

**REVISED TENTATIVE AGENDA**

**WASTE MANAGEMENT BOARD MEETING  
TUESDAY, DECEMBER 9, 2025**

**BANK OF AMERICA BUILDING  
3<sup>RD</sup> FLOOR CONFERENCE ROOM  
1111 E. MAIN STREET  
RICHMOND, VIRGINIA**

**CONVENE – 1:00 P.M.**

<b>Agenda Item</b>	<b>Presenter</b>	<b>Tab</b>
1. Call to Order		
2. Election of Chair		
3. Review and Approve Minutes (May 2, 2025)		A
4. Final Exempt Regulations – Annual Update 2025, Virginia Hazardous Waste Management Regulations (9VAC20-60)	Rathe	B
5. Final Exempt Regulations – Annual Update 2025, Regulations Governing the Transportation of Hazardous Materials (9VAC20-110)	Rathe	C
6. Final Regulations – Implementation of Chapter 235 of the 2024 Acts of Assembly (SB342), Solid Waste Management Regulations (9VAC20-81)	Rohrer	D
7. Withdrawal of Final Regulations - Amendment 9, Solid Waste Management Regulations (9VAC20-81)	Taillon	E
8. Division Director Report	Perszyk	
9. Public Forum (Not to exceed 45 minutes.)		
10. Future Meetings		
11. Adjourn		

NOTES: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions, or deletions. Questions on the latest status of the agenda should be directed to Jill R. Hrynciw at (804) 929-6559 or [Jill.Hrynciw@deq.virginia.gov](mailto:Jill.Hrynciw@deq.virginia.gov).

**PUBLIC COMMENTS AT WASTE MANAGEMENT BOARD MEETINGS**

The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration.

For REGULATORY ACTIONS (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For CASE DECISIONS (issuance and amendment of permits and enforcement orders), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is an additional comment period, usually 45 days, during which the public hearing is held.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

**REGULATORY ACTIONS:** Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Also, public comment will be accepted for certain final exempt actions where there has been no public comment period. Persons are allowed up to 3 minutes to address the Board on the emergency regulation and final exempt actions under consideration.

**POOLING MINUTES:** Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

**NEW INFORMATION** will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

**PUBLIC FORUM:** The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire when registering and limit their presentations to 3 minutes or less. Note, there is no pooling of minutes during the public forum.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Jill R. Hrynciw, Policy Analyst, Division of Policy, Department of Environmental Quality, 1111 E. Main Street, Suite 1400, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 929-6559; email [Jill.Hrynciw@deq.virginia.gov](mailto:Jill.Hrynciw@deq.virginia.gov)

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#### **Additional Meeting Information**

- No food or beverages allowed in the meeting space.
- Attendees are not entitled to be disorderly or disrupt the meeting from proceeding in an orderly, efficient, and effective fashion. Disruptive behavior may result in a recess of or removal from the meeting.
- Possession or use of any device that may disrupt the conduct of business is prohibited, including but not limited to: voice-amplification equipment; bullhorns; blow horns; sirens, or other noise-producing devices; as well as signs on sticks, poles or stakes; or helium-filled balloons.
- Attendees shall not block or gather in exits, doors, or aisles.
- Attendees shall not access non-public spaces/floors of the Building.
- All attendees are asked to be respectful of all speakers.

- Signs, banners, posters and other materials advocating the election or defeat of any candidate for public office may NOT be displayed at any time in any public space in the Building.
  - Signs, banners, posters and other materials larger than standard paper size or with profane messages are not permitted.
  - Rules will be enforced fairly and impartially enforced, not only to ensure the participation and enjoyment of all meeting attendees, but for those persons working in the building so that they are able to perform their responsibilities.
  - All violators are subject to removal.
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Stefanie K. Taillon  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

**MEMORANDUM**

**TO:** Members of the Virginia Waste Management Board

**FROM:** Jill R. Hrynciw

**DATE:** September 16, 2025

**SUBJECT:** Minutes

Attached are the minutes from your meeting on May 2, 2025. Staff will seek your approval of these minutes at your next regular meeting on December 9, 2025.

If you have any questions, please contact me at (804) 929-6559 or [Jill.Hrynciw@deq.virginia.gov](mailto:Jill.Hrynciw@deq.virginia.gov).

Attachment

**MINUTES**  
**VIRGINIA WASTE MANAGEMENT BOARD MEETING**

**FRIDAY, MAY 2, 2025**

**Board Members Present:**

Amarjit Riat, Chair	Jennifer Johnson, Vice Chair
Eric DeGroff	Michael Benedetto
Daniel Ciesla	Susan Seward
Kimberly Hynes	

**Department of Environmental Quality (Department):**

Michael Rolband, Director	Kathryn Perszyk
Brandon Bull	Jill Hrynciw
Melissa Porterfield	Priscilla Rohrer
Rebecca Rathe	

**Attorney General's Office:**

Katherine Kulbok, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The meeting was convened by Amarjit Riat, Chair, at 10:35 a.m. The meeting was adjourned at 11:13 a.m.

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**Minute No. 1 - Introductions.**

Mr. Riat led the Board, Agency Director and Assistant Attorney General in introductions.

**Minute No. 2 - Minutes.**

On a motion by Mr. Ciesla, and seconded by Ms. Seward, the Board unanimously approved the minutes from the Board's meeting on October 23, 2024.

**Minute No. 3 – Proposed Regulations – Implementation of Chapter 235 of the 2024 Acts of Assembly (SB342), Solid Waste Management Regulations (9VAC20-81)**

Ms. Rebecca Rathe of the Land Protection and Revitalization Division presented a proposed regulatory amendment to 9VAC20-81 for the Board's consideration for adoption. Ms. Rathe explained that the amendment was necessary based on the action of the Virginia General Assembly under Chapter 235 of the 2024 Acts of Assembly (SB 342). Chapter 235 of the 2024 Acts of Assembly directed the Virginia Waste Management Board to amend the Virginia Solid Waste Management Regulations (VSWMR, 9VAC20-81 et seq.) "to allow for vegetative waste to be transported to another location for open burning if it is impractical or unsafe to destroy such waste on the premises of private property." The existing VSWMR only allows for the onsite open burning of vegetative waste or the open burning of vegetative waste at permitted solid waste landfills. Pursuant to Chapter 235 of the 2024 Acts of Assembly, this proposed regulation amends the current open burning allowances found within Section 95, Subsection D, of the VSWMR to provide conditions allowing the offsite open burning of vegetative waste when it is impractical or unsafe to destroy such waste at the site of generation or at a permitted solid waste landfill.

Ms. Rathe then explained that a Notice of Intended Regulatory Action (NOIRA) for this regulation was published in the Virginia Register on October 21, 2024, and the public comment period ended on

November 20, 2024. No public comments were received during the NOIRA public comment period. A Regulatory Advisory Panel (RAP) was formed and met February 6, 2025, to discuss the amendment. Ms. Rathe further explained that during the RAP meeting, consensus was achieved on criteria for the offsite open burning of vegetative waste when it is impractical or unsafe to destroy such waste on the premises of the originating private property. The criteria agreed upon by the RAP for offsite open burning of vegetative waste was incorporated into the proposed regulation at 9VAC20-81-95, including minimum setbacks, maximum frequency and volume of waste to be burned, and conditions for conducting the burn activity (e.g., adhering to local ordinances, etc.).

Kathryn Perszyk, Land Protection and Revitalization Division Director, and Priscilla Rohrer, of the Office of Financial Responsibility and Waste Programs, responded to Board member questions regarding setbacks, allowable burn quantities, whether burn sites would be transfer stations, applicability to commercial businesses, alternative vegetative waste management options, fire marshal notification, RAP membership and how stringent the amendment is compared to federal regulations.

Based on the Board book material, staff presentation, and responses to the Board's question, the Board, on a motion by Mr. DeGroff and seconded by Mr. Benedetto, unanimously voted to approve the proposed regulation to proceed to public comment.

**Minute No. 4 - Division Director's Report.**

The Board received a report from Kathryn Perszyk, Land Protection and Revitalization Division Director. Ms. Perszyk provided an overview of the land division's programs, specifically the Solid Waste Infrastructure for Recycling (SWIFR) Grant Program and Coal Combustion Residuals (CCR) Permit Program, as well as legislative impacts from recent Virginia General Assembly Sessions.

**Minute No. 5 - Public Forum.**

No members of the public spoke.

**Minute No. 6 - Future Meetings.**

No future meetings were set for the Board at this meeting.

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Jill R. Hrynciw  
Policy Analyst  
Division of Policy



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Stefanie K. Taillon  
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Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

Memorandum

To: Members of the Virginia Waste Management Board

Through: Kathryn Perszyk, Director, Land Protection & Revitalization Division

From: Rebecca Rathe, Regulatory Analyst, Policy Division

Date: November 24, 2025

Subject: Annual Update 2025, Virginia Hazardous Waste Management Regulations, 9 VAC 20-60

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The attached regulatory amendment is presented to the Board for your consideration for adoption. The final exempt action amends the Virginia Hazardous Waste Management Regulations, 9VAC20-60 to update references to the Code of Federal Regulations (CFR). The Virginia Hazardous Waste Management Regulations include citations and requirements in the form of incorporated federal regulatory text at Title 40 of the CFR. This regulatory amendment will bring these citations up to date and incorporate the latest updates to Title 40 of the CFR through July 1, 2025, which includes the U.S. Environmental Protection Agency's rules published between July 1, 2024, through June 30, 2025.

With this regulatory action, the Board is adopting the following changes that have been made to the CFR since the last update:

- “Integrating e-Manifest With Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections” (Publication: July 26, 2024; Effective: January 22, 2025),
- “Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020” (Publication: October 11, 2024; Effective: December 10, 2024), and
- “Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections” (Publication: December 11, 2024; Effective: February 10, 2025; Delayed Effective: March 21, 2025).

Section 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt this regulatory amendment to 9VAC20-60 as a final exempt regulatory action as the changes are necessary to

conform to changes in the federal regulations. This regulatory amendment will be effective 30 days after publication in the *Virginia Register*. A draft Virginia Regulatory Town Hall document, including an attachment detailing the CFR changes, an Office of Regulatory Management Economic Review Form, and a copy of the required regulatory text changes are attached for your information.

At your Board meeting on December 9, 2025, DEQ will request that the Board adopt the Annual Update 2025 to 9VAC20-60, authorize its publication, and affirm that the Board will receive, consider, and respond to requests by any interested person at any time with respect to reconsideration or revision.

Attachments:

- Attachment A: Virginia Regulatory Town Hall Document (TH-09)
- Attachment B: Office of Regulatory Management Economic Impact Form
- Attachment C: Virginia Hazardous Waste Management Regulations, Annual Update 2025 – Draft Regulatory Text



[townhall.virginia.gov](http://townhall.virginia.gov)

## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9 VAC20-60
<b>VAC Chapter title(s)</b>	Virginia Hazardous Waste Management Regulations
<b>Action title</b>	Annual Update 2025
<b>Final agency action date</b>	December 9, 2025
<b>Date this document prepared</b>	November 24, 2025

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Virginia Hazardous Waste Management Regulations, 9VAC20-60, include citations and requirements in the form of federal regulatory text at Title 40 of the CFR which is incorporated by reference. This regulatory amendment, Annual Update 2025, will bring the citations up to date and incorporate the 2025 Annual edition of Title 40 of the CFR published on July 1, 2025.

With this regulatory action, the Board is adopting the following changes that have been made to the CFR since the last update:

- [Integrating e-Manifest With Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections - this action makes technical corrections to fix typographical errors in the e-Manifest and movement document regulations.](#) (Publication: July 26, 2024; Effective: January 22, 2025)

- [Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020](#) (Publication: October 11, 2024; Effective: December 10, 2024)
- [Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections](#) (Publication: December 11, 2024; Effective: February 10, 2025; Delayed Effective: March 21, 2025)

A listing of specific changes is provided in the Attachment to this Town Hall document.

Section 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt this regulatory amendment to 9VAC20-60 as a final exempt action as the changes are necessary to conform to changes in the federal regulations.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

U.S. Environmental Protection Agency (EPA)-authorized states must implement Resource Conservation and Recovery Act (RCRA) programs that are at least as stringent as the federal requirements. Annually EPA publishes rule checklists, identifying federal rule changes to assist States in developing their program modifications.

The Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections rule was effective in all states on January 22, 2025. The rule incorporates hazardous waste export manifests into the e-Manifest system; expands the required international shipment data elements; revises the movement document requirements; integrates Exception Reports, Discrepancy Reports, and Unmanifested Waste Reports into e-Manifest; requires small and large quantity generators to register for access to e-Manifest to obtain their final signed manifest copies; requires entities to correct manifest data errors; and makes other technical corrections to remove obsolete requirements, correct typographical errors and establish definitions. According to EPA, State programs are required to adopt the provisions in this rule to maintain their equivalency with the Federal program.

The revisions to the RCRA regulations under the Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020 rule was effective in all states on December 10, 2024. The rule establishes alternative standards for ignitable spent refrigerants, that are lower flammability Hydrofluorocarbons, when "recycled for reuse". These alternative standards were promulgated because of the lower risk of fire from the collection and recycling for reuse of these refrigerants, and the greater market value of these refrigerants. According to EPA, State programs are required to adopt the provisions in this rule to maintain their equivalency with the Federal program.

The technical corrections to the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule finalizes five amendments that were included in the August 9, 2023, direct final rule that made technical corrections to the three rulemakings related to the generation of hazardous waste. The technical corrections will correct or clarify the regulations for generators and handlers of hazardous waste. Since the corrections are considered neither more or less stringent than the current standards authorized States are not required to adopt the rule but is it strongly urged by EPA that States do so.

Because the Virginia Hazardous Waste Management Regulations incorporate Title 40 of the Code of Federal Regulations by reference as of an annual publication date, the above changes are adopted and keep state regulations consistent with the federal regulations. This amendment only incorporates recent changes made by EPA to federal hazardous waste regulations into Virginia's regulations.

Conforming these regulations to the federal regulations allows DEQ to maintain authorization to implement the national hazardous waste management programs. Additionally, when Virginia's regulations are consistent with federal requirements, there is less confusion among the regulated community, and Virginia's businesses and facilities benefit from having local access to decision makers who have a clearer understanding of state-specific issues and needs. Maintaining hazardous waste regulations and direct state oversight is protective of human health, safety and welfare by protecting the Commonwealth's environment and natural resources from pollution, impairment or destruction.

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."*

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The Virginia Waste Management Board adopted this amendment, Annual Update 2025, to 9VAC20-60 on December 9, 2025, as a final exempt regulation and affirmed that the Board will receive, consider, and respond to requests by any interested person at any time with respect to reconsideration or revision.

**Attachment**  
**EPA Rule Included with Annual Update 2025 Title 40 of the CFR**  
**July 1, 2024, through June 30, 2025**

- [Integrating e-Manifest With Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections - this action makes technical corrections to fix typographical errors in the e-Manifest and movement document regulations.](#) (Publication: July 26, 2024; Effective: January 22, 2025)
- [Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020](#) (Publication: October 11, 2024; Effective: December 10, 2024)
- [Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections](#) (Publication Date: December 11, 2024; Effective: February 10, 2025; Delayed Effective: March 21, 2025)

**Typographical Changes**

§ 261.6(a)(2)

“The following recyclable materials are not subject to the requirements of this section but are regulated under subparts C through N” changed to “through Q”  
 Section (v) added: “Ignitable spent refrigerants recycled for reuse ([40 CFR part 266, subpart Q](#)).”

