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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board for Waste Management Facility Operators
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC155-20
<b>VAC Chapter title(s)</b>	Waste Management Facility Operators Regulations
<b>Action title</b>	General Regulatory Reduction Initiative
<b>Date this document prepared</b>	May 6, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Board for Waste Management Facility Operators (“the Board”) proposes to amend the Waste Management Facility Operators Regulations to (i) update and clarify provisions of the regulation, to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation compliments current Virginia law, and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens, while still protecting the public health, safety, and welfare.

The action proposes significant changes to (i) the definitions section; (ii) the classification of licenses; (iii) entry qualifications for licensure; (iv) continuing education requirements; (v) record-keeping requirements for training providers; and (vi) sections pertaining to the Board’s disciplinary authority and prohibited acts.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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“APA” means the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia.)

“DEQ” means the Department of Environmental Quality.

“DPOR” means the Department of Professional and Occupational Regulation.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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This regulatory change is not the result of a mandate.

The initial impetus for this action was Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor “...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.”

During review of the regulation, the Board identified provisions that should be revised to provide clarity and other provisions that were no longer necessary.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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The promulgating agency is the Board for Waste Management Facility Operators. Chapter 22.1 of Title 54.1 of the Code of Virginia enumerates the legal authority for the Board to administer the licensure and training programs for waste management facility operators.

Section 54.1-2211 of the Code of Virginia states, in part:

- A. The Board shall promulgate regulations and standards for the training and licensing of waste management facility operators.

In addition, § 54.1-201 of the Code of Virginia provides, in part:

- A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

**Purpose**

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

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The General Assembly has charged the Board with the responsibility for regulating those who engage in the operation of waste management facilities by requiring that such individuals obtain the appropriate licensure and training. Waste management facilities are used for planned treatment, storage, or disposal of nonhazardous solid waste.

The operating of waste management facilities by those who lack sufficient expertise poses a risk to the public health, safety, and welfare. These risks include the potential for environmental damage.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession.

The goals of this regulatory action are:

1. Updating and clarifying the provisions of the regulation. This includes ensuring the regulation reflects current agency procedures and practices;
2. Ensuring the regulation complements current Virginia law, and is clearly written and understandable;
3. Remove requirements in the regulation that are not necessary to protect the public welfare; and
4. Reduction of regulatory burdens, while still protecting the public health, safety, and welfare.

**Substance**

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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1. Section -10 is significantly revised. The definitions section is revised to clarify the meaning of Class I, Class II, Class III, and Class IV licenses and to make the scope of licensure consistent with the types of facilities regulated by DEQ. Several definitions are removed as they are not used in the regulation or are no longer necessary.
2. Section -110 is revised make the section clearer and in alignment with current DEQ regulations.
3. Section -120 is revised to reduce the experience required to qualify for licensure.
4. Section -120 is also revised to reduce the stringency of the disclosure requirement for an applicant's prior criminal history.
5. Section -130 is revised to remove a duplicative provision located in section -280.

6. Section -160 is revised reduce the hours of continuing education required for renewal of a license.
7. Sections -230 and -235 are revised to reduce the record retention period for providers of Board-approved education courses.
8. Section -280 is revised to eliminate a provision that bars an individual whose license is revoked from reapplying for licensure for one year.
9. Section -285 is revised to provide a clearer and more objective standard for disciplinary action in cases where a licensee has committed a violation that resulted in harm or the threat of imminent and substantial harm to human health or the environment.

**Issues**

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary advantages to the public and the regulated community are that the amendments to the regulation will:

1. Reduce the stringency of entry qualifications for licensure while ensuring minimum competency and protection of the health, safety, and welfare of the public;
2. Allow for more individuals to enter the profession sooner;
3. Reduce the burden of continuing education requirements for individuals to renew licenses, while still ensuring licensees receive training to remain minimally competent;
4. Remove other regulatory burdens that are not necessary to protect the health, safety, and welfare of the public;
5. Provide needed updating and clarification to the regulation; and
6. Ensure the regulation complements current Virginia law, is clearly written and understandable, and reflects current agency procedures.

