Regulatory Update

DEQ will be publishing a notice of intended regulatory action (NOIRA) to open the Solid Waste Regulations for review and revision in the Virginia Register on February 15th for a 60-day public comment period. 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

A Regulatory Advisory Panel (RAP) is will be formed in consideration of the proposed changes. Applications are due by March 17th.

In 2019, DEQ completed a RAP process for amending the Regulated Medical Waste Regulations. Amendment 3 to the Regulations are with the Secretary of Natural Resources Office awaiting approval for publication. It is projected that the NOIRA that will publish 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.

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

In 2020, DEQ issued a Guidance Document titled Managing Leachate in Compliance with the Virginia Solid Waste Management Regulations (VSWMR). It provides a framework for compliance and consistency among DEQ Regional Offices specifically addressing leachate compliance issues.

The Virginia Waste Management Board last met virtually on September 21, 2020. In this meeting, the Board adopted a final exempt amendment to the VSMR to adopt the language of HB1352 that allows DEQ to hold property owners responsible that allow unpermitted disposal of solid waste on their property. They also approved the action to update the Voluntary Remediation Regulations. The meeting minutes can be found here. The next Virginia Waste Management Board meeting has not yet been scheduled.

Another bill that came out of the 2020 General Assembly was HB 586 that mandated the Virginia Department of Health study the occurrence of perfluoro compounds (PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA and other PFAS) in public drinking water. There was a workgroup meeting that convened on October 20, 2020, via webex. 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 next webex meeting of the PFAS working group will be January 19, 2021 at 1:00 p.m. To attend, contact Kris Latino at 804-864-7372 or email at Christine.latino@vdh. Meeting agenda can be found here: https://townhall.virginia.gov/L/GetFile.cfm?File=meeting\58\32049\Agenda_VDH_new_v1.pdf

An additional carryover from the 2020 General Assembly was HB 1639 that mandated a working group convene to discuss the issue of disposal of debris and soils on rural lands. A report from the Northern Region Office of DEQ of the working group was presented to the heads of DEQ, Forestry, Agriculture and Transportation on December 1, 2020. The report offered no conclusion, but recommendations from the various group members for consideration by the agencies.