

VIRGINIA ACTS OF ASSEMBLY -- 1995 RECONVENED SESSION

CHAPTER 737

An Act to amend and reenact §§ 2.1-1.6, 2.1-20.4, 9-6.25:2, 10.1-1408.2 and 54.1-300 of the Code of Virginia and to repeal Chapter 22.1 of Title 54.1, consisting of §§ 54.1-2209 through 54.1-2212, of the Code of Virginia, relating to training and certification of waste management facility operators.

[H 1801]

Approved April 6, 1995

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6, 2.1-20.4, 9-6.25:2, 10.1-1408.2 and 54.1-300 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board for
Aging, Advisory Board on the
Agriculture and Consumer Services, Board of
Air Pollution, State Advisory Board on
Alcoholic Beverage Control Board, Virginia
Apple Board, Virginia State
Appomattox State Scenic River Advisory Board
Aquaculture Advisory Board
Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
Art and Architectural Review Board
Athletic Board, Virginia
Auctioneers Board
Audiology and Speech-Language Pathology, Board of
Aviation Board, Virginia
Barbers, Board for
Branch Pilots, Board for
Bright Flue-Cured Tobacco Board, Virginia
Building Code Technical Review Board, State
Catoclin Creek State Scenic River Advisory Board
Cattle Industry Board, Virginia
Cave Board
Certified Seed Board, State
Chesapeake Bay Local Assistance Board
Chickahominy State Scenic River Advisory Board
Child Abuse and Neglect, Advisory Board on
Chippokes Plantation Farm Foundation, Board of Trustees
Clinch Scenic River Advisory Board
Coal Mining Examiners, Board of
Coal Research and Development Advisory Board, Virginia
Coal Surface Mining Reclamation Fund Advisory Board
Conservation and Development of Public Beaches, Board on
Conservation and Recreation, Board of
Contractors, Board for
Corn Board, Virginia
Correctional Education, Board of
Corrections, State Board of
Cosmetology, Board for
Criminal Justice Services Board
Dark-Fired Tobacco Board, Virginia
Deaf and Hard-of-Hearing, Advisory Board for the Department for the
Dentistry, Board of
Education, State Board of
Egg Board, Virginia
Emergency Medical Services Advisory Board
Employment Agency Advisory Board
Farmers Market Board, Virginia

Film Office Advisory Board
 Fire Services Board, Virginia
 Forensic Science Advisory Board
 Forestry, Board of
 Funeral Directors and Embalmers, Board of
 Game and Inland Fisheries, Board of
 Geology, Board for
 Goose Creek Scenic River Advisory Board
 Health Planning Board, Virginia
 Health Professions, Board of
 Health, State Board of
 Hearing Aid Specialists, Board for
 Hemophilia Advisory Board
 Historic Resources, Board of
 Housing and Community Development, Board of
 Industrial Development Services Advisory Board
 Insurance Advisory Board, State
 Irish Potato Board, Virginia
 Laboratory Services Advisory Board
 Marine Products Board, Virginia
 Medical Advisory Board, Department of Motor Vehicles
 Medical Board of the Virginia Retirement System
 Medicare and Medicaid, Advisory Board on
 Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 Migrant and Seasonal Farmworkers Board
 Military Affairs, Board of
 Mineral Mining Examiners, Board of
 Minority Business Enterprise, Interdepartmental Board of the Department of
 Motor Vehicle Dealers' Advisory Board
 Networking Users Advisory Board, State
 Nottoway State Scenic River Advisory Board
 Nursing, Board of
 Nursing Home Administrators, Board of
 Occupational Therapy, Advisory Board on
 Oil and Gas Conservation Board, Virginia
 Opticians, Board for
 Optometry, Board of
 Peanut Board, Virginia
 Personnel Advisory Board
 Pesticide Control Board
 Pharmacy, Board of
 Physical Therapy to the Board of Medicine, Advisory Board on
 Plant Pollination Advisory Board
 Polygraph Examiners Advisory Board
 Pork Industry Board, Virginia
 Poultry Products Board, Virginia
 Private College Advisory Board
 Private Security Services Advisory Board
 Professional and Occupational Regulation, Board for
 Professional Counselors, Board of
 Professional Soil Scientists, Board for
 Psychiatric Advisory Board
 Psychology, Board of
 Public Buildings Board, Virginia
 Public Telecommunications Board, Virginia
 Radiation Advisory Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Recreational Fishing Advisory Board, Virginia
 Recreation Specialists, Board of
 Reforestation Board
 Rehabilitation Providers, Advisory Board on

