 VAC 155-20-120 is being amended to add a new subdivision B 4 that requires all applicants for licensure as a waste management facility operator to document at least one year of experience with a waste management facility in order to qualify for a license. Subsequent subdivisions are renumbered.

Section 18 VAC 155-20-120 is being amended to repeal the current subdivision 6 stating that the Board will accept facility specific training provided that it has been approved by the Board or was completed after January 1, 1989. This provision is outdated.

Section 18 VAC 155-20-120 is being amended to add license qualification requirements for the new Class V license to operate MSW composting facilities and to enable a Class V license to be automatically issued to those holding a valid Class II license on the effective date of the regulations.

Section 18 VAC 155-20-160 A is being amended to require those renewing their license to make a statement that they are in compliance with all facility specific operator training and examination requirements of federal and Virginia laws and regulations and of the facility operating permits.

Section 18 VAC 155-20-160 is being amended to repeal the current subsection B 4 establishing the manner in which license classifications are indicated on the license beginning on May 1, 2000. This provision is outdated. Subsequent subsections are renumbered.

Section 18 VAC 155-20-220 is being amended as follows:

Subdivision B 12 is amended to add the names of the State Water Control Board and the State Air Pollution Control Board to the agencies whose regulations must be covered in the basic training course.

Subdivision B 14 is amended to add instruction in the identification of unauthorized wastes to the basic training course. Subsequent subdivisions are renumbered.

Subdivision B 18 h is amended to add instruction in yard waste composting to the basic training course. Subsequent subdivisions are renumbered.

Subdivision C 3 is amended to change the catch line from “solid waste disposal standards” to “sanitary landfills.”

Subdivision C 3 a, “general standards for sanitary landfills,” is repealed and the subsequent subdivisions renumbered.

Subdivisions C 3 e, f and j are moved to subdivision C 8 as a, b and c with rephrasing. Subsequent subdivisions are renumbered.

Subdivision C 3 g is amended to add “and landfill gas recovery systems” and renumbered as C 3 d.

Subdivision C 3 g is added to include instruction covering large landfill air operating permits.

Subdivision C 6 is amended to repeal “compost facilities” to support the creation of a new Class V license for MSW composting (see new subdivision F). Subsequent subdivisions are renumbered.

Subdivision C 7 is amended to add subdivisions a, b and c to specify that instruction must include information concerning solid waste, air, Virginia Pollution Discharge Elimination System (VPDES) permits, and related water and wastewater permits.

Subdivision D 2 is amended to move subdivisions b and e to a new subdivision 8 concerning financial assurance documentation. Current subdivision b is being rephrased from “financial assurance requirements” to “financial assurance documentation” and made subdivision 8. Current subdivision e is rephrased from “closure requirements” to “closure regulations” and made subdivision 8 a. “Corrective action” is added to subdivision 8 as a new requirement.

Subdivision D 5 is amended to include instruction in “facility air operating permits” as subdivision d. Current subdivision d is renumbered as subdivision e.

Subdivision D 7 is a new subdivision to include instruction in “medical waste combustor regulations.”

Subdivisions E 9, 10, 11, 12 and 13 are added to include instruction in:

- Virginia pressure vessel regulation;
- Air pollution control regulations for waste combustors;
- Facility air operating permits;
- Plant operations, including thermal fluids theory and boiler plant operations; and
- Financial assurance documentation, including closure regulations and corrective actions.

Subsection F is added to create a curriculum for the new MSW composting Class V license classification.

Section 18 VAC 155-20-280 A 1 is amended for clarity.

Section 18 VAC 155-20-280 A 2 is amended to make clear that disciplinary action is authorized for fraud or misrepresentation in license renewal as well as initial application.

Section 18 VAC 155-20-280 A 4 is amended to add a reference to Section 54.1-204 of the Code of Virginia, which establishes the Board authority to deny licensure to applicants with criminal records.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The addition of definitions to 18 VAC 155-20-10 will benefit the public and the Commonwealth by defining the new “Class V license,” amending the definition of “Class II license” and creating a definition for “municipal solid waste (MSW). The primary advantage is to provide clarity of the terms used in the text. No disadvantage has been identified.

