

Virginia Administrative Code
Title 18. Professional and Occupational Licensing
Agency 155. Board for Waste Management Facility Operators
Chapter 20. Waste Management Facility Operators Regulations

Part I
General

18VAC155-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Board for Waste Management Facility Operators.

"Class I license" means the authorization from the board to act as a waste management facility operator of a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility.

"Class II license" means the authorization from the board to act as a waste management facility operator of a sanitary landfill, an industrial landfill, a construction landfill, or a debris landfill.

"Class III license" means the authorization from the board to act as a waste management facility operator of an infectious waste incinerator or autoclave.

"Class IV license" means the authorization from the board to act as a waste management facility operator of a municipal waste combustor.

"Contact hour" means 50 minutes of participation in a group program or 60 minutes of completion time for a project.

"Department" means the Department of Professional and Occupational Regulation.

"Full-time employment" means 1,760 hours per year or 220 work days per year.

"License" means an authorization issued by the board to an individual to practice as a waste management facility operator who meets the provisions of this chapter.

"Municipal solid waste" means that waste that is defined as "municipal solid waste" in 9VAC20-81-10.

"Municipal waste combustor" means a mass burn or a refuse derived fuel incinerator or facility designed or modified for the purpose of noninfectious solid waste combustion.

"Operation" means any waste management facility that is under construction, treating, processing, storing, or disposing of solid waste, or in the act of securing a facility for closure as defined in 9VAC20-81-10.

"Organized program" means a formal learning process designed to permit a participant to learn a given subject or subjects through interaction with an instructor in a formal course,

seminar or conference as approved by the board.

"Owner" means the person who owns a solid waste management facility or part of a solid waste management facility.

"Solid waste" means any of those materials identified as nonhazardous solid waste in 9VAC20-81-95.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR674-01-02 § 1.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006; Volume 32, Issue 22, eff. August 1, 2016; Volume 33, Issue 9, eff. February 1, 2017.

18VAC155-20-20. (Repealed.)

Historical Notes

Derived from VR674-01-02 § 1.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; repealed, Virginia Register Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-30. (Repealed.)

Historical Notes

Derived from VR 674-01-02 § 1.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; repealed, Virginia Register Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-40. Fees.

A. All fees are nonrefundable and shall not be prorated.

B. An application shall not be deemed complete and shall not be processed without the required fee.

1. The application fee for licensure shall be \$75.
2. The fee for renewal of licensure shall be \$50.
3. The fee for late renewal of licensure shall be \$75.
4. The fee for reinstatement of licensure shall be \$125.
5. The examination fee is charged to the applicant by an outside vendor competitively negotiated and contracted for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the applicant in accordance with this contract.

C. All checks shall be made payable to the Treasurer of Virginia.

D. Receipt and deposit of fees submitted with applications do not indicate licensure.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 1.4, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 13, Issue 4, eff. December 11, 1996; Volume 15, Issue 13, eff. May 1, 1999; Volume 16, Issue 14, eff. May 1, 2000; Volume 27, Issue 11, eff. April 1, 2011; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-50. Change of status.

A. Each licensee shall provide written notification of any change of address to the department within 30 days.

B. Each licensee shall provide written notification and proof of any change of name to the department within 30 days.

C. The license issued by the board shall not be transferred or otherwise reassigned.

Statutory Authority

§ 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 1.5, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-60 to 18VAC155-20-90. [Repealed]

Historical Notes

Derived from VR 674-01-02 §§ 2.1 to 3.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

Part II

Licensure

18VAC155-20-100. (Repealed.)

Historical Notes

Derived from VR 674-01-02 § 4.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; repealed, Virginia Register Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-110. License classification.

A. The applicant shall apply for at least one classification of license as outlined in this subsection:

1. An individual operating a facility that is defined in 9VAC20-81-10 as a transfer station, a

materials recovery facility receiving mixed waste, an experimental facility, or a composting facility shall hold a Class I license. An individual who has obtained a Class II, III or IV license may also operate a facility listed under Class I.

2. An individual operating a facility that is defined in 9VAC20-81-10 as a sanitary landfill, industrial waste landfill, construction/demolition/debris (CDD) landfill, shall hold a Class II license.

3. An individual operating a facility regulated under 9VAC20-120, Regulated Medical Waste Management Regulations, shall hold a Class III license.

4. An individual operating a facility defined in 9VAC5-40-6560 as a municipal waste combustion unit shall hold a Class IV license.

B. A licensee may not operate a facility outside of his classification other than that defined by subdivision A 1 of this section.