§ 261.400

Added: “(2) facilities regulated under the standards at [40 CFR part 266, subpart Q](#) that receive ignitable spent refrigerant from off-site and that are not transfer facilities that store the refrigerants for less than ten (10) days.”;

Added minor typographical changes to grammatically incorporate this quoted second part.

Added “(c) Facilities receiving refrigerant from off-site under [40 CFR part 266, subpart Q](#) that are not transfer facilities that store the refrigerants for less than ten (10) days must comply with [§§ 261.410](#) and [261.420](#).”

§ 261.420

Title changed from “Contingency planning and emergency procedures for facilities generating or accumulating more than more than 6000 kg of hazardous secondary material;” to “Contingency planning and emergency procedures for facilities generating or accumulating more than 6,000 kg of hazardous secondary material or receiving ignitable spent refrigerants”

“A generator or an intermediate or reclamation facility that generates or accumulates more than 6000 kg of hazardous secondary material must comply with the following requirements;” changed to “A generator or an intermediate or reclamation facility that generates or accumulates more than 6,000 kg of hazardous secondary material, or a facility receiving refrigerant from off-site under [40 CFR part 266, subpart Q](#), that is not a

transfer facility that stores the refrigerants for less than ten (10) days must comply with the following requirements:

§ 262.14(a)(5)(vi)

Added "(B) For ignitable spent refrigerants regulated under [40 CFR part 266 subpart Q](#), meets the requirements of that subpart."

Added minor typographical edits to incorporate the above change

Subpart Q added:

§ 270.1

Added: 40 CFR 270.1(c)(2)(xi): "(xi) Recyclers of ignitable spent refrigerants subject to regulation under [40 CFR part 266, subpart Q](#)."

§ 271.1

Added to Table 1: "Dec. 10, 2024 Standards for the Management of Ignitable Spent Refrigerants Recycled for Reuse [89 FR 82682](#) 10/11/2024"; Added to Table 2: December 10, 2024 Standards for the Management of Ignitable Spent Refrigerants Recycled for Reuse 3001(d)(4) 3004(n) [89 FR 82682](#)"

§ 261.4(e)(1)

Changed " Except as provided in [paragraphs \(e\)\(2\)](#) and [\(4\)](#) of this section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in [40 CFR 260.10](#), are not subject to any requirement of [40 CFR parts](#) 261 through [263](#) or to the notification requirements of Section 3010 of RCRA, nor are such samples included in the quantity determinations of [40 CFR 261. 5](#) and [262.34\(d\)](#) when:" to "Except as provided in [paragraphs \(e\)\(2\)](#) and [\(4\)](#) of this section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in [40 CFR 260.10](#), are not subject to any requirement of this part, [40 CFR parts 262](#) and [263](#), or to the notification requirements of Section 3010 of RCRA, nor are such samples included in the quantity determinations of [40 CFR 262.13](#) and the accumulation limits in [40 CFR 262.14\(a\)\(3\)](#), [40 CFR 262.14\(a\)\(4\)](#), and [40 CFR 262.16\(b\)\(1\)](#) when:"

§ 262.16(b)(1)

Changed: "**Accumulation limit.** The quantity of hazardous waste accumulated on site never exceeds 6,000 kilograms (13,200 pounds);" to "**Accumulation limit.** The quantity of acute hazardous waste accumulated on site never exceeds 1 kilogram (2.2 pounds) and the quantity of non-acute hazardous waste accumulated on site never exceeds 6,000 kilograms (13,200 pounds);"

§ 262.17(a)(8)(i)

Added to 8(i): "..., but not all waste accumulation units:"

Added to 8(i)A: "... (if the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record)..."

Removed from 8(i)B: “If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.”

§ 266.508(a)(2)(ii)

Added: “A healthcare facility shipping non-creditable hazardous waste pharmaceuticals must write the word “PHRM” or “PHARMS” in Item 13 of EPA Form 8700-22. A healthcare facility may also include the applicable EPA hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of EPA Form 8700-22.”

§ 260.2(d)(1)

Added: “After January 22, 2025, no claim of business confidentiality may be asserted by any person with respect to information contained in hazardous secondary material export documents prepared, used and submitted under [§ 261.4\(a\)\(25\) of this chapter](#), whether submitted electronically into the EPA’s Waste Import Export Tracking System or in paper format.”

§ 260.2(d)(2)

Added: “After January 22, 2025, the EPA will make available to the public under this section any hazardous secondary material export documents prepared, used and submitted under [§ 261.4\(a\)\(25\) of this chapter](#) on March 1 of the calendar year after the related hazardous secondary material exports occur, when these documents are considered by the EPA to be final documents.”

§ 261.4(a)(25)(i)(A)

Changed “mailing address” to “site address”

§ 261.4(a)(25)(i)(H)

Added: “site” before “address”

§ 261.4(a)(25)(v)

Added “The” before “EPA” and removed “Where a claim of confidentiality is asserted with respect to any notification information required by paragraph(a)(25)(i) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with [40 CFR 260.2](#).”

Appendix IX to Part 261

Removed Samsung Austin, Texas entry from Table 1 – Wastes Excluded from Non-Specific Sources

Added Covestro Industrial Park Baytown Baytown, TX entry to Table 1 - Wastes Excluded from Non-Specific Sources

Removed Bayer Material Science LLC Baytown, TX from the table

§ 261.6

40 CFR 261.6(a)(3)(i)(A) (Jan. 22, 2025) removed “[§§ 262.53, 262.56 \(a\)\(1\)-\(4\), \(6\), and \(b\)](#), and [262.57](#), export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export”, added “[§ 262.83 of this chapter](#) with the exception of [§ 262.83\(c\)](#),”, and adjusted language to allow it to remain grammatically correct.

#### § 261.6

40 CFR 261.6(a)(3)(i)(A) (Jan. 22, 2025) changed “A person” to “The person”, changed “applicable to a primary exporter” to “applicable to an exporter”. Changed “exporter in [§§ 262.53, 262.56 \(a\)\(1\)-\(4\), \(6\), and \(b\)](#), and [262.57](#), export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export” to “an exporter in [§ 262.83 of this chapter](#) with the exception of [§ 262.83\(c\)](#),”

40 CFR 261.6(a)(3)(i)(B) (Jan. 22, 2025) changed “Transporters transporting a shipment for export may not accept a shipment if he knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment” to “Transporters transporting a shipment for export or import must comply with the movement document requirements listed in [§ 263.20\(a\)\(2\)](#) and [\(c\) of this chapter](#).”

#### § 261.39

40 CFR 261.39(a)(5)(i)(A) (Jan. 22, 2025) changed “Name, mailing address, telephone number and EPA ID number (if applicable) of the exporter of the CRTs.” To “Name, site address, telephone number and EPA ID number (if applicable) of the exporter of the CRTs.”

40 CFR 261.39(a)(5)(i)(F) (Jan. 22, 2025) added “site” before the word “address”

40 CFR 261.39(a)(5)(v)(B) (Jan. 22, 2025) removed “On or after the AES filing compliance date” before “the exporter or a U.S. authorized agent must:”

40 CFR 261.39(a)(5)(xi) (Jan. 22, 2025) removed: “Prior to one year after the AES filing compliance date, annual reports must be sent to the following mailing address: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460. Hand-delivered annual reports on used CRTs exported during 2016 should be sent to: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, William Jefferson Clinton South Building, Room 6144, 1200 Pennsylvania Ave. NW, Washington, DC 20004. Subsequently, annual reports must be submitted to the office

listed” and added “Annual reports must be submitted to the EPA” Additional corrections were made throughout for grammatical correctness.

#### § 262.20

40 CFR 262.20(a)(1) (Jan. 22, 2025) Added “**Paper Manifest.**” Added “Large and small quantity generators must register with the EPA’s e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with [paragraph \(a\)\(2\)](#) of this section.”

Removed: “The revised manifest form and procedures in [40 CFR 260.10](#), [261.7](#), [262.20](#), [262.21](#), [262.27](#), [262.32](#), [262.34](#), [262.54](#), and [262.60](#), shall not apply until September 5, 2006. The manifest form and procedures in [40 CFR 260.10](#), [261.7](#), [262.20](#), [262.21](#), [262.32](#), [262.34](#), [262.54](#), and [262.60](#), contained in the [40 CFR](#), parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006”

Added: “(2) **Post-receipt manifest data corrections.** After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the Director for portions of the manifest that a generator is required to complete, the generator must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in [§ 265.71\(l\) of this chapter](#), which applies to corrections made to either paper or electronic manifests.”

#### § 262.21

40 CFR 262.21(f)(5) (Jan. 22, 2025) changed “The manifest and continuation sheet must be printed as five-copy forms.” To “The manifest and continuation sheet must be printed as four-copy forms.” An additional change from “five copies” to “four copies” was made.

40 CFR 262.21(f)(6)(i) (Jan. 22, 2025) changed “Designated facility to EPA’s e-Manifest system.” to “U.S. Designated Facility or U.S. Exporter to the EPA’s e-Manifest System.”

40 CFR 262.21(f)(6)(ii) (Jan. 22, 2025) capitalized “Facility” and “Generator”.

40 CFR 262.21(f)(6)(iii) (Jan. 22, 2025) changed “Designated facility copy” to “Transporter Copy; and”

40 CFR 262.21(f)(6)(iv) (Jan. 22, 2025) removed “Transporter copy; and”

40 CFR 262.21(f)(6)(v) (Jan. 22, 2025) removed; “bottom copy): “Generator’s Initial Copy.” Added into (iv) above.

40 CFR 262.21(f)(7) (Jan. 22, 2025) removed “and published to the e-Manifest program’s website”

40 CFR 262.21(f)(7)(i)(A) (Jan. 22, 2025) copy reference changed from 5 to 4.

40 CFR 262.21(f)(7)(i)(B) (Jan. 22, 2025) removed “International Shipment Block” and “Instructions for” and changed reference to Copy 4 to 3

40 CFR 262.21(f)(7)(i)(C) (Jan. 22, 2025) “Treatment, Storage, and Disposal Facilities” on Copy” replaced with “Exporters or Owners and Operators of Receiving Facilities Designated on the Manifest” on Top Copy (Page 1).”

#### § 262.24

Removed (g) “Reserved” and (h) “**Post-receipt manifest data corrections.** After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Generators may participate electronically in the post-receipt data corrections process by following the process described in [§ 264.71\(l\) of this chapter](#), which applies to corrections made to either paper or electronic manifest records.”

#### § 262.42

40 CFR 262.42(a)(1) (Jan. 22, 2025) Removed “handwritten” before “signature”; changed “35 days” to “45 days”.

Added (a)(3), (a)(3)(i), and (a)(3)(ii): “(a)(3) Beginning on December 1, 2025, the EPA will no longer accept mailed paper Exception Reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator must submit an Exception Report to the EPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

- (i) A legible copy of the manifest for which the generator does not have confirmation of delivery.
- (ii) An explanation of the efforts taken to locate the hazardous waste and the results of those efforts.”

40 CFR 262.42(b) (Jan. 22, 2025): Removed the word “submit”, and added it to paragraph (1) below

Added: 40 CFR 262.42(b)(2) (Jan. 22, 2025): “Beginning on December 1, 2025, the EPA will no longer accept mailed paper Exception Reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-Manifest system. Generators that are normally VSQGs but are subject to the SQG provisions of this [paragraph \(b\)](#) because of an episodic generation event pursuant to § 262.232(a)(5), must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.”

Added: 40 CFR 262.42(d)(a) and (2) (Jan. 22, 2025): “(1) Beginning on December 1, 2025, any requirement in [§ 262.40](#) for a generator to keep or retain a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the

generator's account on the EPA e-Manifest system, provided that the Exception Report is readily available if requested by the EPA.

(2) Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.”

40 CFR 262.83(a)(6) (Jan. 22, 2025): Added: “submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR 30.6:” after “The exporter of a U.S. authorized agent”

40 CFR 262.83(b)(1)(i), (ii), (iii), (iv) (Jan. 22, 2025): Added “site” prior to each instance of “address” (excluding email address), added “numbers” after “fax”

40 CFR 262.83(b)(3) (Jan. 22, 2025): Added “site” before “address”; specified “(b)(3)” after the phrase “this paragraph”

40 CFR 262.83(c) (Jan. 22, 2025): changed “through 262.23” to “through 262.25”

40 CFR 262.83(c)(2) (Jan. 22, 2025) added: “on the continuation sheet (EPA Form 8700-22A)” after “In the International Shipments block”; moved “check” to the beginning of (c)(2)(i)

40 CFR 262.83(c)(2)(ii) (Jan. 22, 2025) was added: “Enter the exporter's EPA ID number, if the exporter is not identified in Item 5 of the manifest (EPA Form 8700-22) for the export shipment; and

40 CFR 262.83(c)(2)(iii) (Jan. 22, 2025) was added:, and added the phrase “List the waste stream” at the beginning and “an additional” before Continuation Sheet(s); multiple changes made for formatting

40 CFR 262.83(c)(3) (Jan. 22, 2025) removed: “that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers)” and added: “so long as the source of the printed form has received approval from the EPA to print the manifest in accordance with § 262.21(g)(1).”

40 CFR 262.83(c)(4), (4)(i), (4)(ii), (4)(iii), (4)(iv), and (4)(v) (Jan. 22, 2025) added: “(4) Beginning on December 1, 2025, within 30 days of receiving an export manifest from the final domestic transporter to carry the export shipment to or across the U.S. port of exit, the exporter must submit the top copy (Page 1) of the signed and dated manifest (whether electronic or paper) and all continuation sheets (whether electronic or paper) to the EPA e-Manifest system. The exporter must submit the paper manifest and all paper continuation sheets to the EPA e-Manifest system for purposes of data entry and processing by transmitting to the EPA e-Manifest system an image file of Page 1 of the

manifest and all continuation sheets, or by transmitting to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and all continuation sheets.

(i) As prescribed in § 265.1311 of this chapter, and determined in § 265.1312 of this chapter, an exporter who is a user of the electronic manifest system shall be assessed a user fee by the EPA for the submission and processing of each electronic and paper manifest. The EPA shall update the schedule of user fees and publish them to the user community, as provided in § 265.1313 of this chapter.

(ii) An exporter subject to user fees under this section shall make user fee payments in accordance with the requirements of § 265.1314 of this chapter, subject to the informal fee dispute resolution process of § 265.1316 of this chapter, and subject to the sanctions for delinquent payments under § 265.1315 of this chapter.

(iii) Electronic manifest signatures shall meet the criteria described in § 262.25.

(iv) Within 30 days of receiving a paper replacement manifest from the last transporter carrying the shipment to or across the U.S. border for a manifest that was originated electronically, the exporter must send a signed and dated copy of the paper replacement manifest to the EPA e-Manifest system.

(v) After foreign facilities have certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter per paragraph (d)(2)(xvii) of this section, any post-receipt data corrections may be submitted at any time by any interested person (e.g., domestic waste handler) shown on the manifest. If requested by the Director, an exporter must address manifest data corrections within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in § 265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests.

40 CFR 262.83(d)(2)(i) (Jan. 22, 2025) added: “and if required to be accompanied by a RCRA Uniform Hazardous Waste Manifest within the United States, the manifest tracking number from block 4”

40 CFR 262.83(d)(2)(ii) (Jan. 22, 2025) added: “or the movement tracking number”

40 CFR 262.83(d)(2)(iii). (2)(iv), (2)(v), (2)(viii), and (2)(ix) (Jan. 22, 2025) added “site” before “address”, and (ix) added “numbers” after “fax”

40 CFR 262.83(d)(2)(xv) (Jan. 22, 2025) added: “that control the shipment as an import and transit of hazardous waste respectively.” Additional grammar correctios made throughout. Removed the word “additionally” at the end.

