WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 349

(By Senator Disturnell)

PASSED March 11, 1995
In Effect 90 Days from Passage
ENROLLED

Senate Bill No. 349

(By Senator Dittmar)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article eleven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibition on the disposal of certain items; plans for the proper handling of said items required; rules required; report to be prepared and submitted; and extending for one year the implementation of the ban on the disposal of tires and yard waste.

Be it enacted by the Legislature of West Virginia:

That section eight, article eleven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. WEST VIRGINIA RECYCLING PROGRAM.

§20-11-8. Prohibition on the disposal of certain items; plans for the proper handling of said items required.

1 (a) Effective the first day of June, one thousand nine hundred ninety-four, it shall be unlawful to deposit lead-acid batteries in a solid waste facility in West
Virginia; effective the first day of June, one thousand nine hundred ninety-six, it shall be unlawful to deposit tires in a solid waste facility in West Virginia; and effective the first day of January, one thousand nine hundred ninety-seven, it shall be unlawful to deposit yard waste, including grass clippings and leaves, in a solid waste facility in West Virginia: Provided, That such prohibitions do not apply to a facility designed specifically to compost such yard waste or otherwise recycle or reuse such items: Provided, however, That reasonable and necessary exceptions to such prohibitions may be included as part of the rules promulgated pursuant to subsection (c) of this section.

(b) No later than the first day of May, one thousand nine hundred ninety-five, the solid waste management board shall design a comprehensive program to provide for the proper handling of yard waste and lead-acid batteries. No later than the first day of May, one thousand nine hundred ninety-four, a comprehensive plan shall be designed in the same manner to provide for the proper handling of tires.

(c) No later than the first day of August, one thousand nine hundred ninety-five, the division of environmental protection shall promulgate rules, in accordance with chapter twenty-nine-a of this code, as amended, to implement and enforce the program for yard waste and lead-acid batteries designed pursuant to subsection (b) of this section. No later than the first day of August, one thousand nine hundred ninety-four, the division of environmental protection shall promulgate rules, in accordance with chapter twenty-nine-a of said code, as amended, to implement and enforce the program for tires designed pursuant to subsection (b) of this section.

(d) For the purposes of this section, "yard waste" means grass clippings, weeds, leaves, brush, garden waste, shrub or tree prunings and other living or dead plant tissues, except that, such materials which, due to inadvertent contamination or mixture with other sub-
stances which render the waste unsuitable for composting, shall not be considered to be yard waste: **Provided**, that the same or similar waste generated by commercial agricultural enterprises is excluded.

(e) In promulgating the rules required by subsections (b) and (c) of this section, yard waste, as described in subsection (d) of this section, the division shall provide for the disposal of yard waste in a manner consistent with one or any combination of the following:

1. Disposal in a publicly or privately operated commercial or noncommercial composting facility.

2. Disposal by composting on the property from which domestic yard waste is generated or on adjoining property or neighborhood property if consent is obtained from the owner of the adjoining or neighborhood property.

3. Disposal by open burning where such activity is not prohibited by this code, rules promulgated hereunder or municipal or county codes or ordinances.

4. Disposal in a publicly or privately operated landfill, only where none of the foregoing options are available. Such manner of disposal will involve only small quantities of domestic yard waste generated only from the property of the participating resident or tenant.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 24th day of March, 1995.

Governor