

1 (a) *Litter pickup and removal.* --

2 (1) Each county commission and the Regional Jail Authority may
3 establish a jail or prison inmate program including a regular
4 litter pickup work regimen under proper supervision pursuant to
5 section four, article fifteen, chapter seventeen of this code.
6 Funding for these programs shall be from the Litter Control Fund.
7 Funding requirements may include salaries for additional personnel
8 needed for the program. The program may include the cooperative
9 help of the Division of Highways or any other voluntary state,
10 local, private, civic or public agency for personnel, equipment or
11 materials in establishing a county or regionwide, continual program
12 of inmate litter pickup. Upon final approval of the projected cost
13 of the program for a given fiscal year, the secretary shall
14 disburse the approved amount to the county or Regional Jail
15 Authority. The funds will be used by the Authority to reimburse
16 the county commission or Regional Jail Authority for its expenses
17 related to the program and to pay other costs related to the use of
18 inmates for litter pickup. Nothing contained herein ~~shall preclude~~
19 precludes a county or counties from expending whatever additional
20 funds its commission or commissions may ~~deem~~ consider appropriate
21 from any other revenue source in furtherance of ~~said~~ the program.

22 (2) All persons involved with litter pickup may separate
23 identifiable recyclable materials from other litter collected. The
24 funds resulting from the sale of those recyclable materials shall

1 be returned to the Litter Control Fund.

2 (3) The county or regional solid waste authority may also
3 contract with local governments, civic organizations or chief
4 correctional officers in any county to implement litter pickup and
5 removal pursuant to this act when the state offender workforce is
6 not available. In such cases, the contract provisions shall
7 require that identifiable recyclable materials shall be separated
8 from other litter collected, with resulting funds returned to the
9 Litter Control Fund. Priority shall be given to those contracts
10 that maximize the use of community service hours by inmates and
11 youth employment programs.

12 (b) *Education.* --

13 (1) The Department of Education in cooperation with the
14 Department of Environmental Protection shall distribute educational
15 materials to the schools based on the goals of litter clean up and
16 proper solid waste disposal, the rationale for the goals and how
17 primary and secondary school students can contribute to the
18 achievement of the goals. The Department of Education shall
19 further incorporate this information into the curriculum of the
20 public school system as appropriate.

21 (2) The Division of Highways and local governments shall
22 conduct public awareness programs to notify the public of the
23 provisions of this law and how they can participate, to inform them
24 as to the rationale behind the provisions of this law, to advise

1 them of other avenues for achievement of the noted goals and to
2 encourage their participation.

3 (3) The Department of Environmental Protection and the Solid
4 Waste Management Board shall provide technical assistance to local
5 governments in the implementation of this law.

6 (c) *Government recycling responsibilities.* --

7 (1) All state agencies and regional planning councils may
8 establish and implement aluminum container, glass and paper
9 recycling programs at their public facilities. To the extent
10 practicable, programs for other metals, plastics, covered
11 electronic devices, rubber and other recyclable materials may be
12 established and implemented. The moneys collected from the sale of
13 such materials shall be deposited and accounted for in the Litter
14 Control Fund pursuant to the authority of section four of this
15 article.

16 (2) To further promote recycling and reduction of the waste
17 stream, county and municipal governments shall consider the
18 establishment of recycling programs as provided in this section in
19 the operation of their facilities and shall evaluate the cost
20 effectiveness of:

21 (A) Procedures that separate identifiable recyclable materials
22 from solid waste collected; and

23 (B) Programs that provide for:

24 (i) The establishment of a collection place for recyclables at

1 all landfills and other interim solid waste collection sites and
2 arrangements for the material collected to be recycled;

3 (ii) Public notification of such places and encouragement to
4 participate;

5 (iii) The use of rate differentials at landfills to facilitate
6 public participation in on-site recycling programs.

7 (3) In preparing the recycling plan as required under this
8 subsection, the county may address methods ~~for the separate~~
9 ~~collection and recycling of covered electronic devices, including~~
10 ~~efforts by the county~~ with manufacturers, recyclers, retailers or
11 other local governments for the collection and recycling of covered
12 electronic devices.

13 (d) Each affected agency and local government shall monitor
14 and evaluate the programs implemented pursuant to this law.

15 (e) The secretary shall submit a report to the Speaker of the
16 House and the President of the Senate not later than March 1, 2006,
17 and every five years thereafter regarding the effectiveness of the
18 programs authorized by this law.

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

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, tires and covered

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

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
4 the 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,
13 only where none of the foregoing options are available. The manner
14 of disposal shall only involve small quantities of domestic yard
15 waste generated only from the property of the participating
16 resident or tenant.

NOTE: The purpose of this bill is to repeal the requirement that covered electronic devices may not be disposed of in a solid waste landfill in West Virginia.

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