

US EPA ARCHIVE DOCUMENT

Attachment Number 3

Virginia Statutory Checklist

VIRGINIA
Statutory Checklist
Hazardous and Solid Waste Amendments of 1984
Enacted: November 8, 1984
Public Law 98-616

Title(s) of State Legislation: Virginia Waste Management Act, Code of Virginia, (Va. Code), Title 10.1, Chapter 14, §§10.1-1400 through 1457 (1999) (VWMA).

Virginia Freedom of Information Act, Va. Code, Title 2.1, Chapter 21, §§2.1-340 through 346.1 (1999).

Virginia Administrative Process Act, Va. Code, Title 9, Chapter 1.1:1, §§9-6.14:1 through 9-6.14:25 (1999).

Virginia Hazardous Waste Management Regulations, 9 Virginia Administrative Code (VAC) 20-60-10, et seq. (VHWMR)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
RCRA §3001				
1. Authority to regulate the generation, transportation, treatment, storage and disposal of hazardous waste produced by generators of between 100-1000 kg/month.	§3001(d) [Sec. 221]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's statutes do not specifically state that standards for small quantity generators (SQGs) may vary from those for larger quantity generators. However, under §10.1-1402(1), the Virginia Waste Management Board (Board) has the broad authority to supervise and control waste management activities in the Commonwealth. The Board also has the authority under §10.1-1402(11) to promulgate regulations and provide for reasonable variances and exemptions necessary to carry out its powers and duties and the intent of the VWMA and the Federal acts.
2. Authority to regulate the generation, transportation, treatment, storage and disposal of hazardous waste produced by generators of less than 100 kg/month.	§3001(d) [Sec. 221]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's statutes do not specifically state that standards for conditionally exempt small quantity generators (CESQGs) may vary from those for larger quantity generators. However, the Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
3. <u>Optional</u> : Authority to allow generators of between 100-1000 kg/mo to store hazardous waste on-site for up to 180 days without a permit or interim status. On-site storage of no more than 6,000 kgs may occur for up to 270 days without a permit or interim status if the generator must ship or haul the waste over 200 miles.	§3001(d) [Sec. 221]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
4. Required if a State has a delisting mechanism: in any delisting action, authority to consider factors (including additional constituents) other than those for which the waste was listed, if the State has a reasonable basis to believe that such additional factors could cause the waste to be a hazardous waste.	§3001(f)(1) [Sec. 222]	Yes	§10.1-1402(8) §10.1-1402(11)	Virginia is not seeking authorization for delisting hazardous waste and therefore is not exercising its authority at this time. However, Section 10.1-1402(8) gives the Commonwealth the authority to designate, in accordance with criteria and listings identified under Federal statute or regulation, classes, types or lists of waste which it deems to be hazardous. Under §10.1-1402(11), the Board has the authority to promulgate regulations and provide for reasonable variances and exemptions necessary to carry out its powers and duties and the intent of the VWMA and the Federal acts.
5. Required if State has delisting authority: State may not allow new temporary delistings without prior notice and comment, absent good cause. Prior temporary delistings lapse if not made final by November 8, 1986.	§3001(f)(2) [Sec. 222]	Yes		Virginia is not seeking authorization for delisting hazardous waste and therefore is not exercising its authority at this time.