There are no identifiable disadvantages to the public or the Commonwealth. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

**Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

There are no applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact*

*which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

**Other State Agencies Particularly Affected**

No other state agencies are particularly affected by the regulatory change.

**Localities Particularly Affected**

No other localities are particularly affected by the regulatory change.

**Other Entities Particularly Affected**

No other entities are particularly affected by the regulatory change.

**Economic Impact**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

**Summary:**

The Board for Waste Management Facility Operators general regulatory reduction package proposes to amend the Waste Management Facility Operators Regulations to (i) update and clarify provisions of the regulation, to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation compliments current Virginia law, and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens while still protecting the public health, safety, and welfare.

The action proposes significant changes to: (i) regulatory definitions, (ii) entry qualifications for licensure, (iii) continuing education requirements; (iv) recordkeeping requirements for training providers; and (v) sections pertaining to the Board's disciplinary authority and prohibited acts.

There is no direct economic or fiscal impact to other state agencies.

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and                  c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There are no savings and no changes to costs, fees, or revenues of DPOR resulting from this regulatory change.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no savings and no changes to costs, fees, or revenues of other state agencies resulting from this regulatory change.</p>

<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The benefits of the regulatory change are:</p> <ol style="list-style-type: none"> <li>1. Reducing the stringency of entry qualifications for licensure while ensuring minimum competency and protection of the health, safety, and welfare of the public.</li> <li>2. Allowing for more individuals to enter the profession sooner.</li> <li>3. Reducing the burden of continuing education requirements for individuals to renew licenses, while still ensuring licensees receive training to remain minimally competent.</li> <li>4. Removing other regulatory burdens that are not necessary to protect the health, safety, and welfare of the public.</li> <li>5. Providing needed updating and clarification to the regulation.</li> <li>6. Ensuring the regulation complements current Virginia law, is clearly written and understandable, and reflects current agency procedures.</li> </ol>
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**Impact on Localities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There are no anticipated costs to localities because of the regulatory changes. There are no additional requirements. Language was just updated or removed if already in statute.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>None</p>

**Impact on Other Entities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>None</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <ol style="list-style-type: none"> <li>a) is independently owned and operated, and;</li> <li>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</li> </ol>	<p>As of April 10, 2024, there are 615 Waste Management Facility Operators. It is likely that some of these licensed individuals are employed by small businesses.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the</p>	<p>There are no anticipated costs to affected individuals, businesses, or other entities because of the regulatory changes. There are no</p>

<p>regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</li> <li>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</li> <li>c) fees;</li> <li>d) purchases of equipment or services; and</li> <li>e) time required to comply with the requirements.</li> </ul>	<p>additional requirements. The language was just updated or removed if already in statue.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The action is likely to reduce recordkeeping and any associated administrative costs for training providers of Board-approved education courses. The action is likely to reduce costs to licensees associated with complying with continuing education requirements, to include any costs to pay for training and time spent taking training.</p>

### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### Regulatory Flexibility Analysis

*Consistent with § 2.2-4007.1 B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.*

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession, minimum standards to assure continued competency, minimum standards for conduct, and rules to effectively administer the regulatory system.

Review of this regulation was initiated based on Executive Directive Number One (2022). Amendments to the regulation proposed under this action are intended to reduce regulatory burdens imposed upon regulated parties. There are no other alternative regulatory methods, consistent with health, safety, environmental, and economic welfare that will accomplish what Executive Directive Number One (2022) seeks to accomplish.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statute establishing the licensing program covered by this regulation provides no exemption for small business; therefore there are no such exemptions contained in the proposed change.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

**Periodic Review and  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

This action is not being used to conduct a periodic review or small business impact review.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Ryan Smith – Virginia Waste Industries Association	The commenter emphasized support of the current regulations as they relate to training and licensing requirements as they increase safety as well as reduce potential impacts to human health and the environment. The commenter further stated that other agencies involved in regulating waste management facilities, such as the Department of	The Board thanks the commenter.