Added (A) Initiate the movement document using the allowable methods listed in paragraph (b)(1) of this section; and

(B) Close out the movement document within three working days of receiving a copy of the signed movement document sent from the foreign receiving facility to confirm receipt using the allowable methods listed in paragraph (b)(1) of this section;

(xvi) As part of the contract requirements per paragraph (f) of this section, the exporter must require that the foreign receiving facility send a copy of the confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery

or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, ...the exporter and to the competent authority of the country of import. If the movement includes shipment to a foreign interim receiving facility, the exporter must additionally require that the interim receiving facility promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 as defined in § 262.81 to the competent authority of the country of import and to the exporter. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter must submit each confirmation of recovery or disposal to the EPA within three working days of receiving the confirmation of recovery or disposal from the foreign receiving facility...and

(xvii) For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt and the confirmation of recovery or disposal may be sent via the electronic exchange”

40 CFR 262.83(f)(3)(i) (Jan. 22, 2025):: removed “and”

40 CFR 262.83(f)(3)(ii) (Jan. 22, 2025) added “and”

Added (iii) Transmittals made by the transporter or foreign receiving facility under paragraph (i) of this section being sent to the exporter or the EPA from a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

40 CFR 262.83(f)(4), (f)(5), and (6)(ii) (Jan. 22, 2025): Removed “. For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts must additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in paragraph (b)(1) of this section on or after that date” and added: “that control the shipment as an import and transit of hazardous waste respectively. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt may be sent via the electronic exchange.”

40 CFR 262.83(g) (Jan. 22, 2025) removes: “Prior to one year after the AES filing compliance date, the exporter must mail or hand-deliver”, “EPA using one of”, “addresses specified in § 262.82(e), or submit to”, and “if the exporter has electronically filed EPA information in AES, or its successor system, per paragraph (a)(6)(i)(A) of this section for all shipments made the previous calendar year. Subsequently, the exporter must submit annual reports to EPA using the allowable methods specified in paragraph (b)(1) of this section.” Adds: “the” before EPA, “The exporter must submit” before “annual reports”

40 CFR 262.83(i)(1) (Jan. 22, 2025) Adds: "the" before "EPA", capitalizes "State", includes the new paragraph (vi) in the reference.

40 CFR 262.83(i)(1)(v) (Jan. 22, 2025) changes "§ 262.85" to "paragraph (f) of this section",

Added 40 CFR 262.83(i)(1)(v) (Jan. 22, 2025): "(vi) A copy of each manifest sent by the last transporter in the United States per § 263.20(g) of this chapter."

40 CFR 262.84(b)(1)(i), (ii), (iii), (iv) (Jan. 22, 2025): Added "site" before "address", (iv) added "numbers" after "fax"

40 CFR 262.84(b)(2) (Jan. 22, 2025): Removed a comma; Added "site" before "address"

40 CFR 262.84(c)(1)(i) (Jan. 22, 2025): changed "addresses" to "mailing" and added "site addresses and"...added "site" in front of a usage of "address" and "mailing" in front of another usage of "address".

40 CFR 262.84(c)(3) (Jan. 22, 2025): Added "on the Continuation Sheet (EPA Form 8700-22A)"; changed "point of entry" to "port of entry".

40 CFR 262.84(c)(4) (Jan. 22, 2025) Removed content, but kept the numbering.

40 CFR 262.84(c)(5) (Jan. 22, 2025): Incorporated as (4)

40 CFR 262.84(d)(2)(i) (Jan. 22, 2025): Added: "and if required to be accompanied by a RCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4"

40 CFR 262.84(d)(2)(ii) (Jan. 22, 2025) Added: "or the movement tracking number"

40 CFR 262.84(d)(2)(iii), (iv), (v), (viii) (Jan. 22, 2025): Added: "site" before "address"

40 CFR 262.84(d)(2)(ix) (Jan. 22, 2025) added: "(for transporters carrying RCRA manifested hazardous waste within the U.S. only)"; added "numbers" after "fax".

40 CFR 262.84(d)(2)(xv) (Jan. 22, 2025): Added "that control the shipment as an export and transit of hazardous waste respectively", "the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the" (EPA's website), and "For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export."

Made several grammatical changes to accommodate these language additions.

40 CFR 262.84(f)(4)(iii) (Jan. 22, 2025) Added "(iii) Transmittals made by the transporter or receiving facility under paragraph (i) of this section being sent to a competent authority or foreign exporter in a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange."

40 CFR 262.84(g)(1) (Jan. 22, 2025): Added "that controls the shipment as an export of hazardous waste", added "the" in front of "EPA", removed "Waste Import Export Tracking System", but left the acronym in place, removed parentheses around acronym, added "For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export."

40 CFR 262.84(g)(2) (Jan. 22, 2025) added: "that controls the shipment as an export of hazardous waste", added "the" in front of "EPA", removed "Waste Import Export Tracking System", but left the acronym in place, removed parentheses around acronym, added "For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export."

40 CFR 263.20(a)(2) (Jan. 22, 2025): "Subpart H" was moved from before "40 CFR part 262" to after; removed "for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a" removed "40 CFR" and "(d) from the reference "40 CFR § 262.83 (d)" and added "of this chapter" after it, instead.

40 CFR 263.20(a)(9) (Jan. 22, 2025): removed "to the receipt of hazardous wastes by signing Item 20 of the manifest" and replaced it with "that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system"; Removed "Transporters may participate electronically in" and added "If corrections are requested by the Director for portions of the manifest that a transporter is required to complete, the transporter must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via" before "the post-receipt data corrections process". Removed "by following the process" and inserted "as in"; removed "264" and added "265" before ".71(l) of this chapter". Changed "manifest records" to "manifests".

40 CFR 263.20(c) (Jan. 22, 2025): Removed "In the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016"; added "For exports,"; removed "40 CFR", added "§"; added "of this chapter"; These changes repeated further in this paragraph.

40 CFR 263.20(g)(1) (Jan. 22, 2025): added "on the Continuation Sheet (EPA Form 8700-22A)"; added "or has been delivered to a seaport of exit for loading onto an international carrier"

40 CFR 263.20(g)(3) (Jan. 22, 2025): removed “Return a signed copy” added “Compliance date for manifest returns on January 22, 2025. Beginning on January 22, 2025, return signed, top copies”; added “and continuation sheet”; removed “; and”  
 40 CFR 263.20(g)(4) (Jan. 22, 2025) Removed: “(4) For paper manifests only,

(i) Send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in [40 CFR 264.71\(a\)\(2\)\(v\)](#); and

(ii) For shipments initiated prior to the AES filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States”

Added: “. On December 1, 2025, this [paragraph \(g\)\(3\)](#) no longer applies, and paragraph (g)(4) of this section applies instead.

(4) Compliance date for manifest returns on December 1, 2025. Beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.”

## § 264.12

Added “” For shipments received”; Removed “to EPA electronically using”; Added “the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the”; Added “For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.”; Removed “EPA's Waste Import Export Tracking System” prior to the acronym; Capitalized “State”; Added “the” before “EPA”; small typographical edits throughout to grammatically accommodate changes.

40 CFR 264.12(a)(4)(i) (Jan. 22, 2025) Removed “EPA's Waste Import Export Tracking System” prior to the acronym; Added “the” before “EPA”; Added “For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.”

40 CFR 264.12(a)(4)(ii) (Jan. 22, 2025) Removed “EPA's Waste Import Export Tracking System” prior to the acronym; Added “the” before “EPA”; Added “For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.”; Added reference to paragraph “(a)(4)(ii)”; typographical edits

40 CFR 264.71(a)(2)(i) (Jan. 22, 2025) added: “, by hand,” for the process of signing and dating each manifest.

40 CFR 264.71(a)(2)(iv) (Jan. 22, 2025) removed: “Within 30 days of delivery, send a copy (Page 2) of the manifest to the generator;” and “Reserved” the paragraph.

40 CFR 264.71(a)(2)(v)(A) (Jan. 22, 2025) Reserved

40 CFR 264.71(a)(2)(v)(B) (Jan. 22, 2025) Paragraph added, Removed “2018. Beginning on June 30, 2018, send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA system” Added “2021. Send to the EPA e-Manifest system”; Removed “manifest and any continuation sheet, or both a data file and image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from facilities for processing in e-Manifest.

(B) Options for compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the”; Removed “for purposes of data entry and processing may be met by the owner or operator only by transmitting to the EPA system an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the EPA system”; Removed “. Submissions of copies to the e-Manifest system shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services”; Added small typographical changes.

40 CFR 264.71(a)(3)(i) (Jan. 22, 2025) Added “waste stream” between “relevant” and “consent number”; Added “in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A)”; Changed “a” to “a an additional”.

40 CFR 264.71(a)(3)(ii) (Jan. 22, 2025) removed “EPA using the addresses listed in 40 CFR 262.82(e) until the facility can submit such a copy to the e”; added “the EPA e” to complete the phrase “the EPA e-Manifest system”

40 CFR 264.71(b)(4) (Jan. 22, 2025) Removed “after the” and added “of” before “delivery”; added “(Page 1)” after “send a copy”; Removed “or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; and”; Added “to the EPA e-Manifest system; and”; Removed “[Comment: Section 262.23(c) of this chapter requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).]”

40 CFR 264.71(d) (Jan. 22, 2025) Added: “International movement documents.”; Added “For shipments received”; Removed “to EPA electronically”; added “the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery”; Added “For shipments sent from a country with which EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.”; Removed “EPA's Waste Import Export Tracking System” and the parentheses around the acronym; capitalized “State”; typographical changes for grammar.

40 CFR 264.71(l) (Jan. 22, 2025): Removed “to the receipt of hazardous wastes by signing Item 20 of the manifest”; Added “that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system”; Changed the word “shown” with the word “named”; Added “If corrections are requested by the Director for portions of the

manifest that a designated facility is required to complete, the facility must make the data correction within 30 days from the date of the request.”

#### § 264.72

40 CFR 264.72(c) (Jan. 22, 2025) Changed the time a discrepancy must be resolved from “15” days to “20” days; Removed the word “immediately”; small typographical changes

40 CFR 264.72(c)(1) (Jan. 22, 2025): Added the paragraph number; Added “Immediately”

40 CFR 264.72(c)(2) (Jan. 22, 2025): Added the paragraph number; Added “Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from facilities.”

40 CFR 264.72(g) (Jan. 22, 2025): Removed “40 CFR”; Added “§” and “of this chapter” to a reference. Removed “And generator”; Added “Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.”

40 CFR 264.76(b) (Jan. 22, 2025): Removed “Reserved”. Added:  
“Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by § 263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information:

- (1) The EPA identification number, name and address of the facility;
- (2) The date the facility received the waste;
- (3) The EPA identification number, name and address of the generator and the transporter, if available;
- (4) A description and the quantity of each unmanifested hazardous waste the facility received;
- (5) The method of treatment, storage, or disposal for each hazardous waste;
- (6) The certification signed by the owner or operator of the facility or his authorized representative; and
- (7) A brief explanation of why the waste was unmanifested, if known.

40 CFR 264.1311(a)(2) (Jan. 22, 2025) Removed “mail, by”

40 CFR 264.1311(b) (Jan. 22, 2025) Removed “in lieu of submitting mailed paper forms”; Added “EPA”

40 CFR 264.1311(c) (Jan. 22, 2025) Removed “in lieu of submitting mailed paper forms”; Added “EPA”

40 CFR 264.1312(a) (Jan. 22, 2025) Changed the fee calculation EPA will use initially to determine manifest fees.

40 CFR 264.1312(b)(1) (Jan. 22, 2025) Changed the fee calculation EPA will use initially to determine manifest fees.

40 CFR 265.12(a)(2) (Jan. 22, 2025) Added: “For shipments received”; Removed “to EPA electronically using” Added: “the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the”; Added “For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.”; Removed “EPA’s Waste Import Export Tracking System”; Removed parentheses around an acronym; Capitalized “State”; typographical edits.

40 CFR 265.12(a)(4)(i) and (ii) (Jan. 22, 2025) Added “the” before “EPA”; Removed “EPA’s Waste Import Export Tracking System” and the parentheses around the acronym; Added “For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.”

40 CFR 265.71(a)(2)(iv) (Jan. 22, 2025) Removed “Within 30 days of delivery, send a copy (Page 2) of the manifest to the generator;”; Added “Reserved”

40 CFR 265.71(a)(2)(v)(A) (Jan. 22, 2025): Added “Reserved”

40 CFR 265.71(a)(2)(v)(B) (Jan. 22, 2025): Added the paragraph number; Removed “2018. Beginning on June 30, 2018, send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA system”; Added “2021. Send to the EPA e-Manifest system”; Removed “manifest and any continuation sheet, or both a data file and image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website’s directory of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from facilities for processing in e-Manifest.

(B) Options for compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the... Page1) of the paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing may be met by the owner or operator only by transmitting to the EPA system an image file of Page 1”; Added “Page 1”); Removed “by transmitting”; Added “send”; Added “e-Manifest”; Removed “. Submissions of copies to the e-Manifest system shall be made to the

electronic mail/submission address specified at the e-Manifest program website's directory of services”

40 CFR 265.71(a)(3)(i) (Jan. 22, 2025) Added “waste stream”; Added “the” before “EPA”; Added “in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A)”; changed “a” to “an additional”

40 CFR 265.71(a)(3)(ii) (Jan. 22, 2025) Removed “EPA using the addresses listed in 40 CFR 262.82(e) within thirty (30) days of delivery until the facility can submit such a copy to the e”; Added “the EPA e” prior to “-Manifest system”

40 CFR 265.71(b)(4) (Jan. 22, 2025) Removed “after the” and added “of”; Added “(Page 1)”; Removed “or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; and [Comment: Section 262.23(c) of this chapter requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).]” Added “to the EPA e-Manifest system.”

40 CFR 265.71(d) (Jan. 22, 2025) Added “International movement documents.” Added “For shipments received”; Removed “to EPA electronically using EPA's Waste Import Export Tracking System (WIETS)”; Added “the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using WIETS”; Added “For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.”; Removed “EPA's Waste Import Export Tracking System” and parentheses around the acronym; Capitalized “State”; typographical changes to align grammar with the changes above

40 CFR 265.71(l) (Jan. 22, 2025) Removed “to the receipt of hazardous wastes by signing Item 20 of the manifest”; Added “that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system”; Changed “shown” to “named”; Added “If corrections are requested by the Director for portions of the manifest that a designated facility is required to complete, the facility must address the data correction within 30 days from the date of the request.”

40 CFR 265.72(c) (Jan. 22, 2025) Changed “15” days to “20” days; Removed “immediately”; small typographical changes

40 CFR 265.72(c)(1) (Jan. 22, 2025) Paragraph number added; “Immediately” added

40 CFR 265.72(c)(2) (Jan. 22, 2025) Paragraph number added; Added “Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from facilities.”

