

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4011

By Delegates Zatezalo, Heckert, B. Ward, Anderson,

Dean, Moore, Akers, Linville, Hott, Mallow, and Clark

[Originating in the Committee on Energy and Public

Works, February 4, 2026.]

1 A BILL to amend and reenact §22-15-2 and §22-15-5 the Code of West Virginia, 1931, as
2 amended, relating to facilitating the implementation by DEP of the certification of mass
3 balance attribution by a third party who certifies recycled content in products to promote
4 waste reduction practices by facilitating the use of recycled material in the feedstock for
5 new products; providing definitions of mass balance attribution, recycled material, recycled
6 plastics, renewable biomass, and renewable chemical; requiring DEP to identify third party
7 certification systems to be used for waste reduction programs through mass balance
8 attribution; and providing for rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-2. Definitions.

1 Unless the context clearly requires a different meaning, as used in this article the terms:
2 "Advanced recycling" means a manufacturing process for the conversion of post-use
3 polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals,
4 and other products like waxes and lubricants through processes that include pyrolysis,
5 gasification, depolymerization, catalytic cracking, hydrogenation, chemolysis, solvolysis, and
6 other similar technologies. The recycled products produced at advanced recycling facilities
7 include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks,
8 basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons.
9 Advanced recycling shall not be considered solid waste management or solid waste disposal.

10 "Advanced recycling facility" means a facility that receives, stores, and converts post-use
11 polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling
12 facility is a manufacturing facility subject to applicable department manufacturing regulations for
13 air, water, and land use. Advanced recycling facilities shall not be considered solid waste facilities.

14 "Agronomic rate" means the whole sewage sludge application rate, by dry weight,
15 designed:

16 (1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover
17 crop, or vegetation on the land; and

18 (2) To minimize the amount of nitrogen in the sewage sludge that passes below the root
19 zone of the crop or vegetation grown on the land to the groundwater.

20 "Applicant" means the person applying for a commercial solid waste facility permit or
21 similar renewal permit and any person related to such person by virtue of common ownership,
22 common management, or family relationships as the director may specify, including the following:
23 Spouses, parents, children, and siblings.

24 "Approved solid waste facility" means a solid waste facility or practice which has a valid
25 permit under this article.

26 "Back hauling" means the practice of using the same container to transport solid waste and
27 to transport any substance or material used as food by humans, animals raised for human
28 consumption, or reusable item which may be refilled with any substance or material used as food
29 by humans.

30 "Bulking agent" means any material mixed and composted with sewage sludge.

31 "Catalytic cracking" is a manufacturing process through which post-use polymers are
32 heated and melted in the absence of oxygen and then processed in the presence of a catalyst to
33 produce valuable raw materials and intermediate and final products, including, but not limited to,
34 plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic
35 hydrocarbons.

36 "Class A facility" means a commercial solid waste facility which handles an aggregate of
37 between 10,000 and 30,000 tons of solid waste per month. Class A facility includes two or more
38 Class B solid waste landfills owned or operated by the same person in the same county, if the
39 aggregate tonnage of solid waste handled per month by such landfills exceeds 9,999 tons of solid
40 waste per month.

41 "Commercial recycler" means any person, corporation, or business entity whose operation
42 involves the mechanical separation of materials for the purpose of reselling or recycling at least 70
43 percent by weight of the materials coming into the commercial recycling facility.

44 "Commercial solid waste facility" means any solid waste facility that accepts solid waste
45 generated by sources other than the owner or operator of the facility and does not include an
46 approved solid waste facility owned and operated by a person for the sole purpose of the disposal,
47 processing, or composting of solid waste created by that person or such person and other persons
48 on a cost-sharing or nonprofit basis and does not include land upon which reused or recycled
49 materials are legitimately applied for structural fill, road base, mine reclamation, and similar
50 applications, and does not include any solid waste facility that accepts solid waste collected
51 pursuant to and under a common carrier certificate of convenience and necessity issued by the
52 Public Service Commission by the owner or operator (or its affiliate(s)) of the solid waste facility for
53 consolidation and subsequent transport to a disposal or recycling facility: *Provided*, That the
54 owner or operator of the solid waste facility shall comply with §22-15-12 and §22-15-13 of this
55 code: *Provided, however*, That any such solid waste facility be located on a site that contains a
56 mixed waste processing and resource recovery facility that possesses a solid waste facility permit
57 from the Department of Environmental Protection.

