Regulatory Corner

Solid Waste Regulations

DEQ published 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 that is currently underway and ends on April 16th. 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.

Public comments can be made at the following website:
https://townhall.virginia.gov/l/entercomment.cfm?stageid=8800

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 second meeting on January 19, 2021. The draft minutes with the presentation materials can be viewed here:
https://www.townhall.virginia.gov/L/GetFile.cfm?File=Meeting\58\32049\Minutes_VDH_32049_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 viewd at the link below:
https://www.youtube.com/watch?v=hwUCsv8GKrA

The first meeting files can be viewed at the link below:
https://townhall.virginia.gov/L/GetFile.cfm?File=Meeting%5C58%5C31532%5CMinutes_VDH_31532_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

Legislative Corner

The General Assembly begun their odd year "short" session on January 13th; scheduled to be a 30-day legislative session; actually became a "long" session thanks to the Governor calling a Special Session that finally ended on March 1st.

Of the bills that we were tracking of industry to the Solid Waste industry, four made it through; all with substantial changes from the original bill. These were:

SB 1164 Advanced recycling; not considered solid waste management; definition
Adds definition for advanced recycling that includes a manufacturing process to convert post-use plastics into hydrocarbon raw materials through gasification or pyrolysis.

SB 1210 Environmental Permit Fees
Directs DEQ to convene a working group to develop an annual fee structure that replaces the current annual fee schedule to pay for the direct costs of DEQ's solid waste program budget. The working group is required to convene no later than August 1, 2021 and submit the final report to the Governor and General Assembly by December 1, 2021.

SB 1282 Greenhouse gas emissions inventory; regulations
Directs DEQ to conduct a comprehensive baseline and projection inventory of all greenhouse gas emissions and update the report every four years.

SB 1319 Waste diversion and recycling task force
This bill was originally submitted to prohibit any new or modified permit for any MSW landfill that accepts more than 3,500 tons per day. It evolved into a bill that creates a waste diversion and recycling task force. However, it appears as the substitute bill is currently written, it excludes any individuals representing public or private solid waste facilities on the task force. The initial focus of the task force seems to reflect the views of the Virginia Universal Recycling Law section contained in the Virginia Council on Environmental Justice Report submitted in July 2020. The first meeting of the task force is required to occur no later than October 15, 2021 and the executive summary of the report is due by November 1, 2022.