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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a change from the proposed text of the regulation.

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## VIRGINIA WASTE MANAGEMENT BOARD

**REGISTRAR'S NOTICE:** The Virginia Waste Management Board has claimed an exemption from the Administrative Process Act in accordance with (i) § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors, and (ii) § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Virginia Waste Management Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 9 VAC 20-190. Litter Receptacle Regulations.

**Statutory Authority:** §§ 10.1-1414, 10.1-1419 and 10.1-1421 of the Code of Virginia.

**Effective Date:** November 21, 2001.

### Summary:

*The regulations describe the responsibility of owners and operators of establishments and public places throughout the Commonwealth to place and maintain receptacles for receiving litter. The regulations establish which places must be provided with litter receptacles, the standards for the receptacles, and the requirements for removal of the litter from the receptacles.*

*During the codification process resulting in the Virginia Administrative Code, these regulations were inadvertently left out. They were regulations of the Department of Conservation and Economic Development, Division of Litter Control, and have been transferred to the Virginia Waste Management Board. This action reestablishes the same requirements.*

**Agency Contact:** Copies of the regulation may be obtained from Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213.

### CHAPTER 190. LITTER RECEPTACLE REGULATIONS.

#### 9 VAC 20-190-10. Definitions.

*The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:*

*"Anti-litter symbol" means any symbol or logo that depicts or instructs in the proper deposit of litter.*

*"Board" means the Virginia Waste Management Board.*

*"Construction site" means any residential, commercial, industrial or other area, lot or site at which construction of any type is conducted, including roads, at buildings, and at all other places actively being constructed or renovated.*

*"Department" means the Department of Environmental Quality.*

*"Litter" means all waste material, disposable packages or containers but does not include the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.*

*"Litter receptacle" means containers acceptable to the department for the depositing of litter.*

*"Person" means any natural person, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.*

*"Public building" means a building that is owned or operated by government and is used as a place to conduct business in which the general public is involved.*

*"Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.*

#### 9 VAC 20-190-20. Purpose.

*Sections 10.1-1414, 10.1-1419, and 10.1-1421 of the Code of Virginia require the board to promulgate regulations that establish reasonable guidelines for placement and maintenance of litter receptacles throughout the Commonwealth. These regulations apply to owners or persons in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way.*

#### 9 VAC 20-190-30. Responsibilities to procure, place and maintain receptacles.

*Any person owning or operating any establishment or public place at which litter receptacles are required by this chapter shall at his own expense be responsible for the procuring, placing, and maintenance of receptacles as required by this chapter.*

#### 9 VAC 20-190-40. Places or areas requiring litter receptacles.

*Litter receptacles are required at the following public places:*

- 1. Public highways;*
- 2. Parks;*
- 3. Campgrounds and trailer parks;*
- 4. Drive-in restaurants;*
- 5. Quick service or fast-food restaurants;*

6. Self-service refreshment areas;
7. Construction sites;
8. Gasoline service stations;
9. Shopping centers;
10. Parking lots operated for public use;
11. Marinas, boat moorage and fueling stations;
12. Boat launching areas;
13. Public and private piers that are operated for public use;
14. Beaches and bathing areas;
15. Sidewalks in business districts;
16. Public buildings, including schools; and
17. Sporting events, fairgrounds, carnivals, circuses, festivals, and other similar events to which the public is invited.