RCRA §3002

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
6. Authority to require generators to submit reports and manifest certifications regarding efforts taken to minimize the amounts and toxicity of wastes generated.	§3002 [Sec. 224]	Yes	§10.1-1402(7) §10.1-1402(11)	Under §10.1-1402(7), the Board has the authority to require any person who generates hazardous waste to maintain records, manifests and reporting systems required pursuant to Federal statute or regulation. In addition, under §10.1-1402(11), the Board has the authority to promulgate regulations necessary to carry out its powers and duties and the intent of the VWMA and the Federal acts.
RCRA §3004				
7. Authority to promulgate rules requiring evidence of financial responsibility for corrective action on and off-site.	§3004(a)(6) [Sec. 208]	Yes	§10.1-1428 §10.1-1402(11) §10.1-1402(18)	Section 10.1-1428 requires the Board to promulgate regulations which ensure that if a facility in which hazardous waste is stored, treated, or disposed is closed or abandoned, the costs associated with protecting the public health and safety from the consequences of such abandonment may be recovered from the person abandoning the facility. In addition, under §10.1-1402(18), the Board has the authority to make separate orders and regulations it deems necessary to meet any emergency to protect public health, natural resources and the environment from the release or imminent threat of release of waste. Also, the Board has authority under §10.1-1402(11) to promulgate regulations necessary to carry out its powers and duties and the intent of the VWMA and the Federal acts.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
8. Authority to prohibit the land disposal of any hazardous waste. Land disposal includes, but is not limited to, landfills, surface impoundments, waste piles, deep injection wells, land treatment facilities, salt dome and bed formations and underground mines or caves. Deep injection well means a well used for the underground injection of hazardous wastes other than a well to which §7010(a) of RCRA applies.	§3004(b)-(g) [Sec. 201]	Yes	§10.1-1402(1) §10.1-1402(11) 9 VAC 20-60-264 B 14, 20-60-265 B 17	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage. Underground injection of hazardous waste for treatment, storage or disposal is prohibited throughout the Commonwealth. 9 VAC 20-60-264 B 14, 20-60-265 B 17.
<p><i>EPA believes that States already have this authority through their authority to regulate the treatment, storage and disposal of hazardous waste. However, if a State believes it needs new authority to ban a waste from land disposal, we strongly recommend that the State seek the broad statutory authority described above. This recommendation is based primarily on §3004(g) of RCRA; Section 3004(g) requires EPA to decide whether to prohibit one or more methods of land disposal for every listed or identified hazardous waste by 1990. Thus, unless a State has statutory authority to ban the land disposal of any such hazardous waste, it may need to amend its statute repeatedly as EPA decides the status of each waste.</i></p>				
9. <u>Optional</u> : Authority to waive until November 8, 1987, a prohibition on land disposal of certain hazardous wastes that might otherwise apply to the disposal of contaminated soil or debris from CERCLA §104 or §106 actions or RCRA corrective actions.	§3004 [Sec. 201]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
10. Authority to prohibit disposal of nonhazardous liquids in Subtitle C landfills unless (1) the only reasonable alternative is disposal in a landfill or unlined impoundment, whether or not subject to Subtitle C, that contains or may contain hazardous waste and (2) disposal will not endanger an underground source of drinking water.	§3004(c)(3) [Sec. 201]	Yes	§10.1-1402(1) §10.1-1402(11)9 VAC 20-60-264 & 20-60-265	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage. Note that the authority is not limited to hazardous waste, but also covers nonhazardous solid waste. The Commonwealth prohibits the disposal of liquids in Subtitle C facilities through its incorporation by reference of 40 CFR 264.314 and 265.314. The incorporation is at 9 VAC 20-60-264 and 20-60-265, respectively.
11. Authority to prohibit the storage of hazardous waste prohibited from land disposal.	§3004(j) [Sec. 201]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
12. Authority to prohibit the use of waste oil or other materials contaminated with hazardous wastes (except ignitable wastes) as a dust suppressant.	§3004(l) [Sec. 201]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
13. Authority to promulgate standards specifying levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of its migration so as to minimize threats to human health and the environment. Optional for #13: Authority to exempt wastes in compliance with such levels or methods from the land disposal prohibitions.	§3004(m) [Sec. 201]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
14. Authority to promulgate rules for monitoring and controlling air emissions at treatment, storage, and disposal facilities.	§3004(n) [Sec. 201]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
15. Authority to regulate fuel containing hazardous waste and all persons who produce, burn, distribute, and market fuel containing hazardous wastes.	§3004(q)-(s) [Sec. 204]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
16. <u>Optional</u> : Authority to exempt certain petroleum coke containing hazardous waste from petroleum refining from regulation if it is to be burned for energy recovery unless the coke exhibits a characteristic of hazardous waste.	§3004(q)(2) (A) [Sec. 204]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
<p>17. Authority to allow direct action against the insurer or corporate guarantor if an owner/operator is in bankruptcy or reorganization.</p> <p><u>Optional:</u></p> <p>(A) Authority to allow an insurer to claim all rights and defenses available to the owner/operator.</p> <p>(B) Authority to limit insurer liability to the liability amount provided as evidence of financial responsibility and by contractual agreement unless the owner/operator acted in bad faith.</p>	<p>§3004(t) [Sec. 205]</p>			<p>Section 38.2-2200 provides authority equivalent to §3004(t) of RCRA by authorizing direct action against the insurer or guarantor of an owner/operator's financial responsibilities.</p> <p><i>Advisory Note: This provision was on the original HSWA statutory checklist. However, EPA subsequently determined that Congress did not intend this provision to be part of the authorization process and is, therefore, not delegable to States. This is because authorized State law must operate in lieu of the Federal counterpart, and in this situation, EPA has determined that State law cannot have this effect (see the June 15, 1992 Guidance document, Appendix N, addressing "Statutory (Nonchecklisted) Provisions" in the State Authorization Manual (SAM)). States can create parallel cause of action viable in State courts, but to the extent that States do so, the State's cause of action cannot limit the availability of the Federal action.</i></p>

