

**TENTATIVE AGENDA
AND MINIBOOK
WASTE MANAGEMENT BOARD MEETING**

**Friday, June 15, 2012
HOUSE ROOM C
GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS
RICHMOND, VIRGINIA**

Convene – 10:30 a.m.

			TAB
I.	Board Business		
	Minutes (December 5, 2011)		A
II.	Regulations - Final Exempt		
	Solid Waste Management Permit Action Fees and Annual Fees, 9VAC20-90 Final Exempt Amendment – 2012-14 Virginia Biennium Budget	Miller	B
	Solid Waste Planning and Recycling Regulations, 9VAC20-130 Final Exempt Amendment – Recycling Rate Report	Miller	C
	Various Virginia Waste Management Board Regulations Final Exempt Amendment – DEQ Address Update	Miller	D
III.	Significant Noncompliance Report	Deppe	E
IV.	Public Forum		
V.	Other Business		
	Legislative Update	Jenkins	
	Division Director's Report	Steers	
	Future Meetings		
VI.	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 on the latest status of the agenda should be directed to Debra A. Miller at (804) 698-4209.

PUBLIC COMMENTS AT 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 action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration.

For **REGULATORY ACTIONS (adoption, amendment or repeal of regulations)**, public participation 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 during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. 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.

For CASE DECISIONS (issuance and amendment of permits), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is an additional comment period, usually 45 days, during which the public hearing is held.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

POOLING MINUTES: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

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 those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

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

Department of Environmental Quality Staff Contact: Debra A. Miller, Policy Planning Specialist, Office of Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4209; fax (804) 698-4346; e-mail: Debra.Miller@deq.virginia.gov

Final Exempt

Solid Waste Management Permit Action Fees and Annual Fees, 9VAC20-90 – 2012-14 Budget Amendment

This regulatory amendment is presented to the Board for consideration as a final regulation. The amendment will remove the 60% cap regarding the use of fees collected by the Department of Environmental Quality (DEQ) from permitted solid waste management facilities. The cap required that the fees collected not exceed more than 60% of the DEQ's direct costs of (i) processing an application to issue, reissue, amend or modify permits, and (ii) performing inspections and enforcement actions necessary to assure compliance with permits issued for any sanitary landfill and other facility for the disposal, treatment or storage of nonhazardous solid waste. This 60% cap was removed from the DEQ's appropriation language under the enrolled 2012-14 Virginia Budget Bill; and, therefore, by this regulatory action, the 60% cap text will be removed from 9VAC20-90. § 2.2-4006.A.4 of the Code of Virginia allows the Board to adopt this amendment as a final regulation under a final exempt action without previous consideration, announcement, or public participation. The regulations would be final 30 days after publication in the *Virginia Register*. At the meeting on June 15th, the department will request that the Board adopt this amendment as a final regulation, authorize its publication, and affirm that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Final Exempt**Solid Waste Planning and Recycling Regulations, 9VAC20-130 - Recycling Rate Report Amendment**

This regulatory amendment is presented to the Board for consideration as a final regulation. The amendment will change the frequency for submittal of the recycling data report for each solid waste planning unit or locality with a population of 100,000 or less. The recycling report submittal will be changed from annually to once every four years for these smaller localities or planning units in accordance with Chapter 834 of the 2012 Acts of Assembly which amended § [10.1-1411](#) of the Virginia Waste Management Act to decrease the frequency of submittal of this recycling report for smaller localities. § 2.2-4006.A.4 of the Code of Virginia allows the Board to adopt this amendment as a final regulation under a final exempt action without previous consideration, announcement, or public participation. The regulations would be final 30 days after publication in the *Virginia Register*. At the meeting on June 15th, the department will request that the Board adopt this amendment as a final regulation, authorize its publication, and affirm that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Final Exempt**Various Virginia Waste Management Board Regulations – DEQ Address Update Amendment**

This regulatory amendment is presented to the Board for consideration as a final regulation. This amendment will update the mailing address for the Department of Environmental Quality (DEQ). In some of the Board's regulations, the old address is provided. By this action, that address will be updated to the current one. The regulations to be updated are 9VAC20 Chapters 170, 20, 50, 60, 70, and 160. § 2.2-4006.A.3 of the Code of Virginia allows the Board to adopt this amendment as a final regulation without previous consideration, announcement, or public participation. The regulations would be final 30 days after publication in the *Virginia Register*. At the meeting on June 15th, the department will request that the Board adopt this amendment as a final regulation, authorize its publication, and affirm that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Significant Noncompliance Report**Active HW SNC Cases – Table A**

