

**TENTATIVE AGENDA AND MINI BOOK
VIRGINIA WASTE MANAGEMENT BOARD MEETING**

**FRIDAY, MARCH 28, 2003
HOUSE ROOM C, GENERAL ASSEMBLY BUILDING
9TH AND BROAD STREETS
RICHMOND, VIRGINIA**

Convene – 9:30 AM

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Adjourn

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT VIRGINIA WASTE MANAGEMENT BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory actions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration. In light of these established procedures, the Board accepts public comment on regulatory actions, as well as general comments, at Board meetings in accordance with the following:

1. REGULATORY ACTIONS (adoption, amendment or repeal of regulations): Public participation for regulatory actions is governed by the Administrative Process Act and the Board's Public Participation

Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

Comments on the regulatory action are not allowed at a Board meeting while a regulatory action is being processed in accordance with the Administrative Process Act. In rare instances the Board may (at a Board meeting) vote to reopen the public comment file on the regulatory action. If this happens, individuals may address the Board for up to 2 minutes on material previously submitted to the Board. Should the Board decide to accept new information on a regulatory action, an additional public comment period will be announced by the Department in order for all interested persons to have an opportunity to participate.

2. PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 2 minutes.

The Board reserves the right to alter the time limitations set forth above without notice and to ensure comments presented at the meeting conform to this policy.

Additional Information: For additional information or questions on the adopted public participation procedures for regulatory actions contact Cindy M. Berndt at (804) 698-4378.

2003 DEQ Legislation

WASTE

HB 1398 Enhanced enforcement of litter laws. Provides that any person who unlawfully dumps trash, garbage or litter on public or private property may have his driving privileges suspended and may be ordered to perform up to 100 hours of community service. Patrons: Lingamfelter

HB 1532 Landfill siting. Allows Halifax County to site a landfill closer than 5-miles upgradient from a water source, if the Director of the Department of Environmental Quality determined that such distance would not be detrimental to human health and the environment. Currently, only Mecklenburg has an exemption that allows it to construct a landfill closer than the statewide 5-mile upgradient separation requirement. Patron: Hogan

SB 965 Waste tire piles and tire tax. Strengthens the Department of Environmental Quality's (DEQ) ability to clean up the 339 remaining tire piles throughout the state. This is done by strengthening and clarifying state and local enforcement authority as well as the ability of neighboring property owners to recover damages from a tire fire. The legislation temporarily increases the fee collected from the retail sale of tires from \$0.50 to \$1.00 for three years. The proceeds will be used to remove and recycling tires from illegal tire piles. The legislation also authorizes the department to enter and remove tire piles if a landowner refuses an order to do so and to attach a lien against the property to recover the costs of removing the tire pile. Patron: Watkins

SB 1137 Transporting wastes on state waters. Eliminates the stacking limitation for containers on barges and the prohibition on transporting waste on the Rappahannock, James, and York Rivers (in accordance with the federal court rulings). This bill broadens the Board's authority to establish a waste barging fee to fund not only administration and enforcement costs, but to also fund activities for abating pollution caused by barging of waste, for improving water quality, or for other waste related purposes. Patron: Stolle

POLLUTION PREVENTION & RECYCLING

HB 2376 Cathode ray tube and electronics waste recycling program. Requires the Virginia Waste Management Board to adopt regulations to encourage cathode ray tube and electronics recycling. The bill also authorizes localities to prohibit the disposal of cathode ray tubes in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all cathode ray tubes generated within the jurisdiction. Patron: Moran

HB 2726 Property tax; certified pollution control equipment and facilities. Adds any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, or fuel to the definition of certified pollution control equipment and facilities for property tax classification purposes. Patron: Ware

HB 2789 Trichloroethylene prohibited; penalty. Prohibits the sale of any playground equipment treated with or containing TCE as of January 1, 2004. Violations are Class 3 misdemeanors. Patron: Amundson

HR 42 Reduction in Medical Waste. Encourages all hospitals in Virginia to adopt the Medical Equipment Recovery of Clean Inventory (MERCi) program or other similar program to eliminate the disposal of usable medical supplies. Patrons: Van Yahres

Budget Item 386#1c Litter Control and Recycling Grants. Restores \$1.3 million in funds for litter control and recycling grants for local governments. The funds will come from the Virginia Environmental Emergency Response Fund.