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
18. Authority to assure that permits issued after 11/8/84 require corrective action for releases of hazardous waste or constituents from any solid waste management unit at a facility, regardless of when the waste was placed in the unit.	§3004(u) [Sec. 206]	Yes	§10.1-1402(18) §10.1-1402(19) §10.1-1426(A) §10.1-1426(C) §10.1-1427(B)	The Commonwealth's authority for corrective action is provided by §10.1-1402(18)&(19). Under §10.1-1402(18), the Board has the authority to make separate orders and regulations it deems necessary to meet any emergency to protect public health, natural resources and the environment from the release or imminent threat of release of waste. Virginia Code Section 10.1-1402(19) provides authority to take actions to contain or clean up sites or to issue orders to require cleanup of sites where solid or hazardous waste, or other substances within the jurisdiction of the Waste Management Board, have been improperly managed. Section 10.1-1426(A) provides the Board with the authority to issue permits for hazardous waste activities. Under §10.1-1426(C), any permit shall contain the conditions and requirements required by the Board's regulations and the Federal acts. In addition, under §10.1-1427(B), the Board has the authority to amend or attach conditions to a permit.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
19. Authority to require corrective action beyond a facility's boundary. The state must have authority to include corrective action as a permit requirement.	§3004(v) [Sec. 207]	Yes	§10.1-1402(18) §10.1-1402(19) §10.1-1426(A) §10.1-1426(C) §10.1-1427(B)	The Commonwealth's authority for corrective action is provided by §10.1-1402(18)&(19). Under §10.1-1402(18), the Board has the authority to make separate orders and regulations it deems necessary to meet any emergency to protect public health, natural resources and the environment from the release or imminent threat of release of waste. Virginia Code Section 10.1-1402(19) provides authority to take actions to contain or clean up sites or to issue orders to require cleanup of sites where solid or hazardous waste, or other substances within the jurisdiction of the Waste Management Board, have been improperly managed. Section 10.1-1426(A) provides the Board with the authority to issue permits for hazardous waste activities. Under §10.1-1426(C), any permit shall contain the conditions and requirements required by the Board's regulations and the Federal acts. In addition, under §10.1-1427(B), the Board has the authority to amend or attach conditions to a permit.
20. Authority to assure that permitting standards for underground hazardous waste tanks, at a minimum, satisfy Section §9003, Subtitle I of RCRA, 42 USC 9003.	§3004(w) [Sec. 207]	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1426(C) §10.1-1427(B)	In addition to its broad authorities at §§10.1-1402(1) and 10.1-1402(11), under §§10.1-1426(C) and 10.1-1427(B), the Board has the authority to attach conditions to a permit.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
RCRA §3005				
21. <u>Optional</u> : Authority to allow a facility to construct an approved TSCA facility for burning PCBs without first obtaining a RCRA permit. An owner/operator may file for a RCRA permit to burn hazardous waste after construction or operation of such a facility has begun.	§3005(a)(3) [Sec. 211]	Yes		This is an optional requirement.
22. Authority to review land disposal permits every five years and to modify them as necessary to assure compliance with State's analog to RCRA §§3004, 3005 and to take into account improvements in technology.	§3005(c)(3) [Sec. 212]	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1427(B) §10.1-1426(C)	Sections 10.1-1402(1) and (11) provide authority for the Board to require review of permits every five years. Section 10.1-1427(B) gives the Board the authority to amend or attach conditions to a permit. The conditions under which a permit may be amended include (1) significant change in the manner and scope of facility operations; (2) a possibility of pollution causing significant adverse effects on the air, land, surface water or ground water; (3) the need for additional equipment, construction, procedures and testing to ensure the protection of the public health and environment; or (4) changes in applicable regulatory requirements. Under §10.1-1426(C), any permit shall contain the conditions and requirements required by the Board's regulations and the Federal acts.
