

1 **H. B. 3047**

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3 (By Delegates Howell, Andes, R. Phillips, Evans,  
4 Cowles, Ellem, Gearheart, Sigler,  
5 Hall, and Stowers)

6 [Introduced February 8, 2011; referred to the  
7 Committee on the Judiciary.]

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9  
10 A BILL to amend and reenact §22-15A-22 of the Code of West  
11 Virginia, 1931, as amended, relating to removing the ban on  
12 disposing of covered electronic devices in solid waste  
13 landfills.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §22-15A-22 of the Code of West Virginia, 1931, as  
16 amended, be amended and reenacted to read as follows:

17 **ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL**  
18 **ACTION PLAN.**

19 **§22-15A-22. Prohibition on the disposal of certain items; plans**  
20 **for the proper handling of said items required.**

21 (a) It is unlawful to dispose of lead-acid batteries in a  
22 solid waste landfill in West Virginia.

23 (b) It is unlawful to dispose of tires in a solid waste  
24 landfill in West Virginia except for waste tires collected as part  
25 of the department's waste tire remediation projects or other

1 collection efforts in accordance with the provisions of this  
2 article or the pollution prevention program and open dump program  
3 or other state-authorized remediation or clean up programs:  
4 *Provided*, That waste tires may be disposed of in solid waste  
5 landfills only when the state agency authorizing the remediation or  
6 clean up program has determined there is no reasonable alternative  
7 available.

8 (c) It is unlawful to dispose of yard waste in a solid waste  
9 facility in West Virginia: *Provided*, That the prohibitions do not  
10 apply to a facility designed specifically to compost yard waste or  
11 otherwise recycle or reuse yard waste: *Provided, however*, That  
12 reasonable and necessary exceptions to the prohibitions may be  
13 included as part of the rules promulgated pursuant to subsection  
14 ~~(f)~~ (e) of this section.

15 ~~(d) Effective January 1, 2011, covered electronic devices, as~~  
16 ~~defined in section two of this article, may not be disposed of in~~  
17 ~~a solid waste landfill in West Virginia.~~

18 ~~(e)~~ (d) The Solid Waste Management Board shall design a  
19 comprehensive program to provide for the proper handling of yard  
20 waste, lead-acid batteries, tires and covered electronic devices.

21 ~~(f)~~ (e) The secretary shall promulgate rules, in accordance  
22 with chapter twenty-nine-a of this code, to implement and enforce  
23 the program for yard waste, lead-acid batteries and tires. ~~and~~  
24 ~~covered electronic devices designed pursuant to subsection (d)~~

25 ~~(g)~~ (f) The secretary's rule shall provide for the disposal of

1 yard waste in a manner consistent with one or any combination of  
2 the following:

3 (1) Disposal in a publicly or privately operated commercial or  
4 noncommercial composting facility;

5 (2) Disposal by composting on the property from which domestic  
6 yard waste is generated or on adjoining property or neighborhood  
7 property if consent is obtained from the owner of the adjoining or  
8 neighborhood property;

9 (3) Disposal by open burning, where not prohibited; or

10 (4) Disposal in a publicly or privately operated landfill,  
11 only where none of the foregoing options are available. The manner  
12 of disposal ~~shall~~ may only involve small quantities of domestic  
13 yard waste generated only from the property of the participating  
14 resident or tenant.

NOTE: The purpose of this bill is to remove the ban on disposing of covered electronic devices in solid waste landfills.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.