WATER

HB 1505 Emergency water supply permits. Authorizes the State Water Control Board to issue an emergency Virginia Water Protection Permit to meet public drinking water supply needs during drought or low-flow conditions. The amount of water that could be withdrawn under the permit is limited to the amount necessary to protect public health and safety. The emergency permit would be valid until the Board either denied or approved a regular VWPP or for 1 year, whichever occurs sooner. The fee charged by the Board for the emergency permit would be 50 percent of the amount charged for a comparable water project seeking a VWPP. Patron: Bryant

HB 1953 Creation of the Low Impact Development Assessment Task Force. Requires the Director of the Department of Environmental Quality to form a Low Impact Development Assessment Task Force. The task force is to (i) develop a certification process for low impact development techniques in achieving quantifiable pollution prevention or abatement results, (ii) develop such other guidance for local governments and the general public as necessary to promote a more complete understanding of the most effective use of low impact development techniques, (iii) recommend changes to existing statutes and regulations to facilitate the use of low impact development techniques, and (iv) develop a model ordinance for use by local governments. For purposes of this section, "low impact development" means a site-specific system of design and development techniques that can serve as an effective, low-cost alternative to existing stormwater and water quality control methods and that will reduce the creation of storm runoff and pollution and potentially reduce the need to treat or mitigate water pollution. The Taskforce shall continue in existence until it has submitted its final report. Patron: Albo

HB 2156 Water Supply Fund. Authorizes the Virginia Board of Health to enter into an agreement with the State Water Control Board to manage certain aspects of the fund, such as reviewing of financial assistance applications and project bid documents, monitoring projects, and ensuring compliance with environmental review. Patron: Phillips

HB 2236 Water quality reports. Consolidates DCR's report on the impacts of nonpoint source pollution on water quality in DEQ's water quality report that is submitted to the U.S. Environmental Protection Agency. Patron: Pollard

HB 2602 Construction and operation of treatment works. Gives the State Water Control Board (SWCB) and the Department of Environmental Quality sole authority to regulate the construction and operation of sewage treatment plants, including the review and approval of the plans and specifications for such facilities and transfers the SCAT regulation and program to DEQ. This means that the SWCB will issue the certificates to construct and operate the facility. Currently, this is the joint responsibility of the Board of Health and the SWCB. Patrons: Bryant

SB 896 Confined animal feeding operations. Authorizes the State Water Control Board to promulgate regulations requiring VPDES permits for confined animal feeding operation to the extent necessary to comply with § 402 of the federal Clean Water Act. Larger confined animal feeding operations will be covered under Virginia Pollutant Discharge Elimination System permits as opposed to a General Virginia Pollutant Abatement permits. Patron: Watkins

SB 1221 Water supply planning. Requires the State Water Control Board, in consultation with the State Health Commissioner, local governments, public service authorities, and other interested parties, to establish a comprehensive water supply planning process for the development of local, regional and state water supply plans. The planning process should (i) ensure that adequate and safe drinking water is available, (ii) encourage and protect all beneficial uses, and (iii) encourage, promote and develop incentives for alternative water sources. The Board is to prepare a preliminary state water resources plan and proposed draft criteria for development of the local and regional plans by December 1, 2003. The preliminary plan, which will include information from existing local and regional water supply plans, is to be submitted to the Governor and the legislative committees with jurisdiction over the subject matter and the State Water Commission. Patrons: Williams

Budget Item 386#3c Citizen Water Quality Monitoring. Restores \$106,000 in funding for the citizen water quality monitoring program. Funds are to come from royalties that may be paid to the Marine Resources Commission.

Budget Item 385#1c Elizabeth River Project. Restores \$225,000 in funding for the Elizabeth River Project. Funds are to come from dredging royalties that may be paid to the Marine Resources Commission.

