

**THE VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS
MEETING MINUTES**

The Virginia Board for Waste Management Facility Operators met on Thursday, November 19, 2024, at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present during all or part of the meeting:

Donald Lawhorne, Vice Chair
Wade Bailey
Joshua Byerly
Matthew Terrell
Jason Williams

The following members of the Board were not present:

Ellen C Thacker, Chair
Brent Williams

The following members of DPOR staff were present during all or part of the meeting:

Brian P. Wolford, Agency Director
Steve Kirschner, LRPD Deputy Director
Marjorie King, Executive Director
Stephanie Keuther, Asst. Executive Director
Joseph Haughwout, Regulatory Affairs Manager
Cameron Parris, Regulatory Operations Administrator

Board Counsel, James Flaherty, was present during the meeting.

Board Liaison, and member of the Board for Professional and Occupational Regulation was not present for the meeting:

Jemmalyn Hewlett, Board Liaison

Waste Management Facility Operators Meeting
Minutes
November 19, 2024

Call To Order

Vice Chair, Lawhorne called the November 19, 2024 Board for Waste Management Facility Operators Meeting to order at 10:08 a.m.

Vice Chair, Lawhorne declared a quorum of Board members to be in attendance.

Marjorie King, Executive Director reviewed the emergency egress procedures with the Board and members of the public.

Approval of the Draft Agenda

Mr. Williams made a motion, seconded by Mr. Terell, to adopt the November 19, 2024 Draft Agenda as presented.

The motion was approved with a vote of 5-0-0 Ayes: Lawhorne, Bailey, Byerly, Terrell, and J. Williams. **Nays:** None **Abstained:** None **Absent:** Thacker and B. Williams.

Approval of Minutes

Mr. Byerly made a motion, seconded by Mr. Bailey, to approve the draft minutes of the August 29, 2024 Waste Management Facility Operators meeting as presented.

The motion was approved with a vote of 5-0-0 Ayes: Lawhorne, Bailey, Byerly, Terrell, and J. Williams. **Nays:** None **Abstained:** None **Absent:** Thacker and B. Williams.

Public Comment Period

Vice Chair, Lawhorne opened the Public Comment section of the meeting.

With no one wishing to come forward **Vice Chair, Lawhorne** closed the Public Comment section of the meeting.

New Business

Examinations Update

Examination Statistics – Executive Director, Marjorie King provided the Board with detailed reports for examination statistics for the period covering January 1, 2024, to October 31, 2024.

Call To Order

Emergency Egress

Approval of the Draft Agenda

Approval of Minutes

Public Comment Period

New Business

Examination Statistics

Regulatory Update

Regulatory Update

Cameron Parris, Regulatory Boards Administrator provided the Board with a regulatory action update.

General Regulatory Review Update

General Regulatory Review Update

Joe Haughwout, Regulatory Affairs Manager, presented the Board with language to consider in adoption of the final regulation for the General Regulatory Reduction Initiative.

Mr. Terrell made a motion, seconded by Mr. Williams, to approve adoption of the final regulation for the General Regulatory Reduction Initiative as presented, with authorization for staff to make technical corrections and file the final stage.

The motion was approved with a vote of 5-0-0 Ayes: Lawhorne, Bailey, Byerly, Terrell, and J. Williams. **Nays:** None **Abstained:** None **Absent:** Thacker and B. Williams.

Application Review Matrix/Criminal History

Application Review Matrix/Criminal History

Cameron Parris, Regulatory Boards Administrator, informed the Board the Application Review Matrix: Criminal History guidance document will need to be amended based on the adoption of the final regulation for the General Regulatory Reduction Initiative.

Mr. Williams made a motion, seconded by Mr. Byerly, to amend the Application Review Matrix: Criminal History guidance document as presented.

The motion was approved with a vote of 5-0-0 Ayes: Lawhorne, Bailey, Byerly, Terrell, and J. Williams. **Nays:** None **Abstained:** None **Absent:** Thacker and B. Williams.

Regulatory Fee Amendment

Regulatory Fee Amendment

DPOR is funded through licensing fees. The Code of Virginia requires DPOR Boards to establish fees that are sufficient to cover their operating expenses. During the 2010's, the Board for Board for Waste Management Facility Operators, along with several other DPOR boards, brought in more revenue than was necessary and DPOR ended up with several million dollars surplus. The 2019 General Assembly directed DPOR to spend down its surplus cash reserve through filling vacancies and upgrading its antiquated licensing and enforcement systems. Over the past few years, DPOR has filled vacancies and started development of a new licensing system, which has spent down that cash reserve.