40 CFR 265.72(g) (Jan. 22, 2025) Removed “40 CFR”; Added “§”; Added “of this chapter”; Capitalized “Discrepancy”; Removed “and generator”; Added “Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.”; Small typographical changes

40 CFR 265.76(b) (Jan. 22, 2025) Removed “Reserved”; Added: “Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous

waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by § 263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information:

- (1) The EPA identification number, name and address of the facility;
- (2) The date the facility received the waste;
- (3) The EPA identification number, name and address of the generator and the transporter, if available;
- (4) A description and the quantity of each unmanifested hazardous waste the facility received;
- (5) The method of treatment, storage, or disposal for each hazardous waste;
- (6) The certification signed by the owner or operator of the facility or his authorized representative; and
- (7) A brief explanation of why the waste was unmanifested, if known.”

#### § 265.1310 - Paper Manifest Systems

Added “EPA”; Removed “mailing the paper manifests or continuation sheets, by”;  
Changed “265” to “264”; Added “of this chapter”;

#### § 265.1311

40 CFR 265.1311(a)(2) (Jan. 22, 2025) Removed “mail, by”  
40 CFR 265.1311(b) (Jan. 22, 2025) Removed “in lieu of submitting mailed paper forms”; Added “EPA”  
40 CFR 265.1311(c) (Jan. 22, 2025) Removed “mailed paper forms or”; Added “EPA”

#### § 265.1312

40 CFR 265.1312(a) (Jan. 22, 2025) and 40 CFR 265.1312(b)(1) (Jan. 22, 2025):  
Changed the formula to determine manifest fees

#### § 267.71

40 CFR 267.71(a)(6)(i) (Jan. 22, 2025): Added “waste stream”; Added “in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A)”;  
Changed “a” to “an additional”;

40 CFR 267.71(a)(6)(ii) (Jan. 22, 2025): Changed “Mail” to “Submit”; Removed “EPA using”; Removed “addresses listed in 40 CFR 262.82”; Removed “within thirty (30) days of delivery until the facility can submit such a copy to the e”; small typographical changes

40 CFR 267.71(d) (Jan. 22, 2025) Added “and”; Added “For shipments received”;  
Removed “and”; Removed “to EPA electronically using”; Added “the receiving facility must close out the movement document to confirm receipt within three working days of

shipment delivery using the”; Added “For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS, or its successor system, to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.”; Capitalized “State”; small typographical changes

#### § 270.30

40 CFR 270.30(l)(7) (Jan. 22, 2025) Removed “attempt”

40 CFR 270.30(l)(7)(i) (Jan. 22, 2025) Added “(i)”; Added “Attempt”; Changed “fifteen” to “20” days;

40 CFR 270.30(l)(7)(ii) Added paragraph; “Beginning on December 1, 2025, attempt to reconcile the discrepancy. If not resolved within 20 days, the permittee must immediately submit a Discrepancy Report to the EPA e-Manifest System describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. (See 40 CFR 264.72.)”

40 CFR 270.30(l)(8) (Jan. 22, 2025) Changed “This report must be submitted” to “A permittee must.”; Small typographical changes made

40 CFR 270.30(l)(8)(i) (Jan. 22, 2025) Added paragraph number; Added “Submit the Unmanifested Waste Report”; Small typographical changes

40 CFR 270.30(l)(8)(ii) (Jan. 22, 2025) Added paragraph number; Added “Beginning on December 1, 2025, submit an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days of receipt of unmanifested waste. (See 40 CFR 264.76.)”

Subchapter I Part 271 Subpart A § 271.1 Addition to Table 1 and Table 2; Added the promulgation of the rule “Integrating e-Manifest with Hazardous Waste Exports and Other Manifest- Related Reports, PCB Manifest Amendments, and Technical Corrections” on July 26, 2024, Effective on January 22, 2025, with a federal register reference of 89 FR 60692; Small typographical change to Table 2

#### § 271.10

40 CFR 271.10(f)(4)(i) and (ii) (Jan. 22, 2025) Added both paragraphs: “(i) Beginning on December 1, 2025, investigate instances where manifests have not been returned by the owner or operator of the designated facility and report such instances by electronic submission in the EPA’s e-Manifest system to the State in which the shipment originated.

(ii) [Reserved]”

40 CFR 271.10(h)(2) (Jan. 22, 2025) Removed “Either the State to which a shipment is manifested (consignment State) or the State”; Added “The State”; Removed “, or both,”; Removed “copies”; Added “the initial generator copy”; Added “paper”

40 CFR 271.10(j) (Jan. 22, 2025) Added paragraph “(j) The State shall have standards for hazardous waste exporters which are equivalent to 40 CFR part 262. These standards shall include:

(1) Compliance with the manifest system including the requirements that:

(i) Beginning on December 1, 2025, the exporter submits a signed copy of the manifest and continuation sheet to the EPA e-Manifest system.

(ii) The exporter lists the relevant consent number from consent documentation supplied by the EPA facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A), matched to the relevant list number for the waste from block 9b; and

(2) Beginning on December 1, 2025, the exporter pays user fees to the EPA to recover the EPA's costs related to the development and operation of an electronic hazardous waste manifest system, in the amounts specified by the user fee methodology included in 40 CFR part 265, subpart FF for all paper and electronic manifests submitted to the EPA e-Manifest system.”

#### § 271.12

40 CFR 271.12(l) (Jan. 22, 2025) Added paragraph “Beginning on December 1, 2025, requirements for owners and operators of facilities to submit electronic Discrepancy Reports to the EPA e-Manifest system; and”

40 CFR 271.12(m) (Jan. 22, 2025) Added paragraph “Beginning on December 1, 2025, requirements for owners and operators to submit electronic Unmanifested Waste Reports to the EPA e-Manifest system.”

### **Definition Changes**

§ 262.1 – On 8/8/24, EPA added: “Independent requirement means a requirement of part 262 that states an event, action, or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status, and operating requirements under §§ 262.14, 262.15, 262.16, 262.17, or subpart K or subpart L of this part.”

§ 264.1310 - Paper manifest submissions Added “EPA” prior to e-Manifest; Removed “mailing the paper manifests or continuation sheets, by”

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9 VAC20-60
<b>VAC Chapter title(s)</b>	Virginia Hazardous Waste Management Regulations
<b>Action title</b>	Annual Update 2025, Virginia Hazardous Waste Management Regulations, 9VAC20-60
<b>Date this document prepared</b>	November 24, 2025
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Exempt Final Action

### **Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**[Agency Note: This is a final exempt regulatory action necessary only to conform to changes in federal regulations. Therefore, Table 1c is not required and has been removed.](#)**

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p><b>Note: Hazardous waste is a solid waste that is ignitable, corrosive, reactive, toxic or acutely toxic. A waste can be a hazardous waste because it exhibits a characteristic of hazardous waste, or because that waste has been specifically listed in the regulations as a hazardous waste. It is a generator’s responsibility to determine if his waste is hazardous, and to manage that hazardous waste from “cradle to grave.” Hazardous waste is regulated under the federal Resource Conservation and Recovery Act (RCRA) Subtitle C. This final exempt regulatory action is necessary to maintain consistency between federal requirements and Virginia’s Hazardous Waste Management Regulations, which allows Virginia to maintain its status as a U.S. Environmental Protection Agency (EPA)-authorized state. This allows Virginia to maintain authorization to implement national hazardous waste management programs. The regulated community benefits from having local access to regulators (as opposed to having to go to federal regulators). Consistency between federal and state regulations also reduces regulatory confusion.</b></p> <p><b>Background:</b> This regulatory action to conform the regulation to the updated federal requirements is necessary to allow DEQ to maintain authorization to implement the national hazardous waste management programs. The updates to the federal Code of Regulations (CFR) captured by this update include fixes to typographical errors, updates to incorrect and outdated regulatory citations, and changes in language by EPA.</p> <p>The practical effect of this action is three changes to maintain consistency with federal requirements:</p> <p>The Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections rule was effective in all states on January 22, 2025. The rule incorporates hazardous waste export manifests into the e-Manifest system; expands the required international shipment data elements; revises the movement document requirements; integrates Exception Reports, Discrepancy Reports, and Unmanifested Waste Reports into e-</p>
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	<p>Manifest; requires small and large quantity generators to register for access to e-Manifest to obtain their final signed manifest copies; requires entities to correct manifest data errors; and makes other technical corrections to remove obsolete requirements, correct typographical errors and establish definitions. According to EPA, State programs are required to adopt the provisions in this rule to maintain their equivalency with the Federal program.</p> <p>The revisions to the RCRA regulations under the Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020 rule was effective in all states on December 10, 2024. This rule establishes alternative standards for ignitable spent refrigerants, that are lower flammability Hydrofluorocarbons, when “recycled for reuse”. These alternative standards were promulgated because of the lower risk of fire from the collection and recycling for reuse of these refrigerants, and the greater market value of these refrigerants. According to EPA, State programs are required to adopt the provisions in this rule to maintain their equivalency with the Federal program.</p> <p>The technical corrections to the <a href="#">Hazardous Waste Generator Improvements Rule</a>, the <a href="#">Hazardous Waste Pharmaceuticals Rule</a>, and the <a href="#">Definition of Solid Waste Rule</a> finalizes five amendments that were included in the August 9, 2023, direct final rule that made technical corrections to the three rulemakings related to the generation of hazardous waste. The technical corrections will correct or clarify the regulations for generators and handlers of hazardous waste. Since the corrections are considered neither more or less stringent than the current standards authorized States are not required to adopt the rule but is it strongly urged by EPA that States do so. Adopting these rules promotes consistency and reduces confusion for the regulated community.</p> <p>Direct Costs: There are no direct costs associated with the adoption of this regulatory change. Because these are also federal requirements, regulated entities would have to comply with these requirements, either as administered by the federal government or Virginia.</p> <p>Indirect Costs: There are no indirect costs associated with the adoption of this regulatory change.</p> <p>Direct Benefits: This proposed change allows the Virginia Hazardous Waste Management Regulations to maintain consistency with the federal waste management regulations at 40 CFR Parts 260 through 279. This allows Virginia to maintain its status as an EPA-authorized state, which means Virginia maintains authorization to implement national hazardous waste management programs. The regulated community benefits from</p>
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	<p>having local access to regulators (as opposed to having to go to federal regulators). Having state-adopted regulations and having these regulations enforced at the state level gives the Commonwealth more control over what is taking place in Virginia.</p> <p>Indirect Benefits:. Consistency between federal and state regulations also reduces regulatory confusion.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) Indeterminate, but positive.
(3) Net Monetized Benefit	Indeterminate, but positive.	
(4) Other Costs & Benefits (Non-Monetized)	\$0	
(5) Information Sources	<p>Final Rules:</p> <ul style="list-style-type: none"> <li>• <a href="#">Integrating e-Manifest With Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections - this action makes technical corrections to fix typographical errors in the e-Manifest and movement document regulations.</a> (Publication: July 26, 2024; Effective: January 22, 2025)</li> <li>• <a href="#">Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020</a> (Publication: October 11, 2024; Effective: December 10, 2024)</li> <li>• <a href="#">Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections</a> (Publication: December 11, 2024; Effective: February 10, 2025; Delayed Effective: March 21, 2025)</li> </ul>	

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: The Virginia Hazardous Waste Management Regulations would be inconsistent with the federal regulations and this would potentially jeopardize Virginia’s status as an EPA-authorized state.</p> <p>Indirect Costs: Inconsistency between federal and state regulations could create regulatory confusion.</p>
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	<p>Direct Benefits: There are no direct benefits to maintaining the status quo.</p> <p>Indirect Benefits: There are no indirect benefits to maintaining the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Indeterminate, but negative.	(b) \$0
(3) Net Monetized Benefit	Indeterminate but negative.	
(4) Other Costs & Benefits (Non-Monetized)	\$0	
(5) Information Sources	See Table 1a.	

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no unique direct costs to local partners. See Table 1a.</p> <p>Indirect Costs: There are no unique indirect costs to local partners. See Table 1a.</p> <p>Direct Benefits: There are no unique direct benefits to local partners. See Table 1a.</p> <p>Indirect Benefits: There are no unique indirect benefits to local partners. See Table 1a.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1a.	(b) See Table 1a.

(3) Other Costs & Benefits (Non-Monetized)	See Table 1a.
(4) Assistance	Not applicable.
(5) Information Sources	See Table 1a.

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Families are not affected by this action. Household hazardous waste is not regulated under the hazardous waste regulations.</p> <p>Indirect Costs: Families are not affected by this action. Household hazardous waste is not regulated under the hazardous waste regulations.</p> <p>Direct Benefits: Families are not affected by this action. Household hazardous waste is not regulated under the hazardous waste regulations.</p> <p>Indirect Benefits: Families are not affected by this action. Household hazardous waste is not regulated under the hazardous waste regulations.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(4) Information Sources	Not applicable.	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There are no unique direct costs to small businesses. See Table 1a.  Indirect Costs: There are no unique indirect costs to small businesses. See Table 1a.  Direct Benefits: There are no direct benefits to small businesses. See Table 1a.  Indirect Benefits: There are no unique benefits to small businesses. See Table 1a.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1a.	(b) See Table 1a.
(3) Other Costs & Benefits (Non-Monetized)	See Table 1a.	
(4) Alternatives	Not applicable.	
(5) Information Sources	See Table 1a.	

**Changes to Number of Regulatory Requirements**

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

*Change in Regulatory Requirements*

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
9VAC20-60-18	(M/A):	0	N/A	N/A	0
	(D/A):	0	N/A	N/A	0
	(M/R):	0	N/A	N/A	0
	(D/R):	0	N/A	N/A	0
					(M/A):0

	<b>Grand Total of Changes in Requirements:</b>	<b>(D/A): 0</b>
		<b>(M/R):0</b>
		<b>(D/R): 0</b>

**Key:**

*Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:*

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies

*Cost Reductions or Increases (if applicable)*

<b>VAC Section(s) Involved*</b>	<b>Description of Regulatory Requirement</b>	<b>Initial Cost</b>	<b>New Cost</b>	<b>Overall Cost Savings/Increases</b>
Not applicable.				

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

<b>VAC Section(s) Involved*</b>	<b>Description of Regulatory Change</b>	<b>Overview of How It Reduces or Increases Regulatory Burden</b>
Not applicable		

*Length of Guidance Documents (only applicable if guidance document is being revised)*

<b>Title of Guidance Document</b>	<b>Original Word Count</b>	<b>New Word Count</b>	<b>Net Change in Word Count</b>
Not applicable			

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).

1 **Project 8429 - Exempt Final**

2 **Virginia Waste Management Board**

3 **Haz Waste Annual Update 2025**

4 **9VAC20-60-18. Applicability of incorporated references based on the dates on which they**  
5 **became effective.**

6 Except as noted, when a regulation of the U.S. Environmental Protection Agency (EPA) set  
7 forth in Title 40 of the Code of Federal Regulations is referenced and incorporated into this  
8 chapter, that regulation shall be as it exists and has been published in the ~~July 1, 2023~~July 1,  
9 2024July 1, 2025, annual edition; however, the incorporation by reference of Title 40 of the Code  
10 of Federal Regulations shall not include the requirements of EPA's Response to Vacatur of  
11 Certain Provisions of the Definition of Solid Waste Rule (83 FR 24664, May 30, 2018).