## **9 VAC 20-190-50. Placement of litter receptacles.**

A. The following guidelines shall provide minimum standards for litter receptacle placement and frequency of placement:

1. Public highways located outside of cities and incorporated towns: one receptacle per turnout on the right-of-way, overlook, or rest stop, each of which is officially designated as such and determined to need a receptacle by the primary jurisdictional authority.
2. Trailer parks, recreational facilities and recreation areas, including parks, campgrounds, beaches, and bathing areas: one receptacle for each facility or area at which food or drink is sold, plus additional receptacles as necessary to accommodate the need for a litter depository. The need for additional receptacles shall be determined by the operator of the facility.
3. Shopping centers and all parking lots operated for public use: receptacles shall be located along pedestrian travel routes normally taken by persons using the facility. The number and placement of receptacles shall be determined by the operator or group responsible for the operation of the facility, except no less than one receptacle shall be placed at each shopping center and parking lot.
4. Drive-in restaurants and fast-food restaurants: one receptacle per establishment, plus additional receptacles as necessary to contain litter generated by the facility. The need for additional receptacles shall be determined by the operator of the facility.
5. Self-service refreshment areas: one receptacle for each separate area, provided that each separate area contains two or more machines for dispensing or serving food or drink.
6. Gasoline service stations: one receptacle per service island.
7. Construction sites: receptacles sufficient to contain workers' litter, plus those construction wastes capable of

being spread by wind or water; the wind and water from hurricanes, tornadoes, and floods excepted. The primary contractor shall determine the number of receptacles and the size, except that no less than one receptacle shall be placed at each site.

8. Marinas, boat moorage and fueling stations, and public and private piers that are operated for public use: one receptacle for each area, plus additional receptacles as necessary to contain litter generated by the facility. The operator of the facility shall determine the need for additional receptacles.

9. Boat launching areas: receptacles shall be placed as needed consistent with use of the area and the need for a litter deposit. The need shall be determined by the operator of the area.

10. Sporting events, fairgrounds, carnivals, circuses, festivals, and other similar events: receptacles shall be placed sufficient in number to contain the litter generated at the event and spaced so as to be reasonably accessible in those areas of heavy use. The placement and need for the receptacles shall be determined by the operator, sponsor, or group operating the event, except no less than one receptacle shall be placed at each event.

11. Public buildings, including schools: one receptacle at or reasonably near the main, or most frequently used, entrance of each facility. The receptacle placement shall be consistent with need as determined by the person, agency, or group having primary responsibility for the operation of the facility.

12. Sidewalks in business districts: the need for receptacles and their placement and the responsibility for their purchase, maintenance, and service shall be determined by the local governmental authority.

## **9 VAC 20-190-60. Minimum standards.**

Litter receptacles purchased and placed in compliance with this chapter shall meet the following minimum standards:

1. The receptacle shall:
  - a. Be of not less than a 10-gallon capacity.
  - b. Be constructed of such quality as to maintain the original shape when placed at an outdoor location and be reasonably resistant to rust and corrosion. Construction and configuration of all receptacles shall be in conformance with all pertinent laws, ordinances, resolutions, or regulations pertaining to fire, safety, public health, and welfare.
  - c. Be reasonably stationary and reasonably secure from movement and destruction by vandals.
  - d. Be constructed, covered, or used in such a manner as to prevent or preclude the blowing of litter from the receptacle.
  - e. Be serviced with a frequency sufficient to prevent spillage from overflow and to prevent the buildup of offensive odors.

*f. Be maintained sufficiently to present an appearance that is aesthetically pleasing.*

2. The receptacle may:

*a. Be identified by the state anti-litter symbol, by a local anti-litter symbol or by printed identification and instructions regarding proper use.*

*b. Be of a color that is readily visible.*

**9 VAC 20-190-70. Removal of litter from receptacles.**

*The responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks and other public places shall remain upon those state and local agencies now performing litter removal services. The removal of litter from litter receptacles placed on private property used by the public shall remain the duty of the owner or operator of such private property.*

**9 VAC 20-190-80. Penalties.**

*Any person who fails to place and maintain litter receptacles in a public place in the number and manner required by this chapter or who violates the provisions of this chapter shall be subject to a fine of \$25 for each day of violation.*

**NOTICE:** The forms used in administering 9 VAC 20-190, Litter Receptacle Regulations, are not being published; however, the name of each form is listed below. The form is available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, or at the office of the Register of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

*Locality Recycling Rate Report, DEQ Form 50-30 (rev. 10/12/01).*

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