

LD5956200

**HOUSE BILL NO. 1801**

House Amendments in [ ] — February 1, 1995

*A BILL 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.*

Patron—DeBoer

Referred to Committee on General Laws

**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

Catoctin 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

ENGROSSED

HB1801E

60	Emergency Medical Services Advisory Board
61	Employment Agency Advisory Board
62	Farmers Market Board, Virginia
63	Film Office Advisory Board
64	Fire Services Board, Virginia
65	Forensic Science Advisory Board
66	Forestry, Board of
67	Funeral Directors and Embalmers, Board of
68	Game and Inland Fisheries, Board of
69	Geology, Board for
70	Goose Creek Scenic River Advisory Board
71	Health Planning Board, Virginia
72	Health Professions, Board of
73	Health, State Board of
74	Hearing Aid Specialists, Board for
75	Hemophilia Advisory Board
76	Historic Resources, Board of
77	Housing and Community Development, Board of
78	Industrial Development Services Advisory Board
79	Insurance Advisory Board, State
80	Irish Potato Board, Virginia
81	Laboratory Services Advisory Board
82	Marine Products Board, Virginia
83	Medical Advisory Board, Department of Motor Vehicles
84	Medical Board of the Virginia Retirement System
85	Medicare and Medicaid, Advisory Board on
86	Medicine, Board of
87	Mental Health, Mental Retardation and Substance Abuse Services Board, State
88	Migrant and Seasonal Farmworkers Board
89	Military Affairs, Board of
90	Mineral Mining Examiners, Board of
91	Minority Business Enterprise, Interdepartmental Board of the Department of
92	Motor Vehicle Dealers' Advisory Board
93	Networking Users Advisory Board, State
94	Nottoway State Scenic River Advisory Board
95	Nursing, Board of
96	Nursing Home Administrators, Board of
97	Occupational Therapy, Advisory Board on
98	Oil and Gas Conservation Board, Virginia
99	Opticians, Board for
100	Optometry, Board of
101	Peanut Board, Virginia
102	Personnel Advisory Board
103	Pesticide Control Board
104	Pharmacy, Board of
105	Physical Therapy to the Board of Medicine, Advisory Board on
106	Plant Pollination Advisory Board
107	Polygraph Examiners Advisory Board
108	Pork Industry Board, Virginia
109	Poultry Products Board, Virginia
110	Private College Advisory Board
111	Private Security Services Advisory Board
112	Professional and Occupational Regulation, Board for
113	Professional Counselors, Board of
114	Professional Soil Scientists, Board for
115	Psychiatric Advisory Board
116	Psychology, Board of
117	Public Buildings Board, Virginia
118	Public Telecommunications Board, Virginia
119	Radiation Advisory Board
120	Real Estate Appraiser Board
121	Real Estate Board

- 122 Reciprocity Board, Department of Motor Vehicles
- 123 Recreational Fishing Advisory Board, Virginia
- 124 Recreation Specialists, Board of
- 125 Reforestation Board
- 126 Rehabilitation Providers, Advisory Board on
- 127 Rehabilitative Services, Board of
- 128 Respiratory Therapy, Advisory Board on
- 129 Retirement System Review Board
- 130 Rockfish State Scenic River Advisory Board
- 131 Safety and Health Codes Board
- 132 Seed Potato Board
- 133 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 134 Shenandoah State Scenic River Advisory Board
- 135 Small Business Advisory Board
- 136 Small Business Environmental Compliance Advisory Board
- 137 Small Grains Board, Virginia
- 138 Social Services, Board of
- 139 Social Work, Board of
- 140 Soil and Water Conservation Board, Virginia
- 141 Soybean Board, Virginia
- 142 State Air Pollution Control Board
- 143 Substance Abuse Certification Board
- 144 Surface Mining Review, Board of
- 145 Sweet Potato Board, Virginia
- 146 Teacher Education and Licensure, Advisory Board on
- 147 Tourism and Travel Services Advisory Board
- 148 Toxic Substances Advisory Board
- 149 Transportation Board, Commonwealth
- 150 Transportation Safety, Board of
- 151 Treasury Board, The, Department of the Treasury
- 152 Veterans' Affairs, Board on
- 153 Veterinary Medicine, Board of
- 154 Virginia Board for Asbestos Licensing
- 155 Virginia Coal Mine Safety Board
- 156 Virginia Correctional Enterprises Advisory Board
- 157 Virginia Employment Commission, State Advisory Board for the
- 158 (Effective July 1, 1996) Virginia Higher Education Tuition Trust Fund, Board of the
- 159 Virginia Horse Industry Board
- 160 Virginia Manufactured Housing Board
- 161 Virginia Retirement System, Board of Trustees
- 162 Virginia Waste Management Board
- 163 Visually Handicapped, Virginia Board for the
- 164 Voluntary Formulary Board, Virginia
- 165 War Memorial Foundation, Virginia, Board of Trustees
- 166 ~~Waste Management Facility Operators, Board for~~
- 167 Water Resources Research Center Statewide Advisory Board, Virginia
- 168 Waterworks and Wastewater Works Operators, Board for
- 169 Well Review Board, Virginia
- 170 Youth and Family Services, State Board of.
- 171 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 172 referred to as boards:
- 173 Compensation Board
- 174 State Board of Elections
- 175 State Water Control Board
- 176 Virginia Parole Board
- 177 Virginia Veterans Care Center Board of Trustees.
- 178 § 2.1-20.4. Bodies receiving compensation.
- 179 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be
- 180 those which receive compensation from state funds pursuant to § 2.1-20.3:
- 181 Accountancy, Board for
- 182 Agriculture and Consumer Services, Board of

