

Virginia - on the web at www.deq.virginia.gov/waste/wasteregs.html

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Information Source:

Vegetative Waste Management and Yard Waste Composting Facility Regulations, Department of Waste Management, Jan. 7, 1998

Pertinent Legislation:

§§[10.1-1402](#) and [10.1-1408.1](#) of the Code of Virginia.

Composting is administered by three regulations:

- Virginia Solid Waste Management Regulations (9VAC 20-80),
- Biosolids Use Regulation (12VAC 5-585), and
- Vegetative Waste Management and Yard Waste Composting Regulations (9VAC 20-101).

Composting of sewage sludge, which may be mixed with vegetative material, is permitted by the Virginia Department of Health (VDH) in accordance with the Biosolids Use Regulations. Permitting of compost activities for municipal or industrial solid waste or vegetative waste materials without biosolids is authorized through the Virginia Department of Environmental Quality (VDEQ).

There are 4 categories of composting facilities in Virginia:

- Yard Waste Compost Certifications (9 VAC 20-101-60 and 9 VAC 20-101-80)
- Biosolids Composting Permit (issued by VDH) **12 VAC 5-585**,
- Permit-by-Rule (9 VAC 20-80-485), and
- Full Composting Permit (9 VAC 20-80-330).

Below is a brief summary of the applicable composting requirements handled by the VDEQ:

Yard Waste Certification:

Certification is required for owners or operators of agricultural operational activities which accept yard wastes generated off-site provided that total time for composting process and storage of material does not exceed 18 months, no waste other than yard waste is received, the total amount of yard waste received from off-site never exceeds 6,000 cy in a 12 month period, they comply with local ordinances, and pose no nuisance or threat to human health or the environment. (9 VAC 20-101-60)

Owners or operators of agricultural operations which include yard waste composting units are not required to receive a permit for the construction or operation of those yard waste composting units provided they meet certain siting and operating criteria as required by 9 VAC 20-101-80.C.

These facilities must submit a certification letter in accordance with 9 VAC 20-101-90 before receiving waste. Operations that receive more than 6,000 cy of yard waste

generated off-site shall submit an annual report describing the volume and types of yard waste received.

Vegetative Waste Permit-By-Rule:

Vegetative waste management facilities, including yard waste composting facilities, not meeting exemption of vegetative waste management regulations or Yard Waste Certification Requirements, must meet siting, design construction, operation and closure requirements as required in 9 VAC 20-101-120 through 150.

Submittal of the following is required: documentation for legal control of property, certification from local governing body, certification that site meets siting criteria, professional engineer certification that facility was designed and constructed in accordance with the regulations, operations plan, closure plan, and proof of financial responsibility if required.

Solid Waste Permit-By-Rule [9 VAC 20-80-485.A.4]:

For operators of solid waste composting facilities that receive less than 700 tons per quarter of compostable material.

These facilities must submit the following: Notice of Intent to Operate (9 VAC 20-80-500.B), description of type of facility and material to be composted as classified under 9 VAC 20-80-330.A.4, certification that site meets siting criteria of 9 VAC 20-80-330.B, professional engineer certification that facility was designed and constructed in accordance with 9 VAC 20-80-330.C, operations plan, closure plan, proof of financial assurance and results of public participation.

Full Solid Waste Permit (Part A and Part B) [9 VAC 20-80-330]:

For operators of solid waste composting facilities that receive more than 700 tons per quarter of compostable material.

Requires Part A permit for siting and Part B permit for design, construction, operation and closure.

Exempt Activities:

Exemptions to the Vegetative Waste Management and Yard Waste Composting Regulations (9VAC 20-101) are found in Sections 60.1, 60.2, 60.3 60.5 and 80.A & B. These regulations will probably be amended in 2007.

- **Agricultural operation exemptions**-raising animals or growing crops

There are conditional exemptions in the Virginia Solid Waste Management Regulations (9VAC 20-80).

- **Sewage sludge exemptions are found in Section 60 D.1** and permits are issued by the Virginia Health Department;
- **Household waste in Section 60 D.2;**
- **Educational composting in Section 60 D.3.**
- **Crop waste and manure exclusions are in Section 150 F.**

Permit-by-Rule permit requirements are found in Sections 485. Siting, design and construction, and operation requirements for composting facilities are found in Section 330; full permit application procedures are in Section 500. These regulations are currently being amended.

Composting Barriers and Obstacles

- **Low Consumer demand for compost product**
- **Capital cost of compost technologies-default is windrow and static pile**
- **Waste tipping fees at landfills are low**
- **Incentives for organics waste producers ,i.e., food processors, institutional food providers, restaurants**
- **Organic waste collection and separation**
- **Compost product markets are limited**
- **Regulations and Permits-reduce**
- **State regulatory staff to work with promoting, permitting, compliance**
- **EPA funding, standards, and promotion**
- **Public nuisance issues, odors, traffic, run-off, etc.**
- **Federal and State legislation, i.e., taxes**
- **Public education**
- **Composting people who make a mess**