58 "Compost" means a humus-like material resulting from aerobic, microbial, or thermophilic
59 decomposition of organic materials.

60 "Composting" means the aerobic, microbial, or thermophilic decomposition of natural
61 constituents of solid waste to produce a stable, humus-like material.

62 "Commercial composting facility" means any solid waste facility processing solid waste by
63 composting, including sludge composting, organic waste or yard waste composting, but does not
64 include a composting facility owned and operated by a person for the sole purpose of composting
65 waste created by that person or such person and other persons on a cost-sharing or nonprofit

66 basis and shall not include land upon which finished or matured compost is applied for use as a
67 soil amendment or conditioner.

68 "Cured compost" or "finished compost" means compost which has a very low microbial or
69 decomposition rate which will not reheat or cause odors when put into storage and that has been
70 put through a separate aerated curing cycle stage of 30 to 60 days after an initial composting cycle
71 or compost which meets all regulatory requirements after the initial composting cycle.

72 "Department" means the Department of Environmental Protection.

73 "Depolymerization" means a manufacturing process where post-use polymers are broken
74 into smaller molecules such as monomers and oligomers or raw, intermediate, or final products,
75 plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings,
76 and other basic hydrocarbons.

77 "Energy recovery incinerator" means any solid waste facility at which solid wastes are
78 incinerated with the intention of using the resulting energy for the generation of steam, electricity,
79 or any other use not specified herein.

80 "Gasification" means a manufacturing process through which recovered feedstocks are
81 heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the
82 mixture is converted into valuable raw materials and intermediate and final products, including, but
83 not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks,
84 and other basic hydrocarbons that are returned to economic utility in the form of raw materials and
85 products.

86 "Hydrogenation" is a manufacturing process through which hydrogen is used to remove
87 impurities from post-use polymers or recovered feedstock to enable further processing into
88 valuable raw materials and intermediate and final products, including, but not limited to, plastic
89 monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic
90 hydrocarbons.

91 "Incineration technologies" means any technology that uses controlled flame combustion
92 to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains
93 little or no combustible materials, regardless of whether the purpose is processing, disposal,
94 electric or steam generation, or any other method by which solid waste is incinerated.

95 "Incinerator" means an enclosed device using controlled flame combustion to thermally
96 break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no
97 combustible materials.

98 "Landfill" means any solid waste facility used for the disposal of solid waste on or in the
99 land for the purpose of permanent disposal. The facility is situated, for purposes of this article, in
100 the county where the majority of the spatial area of the facility is located.

101 "Mass balance attribution" means a chain of custody accounting methodology with rules
102 defined by a third-party certification system that enables the attribution of "recycled material,"
103 "recycled plastics," and "renewable chemical" as those terms are defined in this article.

104 "Materials recovery facility" means any solid waste facility at which source-separated
105 materials or materials recovered through a mixed waste processing facility are manually or
106 mechanically shredded or separated for purposes of reuse and recycling, but does not include a
107 composting facility.

108 "Mature compost" means compost which has been produced in an aerobic, microbial, or
109 thermophilic manner and does not exhibit phytotoxic effects.

110 "Mixed solid waste" means solid waste from which materials sought to be reused or
111 recycled have not been source-separated from general solid waste.

112 "Mixed waste processing facility" means any solid waste facility at which materials are
113 recovered from mixed solid waste through manual or mechanical means for purposes of reuse,
114 recycling, or composting.

115 "Municipal solid waste incineration" means the burning of any solid waste collected by any
116 municipal or residential solid waste disposal company.

117 "Open dump" means any solid waste disposal which does not have a permit under this
118 article, or is in violation of state law, or where solid waste is disposed in a manner that does not
119 protect the environment.

120 "Person" or "persons" means any industrial user, public or private corporation, institution,
121 association, firm, or company organized or existing under the laws of this or any other state or
122 country; State of West Virginia; governmental agency, including federal facilities; political
123 subdivision; county commission; municipal corporation; industry; sanitary district; public service
124 district; drainage district; soil conservation district; watershed improvement district; partnership;
125 trust; estate; person or individual; group of persons or individuals acting individually or as a group;
126 or any legal entity whatever.

