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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC20-20
VAC Chapter title(s)	Schedule of Fees for Hazardous Waste Facility Site Certification
Date this document prepared	June 29, 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

This section is not applicable.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 10.1-1434 B. 6. of the Code of Virginia authorizes the Virginia Waste Management Board to adopt a schedule of fees to charge applicants and to collect fees for the cost of processing applications and site certifications for establishment of hazardous waste management facility sites in the Commonwealth. The Virginia Waste Management Board has adopted this regulation under this authority.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

Alternatives to this regulation were considered by the Department. One alternative considered was the repeal of the regulation. This alternative was rejected. If the department did not charge applicants fees for processing applications and site certifications for hazardous waste management sites, the department would be required to reduce funding of other service areas in order to be able to process an application and site certification for the establishment of a hazardous waste management facility site. The regulation as currently written is effective in meeting its goals. The Department also considered revising the regulation. This alternative was also rejected since the regulation, as currently written complies, with the minimum requirements of the legal mandates and does not place unreasonable hardships on the regulated community without justifiable benefits to human health and protection of the environment.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

An advisory group was not formed for the purposes of assisting with the periodic review. No comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulations are authorized by state law and are necessary to protect public health and welfare. Without these regulations, the Commonwealth would be required to pay all costs associated with processing applications and site certifications for hazardous waste management sites and which would reduce funding of other service areas. The regulations are technical in nature; however, they have been clearly written and are easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The regulations continue to be needed and are being retained without changes.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This regulation continues to be needed. The board is authorized to adopt a schedule of fees to charge applicants and to collect fees for the cost of processing applications and site certifications and this regulation complies with the board's statutory authority. These fees defray costs associated with the review of these site certifications.

No public comments were received during the periodic review of these regulations.

This regulation is one regulation in a series that are related to hazardous waste facility site certifications. Maintaining multiple regulations that each address different aspects of hazardous waste facility site certifications removes complexity from the regulatory process and allows users to focus on applicable requirements.

This regulation does not overlap, duplicate or conflict with any state or federal law. This regulation does interact with three other state regulations. The four separate regulations work together to protect public health and welfare concerning the siting of hazardous waste facility sites.

This regulation last underwent a periodic review in 2016. This regulation was amended in August 2012 to update a mailing address within the regulation.

The Department, through examination of the regulation, has determined that the regulatory requirements currently minimize the economic impact of these regulations on small businesses.

Family Impact

Please assess the potential impact of the regulation's impact on the institution of the family and family stability.

This regulation does not have a direct impact on the family or family stability.