

1 **H. B. 3075**

2
3 (By Delegates E. Nelson, Storch, Ferns, Diserio,
4 D. Evans, Ferro, Jones, Swartzmiller,
5 Miley and Morgan)

6 [Introduced March 22, 2013; referred to the
7 Committee on Energy, Industry and Labor, Economic
8 Development and Small Business then the Judiciary.]

9
10 A BILL to amend and reenact §22-15A-22 of the Code of West
11 Virginia, 1931, as amended, relating to permitting the
12 disposal of drill cuttings and associated drilling mud
13 generated from well sites in solid waste landfills, even if
14 the disposal pushes the landfill above its maximum monthly
15 permitted limits; providing that those facilities may only be
16 allowed to exceed permitted tonnage limits by a maximum of
17 forty percent of waste comprised solely of drill cuttings and
18 associated drilling mud; and prohibiting a solid waste
19 facility from refusing to take municipal solid waste until it
20 has reached its monthly permitted limit.

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

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

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

1 §22-15A-22. Prohibition on the disposal of certain items; drill
2 cuttings and drilling mud exception; plans for the
3 proper handling of said certain items required;
4 effective date.

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

7 (b) It is unlawful to dispose of tires in a solid waste
8 landfill in West Virginia except for waste tires collected as part
9 of the department's waste tire remediation projects or other
10 collection efforts in accordance with the provisions of this
11 article or the pollution prevention program and open dump program
12 or other state-authorized remediation or clean up programs:
13 *Provided*, That waste tires may be disposed of in solid waste
14 landfills only when the state agency authorizing the remediation or
15 clean up program has determined there is no reasonable alternative
16 available.

17 (c) It is unlawful to dispose of yard waste in a solid waste
18 facility in West Virginia: *Provided*, That the prohibitions do not
19 apply to a facility designed specifically to compost yard waste or
20 otherwise recycle or reuse yard waste: *Provided, however*, That
21 reasonable and necessary exceptions to the prohibitions may be
22 included as part of the rules promulgated pursuant to subsection
23 (f).

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

4 (e) Notwithstanding any other section of this code, effective
5 July 1, 2013, a commercial solid waste facility may lawfully
6 receive drill cuttings and associated drilling mud generated from
7 well sites, even if the amount of the cuttings and mud would cause
8 the facility to exceed its monthly tonnage limits as set forth on
9 its permit issued by the West Virginia Department of Environmental
10 Protection. However, a commercial solid waste facility may only be
11 allowed to exceed its monthly permitted tonnage limit by a maximum
12 percentage of forty percent of its limit and all waste deposited
13 above the permitted tonnage limits shall be comprised solely of
14 drill cuttings and associated drilling mud. However, further,
15 under no circumstances may a solid waste facility exclude or refuse
16 to take municipal solid waste until it has reached its monthly
17 permitted tonnage limits.

18 ~~(e)~~ (f) 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)~~ (g) 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, tires and covered
24 electronic devices designed pursuant to subsection (d).

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

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

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

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

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

NOTE: The purpose of this bill is permit the disposal of drill cuttings and associated drilling mud generated from well sites in solid waste landfills, even if the disposal pushes the landfill above its maximum monthly permitted limits. The bill provides that those facilities are only allowed to exceed permitted tonnage limits by a maximum of forty percent of waste comprised solely of drill cuttings and associated drilling mud. The bill prohibits a solid waste facility from refusing to take municipal solid waste until it has reached its monthly permitted limit.

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