	<p>Environmental Quality, as well as the general public, would be at a disadvantage if the Board did not require proper training and licensing.</p> <p>The commenter also requested clarification of 18 VAC155-20-140.B regarding closed versus open book examinations.</p>	
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## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The Board for Waste Management Facility Operators is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Cameron Parris  
 Regulatory Operations Administrator  
 9960 Mayland Drive, Suite 400  
 Richmond, VA 23233  
 Contractors@dpor.virginia.gov  
 (866) 430-1033 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

## Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or*

sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
20-10	N/A	This section provides definitions for terms used throughout the regulation.	<p>This section is revised to clarify the meaning of Class I, Class II, Class III, and Class IV licenses. Additionally, several definitions are removed.</p> <p>The definition of “Class I license” is amended to clarify that a Class I license permits the holder to operate any of the following:</p> <ul style="list-style-type: none"> <li>• A transfer station;</li> <li>• A material recovery facility;</li> <li>• An experimental facility;</li> <li>• A composting facility;</li> <li>• A centralized waste treatment facility;</li> <li>• A surface impoundment or lagoon;</li> <li>• A waste pile;</li> <li>• A remediation waste management unit; or</li> <li>• A miscellaneous unit.</li> </ul> <p>The changes to the definition of Class I license are made at the recommendation of DEQ staff to align the scope of licensure with the types of facilities that are regulated by DEQ under the Solid Waste Management Regulations (9VAC20-81).</p> <p>The definition of “Class II license” is amended to replace “a construction landfill, or a debris landfill” with “or a construction/demolition/debris (CDD) landfill.” This change makes the definition consistent with the term used in the Solid Waste Management Regulations for this type of facility and is recommended by staff for DEQ.</p> <p>The definition of “Class III license” is amended to replace “an infectious waste incinerator or autoclave” with “a regulated medical waste management facility.” This change makes the</p>

			<p>definition consistent with the term used in the Regulated Medical Waste Management Regulations (9VAC20-121) for this type of facility. This change is recommended by staff for DEQ.</p> <p>The definition of “Class IV license” is amended to clarify that a Class IV license permits the holder to operate any of the following:</p> <ul style="list-style-type: none"> <li>• A municipal waste combustion unit;</li> <li>• A waste energy facility; or</li> <li>• An incineration facility.</li> </ul> <p>The changes to the definition of Class IV license are made at the recommendation of DEQ staff to align the scope of licensure with the types of facilities that are regulated by DEQ under the Solid Waste Management Regulations.</p> <p>The definition of “solid waste” is revised to clarify that solid waste are those materials defined as solid waste in 9VAC20-81-85 of the Solid Waste Management Regulations.</p> <p>The definitions for “full-time employee;” “licensee;” “municipal waste combustor;” “organized program;” and “owner” are removed as these terms do not need to be defined.</p> <p>These changes are not likely to have any impact and do not entail new requirements.</p>
20-40	N/A	<p>This section provides for requirements applicable to fees received on behalf of the Board and outlines the application fees for an initial licensure, renewal of a license, late renewal of a license, and reinstatement of a license. The section also provides for examination fees.</p> <p>Fees are non-refundable and will not be prorated. All checks must be made payable to the Treasurer of Virginia.</p>	<p>Stylistic changes to this section, including replacing the word “shall” with “must” or “will” where appropriate, are made. These changes are not likely to have an impact.</p>

