

H. B. 4643

(By Delegates Andes, Carmichael, Armstead
and Howell)

[Introduced February 20, 2012; referred to the
Committee on Government Organization then the Judiciary.]

A BILL to amend and reenact §22-15A-22 of the Code of West
Virginia, 1931, as amended, relating to removing the
prohibition against the disposal of electronic devices in
solid waste landfills; and eliminating rule-making authority.

Be it enacted by the Legislature of West Virginia:

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

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

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

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

(b) It is unlawful to dispose of tires in a solid waste
landfill in West Virginia except for waste tires collected as part

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

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

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

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

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

1 ~~covered electronic devices designed pursuant to subsection (d).~~

2 ~~(g)~~ (f) The secretary's rule shall provide for the disposal of
3 yard waste in a manner consistent with one or any combination of the
4 following:

5 (1) Disposal in a publicly or privately operated commercial or
6 noncommercial composting facility;

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

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

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

NOTE: The purpose of this bill is to permit the disposal of
electronic devices in solid waste landfills. The bill also
eliminates rule-making authority for the disposal of 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.