WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1998

ENROLLED

SENATE BILL NO. 600

(By Senator Oliverio, et al.)

PASSED March 14, 1998
In Effect From Passage
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 permittees who meet the following requirements:

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

3 (2) The permittee of the landfill must demonstrate to the satisfaction of the director that it does not have the financial resources on hand or the ability to generate the amounts needed to comply, in a timely manner, with the closure requirements provided in article fifteen of this chapter and any rules promulgated pursuant thereto:

Provided, That any permittee required to close a landfill, or any portion thereof, due to the lack of an approved composite liner system, who collects solid waste within this state which is disposed outside this state, shall not be eligible for closure assistance: Provided, however, That any permittee which is a Class I municipality shall be eligible for closure assistance when the permittee elects to and pays the solid waste assessment fee which would otherwise be levied and imposed upon the disposal of the solid waste by subsection (a), section four of this article, if the solid waste was disposed of within the state; and

3 (3) The permittee must maintain a permit for the landfill
pursuant to the provisions of section ten, article fifteen of
this chapter and maintain the full amount of the bond
required to be submitted pursuant to section twelve of
said article.


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

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

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

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

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

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 27th day of ________, 1998.

Governor