		<p>An application is not considered to be complete and will not be processed without the required fee. Receipt and deposit of application fees does not indicate licensure.</p> <p>The fee for examination is charged to the applicant by an outside vendor contracted for under the Virginia Public Procurement (§ 2.2-4300 et seq. of the Code of Virginia) and may be adjusted in accordance with the contract.</p>	
20-50	N/A	<p>This section provides for reporting requirements for licensees.</p> <p>Licensees must provide DPOR with written notification of (i) any change of address; or (ii) any change of name. Notification must be provided within 30 days of the change. For a change in name, a licensee must also provide proof of the name change.</p> <p>The section also provides that a license issued by the Board cannot be transferred or otherwise assigned.</p>	<p>Stylistic changes to this section include replacing the word “shall” with “must” and “shall not” with “will not.”</p> <p>These changes will not likely have an impact.</p>
20-110	N/A	<p>This section provides for the classification of licenses.</p> <p>An applicant must apply for at least one of the following classes of license:</p> <ul style="list-style-type: none"> <li>• Class I;</li> <li>• Class II;</li> <li>• Class III; or</li> <li>• Class IV.</li> </ul> <p>An individual who operates (i) a transfer station; (ii) a materials recovery facility receiving mixed waste; (iii) an experimental facility; or (iv) a compositing facility, as these</p>	<p>Changes to this section are made to provide clarification regarding facilities regulated by DEQ.</p> <p>The provisions regarding facilities that must be operated by a Class I licensee are revised to add (i) centralized waste treatment facility; (ii) surface impoundment or lagoon; (iii) waste pile; (iv) remediation waste management unit; and (v) miscellaneous unit as types of facilities that must be operated by a Class I licensee. This change is made at the recommendation of DEQ staff to align the scope of regulated activity with the types of facilities that are regulated by DEQ under the Solid Waste Management Regulations (9VAC20-81).</p>

		<p>terms are defined in 9VAC20-81-10 of the Solid Waste Management Regulations, must hold a Class I license. Individuals who hold a Class II, Class III, or Class IV license may also operate such facilities.</p> <p>An individual who operates (i) a sanitary landfill; (ii) industrial waste landfill; or (iii) construction/demolition/debris (CDD) landfill, as these terms are defined in 9VAC20-81-10 of the Solid Waste Management Regulations, must hold a Class II license.</p> <p>An individual who operates a facility regulated under the Regulated Medical Waste Management Regulations (9VAC20-120) must hold a Class III license.</p> <p>An individual who operates a municipal waste combustion unit, as that term is defined in 9VAC5-40-6560 of the Emission Standards for Small Municipal Waste Combustors (Rule 4-46), must hold a Class IV license.</p> <p>The section provides that a licensee cannot operate a facility outside of their classification.</p> <p>The section provides that an individual operating a solid waste management facility that has been issued a permit by DEQ, but for which the Board has not established training and licensure requirements must hold a Class I license until such training and licensure requirements are established.</p>	<p>All solid waste management facilities are required to operate under the direct supervision of a waste management facility operator licensed by the Board. However, the regulation does not specify licensing requirements for centralized waste treatment facilities, surface impoundments and lagoons, waste piles, remediation waste management units, and miscellaneous units.</p> <p>The provisions regarding facilities that must be operated by a Class IV licensee are revised to add waste to energy facility or incineration facility, regulated under the Solid Waste Management Regulations (9VAC20-81) as a type of facility that must be operated by a Class IV licensee.</p> <p>This change is made at the recommendation of DEQ staff to align the scope of regulated activity with the types of facilities that are regulated by DEQ under the Solid Waste Management Regulations.</p> <p>The provisions requiring individuals who operate facilities for which the Board has not yet established training and licensure requirements to hold a Class I license are repealed. These provisions are repealed because they are unnecessary.</p> <p>Citations of DEQ regulations in this section are clarified or updated.</p> <p>Stylistic changes to the section, including replacing the word "shall" with "must" are made. These changes are not likely to have an impact.</p>
20-120	N/A	This section establishes the qualifications and requirements for licensure.	<p>Changes to this section are as follows:</p> <p>The minimum required amount of verified experience is reduced from one</p>