Rehabilitative Services, Board of
 Respiratory Therapy, Advisory Board on
 Retirement System Review Board
 Rockfish State Scenic River Advisory Board
 Safety and Health Codes Board
 Seed Potato Board
 Sewage Handling and Disposal Appeal Review Board, State Health Department
 Shenandoah State Scenic River Advisory Board
 Small Business Advisory Board
 Small Business Environmental Compliance Advisory Board
 Small Grains Board, Virginia
 Social Services, Board of
 Social Work, Board of
 Soil and Water Conservation Board, Virginia
 Soybean Board, Virginia
 State Air Pollution Control Board
 Substance Abuse Certification Board
 Surface Mining Review, Board of
 Sweet Potato Board, Virginia
 Teacher Education and Licensure, Advisory Board on
 Tourism and Travel Services Advisory Board
 Toxic Substances Advisory Board
 Transportation Board, Commonwealth
 Transportation Safety, Board of
 Treasury Board, The, Department of the Treasury
 Veterans' Affairs, Board on
 Veterinary Medicine, Board of
 Virginia Board for Asbestos Licensing
 Virginia Coal Mine Safety Board
 Virginia Correctional Enterprises Advisory Board
 Virginia Employment Commission, State Advisory Board for the
 (Effective July 1, 1996) Virginia Higher Education Tuition Trust Fund, Board of the
 Virginia Horse Industry Board
 Virginia Manufactured Housing Board
 Virginia Retirement System, Board of Trustees
 Virginia Waste Management Board
 Visually Handicapped, Virginia Board for the
 Voluntary Formulary Board, Virginia
 War Memorial Foundation, Virginia, Board of Trustees
~~Waste Management Facility Operators, Board for~~
 Water Resources Research Center Statewide Advisory Board, Virginia
 Waterworks and Wastewater Works Operators, Board for
 Well Review Board, Virginia
 Youth and Family Services, State Board of.

B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:

Compensation Board
 State Board of Elections
 State Water Control Board
 Virginia Parole Board
 Virginia Veterans Care Center Board of Trustees.

§ 2.1-20.4. Bodies receiving compensation.

A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be those which receive compensation from state funds pursuant to § 2.1-20.3:

Accountancy, Board for
 Agriculture and Consumer Services, Board of
 Air Pollution Control Board, State
 Airports Authority, Virginia
 Apprenticeship Council
 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
 Athletic Board, Virginia
 Auctioneers Board
 Audiology and Speech-Language Pathology, Board of
 Aviation Board, Virginia

Barbers, Board for
 Branch Pilots, Board for
 Building Code Technical Review Board, State
 Chesapeake Bay Local Assistance Board
 Child Day Care and Early Childhood Programs, Virginia Council on
 Coal Mining Examiners, Board of
 College Building Authority
 Commonwealth Transportation Board
 Conservation and Development of Public Beaches, Board on
 Conservation and Recreation, Board of
 Contractors, Board for
 Correctional Education, Board of
 Corrections, Board of
 Cosmetology, Board for
 Criminal Justice Services Board
 Deaf and Hard-of-Hearing, Advisory Board for the
 Dentistry, Board of
 Education, State Board of
 Education Loan Authority, Virginia - Board of Directors
 Elections, State Board of
 Environment, Council on the
 Fire Services Board, Virginia
 Funeral Directors and Embalmers, Board of
 Game and Inland Fisheries, Board of
 Geology, Board for
 Health, State Board of
 Health Professions, Board of
 Hearing Aid Specialists, Board for
 Higher Education, State Council of
 Historic Resources, Board of
 Housing and Community Development, Board of
 Information Management, Council on
 Marine Resources Commission
 Medical Assistance Services, Board of
 Medical Complaint Investigation Committee
 Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 Milk Commission
 Mineral Mining Examiners, Board of
 Nursing, Board of
 Nursing Home Administrators, Board of
 Occupational Therapy, Advisory Board on
 Oil and Gas Conservation Board, Virginia
 Opticians, Board for
 Optometry, Board of
 Pesticide Control Board
 Pharmacy, Board of
 Physical Therapy, Advisory Board on
 Port Authority, Board of Commissioners of the Virginia
 Professional and Occupational Regulation, Board for
 Professional Counselors, Board of
 Professional Soil Scientists, Board for
 Psychology, Board of
 Public Defender Commission
 Public School Authority, Virginia
 Purchases and Supply Appeals Board
 Real Estate Appraiser Board
 Real Estate Board
 Recreation Specialists, Board of
 Rehabilitative Services, Board of
 Respiratory Therapy, Advisory Board on
 Safety and Health Codes Board
 Seed Potato Board
 Social Services, Board of

