



# Virginia Waste Connection

Virginia Waste Industries Association

Fall 2011

## Virginia Chapter Members in the News

### Walt Ingram Rises to Senior Associate at Draper Aden Associates

Draper Aden Associates is pleased to announce they have named Thomas W. (Walt) Ingram, L.S. as a Senior Associate, the primary group from



which future leaders of the firm are chosen.

“Walt has continually demonstrated the top qualities and attributes expected of a Senior Associate,”

said Lee White, L.S., Principal and Surveying Division Manager. “He has distinguished himself in respect to leadership, technical excellence, and client relationships”

Ingram, Surveying Team Leader at the Richmond location, has been with the firm for 23 years.

### SCS Field Services Awarded Fairfax County Landfill Gas Contract

SCS Field Services is pleased to announce the recent multi-year contract award to provide landfill gas (LFG) system operations and maintenance

services at Fairfax County’s I-66 and I-95 Landfills. SCS Field Services has been providing LFG services to Fairfax county since 1988.

Since 1970, employee-owned SCS Engineers has delivered economically and environmentally sound solutions for solid waste management and other environmental projects throughout the world.

For more information about SCS Engineers, please visit our website at [www.scsengineers.com](http://www.scsengineers.com) or contact [pcarrico@scsfieldservices.com](mailto:pcarrico@scsfieldservices.com).

### Skip Berg, Sonrai Systems, Enters Hall of Fame

In 2011, Skip Berg joined Sonrai Systems as Director of Business Development,

where he is promoting RFID-based solutions for collection systems. After college, he worked in the family’s equipment distributorship. In

1992, he was the general manager for Refuse Equipment of New Jersey; and from 1998 to



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## DOT Updates Drug Testing Control Form

Back in September 2010, the U.S. Department of Transportation (DOT) published an interim final rule (IFR) authorizing the use of a new federal Drug Testing Custody and Control Form (CCF) in its drug testing program. Use of the form was authorized beginning on October 1, 2010.

However, on September 27, 2011, DOT published a final rule (76 Fed. Reg. 59574) that responded to comments to the IFR and made technical amendments to the CCF. The final rule became effective on the date of publication. The rule applies to any person operating a Commercial Motor Vehicle with a gross vehicle weight rating of 26,001 or more pounds or is of any size used in the transport of

hazardous materials that require the vehicle to be placarded. The final rule authorizes the use of new CCF and the procedures for using the new CCF for DOT required drug tests.

Specifically, the final rule does not allow the use of a non-federal form or an expired CCF to conduct DOT urine samples after November 30, 2011. During the period of October 1, 2010 to November 30, 2011, urine samples collected and sent for testing using a non-federal form or an expired CCF are not required to cancel a test. Beginning December 1, 2011, if drug testing has not been completed using the new CCF, the drug test must be canceled and redone in accordance with the new CCF.

## Federal Legislative Proposals of Interest

### Greenhouse Gas Emissions

Several U.S. House of Representatives' bills were introduced, moved out of committee, and passed by the full House to limit or delay U.S. EPA's promulgated regulations on greenhouse gas emissions under the Clean Air Act (e.g., methane and carbon dioxide) or to revoke EPA's regulatory authority to develop such regulations. However, any restrictions on EPA's greenhouse gas authority have not been accepted by the Senate. While NSWMA has been working to protect the members' interests with EPA on greenhouse gas emission regulations, we have, generally, supported the House bills to rein in EPA's rulemakings.

### Industrial, Commercial, and Institutional Boiler Emissions

H.R. 2250, EPA Regulatory Relief Act of 2011, was introduced by Rep. Griffith (R-Va.) in June 2011 to create a 15-month delay for EPA to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators. The bill focuses on four regulations promulgated on March 21, 2011, including National Emission Standards for Hazardous Air Pollutants (NESHAPs) - major sources, NESHAPs - area sources, NESHAPs - existing sources, and identification of non-hazardous secondary materials that are solid waste. A companion Senate

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## More Federal Legislation of Interest

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bill (S. 1392) was introduced in July. NSWMA endorsed both the House and Senate bills. On September 21, 2011, the House Energy and Commerce Committee passed this bill out of committee. The full House can now take up the measure.

### Recycling

H.R. 2284, the Responsible Electronics Recycling Act, was introduced in June 2011 by Reps. Green (D-Tex.) and Thompson (D-Calif.) to restrict exports of used electronic products to oversea recyclers. A companion bill was introduced in the Senate (S. 1270). NSWMA supports legislation that does not impose unreasonable restrictions that would interfere with exports to legitimate recyclers. NSWMA also supports EPA's protocol. NSWMA's Congressional lobbyist has been participating in Hill visits to solicit co-sponsors for the two bills.