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

www.deq.virginia.gov

Stefanie K. Taillon  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

Memorandum

To: Members of the Virginia Waste Management Board

Through: Kathryn Perszyk, Director, Land Protection & Revitalization Division

From: Rebecca Rathe, Regulatory Analyst

Date: November 24, 2025

Subject: Annual Update 2025, Regulations Governing the Transportation of Hazardous Materials (9VAC20-110)

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The attached regulatory amendment is presented to the Board for your consideration for adoption. The final exempt action amends the Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110. Each year, the U.S. Department of Transportation makes changes to the federal regulations regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations (49 CFR). As 9VAC20-110 incorporates certain parts of 49 CFR, it is necessary to amend 9VAC20-110 in order to incorporate the federal changes. The last update covered the changes made to 49 CFR during the period of October 1, 2022, through September 30, 2024. This amendment will bring the 49 CFR citations in 9VAC20-110 up to date and incorporate the applicable changes to 49 CFR to the most current CFR published in the October 1, 2025, annual edition.

Section 2.2-4006 A 4 (c) of the Code of Virginia exempts this regulatory amendment to 9VAC20-110 from Article 2 of the Administrative Process Act as the changes are necessary to conform to changes in the federal regulations. This regulatory amendment will be effective 30 days after publication in the *Virginia Register*. A draft Virginia Regulatory Town Hall document, including attachments detailing the CFR changes, an Office of Regulatory Management Economic Review Form and a copy of the required regulatory text changes are attached for your information.

At your Board meeting on December 9, 2025, DEQ will request that the Board adopt the Annual Update 2025 to 9VAC20-110, authorize its publication, and affirm that the Board will receive,

consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Attachments:

- Attachment A: Virginia Regulatory Town Hall Document (TH09)
- Attachment B: Office of Regulatory Management Economic Review Form
- Attachment C: Regulations Governing the Transportation of Hazardous Materials, Annual Update 2025 – Draft Regulatory Text



[townhall.virginia.gov](http://townhall.virginia.gov)

## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC20-110
<b>VAC Chapter title(s)</b>	Regulations Governing the Transportation of Hazardous Materials
<b>Action title</b>	Annual Update 2025
<b>Final agency action date</b>	December 9, 2025
<b>Date this document prepared</b>	November 24, 2025

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Virginia's Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, incorporate by reference certain federal regulations from Title 49 of the Code of Federal Regulations (CFR). This amendment will bring these regulations up to date with the latest update to Title 49 of the CFR as published on October 1, 2025. Section 2.2-4006.A.4 (c) of the Administrative Process Act allows the Board to adopt this regulatory amendment as a final exempt action as the changes are necessary to conform to changes in federal regulations.

Each year the U.S. Department of Transportation (U.S. DOT) makes several changes to the federal rules (see Attachments 1 and 2) regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia's regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia's regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus

incorporating the federal changes from October 1 of the previous year through September 30 of the new year (in this case, from October 1, 2024 through September 30, 2025).

A listing of specific changes is provided in the Attachments to this Town Hall document.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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Each year, the U.S. DOT makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia’s regulations for transportation of hazardous materials (9VAC20-110) incorporate certain parts of the federal regulations, it is necessary to update 9VAC20-110-110 in order to incorporate U.S. DOT’s most recent rulemakings since the last update.

Conforming state regulations to those of the U.S. DOT is necessary to maintain federally granted authority to implement the national program. The Virginia State Police maintain authority for compliance and enforcement of these regulations and this regulatory amendment.

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”*

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The Virginia Waste Management Board adopted this regulatory amendment to 9VAC20-110 on December 9, 2025, as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

**Attachment 1**

Changes to Title 49 of the CFR – October 1, 2024 – September 30, 2025  
 2025 US DOT’s Pipeline and Hazardous Materials Safety Administration (PHMSA)

Item	Effective Date	Affected 9VAC20-110 49 CFR Part	Federal Register (Publication Date)	Summary	Title
1	June 23, 2025 Docket No. PHMSA-2018-0025 (HM-264)	49 CFR 172 49 CFR 173 49 CFR 174 49 CFR 179 49 CFR 180	<a href="#">90 FR 26455</a> <a href="#">(06/23/2025)</a>	PHMSA, in coordination with the Federal Railroad Administration, is amending the Hazardous Materials Regulations in response to the recent decision of the United States Court of Appeals for the District of Columbia Circuit in <i>Sierra Club, et al. v. DOT</i> , et al., No. 20-1317 (Jan. 17, 2025).	Hazardous Materials: Liquefied Natural Gas by Rail
2	December 30, 2024 Docket No. 2024-30608	49 CFR 107 49 CFR 171 49 CFR 190 49 CFR 209 49 CFR 213 49 CFR 214 49 CFR 215 49 CFR 216 49 CFR 217 49 CFR 218 49 CFR 219 49 CFR 220 49 CFR 221 49 CFR 222 49 CFR 223 49 CFR 224 49 CFR 225 49 CFR 227 49 CFR 228 49 CFR 229 49 CFR 230 49 CFR 231 49 CFR 233 49 CFR 234 49 CFR 235 49 CFR 236 49 CFR 237 49 CFR 238 49 CFR 239 49 CFR 240	<a href="#">89 FR 106282</a> <a href="#">(December 30, 2024)</a>	This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101-410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114-74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require Federal agencies to adjust minimum and maximum civil penalty amounts to preserve their deterrent impact. The 2015 Act amended the formula and frequency of the adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. This rule is effective immediately.	Revisions to Civil Penalty Amounts, 2025

		49 CFR 241 49 CFR 242 49 CFR 243 49 CFR 244 49 CFR 272 49 CFR 386 49 CFR 578			
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Attachment 2

Changes to Title 49 of the CFR – October 1, 2024 – September 30, 2025  
 2025 US DOT's Federal Motor Safety Carriers Administration (FMSCA)

Item	Effective Date	Affected 9VAC20-110 49 CFR Part	Federal Register (Publication Date)	Summary	Rule Title
1	January 10, 2025 Docket No. FMCSA- 2024-0201	49 CFR Parts 387 and 397	<a href="#">90 FR 1908 (November 10, 2024)</a>	<p>In a final rule published in the <b>Federal Register</b> on November 18, 2024, FMCSA amended its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRS). The final rule included an amendatory instruction to revise a stayed section without first lifting the stay. The final rule also included an amendatory instruction which referenced an incorrect paragraph letter. The Agency corrects these errors.</p>	Federal Motor Carrier Safety Regulations; Correction
2	December 30, 2024 Docket No. 2024- 30608	49 CFR 107 49 CFR 171 49 CFR 190 49 CFR 209 49 CFR 213 49 CFR 214 49 CFR 215 49 CFR 216 49 CFR 217 49 CFR 218 49 CFR 219 49 CFR 220 49 CFR 221 49 CFR 222 49 CFR 223 49 CFR 224 49 CFR 225 49 CFR 227 49 CFR 228 49 CFR 229 49 CFR 230 49 CFR 231 49 CFR 233 49 CFR 234 49 CFR 235 49 CFR 236 49 CFR 237 49 CFR 238	<a href="#">89 FR 106282 (December 30, 2024)</a>	<p>This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101-410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114-74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require Federal agencies to adjust minimum and maximum civil penalty amounts to preserve their deterrent impact. The 2015 Act amended the formula and frequency of the adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. This rule is effective immediately.</p>	Revisions to Civil Penalty Amounts, 2025

		49 CFR 239 49 CFR 240 49 CFR 241 49 CFR 242 49 CFR 243 49 CFR 244 49 CFR 272 49 CFR 386 49 CFR 578			
3	November 18, 2025	49 CFR 385 and 397	<a href="#">89 FR 90608 (November 18, 2024)</a>	FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency makes minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The Agency also makes a change to its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA).	Federal Motor Carrier Safety Regulations

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9 VAC 20-110
<b>VAC Chapter title(s)</b>	Regulations Governing the Transportation of Hazardous Materials
<b>Action title</b>	Annual Update 2025
<b>Date this document prepared</b>	November 24, 2025
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Exempt Final Action

### **Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Agency Note: This is a final exempt regulatory action necessary to conform to changes in federal regulations. Therefore, Table 1c is not required and has been removed.**

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p><b>Background:</b> All the changes to the regulations are federally mandated and the agency is not exercising any discretion. The amendment to 9VAC20-110 is necessary to conform to changes to the federal regulations regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations (49 CFR). As 9VAC20-110 incorporates certain parts of 49 CFR, it is necessary to amend 9VAC20-110-110 in order to incorporate the federal changes.</p> <p>Direct Costs: There are no direct costs associated with the adoption of this regulatory change. The Annual Update of the Virginia Regulations Governing the Transportation of Hazardous Materials is necessary to conform to changes in federal regulations which are currently in place. Members of the regulated community must comply with these changes whether or not the Commonwealth adopts the amendments, but adoption of the amendments enables the Commonwealth to continue implementing and enforcing this program.</p> <p>Indirect Costs: There are no indirect costs associated with the adoption of this regulatory change.</p> <p>Direct Benefits: The adoption of this regulatory change is necessary for the Virginia State Police to implement and enforce the changes in federal requirements governing the transportation of hazardous materials.</p> <p>Indirect Benefits: The primary indirect benefit will be that the Virginia State Police will continue to implement and enforce the requirements governing the transportation of hazardous materials as mandated by changes to the Code of Federal Regulations.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>(a) \$0</p>	<p>(b) Indeterminate but positive.</p>
<p>(3) Net Monetized Benefit</p>	<p>Indeterminate but positive.</p>	
<p>(4) Other Costs &amp; Benefits (Non-Monetized)</p>	<p>\$0</p>	
<p>(5) Information Sources</p>	<p>Section 49 of the CFR</p>	

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p>Direct Costs: There are no direct costs associated with maintaining the regulations as currently written. However, the regulations would then be inconsistent with the federal regulations and the Virginia State Police would not be able to implement and enforce the current requirements governing the transportation of hazardous materials as mandated by changes to the Code of Federal Regulations.</p> <p>Indirect Costs: Inconsistency between the federal and Virginia regulations could also create regulatory confusion.</p> <p>Direct Benefits: There are no direct benefits associated with maintaining the regulations as currently written.</p> <p>Indirect Benefits: There are no indirect benefits associated with maintaining the regulations as currently written.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>(a) Indeterminate but negative.</p>	<p>(b) \$0</p>
<p>(3) Net Monetized Benefit</p>	<p>Indeterminate but negative.</p>	
<p>(4) Other Costs &amp; Benefits (Non-Monetized)</p>	<p>\$0</p>	
<p>(5) Information Sources</p>	<p>See Table 1a.</p>	

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p>Direct Costs: There are no unique direct costs to local partners from the adoption of this regulatory change.</p> <p>Indirect Costs: There are no unique indirect costs to local partners from the adoption of this regulatory change.</p> <p>Direct Benefits: There are no unique direct benefits to local partners from the adoption of this regulatory change.</p> <p>Indirect Benefits: The primary indirect benefit will be that the current requirements governing the transportation of hazardous materials will continue to be implemented and enforced by the Virginia State Police.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>(a) See Table 1a.</p>	<p>(b) See Table 1a.</p>
<p>(3) Other Costs &amp; Benefits (Non-Monetized)</p>	<p>See Table 1a.</p>	
<p>(4) Assistance</p>	<p>Not applicable.</p>	
<p>(5) Information Sources</p>	<p>See Table 1a.</p>	

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Families are not affected by the adoption of this regulatory change.</p> <p>Indirect Costs: Families are not affected by the adoption of this regulatory change.</p> <p>: Families are not affected by the adoption of this regulatory change.</p> <p>Indirect Benefits: Families are not affected by the adoption of this regulatory change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(4) Information Sources	See Table 1a.	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no unique direct costs to small businesses. See Table 1a.</p> <p>Indirect Costs: There are no unique indirect costs to small businesses. See Table 1a.</p> <p>Direct Benefits: There are no unique direct benefits to small businesses. See Table 1a.</p> <p>Indirect Benefits: There are no unique indirect benefits to small businesses. See Table 1a.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1a.	(b) See Table 1a.
(3) Other Costs & Benefits (Non-Monetized)	See Table 1a.	
(4) Alternatives	Not applicable.	
(5) Information Sources	See Table 1a.	

**Changes to Number of Regulatory Requirements**

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

**Agency Note: This regulatory amendment does not place any additional regulatory requirements on the regulated community. Rather it provides the mechanism for the continued implementation and enforcement by the Virginia State Police of regulations governing the transportation of hazardous materials.**

*Change in Regulatory Requirements*

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
9VAC20-110-110	(M/A):	1	N/A	N/A	0
	(D/A):	0	N/A	N/A	0
	(M/R):	0	N/A	N/A	0
	(D/R):	0	N/A	N/A	0
				<b>Grand Total of Changes in Requirements:</b>	(M/A):0 (D/A): 0 (M/R): 0 (D/R): 0

**Key:**

*Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:*

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies

*Cost Reductions or Increases (if applicable)*

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
Not applicable.				

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
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Not applicable.		

*Length of Guidance Documents (only applicable if guidance document is being revised)*

<b>Title of Guidance Document</b>	<b>Original Word Count</b>	<b>New Word Count</b>	<b>Net Change in Word Count</b>
Not applicable.			

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).

1 **Project 8430 - Exempt Final**

2 **Virginia Waste Management Board**

3 **Transport of Haz Materials Annual Update 2025**

4 **9VAC20-110-110. Compliance.**

5 Every person who transports or offers for transportation hazardous materials within or through  
6 the Commonwealth of Virginia shall comply with the federal regulations governing the  
7 transportation of hazardous materials promulgated by the U.S. Secretary of Transportation with  
8 amendments promulgated as of ~~October 1, 2024~~October 1, 2025, pursuant to the Hazardous  
9 Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations as set  
10 forth below and which are incorporated in these regulations by reference:

- 11 1. Special Permits. 49 CFR Part 107, Subpart B.
- 12 2. Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers,  
13 Repairers, Inspectors, Testers, and Design Certifying Engineers in 49 CFR Part 107,  
14 Subpart F.
- 15 3. Registration of Persons Who Offer or Transport Hazardous Materials in 49 CFR Part  
16 107, Subpart G.
- 17 4. Hazardous Materials Regulations in 49 CFR Parts 171 through 177.
- 18 5. Specifications for Packagings in 49 CFR Part 178.
- 19 6. Specifications for Tank Cars in 49 CFR Part 179.
- 20 7. Continuing Qualification and Maintenance of Packagings in 49 CFR Part 180.
- 21 8. Motor Carrier Safety Regulations in 49 CFR Parts 390 through 397.



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Stefanie K. Taillon  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

To: Members of the Virginia Waste Management Board

Through: Kathryn Perszyk, Director, Land Protection & Revitalization Division

From: Rebecca Rathe, Regulatory Analyst

Date: November 24, 2025

Subject: Amendment in Response to Chapter 235 of the 2024 Acts of Assembly, Virginia Solid Waste Management Regulations (9VAC20-81) (SB 342)

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This final regulatory action amends the Virginia Solid Waste Management Regulations (VSWMR), 9VAC20-81, to incorporate language as directed by Chapter 235 of the 2024 Acts of Assembly. Chapter 235 of the 2024 Acts of Assembly (SB 342) directed the Virginia Waste Management Board (Board) to amend the VSWMR “to allow for vegetative waste to be transported to another location for open burning if it is impractical or unsafe to destroy such waste on the premises of private property.” This regulatory amendment adds a new conditional exemption to 9VAC20-81-95 of the regulations to allow for the open burning of vegetative waste at a location other than where it is generated, if it is impractical or unsafe to burn the waste on the premises of private property.