Social Work, Board of
State Health Department Sewage Handling and Disposal Appeal Review Board
Substance Abuse Certification Board
Surface Mining Review, Board of
Treasury Board
Veterans' Affairs, Board on
Veterinary Medicine, Board of
Virginia Board for Asbestos Licensing
Virginia Health Planning Board
Virginia Manufactured Housing Board
Virginia Veterans Care Center Board of Trustees
Virginia Waste Management Board
Visually Handicapped, Virginia Board for the
~~Waste Management Facility Operators, Board for~~
Water Control Board, State
Waterworks and Wastewater Works Operators, Board for
Well Review Board, Virginia
Youth and Family Services, State Board of.

B. Individual members of boards, commissions, committees, councils, and other similar bodies appointed at the state level and receiving compensation for their services on January 1, 1980, but who will not receive compensation under the provisions of this article, shall continue to receive compensation at the January 1, 1980, rate until such member's current term expires.

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

Apprenticeship Council
Athletic Board
Auctioneers Board
Blue Ridge Regional Education and Training Council
Board for Accountancy
Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
Board for Barbers
Board for Contractors
Board for Cosmetology
Board for Geology
Board for Hearing Aid Specialists
Board for Opticians
Board for Professional and Occupational Regulation
Board for Professional Soil Scientists
Board for Waterworks and Wastewater Works Operators
Board for the Visually Handicapped
Board of Agriculture and Consumer Services
Board of Audiology and Speech-Language Pathology
Board of Coal Mining Examiners
Board of Conservation and Recreation
Board of Correctional Education
Board of Dentistry
Board of Directors, Virginia Student Assistance Authorities
Board of Funeral Directors and Embalmers
Board of Health Professions
Board of Historic Resources
Board of Housing and Community Development
Board of Medical Assistance Services
Board of Medicine
Board of Mineral Mining Examiners
Board of Nursing
Board of Nursing Home Administrators
Board of Optometry
Board of Pharmacy
Board of Professional Counselors
Board of Psychology
Board of Recreation Specialists
Board of Social Services
Board of Social Work

Board of Surface Mining Review
 Board of Veterinary Medicine
 Board on Conservation and Development of Public Beaches
 Chesapeake Bay Local Assistance Board
 Child Day Care and Early Childhood Programs, Virginia Council on
 Child Day-Care Council
 Commission on Local Government
 Commonwealth Transportation Board
 Council on Human Rights
 Council on Information Management
 Criminal Justice Services Board
 Disability Services Council
 Farmers Market Board, Virginia
 Interdepartmental Council on Rate-setting for Children's Facilities
 Library Board, the Library of Virginia
 Marine Resources Commission
 Milk Commission
 Pesticide Control Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Safety and Health Codes Board
 Seed Potato Board
 Southside Virginia Marketing Council
 Specialized Transportation Council
 State Air Pollution Control Board
 State Board of Corrections
 State Board of Elections
 State Board of Health
 State Board of Youth and Family Services
 State Health Department, Sewage Handling and Disposal Appeal Review Board
 State Library Board
 State Mental Health, Mental Retardation and Substance Abuse Services Board
 State Water Control Board
 Substance Abuse Certification Board
 Treasury Board, The, Department of the Treasury
 Virginia Aviation Board
 Virginia Board for Asbestos Licensing
 Virginia Fire Services Board
 Virginia Gas and Oil Board
 Virginia Health Planning Board
 Virginia Health Services Cost Review Council
 Virginia Manufactured Housing Board
 Virginia Parole Board
 Virginia Public Telecommunications Board
 Virginia Soil and Water Conservation Board
 Virginia Voluntary Formulary Board
 Virginia Waste Management Board
 Virginia World Trade Council.

