

FINAL NOTES
Virginia Solid Waste Management Regulations – Amendment 7
9VAC20-80-10 *et seq*
Technical Advisory Committee (TAC) Public Meeting May 5, 2008

F. Scott Reed—Dominion Virginia Power

Bob Dick--Virginia Waste Industries Association (VWIA) and private consultants—
(absent); represented today by Jeff Burrier

Atman Fioretti--Sierra Club, Virginia Chapter—(absent)

Rick Guidry--King George County Landfill, Inc.—(absent); represented today by Jason
L. Williams & Reynolds Brown

Jerry Martin—Augusta County Service Authority

Jimmy Sisson--Virginia Recycling Markets Development Council

Fouad Arbid--Solid Waste Association of North America

Joe Levine—Southwest Virginia Solid Waste Management Association

(Other names): (1) names of DEQ staff members that were present to answer questions raised by the TAC: Karen Sismour, Leslie Beckwith, Debbie Miller, Jason E. Williams, Allen Brockman, Angie Jenkins, Bob Goode, and (2) names of public attendees Jeff Crate (Draper Aden), Ed Hollos (Resource International), Scott Whitehurst (SPSA), Larry Bertolet (Joyce Engineering), Ray McGowan (Allied Waste).

Today's meeting notes:

The TAC meeting began at 10:10. Leslie Beckwith made introductory remarks and introductions, announcing that this first meeting will be an orientation.

Leslie next reviewed the TAC guidelines that had been circulated to the TAC members.

The TAC voted on whether or not to approve the TAC minutes before they are posted on Town Hall. The TAC consensus voted yes to review the minutes prior to their posting on Town Hall.

Next, Leslie reviewed the meaning of “consensus” for the TAC meeting decisions. She read DEQ’s definition of consensus.

Next the TAC voted on whether the public should have time for an open seat at the table when permitted by the TAC. The TAC consensus voted yes to the open seat.

Then Leslie reviewed next steps.

Fouad asked if the TAC would have a chance to review the draft regulations before it went to the Board. Leslie said the TAC doesn't get to see the full text until after the Board has first received it in advance of the Board meeting—then it can go to the TAC.

Scott asked if we had an idea as to when the Board meeting would be. Answer—depends when we are finished—possibly a fall meeting. Leslie suggested it would take until 2010 for the final regulation to get out.

Next, Karen Sismour gave a presentation on the background of Amendment 7 to the solid waste regulations, i.e. to make them clear and concise and less prescriptive and more results oriented. Some of the desired changes are the way we implement the regulations, rather than necessarily changing the wording. In the explanation, Karen said Amendment 6 issues, which stalled earlier, could be brought back to the table in Amendment 7 if the TAC wishes.

Leslie Beckwith made a few additional comments on the goals for Amendment 7, based on the agency's NOIRA statement posted on the Town Hall.

Scott asked if we would transmit the power point presentation out to the TAC. Allen Brockman said it would come out with the draft minutes for this meeting.

Fouad suggested that we wait until the next meeting to prioritize the tasks in the agency NOIRA statement.

Fouad asked what the purpose was to prioritize—Leslie said to organize the TAC's discussion.

Next, Jason E. Williams gave a presentation on the solid waste permitting process at DEQ.

Jeff Burrier asked about the Operations Plan of the future—Jason confirmed that it would be pulled out of the permit and kept on site. Burrier followed up with a question as to whether the P.E. certification sign off could be used beyond PBRs on such things as help model runs, slope stability, etc. Jason replied that we have looked into that.

Next, Debbie Miller gave a presentation on DEQ's proposed Coal Combustion Byproduct Reuse Technical Review Committee study group—and pulling the CCB regulation into Amendment 7 of the solid waste regulations. DEQ is developing a tentative list of participants. The committee will be running simultaneously with the Amendment 7 TAC and will be a technical subcommittee of the TAC.

Fouad questioned why we should bring the CCB into the solid waste regulations. Debbie responded that it would make it more efficient to pull all such regulations together into one place.

Jeff Burrier asked whether or not we had considered adding in the biosolid regulations. Debbie pointed out that a separate Division (Water) oversees the biosolid regulations.

Leslie Beckwith next returned to the Town Hall NOIRA agency statement document. She asked if the TAC group had any additional ideas that the TAC should cover.

Fouad said that the list of 17 items in the NOIRA pretty much cover everything. Leslie asked the best approach to discussing the regulation—section by section or issue by issue?

Fouad said maybe we would lose steam if we looked section through section. Fouad suggested that issue by issue would be best.

Jeff suggested that we start with the definitions.

Leslie noted that the Director of DEQ has the final decision on what text is sent to the Board for approval.

The consensus of the TAC was to see any prepared text at the same time. Leslie suggested that we start with Parts I and II and a proposed crosswalk TOC for the regulations as well as copies of the power point presentations from today.

Fouad said that doing the review from chunks and text would be best.

Allen Brockman noted that the TAC also can consider the NOIRA comments that were received during the comment period in their prioritization of issues.

Jeff Crate came in for the public open chair:

The TAC could come up with a structure or outline for what we want the regulations to look like.

Fouad said the TAC would like to get the benefit of our background work on the regulations.

Jeff Burrier likes the approach that we approach the text a chunk at a time.

Fouad suggested that we articulate the PE item as a separate item (confidence in the professional engineer review ability)—different levels of confidence in different areas. Not all PE's have designed landfills. We need checks and balances (some prior Engineers Surveyors Institute background), there needs to be some level of control.

Burrier said the check/balance is already there in the Dept. of Professional and Occupational Regulations (DPOR) (you can't certify something outside your area of expertise).

Ray McGowan asked if the TAC would be identifying preapproved designs like for posishell? Jason Williams said we have talked about coming up with a preapproved list of landfill cover and liner designs, but such lists would be handled under guidance/policy rather than in the regulations themselves.

Leslie acknowledged that the next TAC meeting will be Monday, May 19, 2008 at 10 am in this same room.