The amendment of subdivision A 1 of 18 VAC 155-20-110 and the addition of subdivision A 5 will benefit the public and the Commonwealth by specifying that a composting facility receiving municipal solid waste shall be operated by a Class V licensee and that those holding a Class V license may also operate a Class I facility. The primary advantage is to clarify the authority of Class V operators. No disadvantage has been identified.

The addition of subsection C to 18 VAC 155-20-110 will benefit the public and the Commonwealth by placing all new technology waste treatment that does not fall into one of the four existing classes into Class I. Currently an emerging technology could be of such a nature that it would fall into NONE of the existing classifications. As proposed, that problem will be addressed by assigning all such new technologies to Class I. The innovators of the new technology will avoid delays in implementation while the Board develops regulation revisions to accommodate their innovation. The public and the Commonwealth will benefit by the oversight provided by a Class I operator, who has a basic level of knowledge and is capable of assuring environmental compliance as the new technology is implemented. New regulations promulgated to deal with the new technology will be implemented in a manner that allows adequate opportunity for compliance by the operators of the new technology. No disadvantages to the public or the Commonwealth have been identified.

The addition of language to subdivision B 3 in 18 VAC 155-20-120 will benefit the public and the Commonwealth by providing that applicants using experience to substitute for high school graduation must have obtained that experience during the seven years immediately preceding their application. Experience more than seven years old would not have been obtained in the current regulatory and facility operation environment and is not viewed by the Board to be of sufficient value to substitute for the education requirement. No disadvantage to the public or the Commonwealth has been identified.

The addition of new language to subdivision B 4 in 18 VAC 155-20-120 will benefit the public and the Commonwealth by providing a year of employment experience at a waste management facility as an entry requirement for license applicants. Currently one may qualify for a license to be the operator in charge of a waste management facility by completing training and passing an examination. Absent the experience requirement, an operator may have no practical exposure to or knowledge of the operation of a waste management facility and may allow environmental hazards to occur. The hazards could occur, not as a result of the operator's inadequate knowledge of the requirements, but as a result of his inadequate practical experience with waste stream dynamics. He may allow something to occur simply because he does not recognize the hazard or lacks the practical experience to know what to look for to avoid hazards. The Board views the public to be potentially at risk and views the year of employment at a waste management facility to be a provision that will address the hazard. No disadvantages to the public or the Commonwealth have been identified.

The repeal of the existing subdivision B 6 of 18 VAC 155-20-120 and of the existing subsection B of 18 VAC 155-20-160 are housekeeping in nature. Both represent provisions necessary to implement then new requirements. The requirements are in place and the existing language has no practical force or effect. The repeal will benefit the public and the Commonwealth by removing obsolete language. No disadvantage to the public or to the Commonwealth has been identified.

The amendment to create a new subsection G in 18 VAC 155-20-120 will benefit the public and the Commonwealth by enumerating the entry requirements for Class V licenses and, thereby, implement the new license classification for municipal solid waste composting. Those desiring to operate a municipal solid waste composting facility may qualify by completing training and examination requirements specific to municipal solid waste composting rather than the current requirement to complete Class II training that also encompasses landfill operations. Those holding a Class II license on the effective date of the regulation will be issued a Class V license to continue their current authority to operate a municipal solid waste facility. The advantage to the public and to the Commonwealth is training and examination standards more focused on municipal solid waste composting and those currently authorized to operate a municipal solid waste composting facility keep that authorization. The disadvantage is the increased examination cost for all applicants for licensure resulting from the creation of a new class of examination and the revision of the existing Class II examination.

The amendment to subsection A of 18 VAC 155-20-160 requires those renewing their license to make an affirmative statement that they are in compliance with the training and examination requirements of law and regulation and of the facility operating permit. Some facilities have requirements for post-licensure operator training and examination. The advantage to the public and to the Commonwealth is that those who fail to comply and make a false statement when renewing their license are subject to discipline by the Board. No disadvantage to the public or to the Commonwealth has been identified.