S. Res. 251 was introduced by Sens. Carper (D-Del.) and Snowe (D-Maine) in August 2011 to express support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States. The resolution was co-sponsored by 13 senators. NSWMA endorsed the resolution. Staff also participated in drafting the language in the resolution. Staff participated in Hill visits in September to solicit co-sponsors of the bill.

### Trucking and Transportation

The national transportation law was reauthorized through September 30, 2011. As a result, Congressional reauthorization efforts are more likely to occur next year. In the meantime, NSWMA will be meeting with Transportation Committee staff to assess the potential for truck weight relief.

S. 3884 was introduced by Sens. Pryor (D-Ark.) and Alexander (R-Tenn.) in September 2010 requiring electronic on-board recorders on commercial motor vehicles to show compliance with hours-of-service requirements. The requirement applies to drivers who show compliance with records of duty served, not to drivers who show compliance with time cards. The bill is still in committee and NSWMA is monitoring its progress.

### Pharmaceutical Waste

On September 20, 2011, Rep. Slaughter (D-N.Y.) introduced federal legislation on pharmaceutical waste management. The bill does not have bipartisan support at this time and emphasizes the use of hazardous waste incinerators instead of also including medical waste incinerators and waste-to-energy facilities. In addition, the bill places responsibility for management of drugs squarely on the shoulders of drug manufacturers and the U.S. EPA. NSWMA's Healthcare Waste Institute is looking to educate Congress on this issue.

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## Virginia Chapter Members in the News

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2008, served as the U.S. national sales manager for Labrie Equipment. He then started his own consulting company, Environmental Strategies.

Throughout his career, Berg introduced new and innovative equipment and shown others how to build strong customer relationships. He is a founding member of WASTECC, served as the WASTECC representative on the EIA Board of Trustees, and held the distributor seat on the ANSI Z245 equipment standards committee. He is a former trustee and member of the Detachable Container Association.

### **Jim O'Connor, Republic Services, Enters Hall of Fame**

From 1972 to 1978, Jim O'Connor worked for Waste Management, Inc. (WMI), first, after college, as an accountant, then as a district controller and a management trainee. In 1978,



he formed his own company, Waste Collection, Inc., and rejoined WMI in 1982 as a senior vice president in the Southeast.

In 1998, O'Connor became the CEO of Republic Services, Inc. and, two years later, was named Chairman of the Board. He retired in 2010 after growing the company from \$800 million to more than \$8 billion in annual revenue making Republic Services the second largest waste

and recycling company in the United States.

O'Connor continues to serve the industry on the EIA Board of Trustees and EIA Investment Committee, has helped raise funds for the Environmental Research and Education Foundation, and is the current president of the Detachable Container Association.

### **VWIA Mourns the Loss of Member Scott Faulds of Schaefer Systems International**

Scott P. Faulds, 54, of Galion, Ohio, and an employee of member Schaefer Systems International, Inc., died Friday, September 23, 2011 at his home, after a nine month illness.

A memorial service was held Saturday, October 1, 2011 at St. Joseph Catholic Church with Deacon Greg Kirk officiating.



Memorial contributions may be made to the HomeCare Matters Hospice, P.O. Box 327, Galion, Ohio 44833.

**SAVE THE DATE**

**VWIA Winter Meeting  
and Holiday Party**

**December 15, 2011**

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## U.S. EPA Looks to Test Landfills for BPA

Edward Repa  
NSWMA

The National Solid Wastes  
Management Association (NSWMA)



offered the following comments on the U.S. Environmental Protection Agency's (EPA) Advance Notice of Proposed Rulemaking (ANPRM) titled,

Testing of Bisphenol A (BPA), published in the Federal Register on July 26.

BPA is primarily an industrial chemical used to make hard, clear plastic (i.e., commonly referred to as polycarbonate) used in many consumer products (e.g., water and baby bottles) and epoxy resins used inside metal-based food and beverage cans.

Because of BPA's wide spread use in consumer products and its affect on aquatic organisms, EPA has not focused, nor discussed, the banning of its use. NSWMA recommends that EPA examine a ban on BPA use before issuing any rules for testing and monitoring for BPA. Prevention of BPA's use may be more cost effective than testing and monitoring for it at wastewater and disposal sites.

EPA states that it is seeking comments on requiring sampling and monitoring for BPA in landfill leachate. The rationale for inclusion of landfill leachate is based on a single U.S. landfill in Cape Cod, Massachusetts,

and other countries, such as Japan. There are a number of problems with this requirement.

