

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 15.2-937.1 and by adding in Article 3 of*
 3 *Chapter 9 of Title 22.1 a section numbered 22.1-141.2:1, relating to compost and other products*
 4 *containing organic soil amendments infrastructure; Department of Environmental Quality tax policy*
 5 *options for reforming the litter tax study expanded; civil penalty.*

6 [S 226]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That the Code of Virginia is amended by adding a section numbered 15.2-937.1 and by adding in**
 10 **Article 3 of Chapter 9 of Title 22.1 a section numbered 22.1-141.2:1 as follows:**

11 **§ 15.2-937.1. Localities may require separation of organic waste; civil penalty.**

12 *A. For purposes of this section:*

13 *"Generator" means a generator of large quantities of organic waste, including public and nonpublic*
 14 *school facilities, supermarkets, convenience stores, or similar establishments; a business, school, or*
 15 *institutional cafeteria; and a cafeteria operated by or on behalf of the Commonwealth or a locality.*

16 *"Organic waste" means material derived from the processing or discarding of food, including pre-*
 17 *consumer and post-consumer vegetables, fruits, grains, dairy products, and meats.*

18 *B. Any locality may, by ordinance, require that certain generators separate organic waste from other*
 19 *solid waste and ensure that such organic waste is diverted from final disposal in a refuse disposal system.*
 20 *The ordinance may require that generators divert organic waste from final disposal in a refuse disposal*
 21 *system by (i) reducing the amount of food residuals generated; (ii) donating servable food; (iii) managing the*
 22 *organic waste in an on-site organics recycling system; (iv) providing for the collection and transportation of*
 23 *organic waste for agricultural use, including for use as animal feed or for processing in an organics*
 24 *recycling facility or anaerobic digester; or (v) engaging in some combination of those waste diversion*
 25 *activities. However, a locality that adopts an ordinance pursuant to this section shall require that a business*
 26 *generating at least one ton of organic waste weekly compost such organic waste at a permitted facility if such*
 27 *facility is within 30 miles of the business.*

28 *C. The ordinance shall only apply to a generator that generates a threshold amount of organic waste, as*
 29 *established in the ordinance. Such generator may apply for a waiver from the above requirements if the*
 30 *generator demonstrates undue hardship in accordance with criteria established by the locality.*

31 *D. The ordinance may establish civil penalties for violations of the ordinance. A locality shall first issue a*
 32 *warning to a generator that violates the ordinance. After receiving a warning, a generator that subsequently*
 33 *violates the ordinance is subject to a civil penalty to be collected in a civil action brought by the locality. The*
 34 *civil penalty is \$250 for a second violation, \$500 for a third violation, and \$1,000 for a fourth or subsequent*
 35 *violation. Each day a violation occurs is a separate violation. Penalties collected under the ordinance shall*
 36 *be payable to the treasury of the locality.*

37 **§ 22.1-141.2:1. Waste disposal infrastructure.**

38 *A. For purposes of this section:*

39 *"Organic waste" means the same as that term is defined in § 15.2-937.1.*

40 *"Waste disposal infrastructure" means a physical waste disposal line located near a cafeteria that allows*
 41 *a student to efficiently and properly dispose of organic waste at the end of a meal.*

42 *B. It is the intent of the General Assembly that new public school buildings and facilities and*
 43 *improvements and renovations to existing public school buildings and facilities include waste disposal*
 44 *infrastructure that includes a place for the disposal of trash, recyclables, and organic waste and a sink for*
 45 *liquid waste.*

46 **2. That the Department of Environmental Quality, in conducting its study of tax policy options for**
 47 **reforming the litter tax pursuant to House Joint Resolution No. 448 (2025), shall also examine**

48 **(i) options to (a) expand state composting capacity and permitted facilities, (b) identify school**
 49 **composting challenges and potential solutions, and (c) incentivize curbside residential composting and**
 50 **(ii) the impacts of PFAS, as that term is defined in § 62.1-44.34:29 of the Code of Virginia, in compost,**
 51 **and shall include in its executive summary its findings and recommendations on such topics no later**
 52 **than the first day of the 2027 Regular Session of the General Assembly.**