The amendments to 18 VAC 155-20-220 update and clarify the training required for each class of licensure and to add subsection F creating a training course curriculum for Class V, municipal solid waste composting. Subsection C has been amended to remove the training requirements

pertinent to municipal solid waste composting. The public and the Commonwealth benefit through licensed operators that have met clearly articulated relevant training standards. No disadvantage to the public or to the Commonwealth has been identified.

The amendments to 18 VAC 155-20-280 clarify the Board’s disciplinary authority. The public and the Commonwealth benefit from the Board’s ability to discipline those that endanger the public or the environment by failing to comply with the regulations. No disadvantage to the public or to the Commonwealth has been identified.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	(a) Fund source – NGF Fund detail – 0900 (b) No one-time or ongoing costs are associated with the proposed regulation amendments.
Projected cost of the regulation on localities	None anticipated.
Description of the individuals, businesses or other entities likely to be affected by the regulation	Individuals licensed as waste management facility operators.
Agency’s best estimate of the number of such entities that will be affected	The Department currently regulates approximately 1,100 waste management facility operators.
Projected cost of the regulation for affected individuals, businesses, or other entities	The examination fee paid by each applicant for licensure will increase from \$285 to \$315.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The Board originally considered an amendment that would create a new license class for those operating municipal solid waste (MSW) composting facilities as well as an amendment that would move the operation of MSW composting facilities from Class II to Class I, combining MSW composting with yard waste composting. Both alternatives were rejected in favor of continuing the current classification system. The Board concluded that Class II training was necessary to assure the competent operation of MSW composting facilities and, thereby, the protection of the public and the environment. The Board determined that the hazards present in the waste stream into and out of a Class II facility were substantially the same as those present for an MSW composting facility and, for this reason, continued to include MSW composting in Class II. This obviated further consideration of moving MSW composting to Class I because the yard waste composting waste stream (leaves, grass cuttings, and branches) is stable and benign compared to both the Class II and the MSW composting waste stream. The Economic Impact

Analysis dated October 23, 2003 prepared by the Virginia Department of Planning and Budget (DPB) took exception to the Board’s conclusion and cited public comment from three individuals that the Class II licensing examination and training required of MSW composting facility operators are largely related to municipal landfill facility operators and unrelated to the duties of MSW composting facility operators. In response, the Board amended its proposed regulation language to create a separate license classification and training requirements for MSW facility operators.

The Board considered amending the regulations to require employment at a waste management facility as an entry requirement only for specific classes of licensure and considered whether a year of such employment was minimally sufficient to protect the public. Currently, one may qualify for a license to be the operator in charge of a waste management facility by completing training and passing an examination. Knowing that a specific waste is not acceptable is of no value without the practical experience that comes from having a minimal exposure to the waste stream; to the dynamics that make the detection of inappropriate waste a challenge; and to the actual hazards that result from poor waste stream management. The Board concluded that one year was sufficient, but not excessive, to assure that newly licensed operators possessed the necessary practical experience. The Board could find no difference in the responsibilities or potential hazards that allowed them to conclude that a different amount of experience was appropriate for any single license class and, therefore, concluded that one year of experience was the appropriate minimum for all license classes.

The Board considered requiring those renewing their license to document their compliance with any post-licensure training or examination requirements through formal written documentation. Given the oversight of waste management facilities by the Virginia Department of Environmental Quality, the Board concluded that an affirmative statement of compliance as a part of license renewal was sufficient to assure the public’s protection.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
Katharine M. Webb, Virginia Hospital and Healthcare Association	Eliminate the Board for Waste Management Facility Operators and transfer its regulatory functions to the boards administered by the Department of Environmental Quality (DEQ).	The Board has no statutory authority to transfer the regulation of waste management facility operators to DEQ. An act of the Virginia General Assembly would be necessary.
Bob Kerlinger of the Mid-Atlantic Composting	The requirement that those operating a municipal solid waste (MSW) composting facility meet the same training	The Board has proposed the amendments suggested.