23. Authority to issue permits containing any conditions necessary to protect human health and environment.	§3005(c)(3) [Sec. 212]	Yes	§10.1-1426(C) §10.1-1427(B)	Under §§10.1-1426(C) and 10.1-1427(B), the Board has the authority to attach conditions to a permit to ensure the protection of the public health and the environment.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
24. Authority to determine that (i) for land disposal facilities qualifying for interim status prior to 11/8/84, interim status terminates 11/8/85 unless a Part B application and certification of compliance with applicable ground-water monitoring and financial responsibility requirements are submitted by 11/8/85.	§3005(c),(e) [Sec. 213]	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1427(A)	Under §10.1-1402(1), the Board has the authority to supervise and control waste management activities in the Commonwealth. The Board also has the authority under §10.1-1402(11) to promulgate regulations and provide for reasonable variances and exemptions necessary to carry out its powers and duties and the intent of Chapter 14 and the Federal acts. In addition, §10.1-1427(A) gives the Commonwealth the authority to revoke, amend or suspend any permit issued by the Director.
(ii) For land disposal facilities in existence on the effective date of statutory or regulatory amendments under the HSWA that require the facility to have a RCRA permit, interim status terminates 12 months after the facility is first required to obtain a permit, unless a Part B application and certification of compliance with applicable ground-water monitoring and financial responsibility requirements are submitted 12 months after the date the facility is first required to obtain a permit.	§3005(c),(e) [Sec. 213] (cont'd)	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1427(A)	See the comment above.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
<p>(iii) Interim status terminates for incinerator facilities by 11/8/89 unless the owner/operator submits a Part B application by 11/8/86.</p> <p>(iv) Interim status terminates for any facility other than a land disposal or an incineration facility by 11/8/92 unless the owner/operator submits a Part B application by 11/8/88.</p>	<p>§3005(c),(e) [Sec. 213] (cont'd)</p>	<p>Yes</p>	<p>§10.1-1402(1) §10.1-1402(11) §10.1-1427(A)</p>	<p>See comment above.</p>
<p>25. <u>Optional</u>: Authority to allow facilities to qualify for interim status if they (1) are in existence on the effective date of statutory or regulatory changes that render the facility subject to the requirement to have a permit and (2) meet notice and permit application requirements.</p>	<p>§3005(e) [Sec. 241]</p>	<p>Yes</p>	<p>§10.1-1402(1) §10.1-1402(11) §10.1-1426(A)</p>	<p>Section 10.1-1426(A) requires that any person who stores, provides treatment for or disposes of hazardous waste must obtain a permit from the Director. This requirement does not prohibit the use of permit by regulation such as the use of interim status. The Commonwealth's authority to supervise and control hazardous waste management activities is provided by §10.1-1402(1). The Board also has the authority under §10.1-1402(11) to promulgate regulations and provide for reasonable variances and exemptions necessary to carry out its powers and duties and the intent of the VWMA and the Federal acts.</p>
<p>26. Authority to require that facilities may not qualify for interim status under the State's analog to Section 3005(e) if they were previously denied a Section 3005(c) permit or for which authority to operate has been terminated.</p>	<p>§3005(c),(e) [Sec. 213]</p>	<p>Yes</p>	<p>§10.1-1402(1) §10.1-1402(11) §10.1-1426(E)</p>	<p>In addition to its broad authorities under §§10.1-1402(1) and 10.1-1402(11), §10.1-1426(E) gives the Director the authority to deny an application for a permit on any grounds for which a permit may be amended, suspended or revoked under §10.1-1427.</p>