A Notice of Intended Regulatory Action (NOIRA) for this regulation was published in the Virginia Register on October 21, 2024, and the public comment period ended on November 20, 2024. No public comments were received during the NOIRA public comment period. During the NOIRA comment period, eight people requested to serve on the Regulatory Advisory Panel (RAP), and seven people were approved for inclusion on the RAP. The RAP held one meeting on February 6, 2025, and five out of the seven RAP members attended. During the meeting, consensus was achieved on criteria for the offsite open burning of vegetative waste when it is impractical or unsafe to destroy such waste on the premises of the originating private property. The criteria agreed upon by the RAP for offsite open burning of vegetative waste was incorporated into the proposed regulation, including minimum setbacks, maximum frequency and volume of waste to be burned, and conditions for conducting the burn activity (e.g., adhering to local ordinances, etc.).

The proposed stage for this regulation was approved by the Board on May 2, 2025, with approval given to proceed with a public comment period. A public comment period was held from August 25, 2025, until October 24, 2025. During this public comment period no comments were received.

The legal basis for this regulation is the Virginia Waste Management Act (Chapter 14 of Title 10.1 of the Code of Virginia). Specifically, § 10.1-1402 of the Code of Virginia authorizes the Board to supervise and control waste management activities in the Commonwealth and to promulgate regulations necessary to carry out its powers and duties. An Agency Background Document, an Office of Regulatory Management Economic Review Form, a copy of the final regulatory text, and Chapter 235 of the 2024 Acts of Assembly are attached for your information.

At your Board meeting on December 9, 2025, DEQ will request that the Board adopt the final amendment to 9VAC20-81-95 of the Virginia Solid Waste Management Regulations in the titled action “Response to Chapter 235 of the 2024 Virginia Acts of Assembly”.

**Attachments:**

Attachment A: Virginia Regulatory Town Hall Document (TH-09) (TH-03)

Attachment B: Office of Regulatory Management Economic Review Form

Attachment C: Virginia Solid Waste Management Regulations, Amendment in Response to Chapter 235 of the 2024 Acts of Assembly – Draft Regulatory Text

Attachment D: Chapter 235 of the 2024 Acts of Assembly



[townhall.virginia.gov](http://townhall.virginia.gov)

## Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC20-81
<b>VAC Chapter title(s)</b>	Solid Waste Management Regulations
<b>Action title</b>	Amendment in Response to Chapter 235 of the 2024 Acts of Assembly
<b>Date this document prepared</b>	November 24, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Chapter 235 of the 2024 Acts of Assembly (SB 342) directed the Virginia Waste Management Board to amend the Virginia Solid Waste Management Regulations (VSWMR, 9VAC20-81 et seq.) "to allow for vegetative waste to be transported to another location for open burning if it is impractical or unsafe to destroy such waste on the premises of private property."

The existing VSWMR only allows for the onsite open burning of vegetative waste or the open burning of vegetative waste at permitted solid waste landfills. Pursuant to Chapter 235, this final regulation amends the current open burning allowances found within Section 95, Subsection D, of the VSWMR to provide conditions allowing the offsite open burning of vegetative waste when it is impractical or unsafe to destroy such waste at the site of generation or at a permitted solid waste landfill.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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APA – Administrative Process Act  
RAP – Regulatory Advisory Panel  
SB – Senate Bill  
VAC – Virginia Administrative Code  
VSWMR – Virginia Solid Waste Management Regulations

## Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”*

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The Virginia Waste Management Board adopted the Amendment to 9VAC20-81 in Response to Chapter 235 of the 2024 Acts of Assembly (Senate Bill (SB) 342) on December 9, 2025, as a final regulation.

## Mandate and Impetus

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.*

---

Chapter 235 of the 2024 Acts of Assembly (SB 342) directed the Virginia Waste Management Board to amend the Virginia Solid Waste Management Regulations (VSWMR, 9VAC20-81 et seq.) “to allow for vegetative waste to be transported to another location for open burning if it is impractical or unsafe to destroy such waste on the premises of private property.” This act became effective July 1, 2024. This regulatory action is required to develop regulatory conditions applicable to the offsite open burning of vegetative waste pursuant to Chapter 235 of the 2024 Acts of Assembly.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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The promulgating agency for this regulation is the Virginia Waste Management Board. The legal basis for this regulation is the Virginia Waste Management Act (Chapter 14 of Title 10.1 of the Code of Virginia). Specifically, § 10.1-1402 of the Code of Virginia authorizes the Virginia Waste Management Board to supervise and control waste management activities in the Commonwealth and to promulgate regulations necessary to carry out its powers and duties.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

This final regulatory action is an amendment to a chapter of regulations governed by the Virginia Waste Management Board. This amendment is to incorporate language into the VSWMR, specifically 9VAC20-81-95, in order to comply with the directive from Chapter 235 of the 2024 Acts of Assembly (SB 342).

Chapter 235 of the 2024 Acts of Assembly (SB 342) directed the Virginia Waste Management Board to amend the VSWMR, 9VAC20-81 et seq., “to allow for vegetative waste to be transported to another location for open burning if it is impractical or unsafe to destroy such waste on the premises of private property.” The existing regulations only allow for the onsite open burning of vegetative waste or the open burning of vegetative waste at permitted solid waste landfills. Pursuant to Chapter 235, this final regulation amends the current open burning allowances found within Section 95, Subsection D, of the VSWMR to provide conditions allowing the offsite open burning of vegetative waste when it is impractical or unsafe to destroy such waste at the site of generation or at a permitted solid waste landfill.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.*

9VAC20-81-95 D 15 outlines exemptions to the restriction of open burning vegetative waste outside of a permitted facility. This final regulatory action adds (h) to the list of exemptions. This change is intended to allow offsite open burning of vegetative waste under certain conditions, provided the site of generation is unsafe or impractical for the open burning. The purpose of this final amendment is to comply with Chapter 235 of the 2024 Acts of Assembly. The likely impact of the new option will be the flexibility to open burn vegetative waste in safe and practical locations.

A Regulatory Advisory Panel (RAP) was convened to assist with developing the exemption language. Consensus was achieved on criteria for the offsite open burning of vegetative waste when it is impractical or unsafe to destroy such waste on the premises of the originating private property. The criteria agreed upon by the RAP for offsite open burning of vegetative waste was incorporated into the exemption language and included minimum setbacks, maximum frequency and volume of waste to be burned, and conditions for conducting the burn activity (e.g., adhering to local ordinances, etc.).

## Issues

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary advantage to this regulatory change to the public is the potential option to open burn vegetative waste offsite, which will be allowed if the site where the vegetative waste is generated is

deemed by the generator to be unsafe or impractical for open burning. The proposed change may also reduce the amount of vegetative waste disposed of at permitted solid waste disposal facilities.

The primary advantage of this regulatory change to the Commonwealth is compliance with Chapter 235 of the 2024 Acts of Assembly (SB 342).

A potential disadvantage of the change is the potential increased open burning of vegetative waste instead of utilizing other management options higher in preference on the waste management hierarchy, such as mulching or composting.

### **Requirements More Restrictive than Federal**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.*

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There are no applicable federal requirements. The regulatory requirements are constraints within an optional exemption, and they are equally stringent to relevant state requirements.

### **Agencies, Localities, and Other Entities Particularly Affected**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

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#### **Other State Agencies Particularly Affected:**

Virginia Department of Fire Programs – The State Fire Marshal’s Office frequently receives and responds to notifications and complaints regarding open burning and fire safety concerns. This regulatory action requires that the state or local fire marshal be notified prior to the start of an offsite open burning event for vegetative waste, which is consistent with existing requirements in the Virginia Statewide Fire Prevention Code. Adding this additional option to open burn vegetative waste offsite may increase the number of calls received by the State Fire Marshal’s Office for notifications of burn events and potential complaints from concerned citizens. However, this regulatory action proposes conditions (e.g., minimum setbacks, maximum frequency, and volume of waste to be burned) which are intended to minimize the potential for fire safety and air quality concerns and complaints.

#### **Localities Particularly Affected:**

Localities frequently receive and respond to notifications and complaints regarding open burning and fire safety concerns. Localities which are outside of volatile organic compound emissions control areas designated under 9VAC5-20-206 may be particularly affected as this new option for offsite burning of vegetative waste is only available in localities outside of those areas. This is due to the prohibition for offsite open burning in certain areas designated by the State Air Pollution Control Board under a separate regulation (9VAC5-130).

In addition, this regulatory action requires that the state or local fire marshal be notified prior to the start of an offsite open burning event for vegetative waste, which is consistent with existing requirements in the Virginia Statewide Fire Prevention Code. Adding this additional option to open burn vegetative waste offsite may increase the number of calls received by localities and local fire marshals for notifications of burn events and potential complaints from concerned citizens. However, this regulatory action proposes conditions (e.g., minimum setbacks, maximum frequency, and volume of waste to be burned) which are intended to minimize the potential for fire safety and air quality concerns and complaints.

**For purposes of "Locality Particularly Affected" under the Board's statutes:**

This regulation is applicable statewide, and no specific localities have been identified to be particularly impacted by these regulations.

**Other Entities Particularly Affected:**

No other entities have been identified to be particularly impacted by these regulations.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

Commenter	Comment	Agency response
N/A	N/A	N/A

**Agency note: No comments were received during the public comment period which ended on October 24, 2025.**

**Detail of Changes Made Since the Previous Stage**

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.*

N/A				
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**Detail of All Changes Proposed in this Regulatory Action**

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new*

requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
9VAC20-81-95 D 15	9VAC20-81-95 D 15 h		<p>h. For the offsite destruction of vegetative waste by the generator, if it is impractical or unsafe to destroy such waste on the premises of the originating private property, provided the offsite open burning meets the following criteria:</p> <p>(1) Vegetative waste shall be stored in compliance with this subdivision 13;</p> <p>(2) No more than one burn event shall occur per 60-day period, per location or generator, during which the event shall not exceed 72 hours (no smoldering);</p> <p>(3) No more than 100 cubic yards of vegetative waste shall be burned per event;</p> <p>(4) Burning shall be conducted in a location that meets the following conditions, at a minimum:</p> <p>(a) 1,000 feet from any occupied building unless the occupants have given prior written permission, other than a building located on the property where the burning is conducted;</p> <p>(b) 300 feet from any roadway or structure;</p> <p>(c) 200 feet from potable water wells or other drinking water sources;</p> <p>(d) 100 feet from any regularly flowing surface water body, river, floodplain, or wetland;</p> <p>(e) 50 feet from any property line;</p> <p>(f) 50 feet from any utility lines or tree lines;</p>

			<p>(g) 50 feet from any potentially combustible material; and</p> <p>(h) Not within a volatile organic compound emissions control area as designated under 9VAC5-20-206;</p> <p>(5) The burning activities shall comply with all state and local ordinances;</p> <p>(6) Notification shall be provided to the state or local fire marshal at least 48 hours prior to the start of the burn event;</p> <p>(7) The burn event shall be attended at all times;</p> <p>(8) No liquid accelerants (e.g. diesel, motor oil) or other prohibited materials (e.g. building debris, treated wood, painted wood, asphaltic materials, tires, metal, garbage) shall be utilized to start or maintain the burning;</p> <p>(9) A method of extinguishing the burning must be on site and available for the duration of the burn event; and</p> <p>(10) The burning shall be extinguished if any of the following conditions are present:</p> <p>(a) Wind speeds greater than 20 mph;</p> <p>(b) An official pollution alert, code red air quality action day, or air quality health advisory is declared for the area; or</p> <p>(c) Impairment to visibility on traveled roads or surrounding airports.</p> <p><b>Agency Note: 9VAC20-81-95 D 15 outlines exemptions to the restriction of open burning vegetative waste outside of a permitted facility. This amendment adds (h)(1) – (h)(10) to the list of exemptions. It adds a provision that vegetative waste can be open burned at a site other than where it was generated, if the original site was unsafe or impractical to burn the vegetative waste. The purpose</b></p>
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			<p>of this final amendment is to comply with Chapter 235 of the 2024 Acts of Assembly. The likely impact of the new option will be the flexibility to open burn vegetative waste in safe and practical locations.</p>
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Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC20-81
<b>VAC Chapter title(s)</b>	Solid Waste Management Regulations
<b>Action title</b>	Amendment in Response to Chapter 235 of the 2024 Acts of Assembly
<b>Date this document prepared</b>	November 24, 2025
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Final Action

**Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p><b>Agency Note: This regulatory change is required by Chapter 235 of the 2024 Acts of Assembly (SB 342).</b></p> <p>Direct Costs: There are no direct costs associated with this final regulatory change. It creates a new offsite disposal option for generators of vegetative waste through offsite open burning when it is impractical or unsafe to destroy the waste on the premises of the originating property, but it does not require use of this new option.</p> <p>Indirect Costs: Indirect costs may include increased calls to the state fire marshal or localities concerning open burning. To minimize these costs the final regulation requires notification 48 hours in advance prior to the start of the burning. To minimize complaints to localities, the final regulation includes setback requirements from occupied buildings, roads and structures, wells and drinking water sources, surface waters, property lines, utility lines and tree lines.</p> <p>Direct Benefits: This action creates a new offsite disposal option for generators of vegetative waste through offsite open burning when it is impractical or unsafe to destroy the waste on the premises of the originating property. This may reduce disposal costs for generators of vegetative waste (i.e., avoidance of costs to dispose of the vegetative waste at a landfill).</p> <p>Indirect Benefits: There are no indirect benefits associated with this final regulatory change.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>Indeterminate.</p>	<p>Indeterminate.</p>
<p>(3) Net Monetized Benefit</p>	<p>Indeterminate.</p>	
<p>(4) Other Costs &amp; Benefits (Non-Monetized)</p>	<p>(1) This final regulatory change will allow for a generator of vegetative waste to move vegetative waste from the site of generation to burn, if the site of generation is unsafe or impractical for burning. This will allow an additional waste management option for generators of vegetative waste.</p> <p>(2) This final regulatory change may reduce the amount of vegetative waste disposed of in permitted disposal facilities due to the exemption allowing open burning of vegetative wastes. The change could lead to increased open burning of vegetative waste instead of utilizing other</p>	

	management options higher in preference on the waste management hierarchy, such as mulching or composting.
(5) Information Sources	N/A

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p><b>Agency Note: The Agency does not have the option to maintain the status quo, due to this regulatory action being required by Chapter 235 of the 2024 Acts of Assembly (SB 342).</b></p> <p>Direct Costs: The cost of the status quo is that the regulations do not comply with Chapter 235 of the 2024 Acts of Assembly (SB 342). The status quo also does not provide the additional offsite disposal option for generators of vegetative waste through offsite open burning when it is impractical or unsafe to destroy the waste on the premises of the originating property</p> <p>Indirect Costs: There are no indirect costs to maintaining the status quo.</p> <p>Direct Benefits: There are no direct benefits to maintaining the status quo.</p> <p>Indirect Benefits: There are no indirect benefits to maintaining the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	Indeterminate.	Indeterminate.
(3) Net Monetized Benefit	Indeterminate.	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	N/A	

**Agency Note: This is a final regulatory action necessary to conform with Chapter 235 of the 2024 Acts of Assembly. Therefore, Table 1c has been removed.**

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: See Table 1a.</p> <p>Indirect Costs: See Table 1a. Additional indirect costs for local partners include the cost of time and the administrative cost of developing and preparing a local ordinance for open burning, if the locality chooses to do so. These costs are highly variable based on locality and cannot be accurately quantified. Additionally, the potential increase of open burning of vegetative waste outside of a permitted disposal facility may increase the amount of complaint calls from residents.</p> <p>Direct Benefits: See Table 1a.</p> <p>Indirect Benefits: See Table 1a.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	Indeterminate.	Indeterminate.
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance	N/A	
(5) Information Sources	N/A	

