SWANA Regulatory and Legislative Update – June 2021

Solid Waste Management Regulations

Process for Amendment 9 of the Solid Waste Regulations for review and revision in the Virginia Register. Regulatory Advisory Panel (RAP) underway!

Full schedule below:

Date	Time	Meeting Title	Board
May-21 2021 (Fri)	9:30 am	Regulatory Advisory Panel meeting- Solid Waste Management Regulation- Amendment 9 [Agenda] [Minutes] Electronic Access	Virginia Waste Management Board
May-26 2021 (Wed)	1:30 pm	Regulatory Advisory Panel meeting- Solid Waste Management Regulation- Amendment 9 [Agenda] [Minutes] Electronic Access	Virginia Waste Management Board
Jun-10 2021 (Thu)	9:30 am	Regulatory Advisory Panel meeting- Solid Waste Management Regulation- Amendment 9 [Agenda] Electronic Access	Virginia Waste Management Board
Jun-14 2021 (Mon)	1:00 pm	Regulatory Advisory Panel meeting- Solid Waste Management Regulation- Amendment 9 [Agenda] Electronic Access	Virginia Waste Management Board
Jun-30 2021 (Wed)	9:30 am	Regulatory Advisory Panel meeting- Solid Waste Management Regulation- Amendment 9 **Electronic Access**	Virginia Waste Management Board

This will be Amendment 9 to the regulations. This is based upon a findings from a Periodic Review that was conducted in the summer of 2019. Items that are anticipated to be considered in the Amendment include:

- Siting, design, and operation
- Household waste open burning
- Financial responsibility
- Public participation
- Groundwater Monitoring
- Exemptions and exclusions
- Closure and post-closure requirements
- Permitting process
- Recordkeeping requirements

Regulated Medical Waste Regulations

Still no movement from the Secretary of Natural Resources Office for Amendment 3 of the Regulated Medical Waste Regulations. It is expected that the NOIRA will be published with the proposed changes at some point in 2021. The amendment will modernize the standards for general handling and treatment of regulated medical waste based on current industry best management practices; along with clarifying

the requirements for generators and permitted facilities, improving permitting procedures and streamlining the regulations for ease of use.

Voluntary Remediation Regulations

The Waste Board has recommended an amendment to the Voluntary Remediation Regulations to address eligibility and fees. It is still currently at the Secretary of Natural Resources Office awaiting approval for publication.

PFAS Activities

The workgroup that was mandated to study the occurrence of perfluoro compounds (PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA and other PFAS) in public drinking water held their fourth meeting on April 29, 2021. The draft minutes are not available, but the agenda link is below:
https://townhall.virginia.gov/L/GetFile.cfm?File=meeting\58\32400\Agenda_VDH_new_v1.pdf

The next full workgroup meeting will be in late June or July.

The PFAS Occurrence and Monitoring Subgroup met on May 6, 2021. The minutes from the meeting can be found at the link below:
https://townhall.virginia.gov/L/GetFile.cfm?File=meeting\58\32439\Minutes_VDH_32439_v1.pdf
The next meeting was scheduled for June 6, 2021.

The PFAS Treatment and Technologies Subgroup met on April 22, 2021. The agenda for the meeting can be found at the link below. The next meeting is scheduled for May 27, 2021.
https://townhall.virginia.gov/L/GetFile.cfm?File=meeting\58\32377\Agenda_VDH_new_v1.pdf

The Toxicology Subgroup met on May 14, 2021. The agenda for the meeting can be found at the link below:
https://townhall.virginia.gov/L/GetFile.cfm?File=meeting\58\32456\Agenda_VDH_new_v1.pdf

The Policy and Regulation Subgroup will be meeting on May 17, 2021 at 11:00 a.m. The agenda is located below:
https://townhall.virginia.gov/L/GetFile.cfm?File=meeting\58\32458\Agenda_VDH_32458_v1.pdf

The objective of the workgroup is to conduct a detailed investigation on what other states are doing, perform a PFAS occurrence study at up to 50 waterworks and source waters and develop MCL guidelines; all by December 1, 2021. This coincides with HB 1257 also from the 2020 session that requires a report by October 1, 2021 and effective date of MCLs by January 1, 2022.

