



Periodic Review / Retain Regulation Agency Background Document

Approving authority name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9 VAC 20-190
Regulation title	Litter Receptacle Regulations
Document preparation date	February 6, 2006

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Chapter 14, Title 10.1, Section 10.1-1419 of the Code of Virginia requires that these regulations be promulgated by the Virginia Waste Management Board. 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.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

These regulations are required by the statutes and are considered the minimum regulatory parallel to the statutes. There is no alternative to maintaining the regulations; however, a

periodic review was conducted to solicit suggestions from the regulated community and the public on possible improvements that could be made. One commenter made recommendations.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Catherine Jewell	1. It may be unclear to a reader if a public or private sport field, golf course, walking course and the like would require receptacles - They should.	9VAC20-190-50.2. requires one receptacle if there is food or drink sold.
	2. Also, It seems that parking lots owned by private entities, might be exempt from this. Often downtown parking lots are privately owned and the spaces rented out. We have one here that holds about 100 vehicles, does not have any receptacle, and is always littered. I think it would be good to clarify this so that there is no doubt that such parking lots are required to have litter receptacles.	9VAC20-190-50.3. requires one receptacle if they are open to the public use. This item would include a lot those contracts with the public by the hour or month. If a lot is for private use, such as one a company might provide solely for employees, the requirement does not apply.
	3. I am not clear as to why litter receptacles are required on public highways.	They are not; they are required at designated turnouts, overlooks and rest stops. See 9VAC20-190-50.1.
	4. I would like to see cigarette butt receptacles also required, especially since it is the number one item discarded.	The total number and type of receptacles are designated by the local jurisdictional authority or the owner/operator of certain facilities. The department would recommend cigarette receptacles be placed where a problem with this type of litter is evident.
	5. My biggest problem with the current regulation is that many businesses don't seem to know that they exist. To my knowledge, all businesses operating in the state are required to be licensed by the state and/or municipality. I don't know what sort of information is provided to business owners when they request a permit or renew their permit, but it seems logical that this would be an opportunity to notify business owners of this and other regulations that are not well known or are being ignored. I have had numerous conversations with managers of business ranging from small to corporate big box chains about the receptacle requirement and/or the	This is not a problem directly related to the regulations content or construction; however, the comment will be made known within the department for use in outreach and education programs.

	trash in the parking area. Most claimed they were not aware of the regulations.	
	6. Considering that much of this litter ends up in storm drains - it seems that both the State and municipalities should be more willing to enforce these codes. I would suggest greater education of environmental control offices or whatever municipal department is charged with enforcing this and education of business owners.	See response to item 5.
	7. In my opinion litter education has not worked in Southwest Virginia. I am aware that the state has spent much money developing an anti-litter campaign, but I don't think it has had much of an impact. I have a feeling that litter education is not being taught in the schools, perhaps it is not a unit covered by the SOLs: It needs to be to prevent this problem from becoming worse. The State of VA has one of the toughest laws on littering - yet, I am not aware of any fines or citations issued for littering, and few for dumping. I observe littering on a daily basis and do not drive very much; It seems that police officers would be able to observe this also. Perhaps the training of state officers and municipal police departments as to litter laws would be helpful.	This issue is not addressed in this regulation. See response to item 5.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

These regulations protect public health, safety, and welfare by promoting proper management of litter. They are clearly written and easily understandable.

Small Business Regulatory Review

Please include a discussion of the agency's consideration of: 1) the continued need for the rule; 2) the complexity of the regulation; 3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulations were adopted in 2001 and continue to be required by statute. They are not complex, and they are unique in their coverage. In the four years since their last consideration, technology, economic conditions and other factors have proceeded in a normal course with no change that would affect the need or substance of these regulations. There is no need to amend or repeal the regulations based on the objectives or the statute. The regulations have a positive impact on small and large businesses in that they help control litter that would have a negative impact on business. Businesses are required to provide receptacles in or near their facilities; however, these regulations have been in effect for several years and do not reflect a new impact or cost to small businesses.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

These regulations have no direct impact on families or family stability; however, in promoting responsible litter control, they help improve the environment in which families live.