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no direct costs to families.</p> <p>Indirect Costs: There are no indirect costs to families.</p> <p>Direct Benefits: There are no direct benefits to families.</p> <p>Indirect Benefits: There are no indirect benefits to families.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	\$0	\$0
(3) Other Costs & Benefits (Non-Monetized)	There are no other costs or benefits for families.	
(4) Information Sources	N/A	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Some generators of vegetative waste that may be eligible to use this new offsite disposal option may be small businesses. Costs for small businesses would be the same for any other entity. See Table 1a.</p> <p>Indirect Costs: Some generators of vegetative waste that may be eligible to use this new offsite disposal option may be small businesses. Indirect costs for small businesses would be the same for any other entity. See Table 1a.</p> <p>Direct Benefits: Some generators of vegetative waste that may be eligible to use this new offsite disposal option may be small businesses. Generators opting to utilize the exemption may save an unquantified monetary cost by no longer needing to use permitted disposal facilities as frequently for vegetative wastes. These permitted disposal facilities charge a disposal fee which varies greatly based on location, amount of material disposed, and the type of material disposed. This disposal fee may be \$0, as some facilities waive the fee for residents, to \$50 per ton or more. Additionally, due to the variety of measurement units used by</p>
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	<p>facilities across the state, an estimated range of fee costs cannot be determined.</p> <p>Indirect Benefits: Some generators of vegetative waste that may be eligible to use this new offsite disposal option may be small businesses. Generators opting to utilize the exemption may save an unquantified monetary cost by having shorter hauling distances from the site of generation to the offsite location where they intend to open burn the vegetative waste. This site may be closer than the closest permitted disposal facility, saving the generator in the cost of time, fuel, and miscellaneous fees associated with hauling vegetative waste.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	Indeterminate.	Indeterminate.
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Alternatives	N/A	
(5) Information Sources	N/A	

**Changes to Number of Regulatory Requirements**

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

*Change in Regulatory Requirements*

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
9VAC20-81-95 D 15	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
				<b>Grand Total of Changes in Requirements:</b>	(M/A):0
					(D/A):0
					(M/R):0
					(D/R):0

**Key:**

*Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:*

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies

*Cost Reductions or Increases (if applicable)*

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC20-81-95	This final regulation creates a new offsite disposal option for generators of			This option may reduce costs for generators of vegetative waste by allowing them to avoid paying

	vegetative waste through offsite open burning when it is impractical or unsafe to destroy the waste on the premises of the originating property, but it does not require use of this new option.			tipping fees to dispose of the vegetative waste at a landfill. It may also reduce transportation costs if the open burning site is closer than a landfill to the site where the vegetative waste is generated.
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*Other Decreases or Increases in Regulatory Stringency (if applicable)*

<b>VAC Section(s) Involved*</b>	<b>Description of Regulatory Change</b>	<b>Overview of How It Reduces or Increases Regulatory Burden</b>
N/A		

**Agency Note: There are no increases or decreases in regulatory stringency as part of this final amendment. This amendment offers an equally stringent disposal method as part of an optional exception under very specific circumstances.**

*Length of Guidance Documents (only applicable if guidance document is being revised)*

<b>Title of Guidance Document</b>	<b>Original Word Count</b>	<b>New Word Count</b>	<b>Net Change in Word Count</b>
N/A			

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).

**Agency Note: No guidance document is being modified as part of this final amendment.**

2 **Virginia Waste Management Board**

3 **Amendment in response to Chapter 235 of the 2024 Virginia Acts of Assembly**

4 **9VAC20-81-95. Identification of solid waste.**

5 A. Wastes identified in this section are solid wastes that are subject to this chapter unless  
6 regulated pursuant to other applicable regulations issued by the department.

7 B. Except as otherwise provided, the definition of solid waste per 40 CFR 261.2 as  
8 incorporated by 9VAC20-60-261, as amended, is also hereby incorporated as part of this chapter.  
9 Except as otherwise provided, all material definitions, reference materials, and other ancillaries  
10 that are a part of 9VAC20-60-261, as amended, are also hereby incorporated as part of this  
11 chapter as well.

12 C. Except as otherwise modified or excepted by 9VAC20-60, the materials listed in the  
13 regulations of the ~~United States~~ U.S. Environmental Protection Agency set forth in 40 CFR  
14 261.4(a) are considered a solid waste for the purposes of this chapter. However, these materials  
15 are not regulated under the provisions of this chapter if all conditions specified ~~therein~~ by this  
16 chapter are met. This list and all material definitions, reference materials, and other ancillaries  
17 that are part of 40 CFR Part 261.4(a), as incorporated, modified, or accepted by 9VAC20-60 are  
18 incorporated as part of this chapter. In addition, the following materials are not solid wastes for  
19 the purpose of this chapter:

- 20 1. Materials generated by any of the following, which are returned to the soil as fertilizers:
- 21 a. The growing and harvesting of agricultural crops.
- 22 b. The raising and husbanding of animals, including animal manures and used animal
- 23 bedding.

- 24 2. Mining overburden returned to the mine site.
- 25 3. Recyclable materials used in manner constituting disposal per 9VAC20-60-266.
- 26 4. Wood wastes burned for energy recovery.
- 27 5. Materials that are:
- 28 a. Used or reused, or prepared for use or reuse, as an ingredient in an industrial
- 29 process to make a product, or as effective substitutes for commercial products or
- 30 natural resources, provided the materials are not being reclaimed or accumulated
- 31 speculatively; or
- 32 b. Returned to the original process from which they are generated.
- 33 6. Materials that are beneficially used as determined by the department under this
- 34 subsection. The department may consider other waste materials and uses to be beneficial
- 35 in accordance with the provisions of 9VAC20-81-97.
- 36 7. The following materials and uses listed in this part are exempt from this chapter as long
- 37 as they are managed so that they do not create an open dump, hazard, or public nuisance.
- 38 These materials and the designated use are considered a beneficial use of waste
- 39 materials:
- 40 a. Clean wood, wood chips, or bark from land clearing, logging operations, utility line
- 41 clearing and maintenance operations, pulp and paper production, and wood products
- 42 manufacturing, when these materials are placed in commerce for service as mulch,
- 43 landscaping, animal bedding, erosion control, habitat mitigation, wetlands restoration,
- 44 or bulking agent at a compost facility operated in compliance with Part IV (9VAC20-
- 45 81-300 et seq.) of this chapter;

46 b. Clean wood combustion residues when used for pH adjustment in compost, liquid  
47 absorbent in compost, or as a soil amendment or fertilizer, provided the application  
48 rate of the wood ash is limited to the nutrient need of the crop grown on the land on  
49 which the wood combustion residues will be applied and provided that such application  
50 meets the requirements of the Virginia Department of Agriculture and Consumer  
51 Services (2VAC5-400 and 2VAC5-410);

52 c. Compost that satisfies the applicable requirements of the Virginia Department of  
53 Agriculture and Consumer Services (2VAC5-400 and 2VAC5-410);

54 d. Nonhazardous, contaminated soil that has been excavated as part of a construction  
55 project and that is used as backfill for the same excavation or excavations containing  
56 similar contaminants at the same site, at concentrations at the same level or higher.  
57 Excess contaminated soil from these projects is subject to the requirements of this  
58 chapter;

59 e. Nonhazardous petroleum contaminated soil that has been treated to the satisfaction  
60 of the department in accordance with 9VAC20-81-660;

61 f. Nonhazardous petroleum contaminated soil when incorporated into asphalt  
62 pavement products;

63 g. Solid wastes that are approved in advance of the placement, in writing, by the  
64 department or that are specifically mentioned in the facility permit for use as alternate  
65 daily cover material or other protective materials for landfill liner or final cover system  
66 components;

67 h. Fossil fuel combustion products that are not CCR when used as a material in the  
68 manufacturing of another product (e.g., concrete, concrete products, lightweight  
69 aggregate, roofing materials, plastics, paint, flowable fill) or as a substitute for a

70 product or material resource (e.g., blasting grit, roofing granules, filter cloth pre-coat  
71 for sludge dewatering, pipe bedding);

72 i. Tire chips and tire shred when used as a sub-base fill for road base materials or  
73 asphalt pavements when approved by the Virginia Department of Transportation or by  
74 a local governing body;

75 j. Tire chips, tire shred, and ground rubber used in the production of commercial  
76 products such as mats, pavement sealers, playground surfaces, brake pads, blasting  
77 mats, and other rubberized commercial products;

78 k. Tire chips and tire shred when used as backfill in landfill gas or leachate collection  
79 pipes, recirculation lines, and drainage material in landfill liner and cover systems, and  
80 gas interception or remediation applications;

81 l. Waste tires, tire chips, or tire shred when burned for energy recovery or when used  
82 in pyrolysis, gasification, or similar treatment process to produce fuel;

83 m. Waste-derived fuel product, as defined in 9VAC20-81-10, derived from  
84 nonhazardous solid waste;

85 n. Uncontaminated concrete and concrete products, asphalt pavement, brick, glass,  
86 soil, and rock placed in commerce for service as a substitute for conventional  
87 aggregate; and

88 o. Clean, ground gypsum wallboard when used as a soil amendment or fertilizer,  
89 provided the following conditions are met:

90 (1) No components of the gypsum wallboard have been glued, painted, or otherwise  
91 contaminated from manufacture or use (e.g., waterproof or fireproof drywall) unless  
92 otherwise processed to remove contaminants.

93 (2) The gypsum wallboard shall be processed so that 95% of the gypsum wallboard is  
94 less than 1/4 inch by 1/4 inch in size, unless an alternate size is approved by the  
95 department.

96 (3) The gypsum wallboard shall be applied only to agricultural, silvicultural,  
97 landscaped, or mined lands or roadway construction sites that need fertilization.

98 (4) The application rate for the ground gypsum wallboard shall not exceed the following  
99 rates.

Region	Rate
Piedmont, Mountains, and Ridge and Valley	250 lbs/1,000 ft <sup>2</sup>
Coastal Plain	50 lbs/1,000 ft <sup>2</sup>

Note: These weights are for dry ground gypsum wallboard.

100 D. The following activities are conditionally exempt from this chapter provided no open dump,  
101 hazard, or public nuisance is created:

102 1. Composting of sewage sludge at the sewage treatment plant of generation without  
103 addition of other types of solid wastes.

104 2. Composting of household waste generated at a residence and composted at the site of  
105 generation.

106 3. Composting activities performed for educational purposes as long as no more than 100  
107 cubic yards of materials are ~~onsite~~ on site at any time. Greater quantities will be allowed  
108 with suitable justification presented to the department. For quantities greater than 100  
109 cubic yards, approval from the department will be required prior to composting.

110 4. Composting of animal carcasses ~~onsite~~ on site at the farm of generation.

111 5. Composting of vegetative waste or yard waste generated ~~onsite~~ on site by owners or  
112 operators of agricultural operations or owners of the real property or those authorized by  
113 the owners of the real property, provided:

114 a. All decomposed vegetative waste and compost produced is utilized on ~~said~~ that  
115 property;

116 b. No vegetative waste or other waste material generated from other sources other  
117 than ~~said~~ that property is received;

118 c. All applicable standards of local ordinances that govern or concern vegetative waste  
119 handling, composting, storage, or disposal are satisfied; and

120 d. ~~They pose~~ The waste poses no nuisance or present no potential threat to human  
121 health or the environment.

122 6. Composting of yard waste by owners or operators who accept yard waste generated  
123 ~~offsite~~ off site shall be exempt from all other provisions of this chapter as applied to the  
124 composting activities, provided the requirements of 9VAC20-81-397 B are met.

125 7. Composting of preconsumer food waste and kitchen culls generated ~~onsite~~ on site and  
126 composted in containers designed to prohibit vector attraction and prevent nuisance odor  
127 generation.

128 8. Vermicomposting, when used to process Category I, Category II, or Category III  
129 feedstocks in containers designed to prohibit vector attraction and prevent nuisance odor  
130 generation. If offsite feedstocks are received, no more than 100 cubic yards of materials  
131 may be ~~onsite~~ on site at any one time. For quantities greater than 100 cubic yards,  
132 approval from the department will be required prior to composting.

133 9. Composting of sewage sludge or combinations of sewage sludge with nonhazardous  
134 solid waste, provided the composting facility is permitted under the requirements of a  
135 Virginia Pollution Abatement (VPA) or VPDES permit.

136 10. Management of solid waste in appropriate containers at the site of its generation,  
137 provided that:

138 a. Putrescible waste is not stored more than seven days between time of collection  
139 and time of removal for disposal;

140 b. Nonputrescible wastes are not stored more than 90 days between time of collection  
141 and time of removal for proper management; and

142 c. Treatment of waste is conducted in accordance with the following:

143 (1) In accordance with a waste analysis plan that:

144 (a) Contains a detailed chemical and physical analysis of a representative sample of  
145 the waste being treated and contains all records necessary to treat the waste in  
146 accordance with the requirements of this part, including the selected testing frequency;  
147 and

148 (b) Is kept in the facility's onsite file and made available to the department upon  
149 request.

150 (2) Notification is made to the receiving waste management facility that the waste has  
151 been treated.

152 11. Using rocks, brick, block, dirt, broken concrete, crushed glass, porcelain, and road  
153 pavement as clean fill.

154 12. Storage of less than 100 waste tires at the site of generation, provided that no waste  
155 tires are accepted from ~~offsite~~ off site and that the storage will not present a hazard or a  
156 nuisance.

157 13. Storage in piles of land-clearing debris, including stumps and brush, clean wood  
158 wastes, log yard scrapings consisting of a mixture of soil and wood, cotton gin trash,  
159 peanut hulls, and similar organic wastes that do not readily decompose, are exempt from  
160 this chapter if they meet the following conditions at a minimum:

161 a. The wastes are managed in the following manner:

162 (1) ~~They~~ The wastes do not cause discharges of leachate, or attract vectors.

163 (2) ~~They~~ The wastes cannot be dispersed by wind and rain.

164 (3) Fire is prevented.

165 (4) ~~They~~ The wastes do not become putrescent.

166 b. Any facility storing waste materials under the provisions of this subsection shall  
167 obtain a stormwater discharge permit if ~~they~~ the waste materials are considered a  
168 significant source under the provisions of 9VAC25-31-120 A 1 c.

169 c. No more than a total of 1/3 acre of waste material is stored ~~onsite~~ on site and the  
170 waste pile does not exceed 15 feet in height above base grade.

171 d. Siting provisions.

172 (1) All log yard scrapings consisting of a mixture of soil and wood, cotton gin trash,  
173 peanut hulls, and similar organic wastes that do not readily decompose are stored at  
174 the site of the industrial activity that produces them;

175 (2) A 50-foot fire break is maintained between the waste pile and any structure or tree  
176 line;

177 (3) The slope of the ground within the area of the pile and within 50 feet of the pile  
178 does not exceed 4:4 four to one;

179 (4) No waste material may be stored closer than 50 feet to any regularly flowing  
180 surface water body or river, floodplain, or wetland; and

181 (5) No stored waste materials shall extend closer than 50 feet to any property line.

182 e. If activities at the site cease, any waste stored at the site must be properly managed  
183 in accordance with these regulations within 90 days. The director can approve longer  
184 timeframes with appropriate justification. Justification must be provided in writing no  
185 more than 30 days after ceasing activity at the site.