183	Air Pollution Control Board, State
184	Airports Authority, Virginia
185	Apprenticeship Council
186	Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
187	Athletic Board, Virginia
188	Auctioneers Board
189	Audiology and Speech-Language Pathology, Board of
190	Aviation Board, Virginia
191	Barbers, Board for
192	Branch Pilots, Board for
193	Building Code Technical Review Board, State
194	Chesapeake Bay Local Assistance Board
195	Child Day Care and Early Childhood Programs, Virginia Council on
196	Coal Mining Examiners, Board of
197	College Building Authority
198	Commonwealth Transportation Board
199	Conservation and Development of Public Beaches, Board on
200	Conservation and Recreation, Board of
201	Contractors, Board for
202	Correctional Education, Board of
203	Corrections, Board of
204	Cosmetology, Board for
205	Criminal Justice Services Board
206	Deaf and Hard-of-Hearing, Advisory Board for the
207	Dentistry, Board of
208	Education, State Board of
209	Education Loan Authority, Virginia - Board of Directors
210	Elections, State Board of
211	Environment, Council on the
212	Fire Services Board, Virginia
213	Funeral Directors and Embalmers, Board of
214	Game and Inland Fisheries, Board of
215	Geology, Board for
216	Health, State Board of
217	Health Professions, Board of
218	Hearing Aid Specialists, Board for
219	Higher Education, State Council of
220	Historic Resources, Board of
221	Housing and Community Development, Board of
222	Information Management, Council on
223	Marine Resources Commission
224	Medical Assistance Services, Board of
225	Medical Complaint Investigation Committee
226	Medicine, Board of
227	Mental Health, Mental Retardation and Substance Abuse Services Board, State
228	Milk Commission
229	Mineral Mining Examiners, Board of
230	Nursing, Board of
231	Nursing Home Administrators, Board of
232	Occupational Therapy, Advisory Board on
233	Oil and Gas Conservation Board, Virginia
234	Opticians, Board for
235	Optometry, Board of
236	Pesticide Control Board
237	Pharmacy, Board of
238	Physical Therapy, Advisory Board on
239	Port Authority, Board of Commissioners of the Virginia
240	Professional and Occupational Regulation, Board for
241	Professional Counselors, Board of
242	Professional Soil Scientists, Board for
243	Psychology, Board of
244	Public Defender Commission