127 "Post-use polymer" means a plastic to which all the following apply:

128 (1) The plastic is derived from any industrial, commercial, agricultural, or domestic
129 activities;

130 (2) It is not mixed with solid waste or hazardous waste onsite or during processing at the
131 advanced recycling facility;

132 (3) The plastic's use or intended use is as a feedstock for the manufacturing of plastic and
133 chemical feedstocks, other basic hydrocarbons, raw materials, or other intermediate products or
134 final products using advanced recycling;

135 (4) The plastic has been sorted from solid waste and other regulated waste but may
136 contain residual amounts of solid waste such as organic material and incidental contaminants or
137 impurities (e.g., paper labels and metal rings); and

138 (5) The plastic is processed at an advanced recycling facility or held at the facility prior to
139 processing.

140 "Publicly owned treatment works" means any treatment works owned by the state or any
141 political subdivision thereof, any municipality or any other public entity which processes raw
142 domestic, industrial, or municipal sewage by any artificial or natural processes in order to remove

143 or so alter constituents as to render the waste less offensive or dangerous to the public health,
144 comfort, or property of any of the inhabitants of this state before the discharge of the plant effluent
145 into any of the waters of this state, and which produces sewage sludge.

146 "Pyrolysis" means a manufacturing process through which post-use polymers are heated
147 in the absence of oxygen until melted and thermally decomposed and are then cooled,
148 condensed, and converted into valuable raw materials and intermediate and final products,
149 including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical
150 feedstocks, and other basic hydrocarbons, that are returned to economic utility in the form of raw
151 materials or products.

152 "Recovered feedstock" means one or more of the following materials that has been
153 processed so that it may be used as feedstock in an advanced recycling facility:

154 (1) Post-use polymers;

155 (2) Materials for which the United States Environmental Protection Agency has made a
156 nonwaste determination pursuant to 40 C.F.R. 241.3(c), or has otherwise determined are
157 feedstocks and not solid waste;

158 (3) Recovered feedstock does not include unprocessed municipal solid waste;

159 (4) Recovered feedstock is not mixed with solid waste or hazardous waste onsite or during
160 processing at an advanced recycling facility.

161 "Recycled material" means materials, goods, or products that consist of recovered
162 recyclable material or materials derived from recoverable feedstocks, post-use polymers,
163 postconsumer waste, industrial waste, or hazardous waste which may be used in place of a raw or
164 virgin material in manufacturing a new saleable product or that are certified under a third-party
165 certification system for mass balance attribution identified by the director under §22-15-5(i) of this
166 code. The term includes recycled plastics.

167 "Recycled plastics" means products that are produced from:

168 (1) Mechanical recycling of post-use polymers; or

169 (2) Advanced recycling of recoverable feedstocks or post-use polymers that are certified
170 under a third-party certification system for mass balance attribution identified by the director under
171 §22-15-5(i) of this article.

172 "Recycling facility" means any solid waste facility for the purpose of recycling at which
173 neither land disposal nor biological, chemical, or thermal transformation of solid waste
174 occurs: *Provided*, That mixed waste recovery facilities, sludge processing facilities, and
175 composting facilities are not considered recycling facilities nor considered to be reusing or
176 recycling solid waste within the meaning of this article, §22-15A-1 *et seq.* and §22C-4-1 *et seq.* of
177 this code.

178 "Renewable biomass" means:

179 (1) Materials, pre-commercial thinnings, or invasive species from National Forest System
180 land and public lands, as that term is defined by 43 U.S.C. Section 1702, that:

181 (A) Are byproducts of preventive treatments that are removed:

182 (i) To reduce hazardous fuels;

183 (ii) To reduce or contain disease or insect infestation; or

184 (iii) To restore ecosystem health;

185 (B) Would not otherwise be used for higher value products; and

186 (C) Are harvested in accordance with:

187 (i) Applicable law and land management plans; and

188 (ii) Requirements for old growth stand maintenance, restoration, and management
189 direction and large tree retention under Sections 102(e) and (f), Healthy Forests Restoration Act of
190 2003 (16 U.S.C. Sections 6512(e) and (f)); or

191 (2) Any organic matter that is available on a renewable or recurring basis from nonfederal
192 land or land belonging to an Indian or Indian tribe that is held in trust by the United States or
193 subject to a restriction against alienation imposed by the United States, including:

194 (A) Renewable plant material, including:

195 (i) Feed grains and other agricultural commodities;

196 (ii) Plants and trees;

197 (iii) Algae; and

198 (iv) Microorganisms; and

199 (B) Waste material, including:

200 (i) Crop residue;

201 (ii) Vegetative waste material, including wood waste and wood residue;

202 (iii) Animal waste and byproducts, including fats, oils, greases, and manure;

203 (iv) Food waste and yard waste;

204 (v) Plant-derived waste oils;

205 (vi) Municipal solid waste; and

206 (vii) Waste derived from a wastewater treatment facility.