SJ 381 Study; desalinization. Requests the Virginia Water Resources Research Center at the Virginia Polytechnic Institute and State University to study desalinization as part of a strategy to meet Virginia's drinking water needs. The

study will examine the costs and benefits of this technology and whether it would be cost-effective for those localities located near the ocean or a brackish water source to develop this technology. Patrons: Hawkins

SJ 424 / HR38 Nitrogen reduction in the Chesapeake Bay. Urges the Congress of the United States to adopt legislation in support of funding for nitrogen reduction technology in the 108th Congress. The Commonwealth is a signatory to the Chesapeake 2000 Agreement, in which Virginia pledges to significantly reduce nitrogen to levels sufficient to remove the Chesapeake Bay from the Environmental Protection Agency's impaired or "dirty waters" list by 2010. This resolution is identical to HR 38. Patrons: Whipple / Pollard

AIR

Budget Item 383#1c On-road Testing of Vehicle Emissions Inspections. This amendment requires DEQ to implement a remote vehicle emission testing program in current ambient air quality nonattainment areas and develop a plan for implementing a similar program in areas that will likely become nonattainment areas in the next year. The goal of the program is to more efficiently identify those vehicles violating emission standards and causing the most pollution while phasing out (over the long-term) the requirement for biennial testing of all other vehicles operating in compliance with standards in the current nonattainment areas of Northern Virginia. The program is further proposed to avoid imposing a requirement to test all vehicles in those areas that are likely to be declared nonattainment in the future. The remote on-road testing program can be accomplished utilizing the latest technology and equipment while vehicles are in their normal operation and without any inconvenience or requirement for the driver to stop for the test. patron: Del. May

MULTI-MEDIA

HB 1671 Virginia Envirothon Program. Authorizes Soil and Water Conservation Districts to coordinate and implement the Virginia Envirothon natural resource conservation program for high school students. Patron: Orrock

SB 1051 Virginia Water Facilities Revolving Fund. Allows the State Water Control Board to make loans from the Virginia Water Facilities Revolving Fund to local governments or "holders" for purchasing or acquiring an interest in real property. The Board must consult with the Department of Conservation and Recreation to verify that the purchase protects or improves water quality and prevents the pollution of state waters and protects the natural or open-space values of the property or assures its availability for agricultural, forestal, recreational, or open-space use. Patron: Hanger

HB 1748 Virginia Water Facilities Revolving Fund; brownfields remediation. Allows the State Water Control Board to extend loans from the Virginia Water Facilities Revolving Fund to localities, public authorities, partnerships or corporations for brownfields remediation activities (rather than for just sites enrolled in the voluntary remediation program). A brownfield is real property for which expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Patrons: Suit

SB 1275 Environmental Laboratory Certification Program. Authorizes the Director of the Division of Consolidated Labs to provide variances to environmental labs if (i) the proposed variance will meet the goals and purposes of the provisions of the regulations being developed by DCLS and (ii) the variance does not conflict with federal or state law or regulations. The provisions of this bill will become effective on July 1, 2004. Patrons: Hawkins

~~**Draft Final Regulations Governing the Transportation of Hazardous Materials Amendment 13 - 9 VAC 20-110-10, et seq.**~~ Proposed Regulations Governing the Transportation of Hazardous Materials, 9 VAC 20-110-10, et seq., were presented to the Waste Management Board in January 2002. A public comment period was held from September 9, 2002 through November 8, 2002 and a public hearing was held October 24, 2002, in Richmond. Verbal comments were received on the proposed regulations. The department is requesting the Waste Management Board to adopt the attached regulations as final regulations.

All comments received on the proposed regulations were from the Department of Emergency Management. In general, the comments requested clarifications and related to the transportation of hazardous radioactive materials. Since the Department of Emergency Management maintains a registry of transporters of hazardous radioactive materials and all of the requested changes were clarifications, the suggested clarifications were made.

2002 Immediate Final Rule, Regulations Governing the Transportation of Hazardous Materials, 9 VAC 20-110-10,

~~et seq.~~ This immediate final rule changes the date of incorporation of federal regulations contained in the regulations from March 18, 1994 to October 1, 2002. This change will update Virginia's Regulations Governing the Transportation of Hazardous Materials to include requirements found in the federal hazardous material transportation regulations published October 1, 2002. A table summarizing changes made to the federal regulations governing the transportation of hazardous materials between March 18, 1994 and October 1, 2002 follows.