Association	and examination standards as those operating a municipal landfill should be amended. The amendments should reflect criteria appropriate for the operation of a composting facility.	
W. T. Tommy Davis of the Virginia Department of Corrections	Same as Mr. Kerlinger	Same as Mr. Kerlinger
Michael Dieter of DEQ	Same as Mr. Kerlinger	Same as Mr. Kerlinger

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

No impact has been identified

Detail of changes

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

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
18 VAC 155-20-10	Existing section number is unchanged	Silent, these are new definitions and amendments to an existing definition	Amend definition of "Class II license," add definition of "Class V license" and "municipal solid waste (MSW)" to implement the new license classification for those operating a municipal solid waste (MSW) composting facility.
18 VAC 155-20-110 A 1	Existing section number is	Allows a Class I facility to be operated by an individual holding a Class II,	Amends the language to make clear that an individual holding a Class V license may also operate a Class I facility.

	unchanged	III or IV license in addition to an individual holding a Class I license.	
None	18 VAC 155-20-110 A 5	Silent, this is a new class of license.	Requires that municipal solid waste facilities must be operated by an individual holding a Class V license. Implements the new license classification for those operating a municipal solid waste (MSW) composting facility.
None	18 VAC 155-20-110 C	Silent, this is a new provision.	Assigns emerging technology facilities to Class I until the Board can appropriately amend its regulations to deal with the new technology. Assigning to Class I assures oversight by an operator with a basic level of knowledge until such time as the Board's regulations may be properly amended.
18 VAC 155-20-120 B 3	Existing section number is unchanged	No limit as to the time frame in which the experience must have been obtained.	Requires experience to have been obtained within the past seven years. Experience more than seven years old would not have been obtained in the current regulation and facility operation environment and is not of sufficient value to substitute for the education requirement.
None	18 VAC 155-20-120 B 4	Silent, this is a new provision.	Provide a year of employment experience as an entry standard for all license applicants. Absent this requirement, a regulant may be in responsible charge of a facility with only classroom instruction. The year of actual experience at a facility will provide the practical exposure to waste operations necessary to allow implementation of the classroom training.
18 VAC 155-20-120 B 6	None, subpart 6 is repealed.	Recognizes training not approved by the Board that was completed after January 1, 1989.	Repeal has the effect of recognizing only training approved by the Board as qualifying for licensure. The provision was necessary to implement the initial regulations, should have been repealed earlier, and is outdated as Board-approved training is readily available.
None	18 VAC 155-20-120 G	Silent, this is a new class of license.	Creates the license qualifications for the new Class V municipal solid waste (MSW) composting facility and automatically issues a Class V license to those holding a Class II license on the date the regulation becomes effective. Implements the new license classification for those operating a municipal solid waste (MSW) composting facility
18 VAC 155-20-160 A	Existing section number is unchanged	Silent	Provides for an affirmative statement of compliance with any post-licensure training and examination requirements of law, regulation or facility operating permit. Those found failing to comply are subject to disciplinary action by the Board.
18 VAC 155-20-160 B	None, subsection B is repealed	Implements new provisions of the May 1, 2000 regulations creating a	Repealed as the new license program is fully implemented.

