



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9VAC20-130
Regulation title	Solid Waste Planning and Recycling Regulations
Action title	Final Exempt Amendment – Recycling Rate Report
Final agency action date	June 15, 2012
Document preparation date	May 3, 2012

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), the agency 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, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 14 (2010) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This final exempt regulatory action is being taken in order to modify the frequency for submittal of the recycling data report for each solid waste planning unit or locality with a population of 100,000 or less. The recycling report submittal will be changed from annually to once every four years for these smaller localities or planning units in accordance with [Chapter 834 of the 2012 Acts of Assembly](#) which amended § 10.1-1411 of the Virginia Waste Management Act to include a new subsection:

E. Each solid waste planning unit or locality with a population of greater than 100,000 persons according to the most recent United States census shall prepare and submit a recycling survey report to the Department of Environmental Quality annually. Each solid waste planning unit or locality with a population of 100,000 or less according to the most recent United States census shall prepare and submit a recycling survey report to the Department of Environmental Quality once every four years. Recycling survey reports submitted once every four years shall only be required to include information for the most recent single year. The first reports submitted pursuant to this section shall be submitted by April 30, 2013, for the reporting year ending December 31, 2012.

Therefore, 9VAC20-130-165 has been modified to conform to this change in statutory law.

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 15, 2012, the Virginia Waste Management Board adopted the amendments to the regulation entitled "Solid Waste Planning and Recycling Regulations," specifically amending Section 165 to provide a lesser reporting frequency for smaller localities or planning units.

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.4.a of the Administrative Process Act because they are necessary to conform to changes in Virginia statutory law.

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	Current requirement	Proposed change and rationale
165	Annual recycling data reporting.	Recycling data reporting. This section was amended to modify the frequency for submittal of the recycling data report from annually to once every four years for each solid waste planning unit or locality with a population of 100,000 or less.

These changes are necessary as a result of changes made by the 2012 General Assembly to § 10.1-1411 of the Code of Virginia.

Regulatory flexibility analysis

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.

As the 2012 General Assembly amended § 10.1-1411 of the Virginia Waste Management Act, 9VAC20-130-165 must be amended to conform to the change in statutory law which now allows a lesser frequency for submittal of the recycling data report for each solid waste planning unit or locality with a population of 100,000 or less. The board has no discretion concerning this regulatory action as it is necessary to conform to the change in the Code of Virginia.

Family impact

Please assess the impact of the proposed 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 these regulation amendments will have a direct impact on families.