RSPA number	Effective Date	Summary of changes
RSPA-01-10373	10/01/02	This document extended the compliance dates and made minor corrections for certain requirements adopted in a final rule published under Docket No. RSPA-01-10373 (HM-220D) on August 8, 2002 (67 FR 51626), which amended requirements applicable to the maintenance, requalification, repair, and use of DOT specification cylinders. This action provided additional time, until May 30, 2003, for Research and Special Programs Administration (RSPA) to fully evaluate and determine the merits of issues raised by appellants concerning these requirements and their requests for clarification of certain other requirements.
RSPA-02-12524	9/27/02	This final rule corrected editorial errors, made minor regulatory changes, and, in response to requests for clarification, improved the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The amendments contained in this rule were minor editorial changes and did not impose new requirements.
RSPA-98-3971	10/01/02	RSPA revised transportation requirements for infectious substances, including regulated medical waste. RSPA adopted defining criteria and packaging requirements consistent with international standards; revised the current broad exceptions for diagnostic specimens and biological products; and authorized bulk packaging options for regulated medical waste consistent with requirements in international standards and DOT exemptions.
RSPA-01-10373	10/01/02	In this final rule, RSPA amended the requirements of the HMR applicable to the maintenance, requalification, repair, and use of DOT specification cylinders. In addition, RSPA adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests. Further, RSPA removed authorization for the manufacture of DOT specification cylinders made with aluminum alloy 6351-T6.
RSPA-01-10568	8/12/02	RSPA amended the HMR to require shippers and carriers to retain a copy of each hazardous material shipping paper, or an electronic image thereof, for a period of 375 days after the date the hazardous material was accepted by a carrier.
RSPA-98-3974	7/25/02	In this final rule, RSPA revised and clarified its hazardous materials safety rulemaking and program procedures. RSPA re-wrote the rulemaking procedures in plain language and made minor substantive changes for clarification. In addition, RSPA created a new part that contains defined terms used in RSPA's procedural regulations.
RSPA-2000-7702	4/3/02	On June 21, 2001, RSPA published a final rule under Docket HM- 215D amending the HMR based on corresponding provisions of international standards. The revisions were made to facilitate the transportation of hazardous materials in international commerce. This final rule corrected errors in the June 21, 2001, final rule and responded to two petitions for reconsideration.
RSPA-2002-11675	3/25/02	Correction to Final Rule- correction to the list of hazardous substances and reportable quantities.
RSPA-2002-11675	10/01/02	In this final rule, RSPA amended the HMR by revising the "List of Hazardous Substances and Reportable Quantities" that appears in the table, "Hazardous Substances other than Radionuclides". This action was required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, which amended the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). These laws require RSPA to regulate all hazardous substances

		designated by the Environmental Protection Agency (EPA). This final rule enabled shippers and carriers to identify the affected CERCLA hazardous substances, comply with all applicable HMR requirements, and make the required notifications if a discharge of a hazardous substance occurs.
RSPA-2001-9567	9/27/01	Minor editorial changes, did not impose new requirements
RSPA-01-10374	10/01/01	Minor editorial changes, did not impose new requirements
RSPA-99-6195	10/01/01	Provided limited exception until October 1, 2001 from the requirement to place new poison inhalation hazard or poison gas labels on packages containing poison inhalation hazard (PIH) materials
RSPA-00-7702	10/01/2001	Maintained alignment with international standards by incorporating various changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Also reversed the requirements for intermediate bulk containers and UN portable tanks for alignment with international requirements. Changes were necessary to facilitate the transport of hazardous materials in international commerce.
RSPA-00-7702	7/01/01	Updated three incorporations by reference in the HMR to include the most recent amendments to the International Maritime Dangerous Goods Code (IMDG Code), the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations) and the UN Recommendations Manual of Tests and Criteria.
RSPA-00-7755	7/01/01	Minor editorial changes, did not impose new requirements
RSPA-99-6213	10/01/00	This action reduced the regulatory burden on industry where feasible, responded to petitions for rulemaking, and made other minor adjustments to the regulations to enhance safety and align the HMR with international standards.
RSPA-99-5137	5/01/00	Changed the mandated registration fees assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. This rule expanded the criteria for those persons required to register; adopted a two tier fee schedule; and allowed for registering for one, two or three years on a single registration statement.
RSPA-2000-6744	8/14/00	Revised the "List of Hazardous Substances and Reportable Quantities" that appear in Appendix A, "Hazardous Substances other than Radionuclides" to the Hazardous Materials Table.
RSPA-99-6195	10/01/99	Limited exception until October 1, 2001 from the requirements to place the new poison inhalation hazard or poison gas labels on packages that are intended for transportation in international commerce. Corrected an inadvertent error in the section on Canadian shipments and packagings from Canada.
HM-224A	3/1/00	Prohibited the carriage of chemical oxidizers in inaccessible aircraft cargo compartments that do not have a fire or smoke detection and fire suppression system. This rule was issued in consultation with the Federal Aviation Administration (FAA) to enhance air transportation safety.
RSPA-98-4185	10/01/99	Made corrections to the March 5 final rule and responded to two petitions for reconsideration
RSPA-98-4185	8/16/99	Correction
RSPA-97-2718	7/08/99	Responded to a petition for reconsideration, delayed implementation of one provision of the final rule as it applies to chlorine unloading operations, and corrected an instruction in the final rule.
RSPA-97-2718	7/01/99	Revisions included new inspection, maintenance, and testing requirements for cargo tank discharge systems, and revised attendance requirements applicable to liquefied petroleum gas and anhydrous ammonia to take account of certain unique operating characteristics. RSPS allowed for a two-year period for development and testing of emergency discharge technology. After two years, newly manufactured MC 331 cargo tank motor vehicles must be equipped with emergency discharge control

