

**Virginia Regulatory Town Hall
Agency Background Document
Notice of Intended Regulatory Action (NOIRA)**

Agency Name: Virginia Waste Management Board
VAC Number: 9 VAC 20-180-10 *et seq.*
Regulation Title: Regulations Governing the Commercial Transportation of Municipal Solid Waste and Regulated Medical Waste by Truck
Action Title: Promulgation
Date:

Basis:

Section 10.1-1454.2 (Article 7.2) of the Virginia Waste Management Act contained in Chapter 14, Title 10.1, Code of Virginia (1950), as amended, requires the Virginia Waste Management Board, in consultation with the appropriate agencies, to develop regulations governing the commercial transport of nonhazardous municipal solid waste, except scrap metal and source-separated recyclables, and regulated medical waste by truck.

Purpose:

The Virginia Waste Management Board will consider new regulations to be known as the Regulations Governing the Commercial Transportation of Municipal Solid Waste and Regulated Medical Waste by Truck, 9 VAC 20-180-10 *et seq.* The new regulation will establish requirements necessary to protect public health, safety and welfare and the environmental from pollution, impairment or destruction. As part of this action, the Board will consider what procedural rules and forms may be necessary for filing of reports, as required by the statute, concerning loss or spillage of waste during transport. It will also consider rules and forms necessary to assure the Commonwealth that losses or spills are contained and removed as required by the statute and in accordance with all federal, state and local laws and regulations.

Substance:

The statute requires that the Board include in the regulations, to the extent allowable under federal law and regulation, provisions:

1. Governing the transport of wastes by truck and the design and construction of the containers and trailers transporting waste by truck so that they will be designed, constructed and maintained so as to, as much as is reasonably practicable, prevent the escape of wastes and liquids and to prevent the loss or spillage of wastes to the extent possible in the event of an accident; and

2. Requiring owners of trucks transporting wastes regulated under this article to demonstrate financial responsibility sufficient to comply with the requirements of this article as a condition of operation. Regulations governing the amount of any financial responsibility required shall take into consideration (i) the risk of potential damage or injury that may result from spillage or leakage; (ii) the potential costs of containment and cleanup; and (iii) the nature and degree of injury or interference with general health, welfare and property that may result.

The statute also provides that the owner or operator of a truck from which there is spillage or loss of wastes subject to the regulations under Article 7.2 shall immediately report such spillage or loss in accordance with the regulations of the Board and shall immediately take all such actions as may be necessary to contain and remove such wastes.

NOTE: For the purposes of this section, the term "truck" means any tractor truck semi-trailer combination with four or more axles.

Alternative:

A technical advisory committee will advise the Department of Environmental Quality on what regulatory text to recommend to the Board as proposed regulations. This panel will advise the department on less intrusive and less burdensome alternatives, where such exists, and during the public participation process, the general public will also be asked to suggest less intrusive and burdensome alternatives.

Article 7.2.
Transportation of Municipal Solid and Medical Waste by Truck.

§10.1-1454.2. Regulation of road transportation of waste.

A. The Board, in consultation with the appropriate agencies, shall develop regulations governing the commercial transport of nonhazardous municipal solid waste, except scrap metal and source-separated recyclables, and regulated medical waste by truck as are necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, and to protect the Commonwealth's environment and natural resources from pollution, impairment, or destruction. Included in the regulations, to the extent allowable under federal law and regulation, shall be provisions:

1. Governing the transport of wastes by truck and the design and construction of the containers and trailers transporting waste by truck so that they will be designed, constructed and maintained so as to, as much as is reasonably practicable, prevent the escape of wastes and liquids and to prevent the loss or spillage of wastes to the extent possible in the event of an accident; and

2. Requiring owners of trucks transporting wastes regulated under this article to demonstrate financial responsibility sufficient to comply with the requirements of this article as a condition of operation. Regulations governing the amount of any financial responsibility required shall take into consideration (i) the risk of potential damage or injury that may result from spillage or leakage; (ii) the potential costs of containment and cleanup; and (iii) the nature and degree of injury or interference with general health, welfare and property that may result.

B. The owner or operator of a truck from which there is spillage or loss of wastes subject to regulations under this article shall immediately report such spillage or loss in accordance with the regulations of the Board and shall immediately take all such actions as may be necessary to contain and remove such wastes.

C. No person shall transport by truck wastes regulated under this article unless the containers carried thereon are designed, constructed, loaded, operated and maintained in accordance with the regulations developed pursuant to subsection A. A violation of this subsection shall be a Class 1 misdemeanor.

D. For the purposes of this section, the term "truck" means any tractor truck semitrailer combination with four or more axles.