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
<p>27. <u>Optional:</u></p> <p>A. Authority to issue a one-year research development, and demonstration permit for any hazardous waste treatment facility which proposes an innovative and experimental hazardous waste treatment technology or process not yet regulated. Permits may be renewed no more than three times; no renewal may exceed a year.</p> <p>B. Authority to waive or modify general permit application and issuance requirements for R&D permits, except for financial responsibility and public participation requirements (RCRA §7004(b)(2)).</p> <p>C. Authority to terminate experimental activity if necessary to protect health and the environment. (Mandatory if State adopts R&D permitting authority).</p>	<p>§3005(g) [Sec. 214]</p>	<p>Yes</p>	<p>§10.1-1402(1) §10.1-1402(11) §10.1-1426(A) & (C)</p>	<p>In addition to its broad authorities under §§10.1-1402(1) and 10.1-1402(11), under §§10.1-1426(A) & (C), the Board has the authority to issue permits and to attach the conditions or requirements required by the Board's regulations and the Federal acts.</p>

VIRGINIA
 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
28. Authority to require landfills, surface impoundments, land treatment units, and piles that received wastes after July 26, 1982 and which qualify for interim status to comply with the groundwater monitoring, unsaturated zone monitoring and corrective action requirements applicable to new units at the time of permitting.	§3005(i) [Sec. 243]	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1402(18)	In addition to its broad authorities under §§10.1-1402(1) and 10.1-1402(11), under §10.1-1402(18), the Board has the authority to make separate orders and regulations it deems necessary to meet any emergency to protect public health, natural resources and the environment from the release or imminent threat of release of waste.
29. Authority to require interim status impoundments to comply with the double liner, leachate collection and ground-water monitoring requirements applicable to new units or stop treating, receiving or storing hazardous wastes.	§3005(j) [Sec. 215]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
30. Authority to impose any necessary requirements (including double liners) on an existing surface impoundment to protect health and the environment after determining that hazardous constituents are likely to migrate into groundwater.	§3005(j) [Sec. 215]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
31. <u>Optional</u> : Authority to modify the double liner, leachate collection, and groundwater monitoring requirements for impoundments in §3005(j)(i) if prior to October 1, 1984, the owner/operator has entered into a consent decree, order, or agreement with EPA or an authorized State which requires corrective action and provides protection of health and environment at least equivalent to that in §3005(j)(1).	§3005(j)(13) [Sec. 215]	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1402(18)	In addition to its broad authorities under §§10.1-1402(1) and 10.1-1402(11), under §10.1-1402(18), the Board has the authority to make separate orders and regulations it deems necessary to meet any emergency to protect public health, natural resources and the environment from the release or imminent threat of release of waste.
RCRA §3006				
32. Authority to make information obtained on treatment, storage, and disposal facilities available to the public in substantially the same manner and to the same degree as if EPA were running the program.	§3006(f) [Sec. 226]	Yes		Note: The Commonwealth is not seeking authorization for this portion of the program.
33. Authority to promulgate special generator and transporter standards for recycled hazardous used oil.	§3014(c) [Sec. 241]	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1450	In addition to its broad authorities under §§10.1-1402(1) and 10.1-1402(11), under §10.1-1450, the Board has the authority to promulgate regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported. The Commonwealth's statutes require that such regulations shall be no more restrictive than any applicable Federal laws or regulations.