186 f. Waste piles that do not meet these provisions are required to obtain a permit in  
187 accordance with the permitting provisions in Part V (9VAC20-81-400 et seq.) of this  
188 chapter and meet all of the applicable waste pile requirements in Part IV (9VAC20-81-  
189 300 et seq.) of this chapter. Facilities that do not comply with the provisions of this  
190 subsection and fail to obtain a permit are subject to the provisions of 9VAC20-81-40.

191 14. Storage of nonhazardous solid wastes and hazardous wastes, or hazardous wastes  
192 from very small quantity generators as defined in Virginia Hazardous Waste Management  
193 Regulations (9VAC20-60),<sub>1</sub> at a transportation terminal or transfer station in closed  
194 containers meeting the U.S. Department of Transportation specifications is exempt from  
195 this section and the permitting provisions of Part V (9VAC20-81-400 et seq.) of this  
196 chapter,<sub>1</sub> provided such wastes are removed to a permitted storage or disposal facility  
197 within 10 days from the initial receipt from the waste generator. To be eligible for this  
198 exemption, each shipment must be properly documented to show the name of the  
199 generator, the date of receipt by the transporter, and the date and location of the final  
200 destination of the shipment. The documentation shall be kept at the terminal or transfer

201 station for at least three years after the shipment has been completed and shall be made  
202 available to the department upon request. All such activities shall comply with any local  
203 ordinances.

204 15. Open burning of solid wastes as provided in the following:

205 a. For forest management, agriculture practices, and highway construction and  
206 maintenance programs approved by the State Air Pollution Control Board.

207 b. For training and instruction of government and public firefighters under the  
208 supervision of the designated official and industrial in-house firefighting personnel with  
209 clearance from the local firefighting authority. Buildings that have not been demolished  
210 may be burned under the provisions of this subdivision only. Additionally, burning  
211 rubber tires, asphaltic materials, crankcase oil, impregnated wood, or other rubber-  
212 based or petroleum-based wastes is permitted when conducting bona fide firefighting  
213 instruction.

214 c. For the destruction of classified military documents under the supervision of the  
215 designated official.

216 d. For campfires or other fires using clean wood or vegetative waste that are used  
217 solely for recreational purposes, for ceremonial occasions, for outdoor preparation of  
218 food, and for warming of outdoor workers.

219 e. For the onsite destruction of vegetative waste located on the premises of private  
220 property, provided that no regularly scheduled collection service for such vegetative  
221 waste is available at the adjacent street or public road.

222 f. For the onsite destruction of household waste by homeowners or tenants, provided  
223 that no regularly scheduled collection service for such household waste is available at  
224 the adjacent street or public road.

225 g. For the onsite destruction of clean wood waste and debris waste resulting from  
226 property maintenance; from the development or modification of roads and highways,  
227 parking areas, railroad tracks, pipelines, power and communication lines, buildings or  
228 building areas, sanitary landfills; or from any other clearing operations.

229 h. For the offsite destruction of vegetative waste by the generator, if it is impractical or  
230 unsafe to destroy such waste on the premises of the originating private property,  
231 provided the offsite open burning meets the following criteria:

232 (1) Vegetative waste shall be stored in compliance with this subdivision 13;

233 (2) No more than one burn event shall occur per 60-day period, per location or  
234 generator, during which the event shall not exceed 72 hours (no smoldering);

235 (3) No more than 100 cubic yards of vegetative waste shall be burned per event;

236 (4) Burning shall be conducted in a location that meets the following conditions, at a  
237 minimum:

238 (a) 1,000 feet from any occupied building, unless the occupants have given prior  
239 written permission, other than a building located on the property where the burning is  
240 conducted;

241 (b) 300 feet from any roadway or structure;

242 (c) 200 feet from potable water wells or other drinking water sources;

243 (d) 100 feet from any regularly flowing surface water body, river, floodplain, or wetland;

244 (e) 50 feet from any property line;

245 (f) 50 feet from any utility lines or tree lines;

246 (g) 50 feet from any potentially combustible material; and

247 (h) Not within a volatile organic compound emissions control area as designated under  
248 9VAC5-20-206;

249 (5) The burning activities shall comply with all state and local ordinances;

250 (6) Notification shall be provided to the state or local fire marshal at least 48 hours  
251 prior to the start of the burn event;

252 (7) The burn event shall be attended at all times;

253 (8) No liquid accelerants (e.g., diesel, motor oil) or other prohibited materials (e.g.,  
254 building debris, treated wood, painted wood, asphaltic materials, tires, metal, garbage)  
255 shall be utilized to start or maintain the burning;

256 (9) A method of extinguishing the burning must be on site and available for the duration  
257 of the burn event; and

258 (10) The burning shall be extinguished if any of the following conditions are present:

259 (a) Wind speeds greater than 20 mph;

260 (b) An official pollution alert, code red air quality action day, or air quality health  
261 advisory is declared for the area; or

262 (c) Impairment to visibility on traveled roads or surrounding airports.

263 16. Open burning of vegetative waste is allowed at a closed landfill that has not been  
264 released from postclosure care. The activity shall be included in the text of the postclosure  
265 plan and conducted in accordance with § 10.1-1410.3 of the Code of Virginia.

266 17. Placement of trees, brush, or other vegetation from land used for agricultural or  
267 silvicultural purposes on the same property or other property of the same landowner.

268 18. Using fossil fuel combustion products that are not CCR in one or more of the following  
269 applications or when handled, processed, transported, or stockpiled for the following uses:

- 270 a. As a base, sub-base<sub>2</sub> or fill material under a paved road, the footprint of a structure,  
271 a paved parking lot, sidewalk, walkway<sub>1</sub> or similar structure, or in the embankment of  
272 a road. In the case of roadway embankments, materials will be placed in accordance  
273 with Virginia Department of Transportation specifications, and exposed slopes not  
274 directly under the surface of the pavement must have a minimum of 18 inches of soil  
275 cover over the fossil fuel combustion products, the top six inches of which must be  
276 capable of sustaining the growth of indigenous plant species or plant species adapted  
277 to the area. The use, reuse, or reclamation of unamended coal combustion byproduct  
278 shall not be placed in an area designated as a 100-year flood plain;
- 279 b. Processed with a cementitious binder to produce a stabilized structural fill product  
280 that is spread and compacted with proper equipment for the construction of a project  
281 with a specified end use; or
- 282 c. For the extraction or recovery of materials and compounds contained within the  
283 fossil fuel combustion products.

284 E. The following solid wastes are exempt from this chapter<sub>1</sub> provided that they are managed  
285 in accordance with the requirements promulgated by other applicable state or federal agencies:

- 286 1. Management of wastes regulated by the State Board of Health, the State Water Control  
287 Board, the State Air Pollution Control Board, the Department of ~~Mines, Minerals and~~  
288 Energy, Department of Agriculture and Consumer Services, or any other state or federal  
289 agency with such authority.
- 290 2. Drilling fluids, produced waters, and other wastes associated with the exploration,  
291 development, or production of crude oil, natural gas, or geothermal energy.
- 292 3. Solid waste from the extraction, beneficiation, and processing of ores and minerals,  
293 including coal.

294 4. Fossil fuel combustion products used for mine reclamation, mine subsidence, or mine  
295 refuse disposal on a mine site permitted by the Virginia Department of ~~Mines, Minerals~~  
296 ~~and Energy (DMME)~~ when used in accordance with the standards.

297 5. Solid waste management practices that involve only the onsite placing of solid waste  
298 from mineral mining activities at the site of those activities and in compliance with a permit  
299 issued by the ~~DMME~~ Department of Energy, that do not include any municipal solid waste,  
300 are accomplished in an environmentally sound manner, and do not create an open dump,  
301 hazard, or public nuisance are exempt from all requirements of this chapter.

302 6. Waste or byproduct derived from an industrial process that meets the definition of  
303 fertilizer, soil amendment, soil conditioner, or horticultural growing medium as defined in  
304 § 3.2-3600 of the Code of Virginia, or whose intended purpose is to neutralize soil acidity  
305 (see § 3.2-3700 of the Code of Virginia), and that is regulated under the authority of the  
306 Virginia Department of Agriculture and Consumer Services.

307 7. Fossil fuel combustion products bottom ash or boiler slag used as a traction control  
308 material or road surface material if the use is consistent with Virginia Department of  
309 Transportation practices. This exemption does not apply to CCR used in this manner.

310 8. Waste tires generated by and stored at salvage yards licensed by the Department of  
311 Motor Vehicles, provided that such storage complies with requirements set forth in § 10.1-  
312 1418.2 of the Code of Virginia and such storage does not pose a hazard or nuisance.

313 9. Tire chips used as the drainage material in construction of septage drain fields regulated  
314 under the authority of the Virginia Department of Health.

315 F. The following solid wastes are exempt from this chapter, provided that ~~they~~ the solid wastes  
316 are reclaimed or temporarily stored incidentally to reclamation, are not accumulated speculatively,  
317 and are managed without creating an open dump, hazard, or a public nuisance:


- 318 1. Paper and paper products;
- 319 2. Clean wood waste that is to undergo size reduction in order to produce a saleable  
320 product, such as mulch;
- 321 3. Cloth;
- 322 4. Glass;
- 323 5. Plastics;
- 324 6. Tire chips, tire shred, ground rubber; and
- 325 7. Mixtures of above materials only. Such mixtures may include scrap metals excluded  
326 from regulation in accordance with the provisions of subsection C of this section.



**COMMONWEALTH of VIRGINIA**  
*Office of the Governor*

Stefanie K. Taillon  
Secretary of Natural and Historic Resources

To: Members of the Virginia Waste Management Board

From: Stefanie Taillon, Secretary of Natural and Historic Resources 

Date: December 1, 2025

Subject: Withdrawal of Amendment 9 to the Virginia Solid Waste Management Regulations (9VAC20-81)

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The Virginia Waste Management Board (Board) approved the final action, Amendment 9, to the Virginia Solid Waste Management Regulations (VSWMR) at its Board meeting on October 28, 2022. Since that approval, the final regulation has been under executive review. The Secretary of Natural and Historic Resources review resulted in a request to withdraw the final regulation, as the discretionary changes are unnecessary and do not further protect public health nor the environment (see attached memo).

Amendment 9 included provisions related to 1) landfill siting and setbacks, 2) landfill operations, 3) landfill gas monitoring, 4) landfill groundwater monitoring, 5) open burning exemptions, and 6) clarified other requirements. Landfill siting and setbacks as well as open burning exemptions can both be addressed by local governments exercising their authority, such as zoning and land use controls and the solid waste management planning process. Landfill operations and landfill gas monitoring can both be addressed by the Department of Environmental Quality (DEQ) through the existing solid waste management permitting process. The VSWMR provisions in 9VAC20-81-430 already authorize DEQ to include conditions that are necessary to protect public health or the environment, or to ensure compliance with the VSWMR. For example, DEQ has already included the topographic survey requirements contemplated by Amendment 9 into existing landfill permits where necessary on a case-by-case basis. Amendment 9 also included landfill groundwater monitoring requirements, including a placeholder for emerging contaminants with pending Maximum Containment Levels (MCLs). As placeholders, further amendments would have been required to fully operationalize these provisions. In addition, since Amendment 9 was contemplated, legislation has been enacted in Virginia to address PFAS, including legislation that provides for monitoring at landfills in watersheds that provide source water for drinking water facilities that have measured MCL exceedances for PFAS in finished drinking water.

At your Board meeting on December 9, 2025, the Board will be asked to withdraw the final regulation “Amendment 9” to the Virginia Solid Waste Management Regulations, 9VAC20-81.

cc:

Michael S. Rolband, DEQ Director

Kathryn Perszyk, Director, DEQ Land Protection and Revitalization Division

Jill R. Hrynciw, DEQ Policy Division



**COMMONWEALTH of VIRGINIA**  
Office of the Governor

Travis A. Voyles  
Secretary of Natural and Historic Resources

**MEMORANDUM**

To: Mike Rolband  
From: Travis Voyles  
Date: January 17, 2025  
Re: Solid Waste Management Regulations

Dear Director Rolband:

This memo is regarding 9VAC20-81, the Solid Waste Management Regulations of the Virginia Waste Management Review Board under the Department of Environmental Quality (DEQ). By way of background, on April 3, 2018, former Governor Ralph Northam issued Executive Order Six (EO 6), “*Supporting the Critical Role of the Virginia Department of Environmental Quality in Protection of Virginia’s Air, Water, and Public Health.*” EO 6 ordered DEQ and the Secretary of Natural Resources to “[r]eview DEQ’s permitting, monitoring, and enforcement activities across the air, water, and solid waste programs... [e]nsuring that DEQ’s permitting programs are as protective of public health and the environment as authorized under state and/or federal law.” Consequently, on April 30, 2019, Secretary Matthew J. Strickler issued a report, *Executive Order 6 Report*, which called for DEQ to “Revise solid waste management regulations to:

- ensure that facilities provide adequate financial assurance that they can fund cleanup and closure.
- update provisions related to setbacks and siting of solid waste facilities, as well as solid waste facility leachate pollution.
- to eliminate or significantly reduce – with restrictions on timing, conditions, and residuals management – the open burning of household solid waste.
- require groundwater monitoring and safe disposal of Coal Combustion By-Product (CCB/coal ash) at non-utility facilities not covered by the federal CCB rule.”

Consequently, DEQ issued a Notice of Intended Regulatory Action (NOIRA, Action 5415 / Stage 8800), which was submitted to the Virginia Registrar on January 14, 2021, and finalized on April 16, 2021. This was followed by a proposed regulation (Action 5415 / Stage 9457), submitted to the Virginia Registrar on January 13, 2022, and finalized on May 16, 2022. The regulation is composed of solely discretionary changes, the most significant of which are as follows:

- Increases setback distance from waste management boundary to facility boundary from 50 feet to 100 feet
- Increases distance from waste management boundary to certain facilities residence, schools, daycare centers, hospitals, nursing homes, or recreational parks) from 200 feet to 500 feet

- Requires a periodic topographic survey every 12 months for facilities processing more than 300 tons of garbage per day and every 24 months for facilities processing less
- Adds a requirement for a weekly cover to be applied over exposed waste at active industrial landfills (previously required at an unspecified interval) and to involve 6-inch compacted soil cover
- Adds a requirement for landfills to notify properties with occupied structures within 500 feet of the landfill of methane gas compliance level exceedances in the perimeter gas monitoring network (when it occurs and when it is resolved, with requirement for re-notification if exceedance continues beyond a year)
- Requires facilities to offer to monitor inside nearby offsite structures for elevated levels of methane in the event of an exceedance detection
- Adds a new column to an existing table to accommodate maximum contaminant levels for various water supply contaminants that the Virginia Department of Health is statutorily required to set at some future point
- Eliminates the existing allowance for citizens to burn waste on their property if regularly scheduled collection services are not available at the adjacent road, limiting permissible burning to vegetative waste, clean wood, and clean paper products
- Requires facilities' closure cost estimates to include costs for removal of beneficial use materials when calculating necessary financial assurance for potential closure
- Increases number of samples that must be taken at on-site wells from four to eight and specifies minimum requirements for maintaining groundwater wells
- Adds requirements related to post-closure activities, including quarterly inspections and public participation in termination of post-closure care

Upon subsequent conversations with DEQ, it has been determined that these discretionary changes are unnecessary, and do not further protect public health nor the environment. Please rescind the final regulation that is currently in executive review (Action 5415 / Stage 9859).

Sincerely,



Travis A. Voyles  
Secretary of Natural and Historic Resources