		equipment that complies with the performance standards. These revisions were intended to reduce the risk of an unintentional release and make the regulatory requirements easier to understand and comply with.
RSPA-98-4185	10/01/99	Maintained alignment with international standards by incorporating numerous changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Also eliminates the "Keep Away From Food" label for poisonous materials in Division 6.1, Packing group III.
RSPA-98-4943	3/01/99	Extended from March 1, 1999 to July 1, 1999 the period for continued manufacture of MC 331 cargo tanks without certification and demonstrated performance of the emergency discharge control system.
RSPA-97-2905	10/30/98	RSPA denied three petitions for reconsideration to the July 10, 1998 final rule concerning the amendments relating to IM portable tanks.
RSPA-98-4185	1/01/99	Amended the requirement for the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) and updated references in the HMR to include the most recent amendments to the International Maritime Dangerous Goods Code (IMDG Code) and the ICAO Technical Instructions.
RSPA-98-4404	10/01/98	Corrected editorial errors and made minor regulatory changes. Improved clarity of certain provisions in the HMR.
RSPA-97-2850	9/10/98	Removed regulations on the Radiation Protection Program and related modal provisions that required persons who offer, accepted for transportation, or transported radioactive materials to develop and maintain a written radiation protection program.
RSPA-97-2905	10/01/98	Updated, clarified, and provided relief from certain regulatory requirements.
HM-206	10/01/98	Clarified requirements for display of identification numbers for large quantity shipments of hazardous materials; revised requirements for display of identification numbers for non-bulk packages of hazardous materials that are poisonous by inhalation in hazard zone A or B; provided alternative methods for marking the carrier's telephone number on the exterior of a highway transport vehicle containing hazardous materials that is disconnected from its motive power and not marked with an identification number.
HM-200	2/18/98	Corrected a date for states to develop legislation authorizing certain exceptions recognized in the HMR. Clarified packaging requirements for identification number markings, and clarified that the provisions for use of non-specification cargo tanks apply to transportation of gasoline. Does not impose any new requirements on persons subject the HMR.
HM-169B	12/22/97	Extended until October 1, 1999 the date for mandatory compliance with the Radiation Protection Program (RPP) requirements adopted in the final rule issued Sept 28, 1995.
HM-169B	9/30/97	Radiation Protection Program requirements, issued on September 28, 1995, remain in effect.
HM-225	12/10/97	Revised a requirement concerning the daily pressure testing of transfer hoses on these cargo tank motor vehicles. Removed a hose rupture as a condition that causes internal self-closing stop valve to function. Extended the expiration of the final rule requirements for four months to July 1, 1999.
HM-189N	10/01/97	Corrected editorial errors, made minor regulatory changes, improved the clarity. Minor editorial changes; did not impose new requirements.
HM-200	9/22/97	Expanded the scope of the regulations to intrastate transportation of hazardous materials. This rule provided one additional year, until October 1, 1998 for compliance, responded to petitions for reconsideration and corrected errors in the January 8, 1997 final rule.
HM-169B	9/30/97	RSPA removed Radiation Program Protection Regulations and related modal