~~Waste Management Facility Operators, Board for.~~

§ 10.1-1408.2. Certification and on-site presence of facility operator.

A. ~~On and after January 1, 1993,~~ No person shall be employed as a waste management facility operator, nor shall any person represent himself as a waste management facility operator, unless such person has been certified by the Board of ~~Waste Management Facility Operators.~~

B. ~~On and after January 1, 1993,~~ All solid waste management facilities shall operate under the direct supervision of a waste management facility operator certified by the Board ~~for Waste Management Facility Operators.~~

C. *As used in this section, unless the context requires a different meaning:*

"Waste management facility" means a site used for planned treatment, storage or disposal of nonhazardous solid waste.

"Waste management facility operator" means any person, including an owner, who is in charge of the actual, on-site operation of a waste management facility during any period of operation.

D. *The Board shall promulgate regulations and standards for the training and certification of waste management facility operators. The Board may establish classes of training and certification based upon*

the type of waste management facility for which a waste management facility operator seeks certification. Training and certification requirements may vary for the classes of certification established by the Board based upon the type of facility and the type of waste managed at the facility. The Board shall consider an applicant's prior experience in determining whether the applicant meets the training requirements imposed by this section.

E. Any person may apply to the Board for approval of the training program it administers to waste management facility operators. Such training programs may be approved by the Board if they meet the requirements established by the Board. Any person successfully completing a training program approved by the Board shall be deemed to have met the training requirements imposed by this section.

F. Regulations promulgated by the Board for Waste Management Facility Operators shall remain in effect until superseded by regulations promulgated by the Virginia Waste Management Board for training and certification of waste management facility operators. However, wherever a statute or regulation refers to the Board for Waste Management Facility Operators, it shall mean the Virginia Waste Management Board. All certifications previously granted by the Board for Waste Management Facility Operators and not revoked by that Board shall continue to be valid, unless the Director of the Department of Environmental Quality revokes such certification prior to the promulgation of regulations by the Waste Management Board.

G. The Board may levy and collect fees for application processing and certification of waste management facility operators sufficient to cover all expenses it incurs in carrying out its duties with respect to training and certification of waste management facility operators pursuant to this section.

§ 54.1-300. Definitions.

As used in this chapter unless the context requires a different meaning:

"Board" means the Board for Professional and Occupational Regulation.

"Certification" means the process whereby the Department or any regulatory board issues a certificate on behalf of the Commonwealth to a person certifying that he possesses the character and minimum skills to engage properly in his profession or occupation.

"Department" means the Department of Professional and Occupational Regulation.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Inspection" means a method of regulation whereby a state agency periodically examines the activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is carrying out his profession or occupation in a manner consistent with the public health, safety and welfare.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation which is unlawful to practice without a license.

"Registration" means a method of regulation whereby any practitioner of a profession or occupation may be required to submit information concerning the location, nature and operation of his practice.

"Regulatory board" means the Athletic Board, Auctioneers Board, Board for Accountancy, Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for Barbers, Board for Branch Pilots, Board for Contractors, Board for Cosmetology, Board for Geology, Board for Hearing Aid Specialists, Board for Opticians, Board for Professional Soil Scientists, Board for Waterworks and Wastewater Works Operators, Real Estate Appraiser Board, *and the Real Estate Board and Board for Waste Management Facility Operators.*

2. That Chapter 22.1 of Title 54.1, consisting of §§ 54.1-2209 through 54.1-2212, of the Code of Virginia is repealed.

3. That the provisions of this act shall take effect July 1, 1996, or after the Director of DEQ certifies that the activities contemplated under § 10.1-1408.2, as amended by this act, will not result in higher certification fees for waste management facility operators, whichever occurs later.