		single license showing all classes the regulant is qualified to operate.	
18 VAC 155-20-220 B 12	Existing section number is unchanged	Referenced only the Virginia Waste Management Board.	Adds the State Water Control Board and the Virginia State Air Pollution Control Board to the agencies whose regulations must be addressed in the basic training class. The regulations of all three agencies are pertinent to the operation of waste management facilities.
None	18 VAC 155-20-220 B 14	Silent	Adds identification of unauthorized wastes to the basic training class. The Board views this as a subject requiring emphasis. Failure to properly identify and dispose of waste material has an adverse impact on operation costs as well as the environment.
None	18 VAC 155-20-220 B 18 h	Silent	Adds yard waste composting facilities as one of the permitted solid waste management facilities that must be included in the overview of permitted solid waste management facilities for the basic course. While yard waste composting is usually a low impact and low risk undertaking, the Board decided that more attention was warranted in the training curriculum, especially in light of the creation of a new license class for municipal solid waste composting.
18 VAC 155-20-220 C 3	Existing section number is unchanged	Same – Clarification amendment	The heading is changed to “sanitary landfills” to use the more common term. Clarifies and conforms to the term used in other pertinent state regulations.
18 VAC 155-20-220 C 3 a	None, subdivision a is repealed	Provides for instruction in the “general” standards for sanitary landfills.	“General” is somewhat vague. The other provisions and amendments provide more specificity.
18 VAC 155-20-220 C 3 e, f, and j	Moved to become 18 VAC 155-20-220 C 8 a, b, and c respectively	Same – provisions have been moved to subdivision 8 of the same subsection and rephrased to add to clarity.	Reorganization of requirements for clarity. No substantive change. Subsequent provisions are renumbered.
None	18 VAC 155-20-220 C 3 d	Silent	“Landfill gas recovery systems” are a part of the “control of decomposition gases” subject matter that the Board decided needed additional emphasis in Class II training.
None	18 VAC 155-20-220 C 3 g	Silent	“Large landfill air operating permits” is a subject matter area that the Board decided needed additional emphasis in Class II training.
18 VAC 155-20-220 C 6	Existing section number is unchanged	Includes compost facilities as one of the solid waste management facility standards that must be included in the training for Class II operators.	Removes the reference to compost facilities to implement the new license classification for those operating a municipal solid waste (MSW) composting facility.
18 VAC	Add a, b, and	Same – more specificity	Assures that instruction will include all

155-20-220 C 7	c to existing section	added.	permitting provided for in Virginia law and the regulations of the boards under DEQ.
18 VAC 155-20-220 D 2 b and e	Moved to become 18 VAC 155-20-220 D 8 and D 8 a respectively	Same – provisions have been moved to a new subdivision of the same subsection and rephrased to add to clarity.	Reorganization of requirements for clarity. No substantive change. Subsequent provisions are renumbered.
None	18 VAC 155-20-220 D 5 d	Silent	Assures that instruction on facility air operating permits issued by DEQ is a part of the Class III instruction. Subsequent provisions are renumbered.
None	18 VAC 155-20-220 D 7	Silent	Assures that instruction on medical waste combustor regulations promulgated by DEQ is a part of the Class III instruction. Subsequent provisions are renumbered.
None	18 VAC 155-20-220 D 8	Includes provisions moved from subdivisions b and e of subdivision 2 of the same subsection.	Adds “corrective action” as a subject area under “financial assurance documentation” as a part of the Class III instruction. The Board concluded that this is a necessary area of instruction for Class III operators.
None	18 VAC 155-20-220 E 9, 10, 11, 12 and 13	Silent	Adds a number of pertinent areas of instruction for Class IV that are absent from the current regulations. A comprehensive review of the current regulations by the Board brought them to the conclusion that minimal instruction in these areas is necessary to protect the public.
None	18 VAC 155-20-220 F	Silent	Adds a new subsection establishing the training curriculum for municipal solid waste composting to implement the new license classification for those operating a municipal solid waste (MSW) composting facility.
18 VAC 155-20-280 A 1	Existing section number is unchanged.	Same – Amendment for clarification.	Rephrase to make clear that a violation of any single provision of the Board’s regulations is grounds for disciplinary action.
18 VAC 155-20-280 A 2	Existing section number is unchanged.	Same – Amendment for clarification.	Clarify that a fraud or misrepresentation when applying to renew a license is subject to disciplinary action by the Board.
18 VAC 155-20-280 A 4	Existing section number is unchanged.	Same – Amendment for clarification.	Clarify that the Board’s authority to take action concerning those with criminal records is governed by Section 54.1-204 of the Code of Virginia.
18 VAC 155-20-280 A 5	Existing section number is unchanged.	Currently mentions only felony.	Amends the regulation to include any violation that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment
18 VAC 155-20-280 A 7	Existing section number is unchanged	Same – Amendment for clarification.	Amends “results” to “resulted” and “an” to “the” for clarity.
18 VAC	Existing	Same	Amends the citation to the Code of Virginia to

155-20-280 C	section number is unchanged		reflect amendments made by the General Assembly.
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