



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Virginia Waste Management Board
VAC Chapter Number:	9 VAC 20-60-261
Regulation Title:	Hazardous Waste Management Regulations
Action Title:	Amendment 15B – Repeal of 9 VAC 20-60-261 B 8
Date:	March 21, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose*

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

During sweeping changes to the Chapter during Amendment 14 (effective February 17, 1999) text that may be interpreted erroneously was inadvertently included in the regulation. The text may be read to require low-level radioactive waste to be managed as a hazardous waste. This action is to repeal 9 VAC 20-60-261 B 8 in its entirety and conform the Commonwealth's regulations to federal regulations.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Section 10.1-1402(11) of Chapter 14, Title 10.1, Code of Virginia (1950) grants the Board discretionary power to promulgate regulations necessary to carry out its duties and state and federal laws.

Need*

Please detail the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

Among sweeping changes to the Chapter during Amendment 14 (effective February 17, 1999) text that may be interpreted erroneously was inadvertently included in the regulation. This text may be read to require low-level radioactive waste to be managed as a hazardous waste; whereas, only “mixed radioactive waste” were intended to be included under the requirements of the Chapter.

Substance*

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed.

This action is to repeal 9 VAC 20-60-261 B 8 in its entirety and to modify no other part of the Chapter 60.

Alternatives*

Please describe the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the need. Also describe, to the extent known, the specific alternatives to the proposal that have been considered and will be considered to meet the need, and the reasoning by which the agency has rejected any of the alternatives considered.

The Board will, during the Notice of Intended Regulatory Action and the Notice of Public Comment request comments on or alternatives to the amendments. At this time the only alternative that has been considered is to not repeal the language. This alternative is not recommended, as the language may be misconstrued to impose unnecessary requirements on the management of low-level radioactive wastes.

Public Participation*

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also indicate whether a public meeting is to be held to receive comments on this notice. Indicate that 1) the agency is not holding a meeting because the agency has authorized proceeding without holding a meeting or 2) the agency is holding a meeting. If a public meeting is to be held, indicate where information on the public meeting (i.e., date, time and place) may be found.

The Board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations.

Participatory Approach*

Please indicate the extent to which an ad hoc advisory group will be used in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board seeks comment from the public on whether to use the participatory approach to assist the agency in the development of a proposal.

Family Impact Statement

Please provide a preliminary analysis of the potential 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.

The Board does not anticipate any direct or indirect benefit on the institution of the family and family stability as a result of the repeal of 9 VAC 20-60-261 B 8.