

1995 RECONVENED SESSION

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HB1801ER

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

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

Emergency Medical Services Advisory Board

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

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

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

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

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

423 Virginia is repealed.

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