- 245 Public School Authority, Virginia
- 246 Purchases and Supply Appeals Board
- 247 Real Estate Appraiser Board
- 248 Real Estate Board
- 249 Recreation Specialists, Board of
- 250 Rehabilitative Services, Board of
- 251 Respiratory Therapy, Advisory Board on
- 252 Safety and Health Codes Board
- 253 Seed Potato Board
- 254 Social Services, Board of
- 255 Social Work, Board of
- 256 State Health Department Sewage Handling and Disposal Appeal Review Board
- 257 Substance Abuse Certification Board
- 258 Surface Mining Review, Board of
- 259 Treasury Board
- 260 Veterans' Affairs, Board on
- 261 Veterinary Medicine, Board of
- 262 Virginia Board for Asbestos Licensing
- 263 Virginia Health Planning Board
- 264 Virginia Manufactured Housing Board
- 265 Virginia Veterans Care Center Board of Trustees
- 266 Virginia Waste Management Board
- 267 Visually Handicapped, Virginia Board for the
- 268 ~~Waste Management Facility Operators, Board for~~
- 269 Water Control Board, State
- 270 Waterworks and Wastewater Works Operators, Board for
- 271 Well Review Board, Virginia
- 272 Youth and Family Services, State Board of.
- 273 B. Individual members of boards, commissions, committees, councils, and other similar bodies
- 274 appointed at the state level and receiving compensation for their services on January 1, 1980, but who
- 275 will not receive compensation under the provisions of this article, shall continue to receive compensation
- 276 at the January 1, 1980, rate until such member's current term expires.
- 277 § 9-6.25:2. Policy boards, commissions and councils.
- 278 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
- 279 following policy boards, commissions and councils:
- 280 Apprenticeship Council
- 281 Athletic Board
- 282 Auctioneers Board
- 283 Blue Ridge Regional Education and Training Council
- 284 Board for Accountancy
- 285 Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
- 286 Board for Barbers
- 287 Board for Contractors
- 288 Board for Cosmetology
- 289 Board for Geology
- 290 Board for Hearing Aid Specialists
- 291 Board for Opticians
- 292 Board for Professional and Occupational Regulation
- 293 Board for Professional Soil Scientists
- 294 Board for Waterworks and Wastewater Works Operators
- 295 Board for the Visually Handicapped
- 296 Board of Agriculture and Consumer Services
- 297 Board of Audiology and Speech-Language Pathology
- 298 Board of Coal Mining Examiners
- 299 Board of Conservation and Recreation
- 300 Board of Correctional Education
- 301 Board of Dentistry
- 302 Board of Directors, Virginia Student Assistance Authorities
- 303 Board of Funeral Directors and Embalmers
- 304 Board of Health Professions
- 305 Board of Historic Resources

306	Board of Housing and Community Development
307	Board of Medical Assistance Services
308	Board of Medicine
309	Board of Mineral Mining Examiners
310	Board of Nursing
311	Board of Nursing Home Administrators
312	Board of Optometry
313	Board of Pharmacy
314	Board of Professional Counselors
315	Board of Psychology
316	Board of Recreation Specialists
317	Board of Social Services
318	Board of Social Work
319	Board of Surface Mining Review
320	Board of Veterinary Medicine
321	Board on Conservation and Development of Public Beaches
322	Chesapeake Bay Local Assistance Board
323	Child Day Care and Early Childhood Programs, Virginia Council on
324	Child Day-Care Council
325	Commission on Local Government
326	Commonwealth Transportation Board
327	Council on Human Rights
328	Council on Information Management
329	Criminal Justice Services Board
330	Disability Services Council
331	Farmers Market Board, Virginia
332	Interdepartmental Council on Rate-setting for Children's Facilities
333	Library Board, the Library of Virginia
334	Marine Resources Commission
335	Milk Commission
336	Pesticide Control Board
337	Real Estate Appraiser Board
338	Real Estate Board
339	Reciprocity Board, Department of Motor Vehicles
340	Safety and Health Codes Board
341	Seed Potato Board
342	Southside Virginia Marketing Council
343	Specialized Transportation Council
344	State Air Pollution Control Board
345	State Board of Corrections
346	State Board of Elections
347	State Board of Health
348	State Board of Youth and Family Services
349	State Health Department, Sewage Handling and Disposal Appeal Review Board
350	State Library Board
351	State Mental Health, Mental Retardation and Substance Abuse Services Board
352	State Water Control Board
353	Substance Abuse Certification Board
354	Treasury Board, The, Department of the Treasury
355	Virginia Aviation Board
356	Virginia Board for Asbestos Licensing
357	Virginia Fire Services Board
358	Virginia Gas and Oil Board
359	Virginia Health Planning Board
360	Virginia Health Services Cost Review Council
361	Virginia Manufactured Housing Board
362	Virginia Parole Board
363	Virginia Public Telecommunications Board
364	Virginia Soil and Water Conservation Board
365	Virginia Voluntary Formulary Board
366	Virginia Waste Management Board
367	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 shall 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.

[ G. The Board may levy and collect fees for application processing and certification of waste management facility operators to cover 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.