		provisions that required the development and maintenance of written radiation protection program for person who offer, accept for transportation or transport radioactive materials.
HM-206	8/28/97	Correction to 49 CFR 172.313
HM-215B	8/28/97	Corrections to document 97-10481 that was published May 6, 1997 (aviation)
HM-221B	8/25/97	Amended the HMR to allow the transportation of certain liquid hazardous materials in non-specification open-head drums until September 30, 1999, if the fiber drums have been filled before and are not emptied and refilled after, the expiration of the current authority for the use of these packagings.
HM-225	8/16/97	Adopted temporary requirements for cargo tank motor vehicles in certain liquefied compressed gas service. Required specific marking on affected cargo tank motor vehicles and required motor carriers to comply with additional operational controls intended to compensate for the inability of passive emergency discharge control systems to function as required by the HMR. These operational controls were necessary because a substantial portion of the industry failed to comply with an important excess flow requirement, which has been in place since 1941, and has failed to comply with the IFR.
HM-206	10/01/98	Corrected error and responded to petitions for reconsideration. Changes included postponement until October 1, 1998 of the effective date of the January 8, 1997 rule, and October 1, 1999 of the date of compliance with a requirement for new labels on packagings containing materials poisonous by inhalation.
HM-224A	8/07/97	RSPA delayed the effective date of the final rule for one month, authorized permissive compliance immediately, corrected the identification number for chemical oxygen generators and a typographical error in the Hazardous Materials Table entry for them, and revised special provision 60 for clarity and to provide additional time to conform to additional approval procedures.
RSP-3	6/26/97	Established two new informational sections which included Internet web site addresses. Provided the most current website address for RSPA's Office of Hazardous Materials Safety and corrected the web site address for RSPA's Office of Pipeline Safety.
HM-224A	7/07/97	Added a specific shipping description to the Hazardous Materials table for chemical oxygen generators and required approval of a chemical oxygen generator, and its packaging, when a chemical oxygen generator is to be transported with its means of initiation attached. These changes facilitated the identification of oxygen generators in transportation, made it easier to comply with existing prohibitions against the carriage of chemical oxygen generators on passenger aircraft and in inaccessible locations on cargo aircraft, and enhanced packaging requirements.
HM-221B	10/01/97	RSPA allowed the transportation of certain liquid hazardous materials in non-specification open-head fiber drums until September 30, 1999 if the fiber drums had been filled before, and are not emptied and refilled after, the expiration of the current authority for the use of these packagings.
HM-215B	10/01/97	Revised to maintain alignment with corresponding provisions of international standards.
RSP-3	5/12/97	New sections added that give information on the availability of informal guidance and interpretive assistance concerning the federal hazardous materials transportation law and the HMR as well as the federal pipeline safety law and pipeline safety regulations.
HM-181H	3/26/97	Editorial revisions and responded to petitions for reconsideration.
HM-207F	1/21/97	RSPA increased the maximum civil penalty from \$25,000 to \$27,500 for a knowing violation of federal hazardous material transportation law or the HMR. RSPA also published baseline assessments for frequently cited violations of the HMR.
HM-200	10/01/97	Changed to comply with amendments to the federal hazardous materials

