



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation
Agency Background Document

Agency Name:	Virginia Waste Management Board
VAC Chapter Number:	9 VAC 20-190
Regulation Title:	Litter Receptacle Regulations
Action Title:	Immediate Final Rule
Date:	September 14, 2001

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and file with the Registrar and publish their regulations in a style and format conforming with the Virginia Register Form, Style and Procedure Manual. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and therefore are not subject to publication. Please refer to the Virginia Register Form, Style and Procedure Manual for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

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 was inadvertently left out. Chapter 14, Title 10.1, Section 10.1-1419 of the Code of Virginia requires that these regulations be promulgated. 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 will reestablish the same requirements.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Board of Waste Management approved Immediate Final Rule: Litter Receptacle Regulations, 9 VAC 20-190-10 et seq., on September 14, 2001 as a final regulation.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

A copy of Litter Receptacle Regulations, 9 VAC 20-190-10 et seq., the final regulations, are attached; there are no forms associated with the action; and there are no incorporated materials. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulations and that they comports with applicable state law. The regulations are issued under § 9-6.14:4.1 C. 3 and 4. (a) of the Code of Virginia 9 (APA).

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.

The proper collection and removal of litter protects the public health and the environment and has a beneficial impact on the institution of the family or family stability.

