



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: Members of the Virginia Waste Management Board

FROM: David K. Paylor *DKP*

DATE: May 20, 2016

SUBJECT: Minutes

Attached are the minutes from your meeting on December 4, 2015. Staff will seek your approval of these minutes at your next regular meeting on June 20, 2016.

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

Attachment
cc: Cindy Berndt, DEQ

*Approved w/
minor edit
on min 4
6/20/16
DHH*

MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING

FRIDAY, DECEMBER 4, 2015
DEPARTMENT OF ENVIRONMENTAL QUALITY
2ND FLOOR CONFERENCE ROOM
629 E. MAIN STREET
RICHMOND, VIRGINIA

Board Members Present:

EJ Scott, Chair	Eric DeGross
Michael Benedetto	Eric Wallace
Jeffery Crate	

Board Member Absent:

Amarjit Riat
Paul Schmidt

Department of Environmental Quality (DEQ):

David K. Paylor, Director
Cindy M. Berndt
Debra A. Harris

Attorney General's Office:

Kelci Block, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The meeting was convened by the chairperson, Ms. EJ Scott, at 10:02 a.m. and was adjourned at 11:18 a.m.

Minute No. 1 - Minutes.

On a motion by Mr. Benedetto and seconded by Mr. DeGross, the Board unanimously approved the minutes from the Board's meeting on January 9, 2015.

Minute No. 2 – *Solid Waste Management Regulations (9VAC20-81) - Federal Coal Combustion Residuals Rule Amendment, Final Exempt Action.*

Ms. Kathryn Perszyk of DEQ's Office of Financial Responsibility and Waste Programs presented an amendment to the Board's Solid Waste Management Regulations (SWMR), 9VAC20-81. Ms. Perszyk explained that the SWMR was being amended in response to the EPA's adoption of regulations relating to coal combustion residuals (CCR). On April 17, 2015, the EPA published a final rule titled "Disposal of Coal Combustion Residuals from Electric Utilities" in the Federal Register and this rule became effective October 19, 2015. It was explained that, in order to adhere to the federal rule, the SWMR were amended to incorporate the recently adopted CCR federal regulations which establishes standards for units that manage CCR from electric utilities in Virginia. The amendment includes definitions of the CCR unit types, applicability criteria, beneficial use restrictions, and permitting requirements for CCR landfills and CCR surface impoundments such as locational restrictions, design criteria, operating criteria, groundwater monitoring and corrective action requirements, closure and post-closure care requirements, and recordkeeping requirements. Ms. Perszyk explained that the requirements for management of CCR were incorporated into the SWMR by reference to the federal regulations under 40 CFR Part 257, Subpart D. The Board was informed that under §2.2-4006.A.4.c of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the federal regulations under Title 40 of the Code of Federal Regulations (CFR).

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Benedetto and seconded by Mr. DeGroff, unanimously voted to adopt this amendment to 9VAC20-81 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 - Coal Combustion Byproduct Regulations (9VAC20-85) - Federal Coal Combustion Residuals Rule Amendment, Final Exempt Action.

Ms. Kathryn Perszyk presented an amendment to the Board's Coal Combustion Byproduct Regulations, 9VAC20-85. Ms. Perszyk explained that these regulations were also being amended in response to the new effective federal CCR regulations and in order for the Coal Combustion Byproduct Regulations (9VAC20-85-10 et seq.) to be consistent with federal regulations by incorporating the definitions and restrictions for the beneficial use of CCR. The Board was informed that under §2.2-4006.A.4.c of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the federal regulations in Title 40 of the Code of Federal Regulations (CFR).

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Wallace and seconded by Mr. DeGroff, unanimously voted to adopt this amendment to 9VAC20-85 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 – Virginia Hazardous Waste Management Regulations 9VAC20-60 - Annual Update 2015, Final Exempt Action.

Ms. Debra Harris of DEQ's Office of Regulatory Affairs presented an amendment to the Board's Virginia Hazardous Waste Management Regulations, 9VAC20-60. Ms. Harris explained that during the year the EPA amends parts of the federal regulations regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations (CFR) and, as 9VAC20-60 incorporates the CFR with certain exceptions, it is necessary to amend 9VAC20-60 to bring Virginia's regulations in order to keep the regulation current with the federal rules. Amendments to the federal rules since the 2014 update published in the July 1, 2015 CFR and incorporated under this regulatory action were summarized. Ms. Harris noted that under the definition of solid waste rule, Virginia will not incorporate the conditional exclusion for hazardous secondary materials that are managed in land-based units. These units will continue to be required to comply with the applicable provisions of 9VAC20-60 and will not be excluded. The Board was informed that under §2.2-4006.A.4.c of the Administrative Process Act, the Board may adopt this amendment under a final exempt action as the amendment is necessary to conform to changes in the federal regulations.

Based on the Board book material and staff presentation, the Board, on a motion of Mr. Benedetto and seconded by Mr. Crate, unanimously voted to adopt this 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. 5 - 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 (FFY) 2015 and for actions in FFY2016 from October 1, 2015 to December 4, 2015.

Minute No. 6 - Public Forum.

No one appeared during the public forum.

Minute No. 7 – Division Director’s Report.

The Board received the Division Director’s Report from Mr. Justin Williams, Land Protection and Revitalization Division Director.

Minute No. 8 - Future Meetings.

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



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