207 "Renewable chemical" means a monomer, polymer, plastic, formulated product, or
208 chemical substance produced from renewable biomass feedstocks or certified under a third-party
209 certification system for mass balance attribution identified by the director under §22-15-5(i) of this
210 code.

211 "Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment
212 of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic
213 septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment
214 processes and a material derived from sewage sludge. "Sewage sludge" does not include ash
215 generated during the firing of sewage sludge in a sewage sludge incinerator.

216 "Sewage sludge processing facility" is a solid waste facility that processes sewage sludge
217 for: (1) Land application; (2) incineration; or (3) disposal at an approved landfill. Such processes
218 include, but are not limited to, composting, lime stabilization, thermophilic, microbial, and
219 anaerobic digestion.

220 "Secretary" means the Secretary of the Department of Environmental Protection or such
221 other person to whom the secretary has delegated authority or duties pursuant to §22-1-1 *et seq.*
222 of this code.

223 "Sludge" means any solid, semisolid, residue, or precipitate, separated from or created by
224 a municipal, commercial, or industrial waste treatment plant, water supply treatment plant, air
225 pollution control facility, or any other such waste having similar origin.

226 "Solid waste" means any garbage, paper, litter, refuse, cans, bottles, waste processed for
227 the express purpose of incineration; sludge from a waste treatment plant; water supply treatment
228 plant or air pollution control facility; and other discarded materials, including offensive or unsightly
229 matter, solid, liquid, semisolid, or contained liquid or gaseous material resulting from industrial,
230 commercial, mining, or community activities but does not include solid or dissolved material in
231 sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are
232 point sources and have permits under §22-5A-1 *et seq.* of this code, or source, special nuclear, or
233 byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any
234 nuclear or byproduct material considered by federal standards to be below regulatory concern, or
235 a hazardous waste either identified or listed under §22-5E-1 *et seq.* of this code or refuse, slurry,
236 overburden, or other wastes or material resulting from coal-fired electric power or steam
237 generation, the exploration, development, production, storage, and recovery of coal, oil, and gas,
238 and other mineral resources placed or disposed of at a facility which is regulated under chapter 22,
239 chapter 22A, or chapter 22B of this code, so long as placement or disposal is in conformance with
240 a permit issued pursuant to those chapters, or post-use polymers and recovered feedstocks
241 converted at an advanced recycling facility or held at the facility prior to conversion.

242 "Solid waste disposal" means the practice of disposing of solid waste including placing,
243 depositing, dumping, throwing, or causing any solid waste to be placed, deposited, dumped, or
244 thrown.

245 "Solid waste disposal shed" means the geographical area which the solid waste
246 management board designates and files in the state register pursuant to §16-26-8 of this code.

247 "Solid waste facility" means any system, facility, land, contiguous land, improvements on
248 the land, structures, or other appurtenances or methods used for processing, recycling, or
249 disposing of solid waste, including landfills, transfer stations, materials recovery facilities, mixed
250 waste processing facilities, sewage sludge processing facilities, commercial composting facilities,
251 and other such facilities not herein specified, but not including land upon which sewage sludge is
252 applied in accordance with §22-15-20 of this code. The facility shall be deemed to be situated, for
253 purposes of this article, in the county where the majority of the spatial area of the facility is
254 located: *Provided*, That a salvage yard, licensed and regulated pursuant to the terms of §17-23-
255 1 *et seq.* of this code, is not a solid waste facility and an advanced recycling facility is not a solid
256 waste facility.

257 "Solid waste facility operator" means any person or persons possessing or exercising
258 operational, managerial, or financial control over a commercial solid waste facility, whether or not
259 the person holds a certificate of convenience and necessity or a permit for the facility.

260 "Solvolysis" means a manufacturing process through which post-use polymers are purified
261 with the aid of solvents, while heated at low temperatures and/or pressurized to make useful
262 products, allowing additives and contaminants to be separated. The products of solvolysis include
263 monomers, intermediates, valuable chemicals, and raw materials. The process includes, but is not
264 limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

265 "Source-separated materials" means materials separated from general solid waste at the
266 point of origin for the purpose of reuse and recycling but does not mean sewage sludge.