		transportation law mandating DOT regulate the transportation of hazardous materials in intrastate commerce.
HM-206	10/01/97	Added a new poison inhalation hazard label and placard to enhance the ready identification of materials which are poisonous if inhaled, lowered the quantity for specific hazard class placarding from 2,268 kilograms to 1,000 kilograms of one class or division of material loaded on a transport vehicle, expanded requirements for transport vehicles and freight containers that have been fumigated, and made other enhancements to the hazard communication system.
HM-224	12/31/96	Prohibited transportation of oxygen generators as cargo on board passenger-carrying aircraft.
HM-215B	6/01/97	Updated references in the HMR to include the most recent amendments to international standards.
HM-181H	1/01/97	Changed the classification of certain hazardous materials which are poisonous by inhalation and the provisions for manufacture, use and reuse of hazardous materials packagings.
HM-181H	1/01/97	Correction to 173.28 as published on September 26, 1996.
HM-189M	10/1/96	Made editorial corrections and clarified portions of the regulations.
HM-220A	10/01/96	Clarified the requirements for cylinder retest and made minor editorial corrections.
HM-207C	10/01/96	Removed the requirement for a carrier to possess a copy of the exemption in the same manner as required by shipping papers.
HM-181H	1/01/97	Amendment changed the classification of certain hazardous materials which are poisonous by inhalation and changed provisions for the manufacture, use and reuse of hazardous materials packagings. Changes improved safety, reduced compliance costs, and made the regulations easier to understand.
HM-175A	07/01/96	Revised requirements in the regulations to improve the crashworthiness of tank cars and to increase the probability of detecting critical tank car defects.
HM-216	10/01/96	Changed the requirements for transportation of hazardous materials by rail to improve the safety and reduce the costs to offerors and transporters of hazardous materials.
HM-222B	10/1/96	Reduced the requirements pertaining to training frequency, incident reporting, and emergency response telephone numbers.
HM-224	05/24/96	RSPA issued an interim final rule temporarily prohibiting the offering for transportation and transportation of oxygen generators as cargo in passenger-carrying aircraft.
HM-220B	10/01/96	Restructures the cylinder specification requirements in its regulations on specifications for packagings. The intended effect of this rulemaking was to reduce the size of the HMR through consolidation of repetitive requirements and other formatting changes.
HM-207C	10/1/96	Revised procedures for applying for exemptions and established procedures for applying for approvals, and registering and filing reports with RSPA.
HM-169A	6/03/96	Made editorial and technical corrections to final rule pertaining to the transportation of radioactive materials.
HM-222A	10/01/96	Removed unnecessary, obsolete, and duplicative regulations contained in the HMR and reformatted the Hazardous Materials Table and List of Hazardous Substances and Reportable Quantities.
HM-221A	10/01/96	Extended the authority to ship certain liquid hazardous materials in open-head fiber drums that do not meet performance-oriented packaging standards for hazardous materials in Packing Group III. This extension expires on the latter of September 30, 1997 or the date on which funds are appropriated for the hazardous materials transportation program for fiscal years beginning after September 30, 1997.
HM-169A	4/1/96	This amendment harmonized the HMR pertaining to the transportation of radioactive materials with those of the International Atomic Energy Act (IAEA).

HM-189L	10/1/95	Corrected editorial errors, made minor regulatory changes in response to requests for clarification, and improved the clarity of certain provisions of the HMR.
HM-181G	10/1/95	Revised requirements for Division 6.2 materials (infectious substances). This amendment clarified the scope of the regulation for infectious substances, provided relief for certain shipments of regulated medical waste that conform to other federal agency regulations, allowed certain quantities to be transported by aircraft, and made other changes to clarify regulatory provisions applicable to infectious substances.
HM-181E	10/1/95	Revised the rule published July 26, 1994 in response to petitions for reconsideration. (concerning intermediate bulk containers) Section 172.101 Hazardous Material Table was changed to be consistent with International Maritime Dangerous Goods (IMDG) Code.
HM-215A	10/1/95	Corrected errors in rule published 12/29/94 and responded to petitions for reconsideration.
HM-183C	5/22/95	Revised design loading requirements for MC 331 cargo tank motor vehicles and made other minor editorial and technical changes for clarity.
HM-215A	10/1/95	Maintained alignment with corresponding provisions of international standards. These changes were needed to facilitate the transport of hazardous materials in international commerce.
HM-183C	1/05/95	Amended requirements for the manufacture, qualification and maintenance of cargo tank vehicles.
HM-189K	9/26/94	Corrected editorial errors, made minor regulatory changes, and improved clarity of certain provisions to the regulations. The amendments in this rule were minor editorial changes and did not impose new requirements.
HM-181E	9/30/94	Amendment included requirements for the construction, maintenance and use of intermediate bulk containers (IBC's) for the transportation of hazardous materials. The amendment was based on recommendations from the United Nations Recommendations on the Transport of Dangerous Goods and the commodity assignments set forth in the International Maritime Dangerous Good (IMDG) Code. This rule established safety standards for intermediate bulk containers; allowed flexibility and technological innovation in the development of IBC design; eliminated the need for most DOT exemptions applying to polyethylene, rigid, and flexible IBC's; enhanced safety; and harmonized domestic provisions for IBC's with international provisions.