C. An individual operating a solid waste management facility that has been issued a permit by the Department of Environmental Quality but for which the board has not established training and licensure requirements shall hold a Class I license until the board establishes the training and licensing requirements by regulation.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 4.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006; Volume 32, Issue 22, eff. August 1, 2016; Volume 33, Issue 9, eff. February 1, 2017.

18VAC155-20-120. Qualifications for licensure.

A. Every applicant to the Board for Waste Management Facility Operators for licensure shall meet the requirements and have the qualifications provided in this subsection.

1. The applicant shall be at least 18 years of age.

2. Unless otherwise exempt, the applicant shall have successfully completed a basic training course approved by the board. Additionally, an applicant for a Class II, III, or IV license shall complete a training course approved by the board specific to the license for which he applies.

3. Unless exempt, the applicant shall have passed the applicable examination provided by the board or by a testing organization acting on behalf of the board.

4. Each applicant shall document a minimum of one year of verified operational experience with a waste management facility of the same class for which he applies. Experience claimed on the application for licensure shall be verified by the individual's supervisor or personnel officer. Individuals who are under contract with a facility owner may obtain a

letter from the facility owner to verify experience.

5. Applicants certified or licensed as waste management facility operators by governing bodies outside of the Commonwealth of Virginia shall be considered to be in compliance with this chapter if the board or its designee has determined the certifying system to be substantially equivalent to the Virginia system.

6. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for the purpose of this subdivision. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

7. The applicant shall report suspensions, revocations, or surrendering of a certificate or license in connection with a disciplinary action. The applicant shall report if a license has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any applicant based on prior suspensions, revocations, or surrender of certifications or licenses based on disciplinary action by any jurisdiction.

B. The board may make further inquiries and investigations with respect to the qualifications of the applicant.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 4.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-130. Application procedures.

Application shall be made on forms supplied by the department, and application forms shall be completed in accordance with the instructions on the forms. Failure to provide a complete application and all applicable addenda may result in a denial of approval. The failure to provide complete information may be interpreted as misrepresentation and may result in disciplinary action as described in 18VAC155-20-280.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 4.4, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-140. Examinations.

A. Applicants will be approved to sit for the examination for licensure once all training and experience requirements have been satisfied and documentation pertaining to all other qualifications has been received by the board.

B. An applicant must follow all rules established by the board or by the testing service acting on behalf of the board with regard to the conduct at the examination site. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the date of the exam.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 4.5, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 27, Issue 11, eff. April 1, 2011; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-150. (Repealed.)

Historical Notes

Derived from VR 674-01-02 § 4.6, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; repealed, Virginia Register Volume 32, Issue 22, eff. August 1, 2016.

Part III

Renewal of License

18VAC155-20-160. Procedures for renewal.

A. Licenses issued under this chapter shall expire two years from the last day of the month in which they were issued as indicated on the license.

B. The board will mail a renewal notice to the licensee at the address on file with the board outlining the fee and procedures for license renewal. Failure to receive written notice from the department does not relieve the licensee from the requirement to renew his license. If the license holder fails to receive the renewal notice, a copy of the license may be submitted with evidence of completion of the continuing education requirements and the appropriate fee.

C. The date the required fee is received by the department or its agent will be used to determine whether a penalty fee or the requirement for reinstatement of a license is applicable.

D. As a condition of renewal or reinstatement all individuals holding a license shall be required to satisfactorily complete eight hours of continuing education from a provider approved by the board in accordance with the provisions of this chapter, except that no continuing education shall be required for the first renewal after the issuance of the initial license to an individual.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 5.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-170. [Repealed]

Historical Notes

Derived from VR 674-01-02 § 5.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-175. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 16, Issue 14, eff. May 1, 2000; repealed, Virginia Register Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-180. Late renewal.

If the renewal fee, as provided for in 18VAC155-20-40 B 2, is not received by the department within 30 days after the expiration date noted on the license, the late renewal fee provided for in 18VAC155-20-40 B 3 shall be required.

Statutory Authority

§ 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 5.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-190. Reinstatements.

If the licensee fails to renew his license within six months following the expiration date, the licensee shall be required to apply for reinstatement of the license. The applicant will be required to present reasons that the license was allowed to expire, and the board may grant reinstatement of the license or require requalification or reexamination or both. The application fee for reinstatement of a license shall be the amount provided for in 18VAC155-20-40 B 4. An individual who has not been reinstated within two years after expiration of the license must reapply as a new applicant. The new applicant shall provide evidence of satisfactory completion of the training course(s) required by this chapter and shall pass the examination as determined by the board.

Statutory Authority

§ 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 5.4, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-200. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a license for the same reasons as it may refuse an initial license or discipline a licensee.