First, municipal solid waste (MSW) landfill leachate is not discharged directly to receiving streams where target organisms are located. MSW landfills have a number of options to dispose of leachate including one or more of the treatment options:

- Fully treating leachate on-site with discharge to a receiving stream under a National Pollutant Discharge Elimination System (NPDES) permit;
- Discharge to a publicly owned treatment works (POTW) in accordance to their standards, which typically consists of leachate pre-treatment;
- Leachate evaporation that does not discharge to receiving streams; and
- Leachate recirculation where leachate is placed back into the landfill and a discharge to receiving streams does not occur.

Under no circumstance is MSW landfill leachate ever directly released to a receiving stream. Therefore, testing raw leachate is not appropriate to determine environmental impacts. NSWMA recommends that MSW landfill leachate not be tested or monitored. At best, post-treatment leachate should only be tested and monitored to determine BPA

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## A Note from Your VWIA Staff Manager

Mike Dobson  
VWIA Manager

Are you taking full advantage of membership? At VWIA, we support issues on the local and statewide levels and our membership is very active. But aside from VWIA, are you taking full advantage of the programs that NSWMA offers?

Here are some of the services NSWMA provides:

**Safety** – Videos, manuals, a weekly e-newsletter titled Safety Monday, and regional seminars help you train your personnel to reduce injuries and fatalities.

**Legislative/Regulatory** – State chapters focus on legislative and regulatory issues that affect your day-to-day operations. NSWMA staff follow these issues, testify at hearings, make personal visits to regulators, and provide decision-makers with chapter position papers.

**Networking** – Our chapter meetings, regional annual meetings, WasteExpo, and Executive Roundtable Conference have become known as the best places to learn about trends in the solid waste industry, reconnect with colleagues, and build new relationships. Our councils and institutes provide additional forums to discuss important issues and serve the association.

**Information** – Publications like NSWMA e-News, special reports on

important industry issues, and our website provide timely information to help you make business decisions. NSWMA staff also are available to answer your questions about membership or industry concerns.



**Savings** – NSWMA members receive discounts at WasteExpo, NSWMA/WASTEC events and publications. Members also have access to special association-endorsed business solutions, chosen to save money as well as serve your needs for insurance, credit card processing, and more.

**Promotion/Education** – Our latest program – *Environmentalists, Every Day*. – was created to promote the solid waste industry at large as well as our individual members by highlighting the work you do every day. The program also provides tools and training to help you spread the word about the industry and is a resource for those looking for general information and facts on garbage collection, recycling, and more.

In addition, and very important to VWIA, is the support provided by our WASTEC members, with whom we have been successful as an industry. While at our Mid-Atlantic Conference, please thank all of our sponsors and support them when you can.

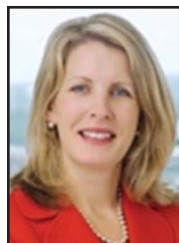
For more information on VWIA, contact Mike Dobson at 757-686-5960 or [mdobson@nswma.org](mailto:mdobson@nswma.org).

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## NLRB Issues Employee Notification Rule

Mary Elizabeth Davis  
Spotts Fain, PC

The National Labor Relations Board (NLRB) issued a final rule that requires most private-sector employers



to notify employees of their rights under the National Labor Relations Act (NLRA) by posting a notice. Employers must post the required notice by November 14, 2011.

The final rule requires employers that are subject to the NLRA to post and maintain the NLRB notice in conspicuous places, including all places where notices to employees are customarily posted and penalizes employers for non-compliance. Employers also must post the notice on an intranet or an internet site if personnel rules and policies are customarily posted there. If more than 20 percent of the employer's workforce is not proficient in English or speaks another language, the employer also must post a translated version of the notice. The required notice must include a preamble, the rights of employees, a list of illegal employer actions, a list of illegal union actions, and information regarding collective bargaining. The suggested form notice of rights is available on the NLRB website [www.nlr.gov](http://www.nlr.gov) and from NLRB regional offices by November 1, 2011.

This new obligation applies to virtually all private sector employers, regardless of whether or not their work forces are unionized and regardless of

whether they are federal contractors.

A small number of employers who are excluded from the NLRA's jurisdictional coverage are not required to post the notice. Some general guidelines to use to assess whether your organization may be subject to or excluded from the NLRB notice requirement include: exclusions for public-sector employers, employers of agricultural and domestic workers, independent contractors, family-owned businesses that only employ children or a spouse, air and rail carriers covered by the Railway Labor Act, and the U.S. Postal Service. Employers who believe that they are excluded from this posting requirement should work with counsel to fully understand whether they are properly excluded.