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Gloucester Co. (PRO)	Advanced Finishing Systems, Inc.	Pre-treatment violations. TSDF violations. Record keeping violations.	Pending U.S. Environmental Protection Agency ("EPA") enforcement action.
City of Roanoke (BRRO)	Chemicals and Solvents, Inc.	Failure to adhere to HW generator and transporter requirements. Possible releases.	Pending EPA enforcement action.
City of Hampton (TRO)	Craft Machine Works, Inc.	Failure to make HW determination. Failure to obtain a permit. Labeling and storage violations	Consent Order under development.
Montgomery Co. (BRRO)	Federal-Mogul Corporation	Failure to make HW determination. HW container violations.	Consent Order under development.
City of Roanoke (BRRO)	Hagen Property	Failure to make HW determination. CESQG violations.	Consent Order under development.
City of Colonial Heights (PRO)	Honeywell International – Colonial Heights Facility	Labeling and storage violations. Contingency plan deficiencies.	Consent Order under development.
Campbell Co. (BRRO)	Industrial Plating Corp.	HW accumulation violations. Operating as TSDF without permit.	Consent Order under development.
Botetourt Co. (BBRO)	ISR Environmental Services (2)	Used oil violations.	Consent Order under development.
City of Radford (BRRO)	J & J Sales	Failure to make HW determination. HW Container violations.	Matter referred for adversarial action.
Accomack Co. (TRO)	KMX	LDR violations.	Pending EPA enforcement action.
Henry Co. (BRRO)	Northpoint Trading, Inc.	Exceeding HW accumulation time limits.	Consent Order under development.
Caroline Co. (NRO)	R207 LLC.	Lack of EPA number. Manifest violations. HW container violations.	Consent Order under development.
Smyth Co. (SWRO)	Reline America, Inc.	Exceeding accumulation time limits. Labeling violations. Failure to notify as LQG.	Consent Order under development.
Amherst Co. (BRRO)	Wright's Auto Sales & Body Shop	Failure to make HW determination, used oil violations.	Consent order in negotiations.

Resolved HW Cases – Table B

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Rockingham Co. (VRO)	Atlantic Fabritech	Failure to make HW determination. Improper labeling and failure to complete weekly inspections.	Consent Order effective January 20, 2012. \$11,043 civil charge.
Sussex Co. (PRO)	Indmar Coatings (2)	Unpermitted storage of HW. Container violations. Failure to do HW training. Other violations.	Administrative case closure. Insufficient evidence.
City of Waynesboro (VRO)	Industrial Machine Works	Exceeding HW generation limits. Failure to notify and conduct inspections.	Consent Order effective May 3, 2012. \$13,194 civil charge.
City of Richmond (PRO)	Richmond Powder Coating, Inc.	Failure to make HW determination. Exceeding HW accumulation time limits. Labeling and notification violations.	Consent Order effective December 15, 2011. Inability to pay civil charge. Schedule of Compliance included.
Henry Co. (BRRO)	West Imports Metal Recyclers	Used oil violations. UW violations.	Consent Order effective October 20, 2011. \$1,287 civil charge.

Total FFY 12 YTD Hazardous Waste Consent Orders=4

Total FFY 12 YTD Civil Charges=\$25,524

Resolved Solid Waste Cases – Table C (Note: SNC status does not apply to Solid Waste cases)

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
City of Suffolk (TRO)	John C. Holland Enterprises, Inc. for Holland Industrial Landfill	Slope failures, inadequate drainage structures, exposed solid waste.	Consent Order effective December 15, 2011. \$50,000 civil charge. Schedule of compliance included.
City of Danville (BRRO)	JEB Realty, LLC for 1750 S. Main Street, Danville, VA, identified as Tax Parcel ID 75912	Failure to obtain a permit to store waste including structural timbers, flooring, roofing, particle board, and apparent asbestos-containing material.	Consent Order effective January 10, 2012. \$26,000 civil charge.
Louisa Co. (NRO)	Louisa County	Exposed waste on northern and eastern sides of landfill. Areas of insufficient cover.	Consent Order effective October 24, 2011. \$11,070 civil charge.
Chesterfield Co. (PRO)	Ms. Nina Shoosmith for Shoosmith Debris Landfill	Discharge of leachate from landfill to surface waters.	Consent Order effective December 8, 2011. \$2,730 civil charge.
Henrico Co. (PRO)	Waste Associates, LLC and The East End Landfill, LLC – Amendment to the Consent Order of August 24, 2009	Resolution of outstanding items from 2009 order as well as schedule of compliance for alleged NOVs issued since execution of 2009 order	Consent Order effective February 10, 2012. \$100,000 civil charge. MOU between DEQ, Waste Associates and TEEL for onsite inspector.

Total FFY 12 YTD Solid Waste Consent Orders=5

Total FFY 12 YTD Civil Charges=\$174,800