		<p>To qualify for licensure, an applicant must:</p> <ul style="list-style-type: none"> <li>• Be at least 18 years of age;</li> <li>• Complete (i) a board-approved basic training course; and (ii) a board-approved training course specific to a Class II, Class III, or Class IV license if seeking such a license;</li> <li>• Pass the applicable license examination provided by the Board or a testing organization on behalf of the Board;</li> <li>• Have verified operational experience of a minimum of one (1) year with a waste management facility of the same class for which the applicant is applying.             <ul style="list-style-type: none"> <li>○ Experience must be verified by the individual’s supervisor or personnel officer. Individuals under contact with a facility owner may obtain a letter from the owner to verify experience.</li> </ul> </li> <li>• Disclose any conviction for (i) a felony; or (ii) a non-marijuana misdemeanor.             <ul style="list-style-type: none"> <li>○ The Board has the discretion to deny licensure for a criminal conviction in accordance with § 54.1-204 of the Code of Virginia.</li> </ul> </li> <li>• Report (i) any suspensions, revocations, or surrendering of a certificate or license in connection with a disciplinary action; and (ii) if a license has been subject to discipline in any jurisdiction prior to</li> </ul>	<p>year to six (6) months. This change reduces the stringency of the regulation and will allow more individuals to qualify for licensure.</p> <p>Criminal history disclosure requirements are changed to provide that applicants only disclose (i) any felony within the last 10 years; and (ii) any non-marijuana misdemeanor within the last three (3) years. This change reduces the stringency of the regulation and will allow individuals with older criminal histories to qualify for licensure.</p> <p>Making such changes will likely have a positive impact as individuals seeking licensure may face less obstacles in doing so.</p> <p>Stylistic changes to the section, including changing the word “shall” to “must” are made. These are not likely to have any impact.</p>
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		<p>applying for licensure in Virginia.</p> <ul style="list-style-type: none"> <li>o The Board has the discretion to deny licensure based on prior suspensions, revocations, or surrender of license or certification.</li> </ul> <p>The section provides that applicants who are certified or licensed as waste management facility operators by governing bodies outside of Virginia are considered to be in compliance if the board has determined the certifying system to be substantially equivalent to Virginia's system.</p> <p>The section also provides the Board may make further inquiries and investigations with respect to an applicant's qualifications.</p>	
20-130	N/A	<p>Provides procedures for submitting applications.</p> <p>Application must be made on forms supplied by DPOR. Application forms must be completed in accordance with the instructions on the forms. Failure to provide a complete application and applicable addenda may result in denial of approval.</p> <p>Failure to provide complete information may be interpreted as misrepresentation and may result in disciplinary action as provided for in the regulation.</p>	<p>This section is amended to remove the provision that failure to provide complete information may be interpreted as misrepresentation, and potentially subjecting an applicant to disciplinary action.</p> <p>This provision is not necessary as it is a duplicate of a prohibited act enumerated in section -285.</p> <p>This change is not likely to have an impact as it does not establish a new requirement, rather it simply eliminates redundant language.</p> <p>A stylistic change in this section includes replacing "shall" with "must," which is not likely to have an impact.</p>
20-140	N/A	<p>Provides procedures associated with examinations required for licensure.</p> <p>Applicants will be approved for examination once all training and experience</p>	<p>A stylistic change is made to this section. This change is not likely to have an impact.</p>

		<p>requirements are satisfied and documentation pertaining to other qualifications have been received by the Board.</p> <p>An applicant must follow all rules regarding conduct at the examination site established by the Board or the testing service acting on behalf of the Board. These include any written instructions communicated prior to the examination date and any oral or written instructions give at the site on the date of the examination.</p>	
20-160	N/A	<p>Provides procedures for renewal of a license.</p> <p>The section provides that licenses expire two years from the last day of the month in which they were issued.</p> <p>The section provides that the Board will mail the licensee a renewal notice at the licensee's address on file with the Board. The notice outlines the procedures for renewal and the required renewal fee.</p> <p>Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license. If a licensee fails to receive the renewal notice, the licensee may submit a copy of the license with (i) evidence of completion of continuing education requirements and (ii) the renewal fee.</p> <p>The date the renewal fee is received by DPOR or its agent determines whether a penalty fee or reinstatement of the license is required.</p> <p>A licensee must satisfactorily complete eight (8) hours of continuing education from a board-approved provider in</p>	<p>The continuing education requirement for license renewal is reduced from eight (8) hours to six (6) hours.</p> <p>This change reduces regulatory burdens on licensees while still ensuring that licensees have sufficient continuing education to remain competent to practice.</p> <p>Stylistic changes to this section are made. These changes are not likely to have an impact.</p>



