



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: Members of the Virginia Waste Management Board

FROM: David K. Paylor 

DATE: April 24, 2012

SUBJECT: Minutes

Attached are the minutes from your meeting on December 5, 2011. Staff will seek your approval of the minutes at your next regular meeting.

If you have any questions, please contact Debra Miller at (804) 698-4209 or Debra.Miller@deq.virginia.gov.

cc: Cindy Berndt, DEQ

Approved 6/15/12 wms Mtdg
DMM

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
MONDAY, DECEMBER 5, 2011
DEPARTMENT OF ENVIRONMENTAL QUALITY
2ND FLOOR CONFERENCE ROOM
629 E. MAIN STREET
RICHMOND, VIRGINIA

Board Members Present:

Steven J. Yob (Chairman)

Tyrone W. Murray

Thomas Van Auken

EJ Scott

Board Members Absent:

N. Howard Burns, Jr. (Vice-Chairman)

Eric K. Sildon

Larisa Dobriansky

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt

Debra A. Miller

Attorney General's Office:

David Grandis, Assistant Attorney General

These minutes summarize activities that took place at this Board Meeting. The Chairman convened the meeting at 10:02 a.m. and adjourned the meeting at 11:48 a.m.

Minute No. 1 - Minutes.

On a motion by Ms. Scott and seconded by Mr. Murray, the Board unanimously approved the minutes from the Board's meeting on May 27, 2011.

Minute No. 2 - Virginia Hazardous Waste Management Regulations, 9VAC20-60, Hazardous Waste Regulatory Update - Immediate Final Rule 2011 (Final Exempt).

Mr. William Norris of DEQ's Office of Regulatory Affairs presented amendments to the Board's Virginia Hazardous Waste Management Regulations, 9VAC20-60, as Immediate Final Rule 2011 (IFR2011). Mr. Norris explained to the Board that this regulatory action was necessary to keep Virginia's regulation current with the federal rules and enable Virginia to implement the federal requirements, and, as this is a change necessary to meet the requirements of federal regulations, § 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt the rule as a final regulation. The regulations would be final 30 days after publication in the *Virginia Register*.

Mr. Norris explained that as Virginia regulations incorporate the federal regulations by reference, it is only necessary to amend one section, 9VAC20-60-18, which specifies the date of the federal regulations that are incorporated into Virginia regulations and that by changing the year to 2011 federal regulatory changes from July 1, 2010 through June 30, 2011 will be incorporated. Mr. Norris then provided an explanation of the incorporated by reference changes which included: (i) removal of saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded; (ii)

technical corrections to Subpart K, 40 CFR Part 262, which established an alternative set of generator requirements applicable to laboratories owned by eligible academic entities that are flexible and protective, and addresses the specific nature of hazardous waste generation and accumulation in these laboratories; and, (iii) a delisting approved by EPA for Babcock & Wilcox Nuclear Operations Group, Inc. and to BWX Technologies, Inc. to exclude (or delist) on a one-time basis from the lists of hazardous waste, a certain solid waste generated at its Mt. Athos facility near Lynchburg, Virginia. The Board discussed questions regarding the academic laboratory changes and the delisting petition and staff provided responses.

Based on the Board book material, staff presentation, and Board discussion, the Board, on a motion of Ms. Scott and seconded by Mr. Murray, unanimously adopted IFR 2011 amendment to 9VAC20-60 as a final regulation, authorized its publication, and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Minute No. 3 - Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, Transportation of Hazardous Materials - Immediate Final Rule 2011 (Final Exempt).

Mr. William Norris of DEQ's Office of Regulatory Affairs presented amendments to the Board's Virginia Hazardous Waste Management Regulations, 9VAC20-60, as Immediate Final Rule 2011 (IFR2011). Mr. Norris explained that this regulatory action was necessary to keep Virginia's regulation current with the federal rules, enable Virginia to implement the federal requirements, and covers changes to the federal requirements from October 1, 2010 through September 30, 2011, and, as this is a change necessary to meet the requirements of federal regulations, § 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt the rule as a final regulation. The regulations would be final 30 days after publication in the *Virginia Register*.

Mr. Norris advised the Board that as Virginia regulations incorporate the federal regulations by reference; therefore, it is only necessary to change 9VAC20-110-110 to revise the year to 2011. Mr. Norris then provided an explanation of the incorporated by reference changes.

Based on the Board book material and staff presentation, the Board, by motion of Dr. Van Auken and seconded by Mr. Murray, unanimously adopted IFR2011 amendment to 9VAC20-110 as a final regulation, authorized its publication, and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Minute No. 4 - Significant Noncompliance Report.

The Board received a report from Mr. Russell Deppe, the Waste Enforcement Program Manager, on the Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders for Federal Fiscal Year 2011 and for Year 2012 to date.

Minute No. 5 - Public Forum.

No one appeared during the public forum.

Minute No. 6 - Other Business – Enforcement 101.

Mr. Deppe provided the Board with an overview of the enforcement program for their information.

Minute No. 7 - Other Business – Recycling Report.

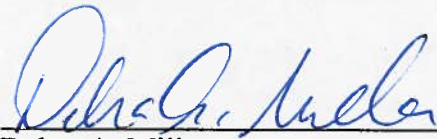
The Board received the Recycling Report from Ms. Leslie Beckwith, Land Division's Office of Financial Assurance Director. This report provided a summary of the 2010 recycling rate report.

Minute No. 8 - Other Business – Division Director's Report.

The Board received the Division Director's Report from Mr. Jeffery Steers, Land Protection and Revitalization Director. The report provided the Board information on: (i) the efficiencies for the solid waste management program; (ii) upcoming regulatory actions; (iii) on-going implementation initiatives for Amendment 7; (iv) update on the Uniform Environmental Covenants Act regulatory process; and, (v) national waste management issues overview.

Minute No. 9 - Future Meetings.

No future meetings were set for the Board at this meeting.



Debra A. Miller
Planning and Policy Specialist
Office of Regulatory Affairs