

SB 0349

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 349

(By Senator ATTY GEN)



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
- 2 hundred ninety-four, it shall be unlawful to deposit
- 3 lead-acid batteries in a solid waste facility in West

4 Virginia; effective the first day of June, one thousand
5 nine hundred ninety-six, it shall be unlawful to deposit
6 tires in a solid waste facility in West Virginia; and
7 effective the first day of January, one thousand nine
8 hundred ninety-seven, it shall be unlawful to deposit
9 yard waste, including grass clippings and leaves, in a
10 solid waste facility in West Virginia: *Provided*, That
11 such prohibitions do not apply to a facility designed
12 specifically to compost such yard waste or otherwise
13 recycle or reuse such items: *Provided, however*, That
14 reasonable and necessary exceptions to such prohibitions
15 may be included as part of the rules promulgated pursu-
16 ant to subsection (c) of this section.

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

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

37 (d) For the purposes of this section, "yard waste"
38 means grass clippings, weeds, leaves, brush, garden
39 waste, shrub or tree prunings and other living or dead
40 plant tissues, except that, such materials which, due to
41 inadvertent contamination or mixture with other sub-

42 stances which render the waste unsuitable for compost-
43 ing, shall not be considered to be yard waste: *Provided,*
44 That the same or similar waste generated by commercial
45 agricultural enterprises is excluded.

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

51 (1) Disposal in a publicly or privately operated com-
52 mercial or noncommercial composting facility.

53 (2) Disposal by composting on the property from which
54 domestic yard waste is generated or on adjoining prop-
55 erty or neighborhood property if consent is obtained
56 from the owner of the adjoining or neighborhood prop-
57 erty.

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

61 (4) Disposal in a publicly or privately operated landfill,
62 only where none of the foregoing options are available.
63 Such manner of disposal will involve only small quanti-
64 ties of domestic yard waste generated only from the
65 property of the participating resident or tenant.

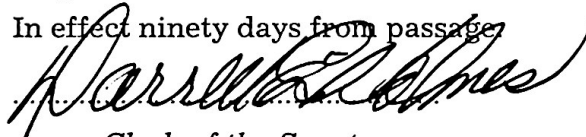
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

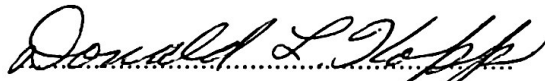

Chairman Senate Committee

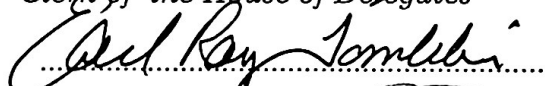

Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

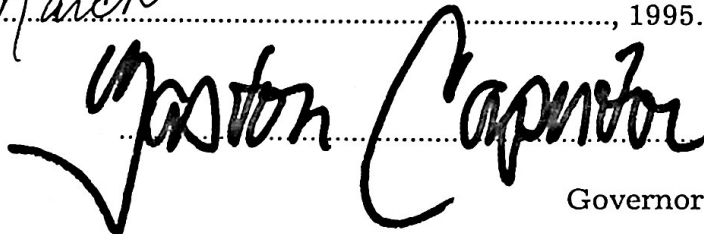

Clerk of the Senate


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

PRESENTED TO THE
GOVERNOR

Date

3/21/95

Time

3:07 pm