		<p>order to renew the license. Licensees who are on their first renewal of license following the issuing of the initial license are not required to complete continuing education.</p>	
20-180	N/A	<p>This section provides for the imposition of a late renewal fee.</p> <p>If the renewal fee is not received by DPOR within 30 days after the license expiration date, the late renewal fee specified in 18VAC155-20-40 is required.</p>	<p>A stylistic change to the section is made. This change is not likely to have any impact.</p>
20-190	N/A	<p>Provides for reinstatement of expired licenses.</p> <p>If a licensee fails to renew the license within six (6) months of the license expiration date, the licensee must apply to reinstate the license.</p> <p>The licensee must provide the Board with the reasons that the license was allowed to expire. The Board may grant reinstatement of the license, require requalification or reexamination, or both.</p> <p>The licensee must pay a reinstatement fee.</p> <p>An individual who has not been reinstated within two (2) years of license expiration must apply as a new applicant and provide evidence of satisfactory completion of training courses required by the regulation and pass the license examination.</p>	<p>Stylistic changes, including replacing the word "shall" with "must" or "will" where appropriate are made. These changes will likely not have any impact.</p>
20-210	N/A	<p>Provides for the status of a license during the period prior to reinstatement.</p> <p>A license that is reinstated will continue to have the same license number and will</p>	<p>Stylistic changes, including replacing the word "shall" are made. These changes are not likely to have any impact.</p>

		<p>be assigned an expiration date two (2) years from previous expiration date of the license.</p> <p>A reinstated license is regarded as being continuously licensed without interruption. The holder of a reinstated license is subject to the Board's disciplinary authority for the entire period and may be held accountable for the licensee's activities during this period.</p> <p>Licenses that are not renewed or reinstated are regarded as expired from the date of expiration forward.</p> <p>The section provides that the Board is not divested of its authority to take disciplinary action for a violation of law or regulation during the period of time when an individual was licensed.</p>	
20-220	N/A	<p>Provides requirements for education courses and approval of education courses.</p> <p>The section provides that all training courses must be completed through:</p> <ul style="list-style-type: none"> <li>• Accredited colleges, universities, or junior and community colleges;</li> <li>• Virginia Apprenticeship Council programs;</li> <li>• Proprietary schools approved by the Virginia Department of Education; or</li> <li>• Other programs approved by the Board.</li> </ul> <p>For pre-license education, courses must be related to the operation of the class of waste management facility for which the course is being</p>	<p>Stylistic changes, including replacing the word "shall" with "must" are made. These changes are not likely to have any impact.</p>

		<p>offered and must be approved by the Board.</p> <p>For continuing education, courses must be related to the operation of waste management facility for which the course is being offered and may be reviewed by the Board.</p> <p>The provider of a pre-license course or person submitting a course for continuing education credit must submit an application on a form provided by the Board.</p> <p>The application must include:</p> <ul style="list-style-type: none"> <li>• The name of the provider;</li> <li>• Provider contact person, address, and telephone number;</li> <li>• Course contact hours;</li> <li>• Schedule of courses (if established), including dates, times, and locations;</li> <li>• Course syllabus; and</li> <li>• Instructor information, including:             <ul style="list-style-type: none"> <li>○ Name;</li> <li>○ License number (if applicable);</li> <li>○ Education and training background; and</li> <li>○ List of other appropriate trade designations or training certifications.</li> </ul> </li> </ul>	
20-230	N/A	<p>Provides requirements for retention of records by a training provider.</p> <p>An approved training provider must retain records of all participants for a period of 10 years and maintain a written policy on the retention and release of records.</p>	<p>The period for which a training provider must retain records is reduced from 10 years to five (5) years.</p> <p>This change reduces the regulatory burden on training providers.</p> <p>Stylistic changes include replacing “shall” with “must” throughout the section, which are not likely to have an impact.</p>

