

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
FRIDAY, JULY 25, 2003
HOUSE ROOM C, GENERAL ASSEMBLY BUILDING
9TH AND BROAD STREETS
RICHMOND, VIRGINIA

Board Members Present: Sheila W. McAllister - Vice-Chairman
Ronald E. Bowman
Clements (Tom) Berezoski
Betty Byrne Ware
Paul J. Rich
Clarence M. Dunnville, Jr.

Board Members Absent: N. Howard Burns, Jr.

Department of Environmental Quality Staff Present:

Robert G. Burnley, Director	Richard F. Weeks, Deputy Director
Cindy M. Berndt	Kathy R. Frahm
John E. Ely	Robert G. Wickline

Attorney General's Office:

Catherina F. Hutchins, Esq. Assistant Attorney General	John Byrum, Esq. Assistant Attorney General
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- 1) The following minutes summarize activities, which took place at this Board meeting.
- 2) The meeting was convened at 10:05 a.m. on Friday, July 25, 2003 and a quorum determined. The Board voted to go into closed session at 10:06 a.m. and returned to open session at 11:42 a.m. The meeting was adjourned at 12:30 p.m.

Minute No. 1 - Closed Session

The Board, pursuant to the provisions of Section 2.2-3711 (A)(7) of the Code of Virginia, met in Closed Session to consider the following matters:

Regulations for the Transportation of Solid and Medical Wastes on State Waters -
9 VAC 20-170-70 and 9 VAC 20-170-195

Pursuant to Section 2.2-3712 (D) of the Code of Virginia, the Board, by roll call vote, unanimously certified that only those matters identified above, which are lawfully exempted from the requirements of the Freedom of Information Act, were considered during Closed Session.

Approved June 18, 2004

Minute No. 2 - Minutes

The Board unanimously approved the minutes from the Board's meetings on March 28, 2003 and April 17, 2003.

Minute No. 3 - Transportation of Solid and Medical Waste on State Waters 9 VAC 20-170-70 and 9 VAC 20-170-195

Mr. John E. Ely and Mr. Robert G. Wickline presented 9 VAC 20-170-70 and 9 VAC 20-170-195 of the regulations for the Transportation of Solid and Medical Waste on State Waters to the Board. The two sections address the design, operation and maintenance of containers and the off-loading fee requirements.

They advised the Board that notice of the additional opportunity for public comment was posted in the Virginia Register on May 19, 2003; public meetings were held in Charles City County and in Warsaw and in all, over 2,200 comments were received during the comment period.

Mr. Wickline advised the Board that several revisions were being recommended in response to public comment received during the comment period, including:

1. The provision for transport of construction and demolition debris (CDD) in covered barges without other containerization had been narrowed and now applied only to rocks, brick, cement block, uncontaminated dirt, broken concrete, and broken road pavement. Other CDD that is not being transported directly to a recycling facility for processing must be placed in containers, like other waste. Transport of such waste must continue to meet performance standards.
2. The testing and certification of containers was no longer restricted to a single classification society, but included any "approval authority" delegated by the U.S. Coast Guard Commandant. The certification standards had not changed.
3. The 24-inch standing water test had been clarified; however, a return to the former "soap-bubble" or "gas-pressure" test was not recommended. The current standards are robust and reasonable. They remain the strongest regulations in the nation on the transport of such wastes. The performance standards remain in effect.
4. The section on fees had been renamed "Monthly fee requirements," consistent with its intent and effect. No change to the amount of the fee (\$1 per ton or part of a ton) was recommended.
5. The effect for non-payment of the monthly fees had been clarified and made consistent with other portions of the regulation.
6. Language from a recent statutory amendment limiting the use of the monthly fee was included in the regulation.

The Board, based on the board book material and staff presentation, adopted 9 VAC 20-170-70 and 9 VAC 20-170-195, as contained in the board book (Mr. Dunnville voted no).

Minute No. 4 - Waste Management Regulations, 9 VAC 20-60 - Final Regulations: Immediate Final Rule 2003

Mr. Robert G. Wickline presented the 2003 Immediate Final Rule amendments to the Hazardous Waste Management Regulations. Mr. Wickline explained that each year the U. S. Environmental Protection Agency makes several changes to the federal rules regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes.

Mr. Wickline briefed the Board on the three federal revisions to be incorporated into Virginia's regulations this year: (1) exclusion of certain materials from being considered a hazardous waste when they are secondary materials used to make zinc fertilizers and those fertilizers have constituents below specified control limits for contaminants; (2) establishment of treatability standards under the Land Disposal Restrictions (standards are for radioactively contaminated cadmium-, mercury- and silver-containing batteries); and (3) technical corrections to regulations that control emissions of hazardous air pollutants from incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste.

Minute No. 5 - Public Forum

Ms. Patricia Jackson, representing the James River Association, appeared during the public forum. Ms. Jackson told the Board that it was a sad day for Virginia and that she wished she had gotten to speak before the Board took action.

Minute No. 6 - Solid Waste Management in Virginia During Calendar Year 2002

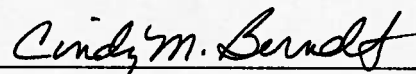
The Board received a report from Mr. John E. Ely on solid waste managed in Virginia during 2002. Mr. Ely explained that the Department is required to prepare a report annually describing the amount of solid waste disposed of in the Commonwealth during the preceding calendar year. In addition, the Board requested that a copy of the report be transmitted to the members of the General Assembly.

Minute No. 7 - Federal Interstate Waste Legislation

The Board unanimously approved a resolution for federal legislation that would authorize states to fully regulate waste imported from other states and authorized the Director to send the resolution to Virginia's Congressional delegation on the Board's behalf.

Minute No. 8 - Future Meetings

A date was not set for the Board's next meeting. A planning session will be scheduled in the near future to discuss state solid waste management planning.


Cindy M. Berndt