The recording of the meeting can be viewed at the link below:
https://www.youtube.com/watch?v=hwUCsv8GKrA

The first three meeting files of the full workgroup from October 20, 2020, January 19, 2021 and March 4, 2021 can be viewed at the links below:
https://townhall.virginia.gov/L/GetFile.cfm?File=Meeting%5C58%5C31532%5CMinutes_VDH_31532_v1.pdf

https://www.townhall.virginia.gov/L/GetFile.cfm?File=Meeting\58\32049\Minutes_VDH_32049_v1.pdf

https://townhall.virginia.gov/L/GetFile.cfm?File=meeting\58\32196\Minutes_VDH_32196_v1.pdf

The Virginia Department of Health maintains a website titled "PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) IN DRINKING WATER". It can be found at: https://www.vdh.virginia.gov/drinking-water/pfas/

On January 19, 2021, EPA announced final regulatory determinations for contaminants on the fourth Contaminant Candidate List (CCL 4). EPA is making final determinations to regulate two contaminants, perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA), in drinking water and to not regulate six contaminants (i.e., 1,1-dichloroethane, acetochlor, methyl bromide (bromomethane), metolachlor, nitrobenzene, and RDX). EPA will now initiate the process to develop an NPDWR for these two per- and polyfluoroalkyl substances (PFAS), which will include further analyses, scientific review, and opportunity for public comment. Additionally, EPA intends to fast track evaluation of additional PFAS for future drinking water regulatory determinations if necessary information and data become available.

The Environmental Protection Agency maintains a website titled "Per- and Polyfluoroalkyl Substances (PFAS)". It can be found at: https://www.epa.gov/pfas

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Virginia Council on Environmental Justice

On January 22, 2019, Governor Northam issued Executive Order 29 to create the Virginia Council on Environmental Justice. The Order directs the Council to provide recommendations to establish a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution.

The next meeting is Thursday, June 24, 2021 from 10 a.m. to 4:00 p.m. There is a call-in number of 866-692-4530; access code 185 910 8722.
Registration can be made here: https://governor.virginia.gov/i/vcej62521

There are four more meetings after this one scheduled for the remainder of the year.

Below is the agenda, working document and video from the May 6, 2021 Meeting.

May 6, 2021 Meeting Agenda
May 6, 2021 Working Document
May 6, 2021 Video of Meeting

As a result of the March 25, 2021 meeting, a letter from the committee was sent to the Governor that requested a climate emergency be declared and a moratorium enacted to prohibit fossil fuel infrastructure and permits. There is no public record I found on minutes of this meeting or video recording of it.

The previous meeting held on February 18, 2021. At this meeting there were remarks from the Secretary of Natural Resources and Governor Northam and introduction to the members of the Council. A link to the recorded video of the meeting is below (4 hours and 30 minutes). Many public comments against Cumberland Landfill, out of state trash, etc:
https://www.youtube.com/watch?v=uqh0pUgS2eI

On June 17, 2020, a webinar was held to discuss results of interviews conducted as to how DEQ can incorporate environmental justice principles into strategic planning and phased program implementation.
Link to recording of webinar (2 hours):
https://register.gotowebinar.com/recording/6556207924183726348
Link to slides of webinar:
https://www.deq.virginia.gov/Portals/0/DEQ/ConnectwithDEQ/EJ/VADEQWebinarFINAL.pdf

There have been several meetings of the Council. Minutes can be read at the links below. In addition, they have released their first Annual Report to the Governor on July 15, 2020 (link below).

2020 Annual Report (final)

- Minutes from June 25, 2020 meeting
- Minutes from May 28, 2020 meeting
- Minutes from January 17, 2020 meeting
- Minutes from December 6, 2019 meeting
- Minutes from October 30, 2019 Meeting
- Minutes from September 18, 2019 meeting
- Minutes from September 12, 2019 meeting
- Minutes from July 12, 2019 meeting

New Leadership at the Virginia DEQ

Kathryn Perszyk was named new Land Division Director effective March 25th. Kathryn has nearly 15 years off solid waste experience at DEQ. She began her career as an inspector and permit writer in NRO. Since 2010 she has served as the solid waste permit coordinator for the division. While serving in her current role, Kathryn has found time to participate in several agency-wide multimedia workgroups and the Emerging Leaders Program while job partnering writing air permits in NRO. She is a graduate of Georgia Tech with a degree in Chemical Engineering.

On April 27th, DEQ announced that Renee Hoyos was named Director of the Office of Environmental Justice. Prior to joining DEQ Hoyos was the executive director of the Tennessee Clean Water Network, an organization

focused on identifying, preventing and remedying water pollution through civic engagement, partnership building, and advancing water policy. Before that she served in Governor Gray Davis's Administration as special assistant to Secretary Mary D. Nichols for the California Natural Resources Agency, where she focused on watersheds and outreach.

Various links to announcement:
https://www.deq.virginia.gov/Home/Components/News/News/88/16