



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

MINUTES VIRGINIA WASTE MANAGEMENT BOARD FRIDAY, SEPTEMBER 14, 2001 MEETING

Department of Environmental Quality, First Floor Conference Room
629 East Main Street, Richmond, Virginia

Board Members Present:

Ralph B. Smith, Jr., Chairman
Sheila W. McAllister - Vice-Chairman
Ronald E. Bowman
Gary H. Baise

Board Members Absent:

Donald L. Carty
Susan M. Eckerly

Staff Present:

Dennis H. Treacy, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Catherina F. Hutchins
Assistant Attorney General

- 1) The attached minutes summarize activities, which took place at this Board meeting.
- 2) The meeting was convened at 9:45 a.m. on Friday, September 14, 2001, a quorum was determined at 10:10 a.m. and the meeting was adjourned at 11:16 a.m.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

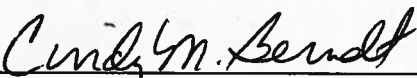
James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute No. 1 – Brownfields Program Report

Mr. Chris Evans presented a report on the Brownfields Program. Mr. Evans explained the purpose of the Brownfields program, detailed current program activities and provided information on other states' programs.



Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

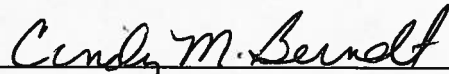
James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute No. 2 – Minutes

The Board unanimously approved the minutes from their meeting on May 7, 2001.



Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

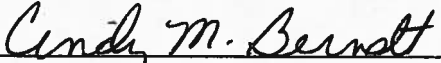
James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute No. 3 – Significant Non-Compliers Report

Mr. Paul Rogers with the Office of Enforcement Coordination presented a report on significant non-compliers.



Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

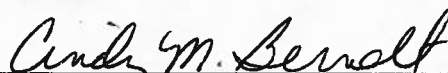
Minute No. 4 – Final Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities - Amendment 2 – 9 VAC 20-70-10, et seq.

Ms. Melissa Porterfield from the Department of Environmental Quality's Office of Waste Programs presented final amendments to the Financial Assurance Regulations for Solid Waste Facilities, 9 VAC 20-70-10 et seq. She explained that the amendments were necessary in order to incorporate statutory changes, to promote consistency with federal regulations in some areas, and to be more protective of the health, safety and welfare of the citizens of the Commonwealth. In addition, Ms. Porterfield briefed the Board on the results of the public comment period on the proposed amendments.

Finally, Ms. Porterfield detailed the changes made to the regulations since proposed on July 11, 2000, including: changing the name of the regulations to Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities; requiring department review of financial mechanisms within 60 days of receipt; clarifying requirements to provide an additional \$1 million financial assurance to the department upon exceeding groundwater protection standards; adding a letter of credit option to the local government financial test; and clarifying the language of the local government financial test.

Decision

Based on the board briefing materials and staff presentation, the Board unanimously adopted the final amendments to the regulation and directed the staff to take the necessary steps to have the amendments become effective.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute No. 5 – Hazardous Waste Management Regulations, 9 VAC 20-60-18 - Immediate Final Rule: Amendment 2001

Mr. Robert G. Wickline with the Department of Environmental Quality's Office of Waste Programs presented an immediate final rule for the Hazardous Waste Management Regulations. Mr. Wickline reminded the Board that in July 2000, the Board adopted a final rule which incorporated, with some exceptions, the text of federal regulations located in Title 40 of the Code of Federal Regulations. Amendment 15 C, at section 9 VAC 20-60-18, specified that the incorporated federal regulations be that text as it existed on July 1, 2000.

Mr. Wickline explained that in order to continue to keep the date of incorporated federal text up-to-date, it is appropriate to amend the board's regulations to incorporate changes in federal regulations between July 1, 2000 and June 30, 2001. A rewording of the date specification text is appropriate to incorporate new regulations even if the effective date is later than July 1. Incorporated text will have the effective date specified in the Federal Register notice when it was published as a final regulation or the effective date of this regulatory amendment, whichever is later

Decision

Based on the board briefing material and staff recommendation, the Board unanimously adopted the amendment to 9 VAC 20-60-18, a portion of the Virginia Hazardous Waste Management Regulations, and directed the staff to finalize this action in accordance with § 9-6.14:4.1 C. 4. (c) of the Code of Virginia.

Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute No. 6 – Litter Receptacle Regulations 9 VAC 20-190-10 et seq. Immediate Final Rule

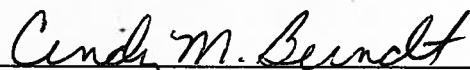
Mr. Robert G. Wickline with the Department of Environmental Quality's Office of Waste Program presented an immediate final rule for the Litter Receptacle Regulations, 9 VAC 20-190-10 et seq. Mr. Wickline explained that during the codification process resulting in the Virginia Administrative Code, a regulation was inadvertently left out. Chapter 14, Title 10.1, Sections 10.1-1414, 10.1-1419, and 10.1-1421 of the Code of Virginia require these regulations be promulgated. They were a regulation of the Department of Conservation and Economic Development, Division of Litter Control and have been transferred to the Board. The attached regulations have adapted from the original regulations to reflect that transfer and to make grammatical corrections.

The regulations describe the responsibility of owners and operators of establishments and public places, throughout the Commonwealth, to place and maintain receptacles for receiving litter. The regulations establish which places must be provided with litter receptacles, the standards for the receptacles, and the requirements for removal of litter from the receptacles.

The Department believes the regulations can be reinstated by adoption as an immediate final rule under § 9-6.14:4.1 C. 3 and 4. (a) of the Code of Virginia. The proposed final regulations are required by the statutes and are the same as the original in all requirements.

Decision

Based on the briefing material and staff presentation the Board unanimously adopted the Litter Receptacle Regulations, 9 VAC 20-190-10 et seq., and directed the staff to finalize this action in accordance with § 9-6.14:4.1 C. 3 and 4 (a) of the Code of Virginia.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

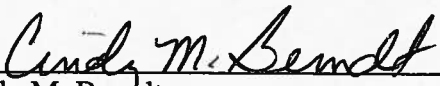
Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute 7 - Public Forum

Mr. Bob Robinson from American Electric Power appeared and presented the Board with a copy of The American Electric Power Environmental Performance Report.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

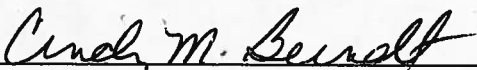
James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute 8 - Division Director's Report

Ms. Karen Sismour presented a report on various staff activities.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

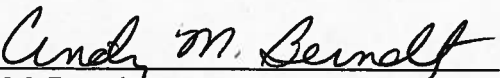
James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE VIRGINIA WASTE MANAGEMENT BOARD AT ITS MEETING ON SEPTEMBER 14, 2001

Minute 9 - Future Meetings

The Board confirmed December 12, 2001 as the date of its next meeting.


Cindy M. Berndt