Virginia Solid Waste Management Regulations - Amendment 3. Amendment 3 is intended to incorporate and address statutory changes enacted by the General Assembly since Amendment 2 of the Virginia Solid Waste Management Regulations. These remaining statutes to be addressed include at least the following:

- 1) The disposal capacity guarantee as required by 10.1-1408.1.B.6.
- 2) Host community agreements as required by 10.1-1408.1.B.7.
- 3) Reporting requirements for locally owned facilities as required by 10.1-1408.1.B.8.
- 4) Director's determinations as required by 10.1-1408.1.D.1 and 2.
- 5) Permit condition for capacity guarantee as required by 10.1-1408.1.P.

In addition, the regulations will be updated to correct any errors or omissions resulting from previous amendments and any outdated material.

Transportation of Solid and Regulated Medical Wastes on State Waters. On March 28, 2003, the Virginia Waste Management Board adopted final regulations governing transportation of solid and medical wastes on state waters. This regulatory action sets forth guidelines for the permitting (permit-by-rule) of the facilities off-loading solid wastes and regulated medical wastes from a ship, barge or other vessel transporting such wastes upon the navigable waters of the Commonwealth. The regulations include contains standards for design and operation of both loading

and off-loading facilities, but loading facilities are not required to have a permit. A schedule of permit fees is included and procedures for submitting the fees.

The regulations prescribed specific siting, design/construction, and operational standards for the loading and off-loading facilities. They contain specific requirements for containers including a performance standard, testing requirements, a manifest system, and stacking restrictions in the loading and off-loading areas.

The regulations establish a financial responsibility requirement for the owners and operators of vessels. They establish a fee system to be paid by vessel owners or operators and collected by off-loading facility owners or operators and remitted to the department.

Changes proposed since last published:

The definition of “solid waste” was amended to include exemptions to the waste under these regulations as incorporated by Senate Bill 1137 and a new definition, “construction demolition debris waste,” was included to accommodate this amendment. The definition of “receiving facility” was amended to clarify that both loading and off-loading facilities could be receiving facilities.

Section 9 VAC 20-170-30 and 9 VAC 20-170-40 were combined to form new 9 VAC 20-170-30. Sections 9 VAC 20-170-50 through 9 VAC 20-170-70 were renumbered one decade lower. New sections 9 VAC 20-170-70, Design, Operation and Maintenance of Containers was created as new Part II to segregate container standards. Subsequent parts were renumbered and deferred parts were reassigned to new material. The new section contains a detailed description of the design, certification, and testing required for the containers to be used to transport solid and regulated medical wastes on state waters, including new special provision for off-loading of construction or demolition debris waste. Additional performance standards and visual inspections were added to supplement the standing water testing of containers (24 inches of water in the bottom of the container). Provisions were added for construction demolition debris waste to be transport with the covered vessel itself acting as the container.

Other changes were made to the section on Design and Construction of the Facilities (9 VAC 20-170-90) and the section on Operation (9 VAC 20-170-100). These changes were concerned with the handling of waste at the facility, the handling of empty containers, and the requirement that any containers used be in compliance with 9 VAC 20-170-70. A requirement was added for the maximum volumetric capacity and empty weight of each container to be listed on the manifest. The section on the Operation and Maintenance Manual (9 VAC 20-170-110) was modified to change the definition of the worst case scenarios for the release of wastes into state waters. Changes were made throughout Part IV and elsewhere as necessary to make clear that the permitting of facilities applied to off-loading facilities and not loading facilities.

Part V, Off-Loading Fees Collected by Receiving Facilities (9 VAC 20-170-195, Off-loading fee requirements) was added to specify fees paid by vessel owners or operators to be collected by the off-loading facility owner or operator and remitted to the department. Many small changes were made to Part VI and its appendixes for the purpose of correction, conformance between text at other sites in these regulations, conformance with other financial assurance regulations of the board or conformance with the statutes. New parts, Part VII, Compliance Of Vessels Transporting Solid Wastes Or Regulated Medical Wastes With Federal Statutes And Regulations and State Spill Response Requirements (9 VAC 20-170-410, General provisions) and Part VIII, Variance (9 VAC 20-170-420, Petitioning for Variance or Exemption) have been added to provide correlation with federal rules and to establish procedure for petitioning for and receiving variances from the regulations. Other clarification of the relationship of the regulations with federal rules were inserted in other sections as necessary.