

HB 4339

FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4339

(By Delegates Campbell, Hartman, Lynch,
Sponaugle, Manchin, White and Hamilton)



Passed March 8, 2014

In effect ninety days from passage.

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H. B. 4339

**(BY DELEGATES CAMPBELL, HARTMAN, LYNCH, SPONAUGLE,
MANCHIN, WHITE AND HAMILTON)**

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §22-16-11 and §22-16-12 of the Code of West Virginia, 1931, as amended, relating to authorizing the expenditures of moneys from the Closure Cost Assistance Fund to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill; authorizing expenditures of moneys from the Closure Cost Assistance Fund to complete post closure maintenance and monitoring; and limiting liability of state and Wayne County economic development authority if permit is transferred.

Be it enacted by the Legislature of West Virginia:

That §22-16-11 and §22-16-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

80-3-9
ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

AMOUNT
STATE
§22-16-11. Application for closure assistance.

1 (a) The secretary shall provide an application and application
2 procedure for all permittees of solid waste landfills desiring to
3 receive closure assistance under this article.

4 (b) The secretary shall, within a reasonable time after receipt
5 of a complete application, notify the applicant of the acceptance
6 or rejection of the application. If the application is rejected the
7 notice shall contain the reasons for the rejection.

**§22-16-12. Solid Waste Facility Closure Cost Assistance Fund;
closure extension; reporting requirements.**

1 (a) The "Closure Cost Assistance Fund" continues as a
2 special revenue account in the State Treasury. The fund operates
3 as a special fund in which all deposits and payments do not
4 expire to the General Revenue Fund, but remain in the account
5 and are available for expenditure in the succeeding fiscal year.
6 Separate subaccounts may be established within the special
7 account for the purpose of identification of various revenue
8 resources and payment of specific obligations.

9 (b) Interest earned on any money in the fund shall be
10 deposited to the credit of the fund.

11 (c) The fund consists of the following:

12 (1) Moneys collected and deposited in the State Treasury
13 which are specifically designated by Acts of the Legislature for
14 inclusion in the fund, including moneys collected and deposited
15 into the fund pursuant to section four of this article;

16 (2) Contributions, grants and gifts from any source, both
17 public and private, which may be used by the secretary for any
18 project or projects;

19 (3) Amounts repaid by permittees pursuant to section
20 eighteen, article fifteen of this chapter; and

21 (4) All interest earned on investments made by the state from
22 moneys deposited in this fund.

23 (d) The Solid Waste Management Board, upon written
24 approval of the secretary, has the authority to pledge all or part
25 of the revenues paid into the Closure Cost Assistance Fund as
26 needed to meet the requirements of any revenue bond issue or
27 issues of the Solid Waste Management Board authorized by this
28 article, including the payment of principal of, interest and
29 redemption premium, if any, on the revenue bonds and the
30 establishing and maintaining of a reserve fund or funds for the
31 payment of the principal of, interest and redemption premium,
32 if any, on the revenue bond issue or issues where other moneys
33 pledged may be insufficient. Any pledge of moneys in the
34 Closure Cost Assistance Fund for revenue bonds is a prior and
35 superior charge on the fund over the use of any of the moneys in
36 the fund to pay for the cost of any project on a cash basis.
37 Expenditures from the fund, other than for the retirement of
38 revenue bonds, may only be made in accordance with this article.

39 (e) The amounts deposited in the fund may be expended only
40 on the cost of projects as provided in sections three and fifteen
41 of this article, as provided in subsection (f) of this section and
42 for payment of bonds and notes issued pursuant to section five
43 of this article. No more than two percent of the annual deposits
44 to such the fund may be used for administrative purposes.

45 (f) Notwithstanding any provision of this article, upon
46 request of the Solid Waste Management Board, and with the
47 approval of the projects by the Secretary of the Department of
48 Environmental Protection, the secretary may pledge and place
49 into escrow accounts up to an aggregate of \$2,000,000 of the
50 fund to satisfy two years debt service requirement that permittees
51 of publicly-owned landfills and transfer stations are required to

**52 meet in order to obtain loans. Pledges shall be made on a project-
53 by-project basis, may not exceed \$500,000 for a project and are
54 made available after loan commitments are received. The
55 secretary may pledge funds for a loan only when the following
56 conditions are met:**

**57 (1) The proceeds of the loan are used only to perform
58 construction of a transfer station or a composite liner system that
59 is required to meet title forty-seven, series thirty-eight, solid
60 waste management rules;**

**61 (2) The permittee dedicates all yearly debt service revenue,
62 as determined by the Public Service Commission, to meet the
63 repayment schedule of the loan, before it uses available revenue
64 for any other purpose; and**

**65 (3) That any funds pledged may only be paid to the lender if
66 the permittee is in default on the loan.**

**67 (g) Notwithstanding any provision of this code to the
68 contrary, the Elkins-Randolph County Landfill, located in
69 Randolph County, and the Webster County Landfill, located in
70 Webster County, are eligible for funds from the Solid Waste
71 Facility Closure Cost Assistance Fund necessary to complete
72 their closure upon the filing of appropriate application. Upon the
73 filing of an appropriate application, the Department of
74 Environmental Protection shall work with the applicant to ensure
75 the application meets the department's requirements.**

**76 (h) The Department of Environmental Protection is required
77 to file, by January 1 of each year, an annual report with the Joint
78 Committee on Government and Finance providing details on the
79 manner in which the landfill closure assistance funds were
80 expended for the prior fiscal year.**

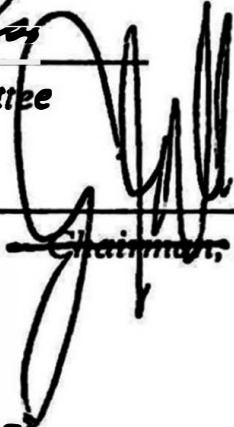
**81 (i) The Prichard Landfill in Wayne County is eligible for
82 funds from the Closure Cost Assistance Fund necessary to
83 complete post closure maintenance and monitoring upon the**

84 filing of an appropriate application. In the event of a permit
85 transfer, neither the State nor the Wayne County economic
86 development authority or entity may assume any liability from
87 the private landfill other than post closure maintenance and
88 monitoring costs.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman, House Committee



Member ~~Chairman~~, Senate Committee

Originating in the House.

In effect ninety days from passage.



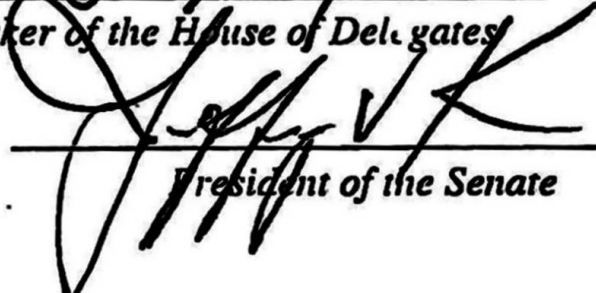
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

The within is approved this the 31st
day of March, 2014.



Governor

PRESENTED TO THE GOVERNOR

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Time 10:45 am