

**OPPORTUNITY FOR PUBLIC COMMENT
PROPOSED REGULATORY AMENDMENTS**

**INDUSTRIAL WASTE REGULATORY AMENDMENTS TO IMPLEMENT 2015
LEGISLATIVE ACTIONS (HB1364 & SB1413)**

Title of Regulation: 9VAC25-20. Fees for Permits and Certificates (Primary Action); 9VAC25-31. Virginia Pollutant Discharge Elimination System Permit Regulation and 9VAC25-32. Virginia Pollution Abatement Permit Regulation (Secondary Action)

Statutory Authority: Section (62.1-44.15) 6 of the Code of Virginia and Section (62.1-44.15)10 of the Code of Virginia

Public Hearing Information: No public hearings are scheduled.

Public Comment Period: July 15 - August 14, 2015

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Purpose: The purpose of this action is the development of regulatory amendments needed to implement the provisions of House Bill 1364 and Senate Bill 1413 related to fees for the land application of industrial wastes and reimbursement for compliance monitoring conducted by local governments.

The 2015 Acts of Assembly Chapter 677 and 104 (House Bill 1364 and Senate Bill 1413) amended and reenacted §§ 62.1-44.3; 62.1-44.16, and 62.1-44.19:3 and added a section numbered 62.1-44.16:1. The legislation allows localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes, and authorizes DEQ to collect land application fees and use the fees collected to reimburse localities for testing and monitoring of the land application of solid or semisolid industrial waste and training the employees of the localities who will be responsible for testing and monitoring the land application of industrial wastes. The legislation further provides that the fee imposed on each dry ton of solid or semisolid industrial waste that is land applied pursuant to subsection E of § 62.1-44.16 of the Code of Virginia, as created by this act, shall be \$5 until altered, amended, or rescinded by the State Water Control Board.

The legislation provides that the State Water Control Board shall promulgate regulations to implement the provisions of the act to be effective no later than January 1, 2016.

Participatory Approach: The State Water Control Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia, except that the Department of Environmental Quality shall use a regulatory advisory panel to assist in the development of necessary regulations and shall provide an opportunity for public comment on the regulations prior to adoption.

A General Notice was published in the Virginia Register on May 12, 2015 identifying the opportunity for stakeholders to express an interest in participating in a regulatory advisory panel to assist in the development of regulatory amendments relating to local monitoring of Industrial Waste Permits and fees for land application of Industrial Wastes. The notice solicited persons with an interest in the amendments to participate on a Regulatory Advisory Panel for regulation development.

A ten (10) member Regulatory Advisory Panel (RAP) was selected, and the RAP met on June 19, 2015 and provided input to DEQ regarding the development of regulatory amendments.

DEQ is seeking input from the interested public regarding the substance of the regulatory amendments.