



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MINUTES VIRGINIA WASTE MANAGEMENT BOARD MEETING

THURSDAY, APRIL 25, 2002
HOUSE ROOM C, CAPITOL SQUARE
RICHMOND, VIRGINIA

Board Members Present:

Ralph B. Smith, Jr., Chairman
Sheila W. McAllister - Vice-Chairman
Ronald E. Bowman
Gary H. Baise
Donald L. Carty

Board Members Absent:

Clements Berezowski
Vacant

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Catherina F. Hutchins
Assistant Attorney General

- 1) The following minutes summarize activities, which took place at this Board meeting.

Approved - minute # 7
October 25, 2002

2) The meeting was convened at 10:10 a.m. on Thursday, April 25, 2002, a quorum was determined at 10:10 a.m., and the meeting was adjourned at 11:37 a.m.

Minute No. 1 - Current Significant Non-Compliers Update - Hazardous and Solid Waste Programs

Mr. Paul Rogers, Office of Enforcement Coordination, presented a report on significant non-compliers. The report identified facilities with significant unresolved violations of the Virginia Hazardous Waste Management Act and permitted facilities with significant unresolved violations of the Virginia Solid Waste Management Act. The report also included resolutions for facilities identified in the December 2001 report.

Minute No. 2 - Regulated Medical Waste Management Regulations

Mr. Michael Dieter, Division of Waste Program Coordination, presented final amendments to the Regulated Medical Waste Management Regulations, 9 VAC 20-120-10, *et seq.* (RMWMR). Mr. Dieter explained that the regulations establish permit requirements for the storage, treatment and disposal of regulated medical wastes (RMW). Rules for packaging, labeling and transporting RMW, as well as exemptions from regulation, are also included. Five approved treatment processes are provided for as well as provisions for establishing alternate treatment technologies.

Mr. Dieter briefed the Board on (1) revisions that were proposed to the definition of regulated medical waste as well as to packaging, labeling and transportation requirements; (2) redundant sections of the regulation proposed to be eliminated; and (3) updates proposed to provide consistency with other bodies of regulation such as the Virginia Department of Labor and Industry's Bloodborne Pathogen Standard and US Department of Transportation's regulations governing the transportation of hazardous materials.

Mr. Dieter then detailed for the Board changes being made to the regulation in response to public comment.

Based on the Board book material and staff presentation, the Board unanimously adopted the amendments to the regulation.

Minute No. 3 - Final Voluntary Remediation Regulations Amendment 1

Ms. Melissa Porterfield, Division of Waste Program Coordination, presented final amendments to the Voluntary Remediation Regulations, 9 VAC 20-160-10, *et seq.* Ms. Porterfield briefed the Board on the proposed amendments, the public participation process and the changes being requested in response to public comment.

Ms. Porterfield explained other changes to the regulations including the deletion of the definition of the word "act" and a change to the date of the Risk-Based Concentration Table to be incorporated into the regulations. In addition, she advised the Board that the statutory references

were being revised in the final amendments as a result of legislation passed by the 2002 General Assembly.

Based on the Board book material and staff presentation, the Board unanimously adopted the final amendments to the Voluntary Remediation Regulations.

Minute No. 4 - Solid Waste Management Regulation - Revision to Proposed Amendment 3

Mr. Michael Dieter, Division of Waste Program Coordination, presented a revision to the proposed Amendment 3 approved by the Board at their meeting on January 14, 2002. Mr. Dieter explained that in response to the Board's concern regarding the "need determination", the staff had revisited this section of the regulations to try to offer some new provisions that the director can consider when evaluating need for capacity.

Mr. Dieter informed the Board that the determination that had been placed in 500 D2 of the regulations had been eliminated and that rather than making a specific determination during the Part B process, the section in 500 B 9 had been modified to include items that can be considered by the director in making his determination of the need for capacity.

Based on the staff's presentation, the Board unanimously approved revising proposed Amendment 3 to the Solid Waste Management Regulations.

Minute 5 - Public Forum

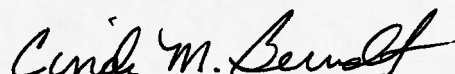
Mr. Robert Earl appeared during the public forum to discuss the requirement for refrigerating regulated medical waste which the Board adopted earlier in the meeting. He expressed his support for many of the amendments; however, he objected to the requirement to refrigerate regulated medical waste if being stored for more than 7 days. He expressed his opinion that the refrigeration requirement was unnecessary and unreasonable.

Minute 6 - Report on Waste Program Activities

Ms. Karen Sismour, Director, Division of Waste Program Coordination, briefed the Board on several current waste program activities. Ms. Sismour highlighted the material provided in the Board book, including the status of the tire fire in Roanoke and the Avian influenza outbreak.

Minute 7 - Future Meetings

No date for the next meeting was set.



Cindy M. Berndt