

**THE VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS
MEETING MINUTES**

The Virginia Board for Waste Management Facility Operators met on Thursday, October 26, 2023, at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present during all or part of the meeting:

Ellen C Thacker, Vice Chair
Donald Lawhorne
Jason Williams
Matthew Terrell
Joshua Byerly
Brent Williams

The following members of the Board were not present:

The following members of DPOR staff were present during all or part of the meeting:

Kishore S. Thota, Agency Director
Marjorie King, Executive Director
Mary Charity, Licensing Operations Administrator
Stephanie Keuther, Administrative Coordinator

Board Counsel, Elizabeth Peay was not present during the meeting.

Board Liaison member of the Board for Professional and Occupational Regulation Liaison Program was not present during for the meeting:

Laurence A. Benenson, Board Liaison

Waste Management Facility Operators Meeting
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Call To Order

Ms. Thacker, Vice Chair called the October 26, 2023 Board for Waste Management Facility Operators Meeting to order at 10:06 a.m.

**Call
To Order**

Emergency Egress

Marjorie King, Executive Director reviewed the Emergency Egress procedures with the Board and members of the public.

Emergency Egress

New Board Member Introductions

Marjorie King, Executive Director welcomed new Board Member Brent Williams, Jason Williams, Matthew Terre II, and Joshua Byerly.

**New Board Member
Introductions**

Approval of the Draft Agenda

A motion was made by Mr. Lawhorne and seconded by Mr. J. Williams to adopt the October 26, 2023 Draft Agenda as presented.

**Approval of the Draft
Agenda**

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

Approval of Minutes

A motion was made by Mr. Lawhorne and seconded by Mr. B. Williams to approve the Minutes of April 6, 2023 as presented.

Approval of Minutes

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

Public Comment Period

Ms. Thacker, Vice Chair opened the Public Comment section of the meeting.

**Public Comment
Period**

With no one wishing to come forward **Ms. Thacker, Vice Chair** closed the Public Comment section of the meeting.

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Ms. Thacker, Vice Chair presented a resolution to Sathish Anabathula

Commonwealth of Virginia



Department of Professional and Occupational Regulation

Board for Waste Management Facility Operators

Resolution To

Sathish Anabathula

WHEREAS, Sathish Anabathula, faithfully and diligently served as a member of the Virginia Board for Waste Management Facility Operators from 2020 to 2023; and

WHEREAS, Sathish Anabathula has generously completed three years of service and with dedication has selflessly given his knowledge, time and leadership to the Board; and

WHEREAS, Sathish Anabathula endeavored always to protect the health, safety and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service by Sathish Anabathula, who is held in high esteem by the members of the Board, the employees within the Department, and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Sathish Anabathula, be given all honors and respect due him for his outstanding service to the Commonwealth, its citizens, and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

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Ms. Thacker, Vice Chair presented a resolution to Toby Edwards.

Commonwealth of Virginia



Department of Professional and Occupational Regulation

Board for Waste Management Facility Operators

Resolution To

Toby Edwards

WHEREAS, Toby Edwards, faithfully and diligently served as a member of the Virginia Board for Waste Management Facility Operators from 2022 to 2023; and

WHEREAS, Toby Edwards has generously completed one year of service and with dedication has selflessly given his knowledge, time and leadership to the Board; and

WHEREAS, Toby Edwards endeavored always to protect the health, safety and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service by Toby Edwards, who is held in high esteem by the members of the Board, the employees within the Department, and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Toby Edwards, be given all honors and respect due him for his outstanding service to the Commonwealth, its citizens, and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

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Ms. Thacker, Vice Chair presented a resolution to Jason Mitchell.

Commonwealth of Virginia



Department of Professional and Occupational Regulation

Board for Waste Management Facility Operators

Resolution To

Jason Mitchell

WHEREAS, Jason Mitchell, faithfully and diligently served as a member of the Virginia Board for Waste Management Facility Operators from 2021 to 2023; and

WHEREAS, Jason Mitchell has generously completed two years of service and with dedication has selflessly given his knowledge, time and leadership to the Board; and

WHEREAS, Jason Mitchell endeavored always to protect the health, safety and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service by Jason Mitchell, who is held in high esteem by the members of the Board, the employees within the Department, and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Jason Mitchell, be given all honors and respect due him for his outstanding service to the Commonwealth, its citizens, and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

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Ms. Thacker, Vice Chair presented a resolution in memory of Timothy Torrez.

Commonwealth of Virginia



Resolution in Memory of

Timothy Torrez

WHEREAS, Timothy Torrez, faithfully and diligently served as a member of the Waste Management Facility Operators from 2015 to 2023 and served as Chairman from 2019 to 2023; and

WHEREAS, Timothy Torrez has tirelessly served with dedication and has devoted generously of his knowledge and time to the Board; and

WHEREAS, Timothy Torrez endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board and the Commonwealth's citizens; and

WHEREAS, the Board for Waste Management Facility Operators wishes to acknowledge its gratitude and deepest appreciation for devoted service by Timothy Torrez, who is held in high esteem by the members of the Board, the employees within the Department, and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board for Waste Management Facility Operators this twenty-sixth day of October, in the year two-thousand and twenty-three, that Timothy Torrez, be given all honors and respect due him for his outstanding service to the Commonwealth, its citizens, and the Board for Waste Management Facility Operators; and

BE IT FURTHER RESOLVED, that this Resolution be presented to his family and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

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Education Provider Applications

None

Education Provider Applications

New Business

Licensing Application

In the matter of File Number 2023-02959 Justin Mimms, the Board, members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts, exhibits, and the Presiding Officer's Summary and Recommendation.