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 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
34. <u>Optional</u> : Authority to deem hazardous waste used oil recycling facilities to have a permit if they comply with the State's analog to the §3004 standards. However, a State must retain the authority to require individual permits if necessary to protect human health and the environment.	§3014(d)	Yes	§10.1-1402(1) §10.1-1402(11) §10.1-1426(A)	Section 10.1-1426(A) requires that any person who stores, provides treatment for or disposes of hazardous waste must obtain a permit from the Director. This requirement does not prohibit the use of permit by regulation such as for hazardous waste used oil recycling facilities. Under §10.1-1402(1), the Board has the authority to supervise and control waste management activities in the Commonwealth. The Board also has the authority under §10.1-1402(11) to promulgate regulations and provide for reasonable variances and exemptions necessary to carry out its powers and duties and the intent of the VWMA and the Federal acts.
RCRA §3015				
35. Authority to require new units, expansions and replacements of interim status waste piles to meet the requirements for a single liner and leachate collection system in current regulations applicable to permitted waste piles.	§3015(a) [Sec. 243]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.

VIRGINIA
HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
<p>36. Authority to require new units, expansions and replacement units at interim status landfills and surface impoundments to meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments.</p> <p><u>Optional</u>: Facilities which comply in good faith need not retrofit at permit issuance unless the liner is leaking.</p>	§3015(b) [Sec. 243]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
RCRA §3018				
<p>37. Authority to regulate listed or identified wastes which pass through a sewer system to a publicly owned treatment works (POTW) as necessary to adequately protect human health and environment.</p>	§3018(b) [Sec. 246]	Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
RCRA §3019				
<p>38. Authority to require permit applicants for landfills or surface impoundments to submit exposure information.</p>	§3019(a) [Sec. 247]	Yes	§10.1-1402(7) §10.1-1402(11)	Under §10.1-1402(7), the Board has the authority to require any person who provides treatment or disposal of hazardous waste to maintain records and reporting systems required pursuant to Federal statute or regulation. In addition, under §10.1-1402(11), the Board has the authority to promulgate regulations necessary to carry out its powers and duties and the intent of the VWMA and the Federal Acts.

VI. VIRGINIA
 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
39. Authority to make exposure and health assessment information available to the Agency for Toxic Substances and Disease Registry. (See CERCLA §104(i))	§3019(b)(1) [Sec. 247]	Yes	§10.1-1402(1) §10.1-1402(2) §10.1-1402(9)	Section 10.1-1402(1) gives the Board the authority to control waste management activities in the Commonwealth. Under §10.1-1402(2), the Board has the authority to consult, advise, and coordinate with other State and Federal agencies for the purpose of implementing its the VWMA. In addition, §10.1-1402(9) gives the Board the authority to consult and coordinate with the heads of appropriate State and Federal agencies for the purpose of achieving maximum effectiveness of the VWMA, while imposing the least burden of duplicative requirements on those persons subjects to the provisions of the act.
RCRA §§ 7002, 7003 and Others				
40. <u>Optional</u> : Authority to grant variances and exemptions that are no less stringent than allowed by Subtitle C of RCRA.		Yes	§10.1-1402(1) §10.1-1402(11)	The Commonwealth's authority at §§10.1-1402(1) and 10.1-1402(11) provides the necessary coverage.
41. <u>Optional</u> : Neither the State nor citizens may bring action against common carriers for imminent hazards arising after delivery of the shipment to the consignee, provided the carrier exercised due care when handling the work.	§7002(g), §7003(a)	No	No analogous Commonwealth authority	The Commonwealth of Virginia does not have an analog to this Federal authority. States are not required to have this authority in order to be authorized for the hazardous waste program.

VIRGINIA
 HSWA Statutory Checklist (cont'd)

Statutory Element	RCRA [HSWA] Cite	Coverage Y/N	State Cite	Comment
RCRA §1004				
42. Authority to regulate hazardous waste that is radioactive except to the extent that the waste is source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended. (68 Stat. 923)	§1004(27)	Yes	§10.1-1400 "Solid waste" §10.1-1402(22)	At §10.1-1400, the Commonwealth has adopted a definition of "solid waste" that is equivalent to the Federal definition at RCRA §1004(27). The Commonwealth's provision at §10.1-1402(22) also gives the Board the authority to regulate mixed radioactive waste.