The NLRB acknowledges that it lacks authority to levy fines against an employer that fails to comply with the new posting rule. Nevertheless it has warned that the failure to post the required notice will be treated as an independent violation of the NLRA.

Notably, unlike many federal employment laws, the NLRA contains no mention of a posting requirement of the sort now required by the Board's new rule. In light of the absence of express statutory authority for the rule, legal challenges to its enforceability are expected. Until this Rule is amended or overturned in litigation, employers should prepare to post the required Notice or consult counsel if they believe that they are exempt from the posting requirement.

For more information, contact Betsy Davis at 804-697-2035.

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## NSWMA States BPA Testing Inappropriate

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concentrations after EPA has shown concentrations are of concern.

In addition, EPA needs to examine the treatment methodologies for leachate prior to requiring testing and monitoring for BPA. As reported in the literature, biodegradation plays a major role in the removal of BPA. A landfill is nothing less than a large bioreactor and may be capable of degrading BPA. Environment Canada has suggested that bioreactors and bacteria are a viable treatment for BPA removal. If significant concentrations remain in leachate after treatment, EPA then needs to determine what are the most appropriate methods to treat leachate prior to release and the cost effectiveness and environmental benefits of such treatment.

Second, the data EPA relied upon to list MSW landfill leachate do not represent the U.S. situation. The only U.S. landfill data was from a Cape Cod landfill. The other landfills were located outside the U.S. In order to evaluate the validity of any landfill leachate data for BPA, the design and operation of the landfill needs to be known. For example, is the landfill active or closed, does the landfill have a liner and leachate collection system completely under the cells, what is the waste acceptance history, how is leachate managed, etc.?

The Cape Cod study does not include any of the aforementioned data and was designed to examine the problems in drinking water supplies. The results of this study suggest that septic systems may be the source of

contamination, which are not included in the potential list of sources to be tested and monitored under the ANPRM. The other studies also do not include any data on design and operation of MSW landfills or about their waste acceptance history. The types and amounts of waste that might contain BPA in non-U.S. MSW landfills may not be similar to U.S. landfills. NSWMA recommends EPA collect this type of information and examine it before any testing and monitoring is required by MSW landfills.

The ANPRM presents extensive data on effect of BPA concentrations on aquatic and terrestrial organisms; but provides little data on the actual sources of BPA, especially for MSW landfills. The ANPRM appears to be proposing requirements on the waste management industry that are not supported by data. EPA has not attempted to examine all the possible sources (e.g., septic tanks) of BPA releases.

Before EPA moves forward with a proposal, the agency needs to collect BPA data at all possible sources and determine which, if any, need to be tested and monitored. EPA should not be requiring the waste management industry, or any other industry, to do the work of the agency. The job of justifying any regulation is EPA's responsibility prior to developing any regulations.

Please contact Ed Repa at 202-364-3773 or [erepa@nswma.org](mailto:erepa@nswma.org), if you have any questions.

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## Keep Virginia Beautiful Looks for Support

Mike Baum  
Keep Virginia Beautiful

Keep Virginia Beautiful (KVB) would love to involve VWIA members in its golf tournament in Richmond.

The inaugural KVB Golf Tournament scheduled for October 10th in Richmond at the Stonehenge Golf and Country Club promises to be not only a great time, but a true tradition. Sign up as a sponsor and participate at: [www.keepvirginiabeautiful.org/outreach/fundraisers](http://www.keepvirginiabeautiful.org/outreach/fundraisers). This is not just another golf tournament and will be well worth the investment.

Earlier in the week, KVB will be involved again with the State Fair of

Virginia. Through October 9, KVB will be one of the showcase booths in the Green Zone at the fair. We are offering a cost effective way to support KVB with \$150 sponsorship opportunities. Help support our efforts to educate the hundreds of thousands of attendees to our mission to engage and unite Virginians to improve our natural and scenic environment.

Please consider these opportunities to help KVB make an impact on litter prevention, waste reduction, recycling, beautification and environmental education in the Commonwealth. Volunteers are needed for both the golf tournament and the State Fair.

Thank you in advance for your support.

## Va. DEQ Releases 2010 Solid Waste Report

The Department of Environmental Quality (DEQ) released its annual report on solid waste management in Virginia on June 13, 2011. The report includes the amounts of solid waste managed in Virginia in 2010, and the amounts and sources of solid waste generated outside the commonwealth.

