

Virginia - on the web at www.deq.virginia.gov/waste/wasteregs.html

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Information Source:

Vegetative Waste Management and Yard Waste Composting Facility Regulations,
Department of Waste Management, Jan. 7, 1998

Pertinent Legislation:

§§[10.1-1402](#) and [10.1-1408.1](#) of the Code of Virginia.

Composting is administered by three regulations:

- Virginia Solid Waste Management Regulations (9VAC20-80),
- Biosolids Use Regulation (12VAC 5-585), and
- Vegetative Waste Management and Yard Waste Composting Regulations (9VAC20-101).

Composting of sewage sludge, which may be mixed with vegetative material, is permitted by the Virginia Department of Health (VDH) in accordance with the Biosolids Use Regulations. Permitting of compost activities for municipal or industrial solid waste or vegetative waste materials without biosolids is authorized through the Virginia Department of Environmental Quality (VDEQ).

There are 4 categories of composting facilities in Virginia:

- Yard Waste Compost Certifications (9VAC20-101-60 and 9VAC20-101-80)
- Biosolids Composting Permit (issued by VDH, 12VAC5-585),
- Permit-by-Rule (9VAC20-80-485), and
- Full Composting Permit (9VAC20-80-330).

Below is a brief summary of the applicable composting requirements handled by the VDEQ:

Yard Waste Certification:

Certification is required for owners or operators of agricultural operational activities which accept yard wastes generated off-site provided that total time for composting process and storage of material does not exceed 18 months, no waste other than yard waste is received, the total amount of yard waste received from off-site never exceeds 6,000 cy in a 12 month period, they comply with local ordinances, and pose no nuisance or threat to human health or the environment. (9VAC20-101-60)

Owners or operators of agricultural operations which include yard waste composting units are not required to receive a permit for the construction or operation of those yard waste composting units provided they meet certain siting and operating criteria as required by 9VAC20-101-80.C.

These facilities must submit a certification letter in accordance with 9 VAC 20-101-90 before receiving waste. Operations that receive more than 6,000 cy of yard waste generated off-site shall submit an annual report describing the volume and types of yard waste received.

Vegetative Waste Permit-By-Rule:

Vegetative waste management facilities, including yard waste composting facilities, not meeting exemption of vegetative waste management regulations or Yard Waste Certification Requirements, must meet siting, design construction, operation and closure requirements as required in 9VAC20-101-120 through 150.

Submittal of the following is required: documentation for legal control of property, certification from local governing body, certification that site meets siting criteria, professional engineer certification that facility was designed and constructed in accordance with the regulations, operations plan, closure plan, and proof of financial responsibility if required.

Solid Waste Permit-By-Rule [9VAC20-80-485.A.4]:

For operators of solid waste composting facilities that receive less than 700 tons per quarter of compostable material.

These facilities must submit the following: Notice of Intent to Operate (9VAC20-80-500.B), description of type of facility and material to be composted as classified under 9VAC 20-80-330.A.4, certification that site meets siting criteria of 9VAC20-80-330.B, professional engineer certification that facility was designed and constructed in accordance with 9VAC20-80-330.C, operations plan, closure plan, proof of financial assurance and results of public participation.

Full Solid Waste Permit (Part A and Part B) [9VAC20-80-330]:

For operators of solid waste composting facilities that receive more than 700 tons per quarter of compostable material.

Requires Part A permit for siting and Part B permit for design, construction, operation and closure.

Exempt Activities:

Exemptions to the Vegetative Waste Management and Yard Waste Composting Regulations (9VAC 20-101) are found in Sections 60.1, 60.2, 60.3 60.5 and 80.A & B. These regulations will probably be amended in 2007.

There are conditional exemptions in the Virginia Solid Waste Management Regulations (9VAC20-80). Sewage sludge exemptions are found in Section 60 D.1 and permits are issued by the Virginia Health Department; household waste in Section 60 D.2; and educational composting in Section 60 D.3. Crop waste and manure exclusions are in Section 150 F. Permit-by-Rule permit requirements are found in Sections 485. Siting, design and construction, and operation requirements for composting facilities are found in Section 330; full permit application procedures are in Section 500.

Regulation Amendment Timeframe (Broad and General)

- Notice of Intended Regulatory Action (NOIRA) filed and published on Town Hall.
- Town Hall automatically e-mails registered users to advise filing of NOIRA.
- Public Comment received for 30 days.
- Public hearing held by DEQ to receive comments.
- Close of NOIRA comment period.
- Technical Advisory Committee (TAC) meetings are held; consensus on regulatory changes and language.
- Waste Board approval on regulatory changes.
- Regulatory changes posted on Town Hall.
- Town Hall automatically e-mails registered users of posting.
- 60 day comment period.
- Public hearing held by DEQ on proposed regulations.
- Regulations reviewed by Department of Planning and Budget, Secretary of Natural Resources, and Governor's Office.
- Publication of final regulations published in Virginia Register of Regulations.
- Regulations become effective 30 days after publication.

Review the Virginia Administrative Process Act for greater detail on regulatory process:

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC020200000400000000000000>

- Virginia Department of Environmental Quality: <http://www.deq.virginia.gov/>
- Town Hall: <http://www.townhall.state.va.us/>
- Legislative Information System: <http://leg1.state.va.us/lis.htm>
- VA Register of Regulations: <http://legis.state.va.us/codecomm/register/regindex.htm>
- Commonwealth of VA laws and regulations: http://www.virginia.gov/cmsportal2/government_4096/codes_and_laws.html
- Joint Legislative Audit and Review Commission: <http://jlarc.state.va.us/>

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SENATE JOINT RESOLUTION NO. 361

Offered January 10, 2007

Prefiled January 9, 2007

Directing the Joint Legislative Audit and Review Commission to study waste minimization, reuse, and recycling. Report.

Patron-- Ticer

Referred to Committee on Rules

WHEREAS, solid waste may be managed through one of three channels: minimization, recycling, or disposal by incineration and landfilling; and

WHEREAS, waste minimization and reuse through recycling and reclamation are highly preferred alternatives to disposal and, according to the Environmental Protection Agency, produce a wide range of benefits for the private sector, such as the reduction of the quantity and toxicity of hazardous and solid waste generation; raw material and product losses; raw material purchase costs; waste management recordkeeping and paperwork burden; waste management costs; workplace accidents and worker exposure; compliance violations; and environmental liability; and

WHEREAS, permitted solid waste management facilities in the Commonwealth received a total of 24,492,185 tons of solid waste during 2005 and, based on current waste generation and disposal rates, the Commonwealth will exhaust existing landfill capacity before 2023 according to the Department of Environmental Quality; and

WHEREAS, only 6.1 percent of the waste delivered to permitted landfill facilities is subsequently diverted from disposal by recycling or mulching; and

WHEREAS, the Commonwealth has mandated that each locality create or participate in a recycling program and administers a total of approximately \$1.5 million from the statewide Litter Control and Recycling Fund for such purposes; and

WHEREAS, the Commonwealth has not adopted a long-term plan to reduce waste that incorporates minimization alternatives; and

WHEREAS, current waste reduction programs at the state and local levels face funding shortfalls and are unable to fully execute their missions; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study waste minimization, reuse, and recycling.

In conducting its study, the Joint Legislative Audit and Review Commission shall review the success of programs currently employed in Virginia and similarly situated states. The Commission shall further recommend long-term goals for waste minimization and determine the necessary legal and economic prerequisites to achieve those goals.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Environmental Quality. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2007, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2008 Regular Session of the General Assembly. The executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

<http://jlarc.state.va.us/>