Currently, the Board has been operating at a loss of about \$10,000 annually and is expected to exhaust its cash reserve in this fiscal year. To ensure DPOR and the Board have sufficient funds to continue operating, a fee increase is necessary. The Board's last fee increase was in November of 1994 and there has been 110% inflation since then. Of particular note for DPOR's increased expenditures is the development costs of the new licensing system and increased staffing costs. DPOR is recommending

Waste Management Facility Operators Meeting
 Minutes
 November 19, 2024

the fee increase below to provide sufficient revenue to cover all the board’s operating and anticipated expenses. We believe this will ensure adequate, but not excessive, revenue for the next decade.

On the following pages, you can find the specific recommended fees. We would target these fees taking effect in July of 2025.

| Financial Position | | | |
|--------------------|--------------------------------------|---|--|
| | Actual 2022-24 <u>Biennium</u> | Projected 2024-26 <u>Current Fees</u> | Projected 2024-26 <u>Proposed Fees</u> |
| Cash Carryforward | \$36,279 | \$16,457 | \$16,457 |
| Revenues | \$37,735 | \$40,775 | \$78,800 |
| Expenditures | \$57,557 | \$121,680 | \$121,680 |
| Balance | \$16,457 | \$-64,448 | \$-26,423 |

18VAC155-20-40 Fees

- A. All fees are nonrefundable and shall not be prorated.
- B. An application shall not be deemed complete and shall not be processed without the required fee.
 - 1. The application fee for licensure shall be ~~\$75~~ \$150
 - 2. The fee for renewal of licensure shall be ~~\$50~~ \$100.
 - 3. The fee for late renewal of licensure shall be ~~\$75~~ \$150.
 - 4. The fee for reinstatement of licensure shall be ~~\$125~~ \$250.
 - 5. The examination fee is charged to the applicant by an outside vendor competitively negotiated and contracted for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the applicant in accordance with this contract.
- C. All checks shall be made payable to the Treasurer of Virginia.
- D. Receipt and deposit of fees submitted with applications do not indicate licensure.

Mr. Byerly made a motion, seconded by Mr. Terrell, to adopt the amended fee amounts and authorize staff to file the final regulation.

The motion was approved with a vote of 5-0-0 Ayes: Lawhorne, Bailey, Byerly, Terrell, and J. Williams. **Nays:** None **Abstained:** None **Absent:** Thacker and B. Williams.

Other Board Business

Executive Director Report

Other Board Business

Executive Director Report

Marjorie King, Executive Director, informed the Board of current and past statistical data related to Board cases, licensing applications, emails, and phone calls.

Completion of Paperwork

Marjorie King, Executive Director, requested the Board members complete their Conflict of Interest Statements and Travel Reimbursement Forms.

Completion of Paperwork

Adjournment

Vice Chair, Lawhorne thanked the Board and Staff and adjourned the meeting at 10:52 A.M.

Adjournment

The next board meeting will be **January 30, 2025**



Ellen Thacker, Chair



Brian P. Wolford, Director

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Custodian of the Record

APPROVED

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Donald Lawhorne
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)

4. Meeting/IFF Date: 11/19/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:


Signature

November 19, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Jason Williams
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)
4. Meeting/IFF Date: 11/19/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)


B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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I did not participate in the transaction.

6. Signature of Board Member:


Signature

November 19, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Matthew Terrell
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)
4. Meeting/IFF Date: 11/19/2024

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.

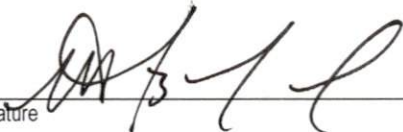
A. _____
(Agenda Item)

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6. Signature of Board Member:

Signature 

November 19, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Wade Bailey
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)
4. Meeting/IFF Date: 11/19/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.

6. Signature of Board Member:


Signature

November 19, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Joshua Byerly
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for Waste Management Facility Operators
(Name of Board)

4. Meeting/IFF Date: 11/19/2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

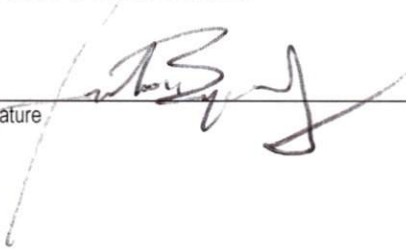
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(Agenda Item)

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Signature 

November 19, 2024
Date