The total amount of solid waste received at Virginia facilities increased by about 146,000 tons (0.7 percent) from 2009. The total amount of solid waste from outside Virginia increased by about 200,000 tons (3.7 percent) to about 5.5 million tons. The total amount from within Virginia remained about the same at 14.2 million tons.

Of the nearly 19.7 million tons of solid waste reported, approximately 12.9 million tons (65.6 percent) were municipal solid waste (MSW).

The total amount of MSW generated outside Virginia was approximately 4 million tons, a decrease of about 250,000 tons (5.9 percent). Maryland, New York, Washington, D.C., North Carolina and New Jersey accounted for 97.5 percent of all waste received from out-of-state sources.

Of the total solid waste reported in 2010, about 3.2 million tons (16.5 percent) were C & D debris.

Of the total solid waste managed, about 12.4 million tons (76.8 percent) were disposed of in landfills, and about 2 million tons (12.6 percent) were incinerated. The rest was managed by other means, including mulching and recycling.

The full solid waste report is available on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

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## Hurricanes and Earthquakes, Editors Note

Aaron Gilman  
SCS Field Services

Swim, rattle, and swim all in one week. First we have hurricane Irene. The entire East Coast braced itself for the impact. Plans were put into place up and down the East Coast to handle the aftermath of the hurricane. Most of us lucked out here in Virginia.

Then we had a fairly large earthquake and as we have learned the rock formations in Virginia and the East Coast can transmit the energy a little stronger than our peers in California. Our soils are not as soft here as they are in California.

And then to make a perfect trifecta for the week, we had another storm that was classified as a tropical storm, that completely flooded SCS Field Services neighboring parking lot in Reston, Virginia.

Commuters got off the buses only to see their cars floating in water. The amount of rain that we received has caused havoc in the world of solid waste.

Now we are seeing the affects of the rain on landfills as landfill managers struggle to keep the leachate flowing.

I can only assume that is the reason we didn't get more articles from members of VWIA for this issue of the Virginia Waste Connection. Perhaps when everything is back in order you can share how these events affected your company for the next newsletter.



The amount of rain we received has caused havoc with cars floating in water in Reston, Virginia's parking lots.

Where were you when these events occurred? How did it affect you and your operations?

To discuss the newsletter with Aaron Gilman, contact him at 703-709-0004 Ext: 220 or [agilman@scsfieldservices.com](mailto:agilman@scsfieldservices.com).

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## Federal Transportation Activity Impacts

### Greenhouse Gas Emissions and Fuel Efficiency

EPA and the National Highway Transportation Safety Administration (NHTSA) released final regulations to reduce greenhouse gas emissions and increase fuel efficiency of medium- and heavy-duty trucks on September 15, 2011. The rule showed little change from the proposal, creating a class of vocational trucks and requiring the use of low rolling resistance tires for these trucks. However, the computer model was changed to reflect a lower average weight for heavy duty vocational trucks (including garbage trucks) and the amount of gas this category of truck can consume in a “thousand ton miles” was doubled. Chassis and engine manufacturers are directly responsible for complying with the rule. NSWMA advised members that the current practice of switching new rear tires on newly purchased trucks and replacing them with a retread of the same type of tire may be considered a violation of the new regulation.

### Electronic On-Board Recorders

On August 29, 2011, a federal court overturned the Federal Motor Carrier Safety Administration’s (FMCSA’s) existing electronic on-board recorder (EOBR) regulations that required these devices at companies with a history of excessive violations of hours of service requirements. The ruling was based primarily on concerns of potential harassment of drivers by their employers.

### Hand-Held Cell Phones

The FMCSA proposed a ban on hand-held cell phones. The proposed ban does not cover push-to-talk or other driver-dispatcher communication systems. NSWMA submitted comments last year supporting the hand-held ban. A final rule, with the ban, is expected soon.

### Hours of Service

NSWMA opposes the FMCSA’s proposed change of the current 34-hour reset into a 54-hour reset that includes two consecutive off-duty periods between midnight and 6 a.m. This change will deprive our industry of flexibility in scheduling, especially in the “catch-up” day after federal or state holidays. A final rule is not expected before the end of the year.

Pending final rulemakings from FMCSA, members should include supporting documents for hours of service compliance (for vehicles not using electronic on-board recorders) and entry-level commercial driver license training requirements.

### Solid Waste Rail Transfer facilities

On March 24, 2011, the Surface Transportation Board released revised interim rules and request for comments to regulate solid waste rail transfer facilities. The effective date of the interim rule was upon publication. NSWMA submitted comments on the interim rule.

## Special Thanks to the Mid-Atlantic Conference Sponsors

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**Involvement is Key**