Statutory Authority

§ 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 5.5, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-210. Status of licensure during the period prior to reinstatement.

A. Reinstated licenses shall continue to have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

B. Reinstated licenses shall be regarded as having been continuously licensed without interruption. Therefore, the holder of the reinstated license shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period.

C. Licenses which are not renewed or reinstated shall be regarded as expired from the date of the expiration forward.

D. Nothing in this chapter shall divest the board of its authority to take disciplinary action for a violation of the law or regulations during the period of time for which an individual was licensed.

Statutory Authority

§ 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 5.6, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

Part IV

Training Requirements

18VAC155-20-220. Education courses.

A. All training and continuing education courses must be completed through accredited colleges, universities, junior and community colleges, Virginia Apprenticeship Council programs, proprietary schools approved by the Virginia Department of Education, or other programs approved by the board.

B. All courses for which credit for pre-license education is sought shall be related to the

operation of the class of waste management facility for which the course is being offered and shall be approved by the board.

C. All courses for which credit for continuing education is sought shall be related to the operation of the class of waste management facility for which the course is being offered and may be reviewed by the board.

D. Each provider of a pre-license education course or person submitting a course for continuing education credit shall submit an application for approval on a form provided by the board. The application shall include, but is not limited to:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Course contact hours;
4. Schedule of courses, if established, including dates, times, and locations;
5. Course syllabus; and
6. Instructor information, including name, license number if applicable, education and training background, and a list of other appropriate trade designations or training certifications.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 6.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-230. Training records.

An approved training provider shall retain records for all participants for a period of 10 years and shall maintain a written policy on the retention and release of records. All records pertaining to the approved training and participants shall be made available to the board immediately upon request.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 6.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-235. Denial or withdrawal of approval.

The board may deny or withdraw the approval of any training or continuing education course

for the following reasons:

1. Courses being offered no longer meet the standards established by the board;
2. The course provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive way;
3. The course provider, instructor, or designee of the provider falsifies any information relating to the application for approval, course information, or student records or fails to produce records required by the Board for Waste Management Facility Operators; or
4. The course provider fails to maintain student course completion records for a minimum of 10 years.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-240 to 18VAC155-20-270. [Repealed]

Historical Notes

Derived from VR 674-01-02 §§ 6.3 to 7.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

Part V

Disciplinary Action

18VAC155-20-280. Grounds for denial of application, denial of renewal, or discipline.

A. The board shall have the authority to (i) deny an application for and to deny renewal of a license or training course approval, (ii) revoke or suspend the license or training course approval, and (iii) discipline a licensee or an approved training provider who is found to be in violation of the statutes or regulations governing the practice of licensed waste management facility operators.

B. Any individual whose license is revoked under this section shall not be eligible to apply for licensure for a period of one year from the effective date of the final order of revocation. After the one-year period, the individual shall meet all education, examination, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

C. The board shall conduct disciplinary procedures in accordance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from VR 674-01-02 § 8.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006; Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-285. Prohibited acts.

Any of the following are cause for disciplinary action:

1. Violating or inducing another to violate any provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.) or 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia, or any provision of this chapter.
2. Obtaining or renewing a license through fraudulent means or misrepresentation.
3. Having been found guilty by the board, an administrative body, or by a court of any material misrepresentation in the course of performing his operating duties.
4. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of jurisdiction, of any felony or any violation that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom, or the time of appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such conviction.
5. Failing to inform the board in writing within 30 days of pleading guilty to, pleading nolo contendere to, being convicted of, or being found guilty of (i) any felony or (ii) any violation that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.
6. Gross negligence, or a continued pattern of incompetence, in the practice of a waste management facility operator.
7. Violating the permit conditions for the facility, or violating federal, state, or local laws or regulations, which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.
8. Failure to comply with all rules established by the board and the testing organization with regard to conduct at the examination.

Statutory Authority

§§ 54.1-201 and 54.1-2211 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 32, Issue 22, eff. August 1, 2016.

18VAC155-20-290. [Repealed]

Historical Notes

Derived from VR 674-01-02 § 8.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

Forms (18VAC155-20)

[Experience Verification Form, A438-46EXP-v5 \(rev. 10/2013\)](#)

[Examination Site Conduct Agreement Form \(rev. 2/2013\)](#)

[Education Verification Form, A438-46ED \(rev. 7/2012\)](#)

[License Application, A438-4605LIC v10 \(rev. 8/2016\)](#)

[Training Course Approval Application, A438-46CRS-v4 \(rev. 8/2016\)](#)