

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4540

(DELEGATES A. EVANS, HAMILTON, KELLY ZATEZALO,
ROMINE, WAGNER AND BOGGS)

[BY REQUEST OF THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION]

[Originating in the Committee on
Government Organization,

February 17, 2016.]

1 A BILL to amend and reenact §22-15A-22 of the Code of West Virginia, 1931, as amended,
2 relating to removing prohibition of disposal of certain electronics in landfills.

Be it enacted by the Legislature of West Virginia:

1 That §22-15A-22 of the Code of West Virginia, 1931, as amended, be amended and
2 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.**

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

2 (b) It is unlawful to dispose of tires in a solid waste landfill in West Virginia except for waste
3 tires collected as part of the departments waste tire remediation projects or other collection efforts
4 in accordance with the provisions of this article or the pollution prevention ~~program~~ and open
5 dump program or other state-authorized remediation or clean up programs: *Provided*, That waste
6 tires may be disposed of in solid waste landfills only when the state agency authorizing the
7 remediation or clean up program has determined there is no reasonable alternative available.

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

13 (d) ~~Effective January 1, 2011, covered electronic devices, as defined in section two of this~~
14 ~~article, may not be disposed of in a solid waste landfill in West Virginia. Effective July 1, 2016,~~
15 covered electronic devices, as defined in section two of this article, may not be disposed of in a
16 solid waste landfill in West Virginia, if a county or regional solid waste authority determines there
17 is a cost effective recycling alternative for handling covered electronic devices.

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

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

23 (g) The secretary's rule shall provide for the disposal of yard waste in a manner consistent
24 with one or any combination of the following:

25 (1) Disposal in a publicly or privately operated commercial or noncommercial composting
26 facility;

27 (2) Disposal by composting on the property from which domestic yard waste is generated
28 or on adjoining property or neighborhood property if consent is obtained from the owner of the
29 adjoining or neighborhood property;

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

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

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