		All records pertaining to approved training and participants must be made available to the Board immediately upon request.	
20-235	N/A	<p>Provides for the grounds upon which the Board may deny or withdraw approval of a training or continuing education course.</p> <p>The Board may deny approval or withdraw approval of a training or continuing education course if:</p> <ul style="list-style-type: none"> <li>• The course being offered no longer meets the standards established by the Board;</li> <li>• The course provider advertises its services in a fraudulent or deceptive way;</li> <li>• The course provider, instructor, or designee of the provider (i) falsifies any information relating to the application for approval, course information, or student records; or (ii) fails to produce records required by the Board.</li> <li>• The course provider fails to maintain student course completion records for a minimum of 10 years.</li> </ul>	<p>This section is amended to align the record retention period applicable to course providers with the change made in section -230 which reduces the record retention period from 10 years to five (5) years.</p> <p>A stylistic change is made. This change is not likely to have any impact.</p>
20-280	N/A	<p>Provides grounds for which the Board has the authority to deny an application, renewal of a license or training course approval, and discipline a licensee or approved training provider.</p> <p>The section provides the Board has the authority to (i) deny an application for or deny renewal of a license or training course approval; (ii)</p>	<p>An amendment is made to remove language prohibiting a revoked licensee from applying for re-licensure for a period of one year.</p> <p>This change reduces the stringency of the regulation. An individual whose license is revoked by the Board must apply as a new applicant and meet entry requirements. These include disclosure of prior disciplinary history as provided for in section -120. The Board has the</p>

		<p>revoke or suspend a license or training course approval; or (iii) discipline a licensee or approved training provider who is found to be in violation of the statutes or regulations governing the practice of licensed waste management facility operators.</p> <p>An individual whose license is revoked is ineligible to apply for licensure for a period of one year from the effective date of order revoking the license. After this one-year period, the individual must meet all education, examination, experience and training requirements, complete the license application, and provide the required fee for consideration as a new applicant.</p> <p>The section provides that disciplinary procedures will be conducted in accordance with the APA.</p>	<p>discretion deny licensure based on prior disciplinary action.</p> <p>Stylistic changes, including replacing the word “shall” with “must” or “will” are made. These changes are not likely to have any impact.</p>
20-285	N/A	<p>Provides for the acts prohibited by the Board.</p> <p>Prohibited acts include:</p> <ul style="list-style-type: none"> <li>• Obtaining or renewing a license through fraudulent means or misrepresentation;</li> <li>• Having been found guilty by the Board, an administrative body, or by a court of any material misrepresentation in the course of performing operating duties;</li> <li>• Gross negligence or a continued pattern of incompetence in the practice of a waste management facility operator;</li> <li>• Violating the permit conditions for the</li> </ul>	<p>The prohibited act in subdivision #3 is amended to remove the words “any material” immediately preceding the word “misrepresentation.”</p> <p>This change is made to provide clarification and eliminate unnecessary and potentially confusing terminology. It is not anticipated that this change will have an impact as it does not establish a new requirement or significantly alter the existing requirement.</p> <p>The prohibited act in subdivision #4 is revised to provide that a licensee may be subject to disciplinary action by the Board for having been convicted or found guilty of any violation that resulted in harm or the imminent and substantial threat of harm to human health or the environment. Currently, the subdivision provides that such a violation must have resulted in “significant” harm or the imminent and substantial threat of “significant” harm.</p>

		<p>facility, or violating federal, state, or local laws or regulations, which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment;</p> <ul style="list-style-type: none"> <li>• Having been convicted or found guilty of (i) any felony; or (ii) any violation that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.</li> <li>• Failing to report pleading guilty to or being convicted of (i) any felony; or (ii) any violation that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.</li> </ul>	<p>The prohibited act in subdivision #5 is revised to provide that a licensee may be subject to disciplinary action by the Board for failing to inform the Board of pleading guilty, pleading <i>nolo contendere</i>, being convicted, or being found guilty of any violation that resulted in harm or the imminent and substantial threat of harm to human health or the environment. Currently, the subdivision provides that a licensee must report a violation that resulted in the “significant” harm or the imminent and substantial threat of “significant” harm to human health or the environment.</p> <p>The prohibited act in subdivision #7 is revised to provide that a licensee may be subject to disciplinary action for violating the permit conditions for a facility, or violating federal, state, or local laws or regulations which resulted in the harm or imminent and substantial threat of harm to human health or the environment. Currently, the subdivision provides that a licensee may be subject to discipline when a violation resulted in the “significant” harm or imminent and substantial threat of “significant” harm to human health or the environment.</p> <p>The changes to subdivisions #4, #5, and #7 are intended to provide an enforceable standard for disciplinary action by the Board.</p>
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