

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4540**

BY DELEGATES A. EVANS, HAMILTON, KELLY AND

ZATEZALO, ROMINE, WAGNER AND BOGGS

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL

PROTECTION

[Introduced February 15, 2016; Referred  
to the Committee on Government Organization.]

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)~~ (e) 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.~~

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

17 ~~devices~~

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

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

23           (1) Disposal in a publicly or privately operated commercial or noncommercial composting  
24 facility;

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

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

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

NOTE: The purpose of this bill is to repeal the prohibition of the disposal of certain electronic devices such as computers, monitors, and television sets in landfills.

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