Justin Mimms did not attend the Board meeting in person or by counsel or by any other qualified representative.

Mr. Lawhorne made a motion seconded by Mr. J. Williams to approve the hearing officer's recommendation for approval.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

In the matter of File Number 2023-02835 Jason Estey, the Board, members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts, exhibits, and the Presiding Officer's Summary and Recommendation.

Jason Estey did not attend the Board meeting in person or by counsel or by any other qualified representative.

Mr. Lawhorne made a motion seconded by Ms. Thacker to approve the hearing officer's recommendation for approval.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

Periodic Review

Marjorie King, Executive Director informed the Board Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board for Waste Management Facility Operator Regulations and the Public Participation Guidelines underwent a periodic review. The review of these regulations were guided by the principles in Executive Order 19.

The purpose of the review is to determine whether these regulations should be repealed, amended, or retained in its current form. Public comment was sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes

New Business

Licensing Application

2023-02959 Justin Mimms

2023-02835 Jason Estey

Periodic Review

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the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The public comment period began September 11, 2023, and ended October 2, 2023. Two public comments was received in reference to the Waste Management Facility Operator Regulations.

The Board must review and respond to the comments received and vote to amend or retain its current regulations. Due to the Board's ongoing regulatory reduction efforts and current regulatory actions, Board staff recommends retaining the regulations as is.

A motion was made by Mr. Terrell and seconded by Mr. J. Williams to approve the proposed responses to the comments received.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

A motion was made by Mr. B. Williams and seconded by Mr. Lawhorne to retain the Waste Management Facility Operator Regulations and the Public Participation Guidelines as is.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

Exams

Exams

A motion was made by Mr. Terrell and seconded by Mr. J. Williams to allow staff to initiate a general notice to obtain public comment on Town Hall for stakeholders and licensees to provide feedback concerning the Boards closed book exams.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

Regulatory Review Update

Regulatory Review Update

Marjorie King, Executive Director informed the Board the General Regulatory Reduction to amend the regulations that are determined to be overly burdensome or no longer applicable and provide clarity and/or combine other regulations, is in the Executive Branch Review stage.

Marjorie King, Executive Director informed the Board the Fee Amendment is in the proposed stage.

Election of Officers

Election of Officers

Ms. Thacker turned the chair to Marjorie King, Executive Director for the purposes of conducting the Election of Officers.

Ms. King called for nominations from the floor for Chair of the Board.

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Mr. Lawhorne made a motion, seconded by Mr. J. Williams, to nominate Ms. Thacker as Chair.

Ms. King called for other nominations, hearing none, the nominations for Chair were closed.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

Ms. King called for nominations from the floor for Vice-Chair of the Board.

Ms. Thacker made a motion, seconded by Mr. J. Williams, to nominate Mr. Lawhorne as Vice Chair.

Ms. King called for other nominations, hearing none, the nominations for Vice Chair were closed.

The motion was approved with a vote of 6-0-0 Ayes: Thacker, Lawhorne, J. Williams, B. Williams, Terrell and Byerly. **Nays:** None **Abstained:** None **Absent:** None.

Ms. King returned the chair to Ms. Thacker.

Other Board Business

None

Other Board Business

None

Completion of Paperwork

Marjorie King, requested the Board members complete their Conflict of Interest Statements and Travel Reimbursement Forms.

Completion of Paperwork

Adjournment

Chair, Thacker thanked the Board and Staff and adjourned the meeting at 11:30 A.M.

Adjournment

The next board meeting will be **January 4, 2024**


Donald Lawhorne, Vice Chair


Kishore S. Thota, Director

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Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Donald Lawhorne
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)
4. Meeting/IFF Date: 10/26/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
- I did not participate in the transaction.

6. Signature of Board Member:


Signature

October 26, 2023
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Brent Williams
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)
4. Meeting/IFF Date: 10/26/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.

A.

(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.

6. Signature of Board Member:



Signature

October 26, 2023

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Mathew Terrell
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)
4. Meeting/IFF Date: 10/26/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

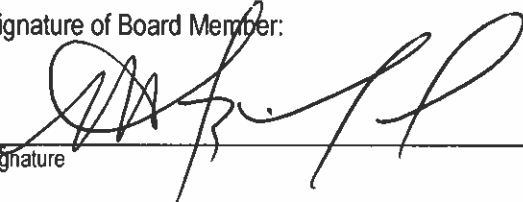
A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
- I did not participate in the transaction.

6. Signature of Board Member:



Signature

October 26, 2023
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Ellen Thacker
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)

4. Meeting/IFF Date: 10/26/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.

6. Signature of Board Member:


Signature

October 26, 2023
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Jason Williams
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)
4. Meeting/IFF Date: 10/26/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A.

(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:


Signature

October 26, 2023

Date

BOARD FOR WASTEMANAGEMENT FACILITY OPERATORS

SIGN IN SHEET

***DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
9960 Mayland Drive
Richmond, VA 23233***

Thursday, October 26, 2023 – 1st Floor Training Room 10:00 A.M.

NAME AND ADDRESS	DO YOU WISH TO SPEAK? (YES or NO)