

SB 600

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

SENATE BILL NO. 600

(By Senator OLIVERIO, ET AL)



PASSED MARCH 14, 1998

In Effect From Passage

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SECRETARY OF STATE
STATE OF WEST VIRGINIA

ENROLLED

Senate Bill No. 600

(BY SENATORS OLIVERIO, BALL, BOWMAN, DITTMAR,
HUNTER, KESSLER, ROSS, SCHOONOVER,
SNYDER, WHITE, DEEM AND SCOTT)

[Passed March 14, 1998; in effect from passage.]

AN ACT to amend and reenact sections ten and eleven, article sixteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating generally to solid waste landfill closure assistance; providing for application for closure assistance; and allowing certain landfills to apply for assistance.

Be it enacted by the Legislature of West Virginia:

That sections ten and eleven, article sixteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

§22-16-10. Limitation on assistance.

1 The director may provide closure assistance only to
2 permittees who meet the following requirements:

3 (1) The permittee of a landfill that does not have a liner
4 and ceases accepting solid waste on or before the thirtieth
5 day of November, one thousand nine hundred ninety-one,
6 except for those landfills allowed to accept solid waste
7 pursuant to the provisions of section seventeen, article
8 fifteen of this chapter and ceases accepting solid waste on
9 or before the extension deadline as determined by the
10 director; or the permittee of a landfill that has only a
11 single liner and ceases accepting solid waste on or before
12 the thirtieth day of September, one thousand nine hundred
13 ninety-three, or the permittee of a landfill as provided for
14 in subsection (g), section twelve, article sixteen of this
15 chapter;

16 (2) The permittee of the landfill must demonstrate to the
17 satisfaction of the director that it does not have the
18 financial resources on hand or the ability to generate the
19 amounts needed to comply, in a timely manner, with the
20 closure requirements provided in article fifteen of this
21 chapter and any rules promulgated pursuant thereto:
22 *Provided*, That any permittee required to close a landfill,
23 or any portion thereof, due to the lack of an approved
24 composite liner system, who collects solid waste within
25 this state which is disposed outside this state, shall not be
26 eligible for closure assistance: *Provided, however*, That
27 any permittee which is a Class I municipality shall be
28 eligible for closure assistance when the permittee elects to
29 and pays the solid waste assessment fee which would
30 otherwise be levied and imposed upon the disposal of the
31 solid waste by subsection (a), section four of this article, if
32 the solid waste was disposed of within the state; and

33 (3) The permittee must maintain a permit for the landfill

34 pursuant to the provisions of section ten, article fifteen of
35 this chapter and maintain the full amount of the bond
36 required to be submitted pursuant to section twelve of
37 said article.

§22-16-11. Application for closure assistance.

1 (a) The director shall provide an application and appli-
2 cation procedure for all permittees of solid waste landfills
3 desiring to receive closure assistance under this article. At
4 a minimum the procedure shall require that:

5 (1) The permittee of a landfill that does not have a liner
6 system must submit its application no later than the
7 fifteenth day of September, one thousand nine hundred
8 ninety-two, except the permittee of a landfill that has
9 been allowed to accept solid waste pursuant to the provi-
10 sions of section seventeen, article fifteen of this chapter
11 must submit its application no later than the eleven
12 months following the expiration of the extension;

13 (2) The permittee of a landfill that has only a single liner
14 system must submit its application no later than eleven
15 months following the date of closure of the landfill; and

16 (3) The permittee of a landfill as provided for in subsec-
17 tion (g), section twelve, article sixteen of this chapter must
18 submit its application for assistance on or before the first
19 day of January, one thousand nine hundred ninety-nine:
20 *Provided*, That no landfill is eligible for closure assistance
21 if any portion of the landfill remains open or application
22 is made for reopening with the division of environmental
23 protection or the public service commission.

24 (b) The director shall, within a reasonable time after
25 receipt of a complete application, notify the applicant of
26 the acceptance or rejection of the application. If the
27 application is rejected the notice shall contain the reasons
28 for the rejection.

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

Paul Spencer
.....
Chairman Senate Committee.

Mark Fantasia
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Carroll Debra
.....
Clerk of the Senate

Gregory M. Boy
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Frank
.....
Speaker House of Delegates

The within *approved* this the *27th*
March
day of, 1998

Earl R. Burdick
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/24/98

Time 3:15 pm