§22-15-5. Powers and duties; rules and rulemaking.

1 In addition to all other powers, duties, responsibilities and authority granted and assigned
2 to the director in this code and elsewhere described by law, the director is empowered as follows:

3 (a) The director shall promulgate rules in compliance with the West Virginia administrative
4 procedures act Administrative Procedures Act to carry out the provisions of this article including
5 modifying any existing rules and establishing permit application fees up to an amount sufficient to
6 defray the costs of permit review. In promulgating rules the director shall consider and establish
7 requirements based on the quantity of solid waste to be handled, including different requirements
8 for solid waste facilities or approved solid waste facilities which handle more than one hundred
9 tons of solid waste per day, the environmental impact of solid waste disposal, the nature, source or
10 characteristics of the solid waste, potential for contamination of ground, surface and potable
11 waters, requirements for public roadway standards and design for access to the facilities with
12 approval by the commissioner of the Division of Highways, the financial capability of the applicant,
13 soil and geological considerations, environmental and other natural resource considerations.

14 (b) The director, after public notice and opportunity for public hearing near the affected
15 community, may issue a permit with reasonable terms and conditions for installation,
16 establishment, modification, operation or closure of a solid waste facility: Provided, That the
17 director may deny the issuance of a permit on the basis of information in the application or from
18 other sources including public comment, if the solid waste facility is likely to cause adverse
19 impacts on the environment. The director may also prohibit the installation or establishment of
20 specific types and sizes of solid waste facilities in a specified geographical area of the state based
21 on the above-cited factor and may delete such geographical area from consideration for that type
22 and size solid waste facility.

23 (c) The director may refuse to grant any permit if he or she has reasonable cause to
24 believe, as indicated by documented evidence, that the applicant, or any officer, director or
25 manager, thereof, or person owning a five percent or more interest, beneficial or otherwise, or
26 other person conducting or managing the affairs of the applicant or of the proposed licensed
27 premises, in whole or in part:

28 (1) Has demonstrated, either by his or her police record or by his or her record as a
29 permittee under articles eleven through nineteen of this chapter or chapter twenty of this code, a
30 lack of respect for law and order, generally, or for the laws and rules governing the disposal of solid
31 wastes;

32 (2) Has misrepresented a material fact in applying to the director for a permit;

33 (3) Has been convicted of a felony or other crime involving moral turpitude;

34 (4) Has exhibited a pattern of violating environmental laws in any state or the United States

35 or combination thereof; or

36 (5) Has had any permit revoked under the environmental laws of any state or the United

37 States

38 (d) The director or any authorized representative, employee or agent of the division may, at
39 reasonable times, enter onto any approved solid waste facility, open dump or property where solid
40 waste is present for the purpose of making an inspection or investigation of solid waste disposal.
41 (e) The director or any authorized representative, employee or agent of the division may, at
42 reasonable times, enter any approved solid waste facility, open dump or property where solid
43 waste is present and take samples of the waste, soils, air or water or may, upon issuance of an
44 order, require any person to take and analyze samples of such waste, soil, air or water.

45 (f) The director may also perform or require a person, by order, to perform any and all acts
46 necessary to carry out the provisions of this article or the rules promulgated thereunder.

47 (g) The director or his or her authorized representative, employee or agent shall make
48 periodic inspections at every approved solid waste facility to effectively implement and enforce the
49 requirements of this article or its rules and may, in coordination with the commissioner of the
50 Division of Highways, conduct at weigh stations or any other adequate site or facility inspections of
51 solid waste in transit.

52 (h) The director shall require and set the amount of performance bonds for persons
53 engaged in the practice of solid waste disposal in this state, pursuant to section twelve of this
54 article.

55 (i) The director shall identify third-party certification systems for mass balance attribution
56 that may be used for waste reduction programs including those that use recycled material,
57 recycled plastics, and renewable chemicals in place of raw or virgin material in manufacturing a
58 new product or certified under a mass balance attribution. The director shall promulgate rules in
59 compliance with the West Virginia Administrative Procedures Act to implement these mass
60 balance attribution third-party certification systems.

61 (j) The director shall require: (1) That persons disposing of solid waste at commercial
62 solid waste facilities within the state file with the operator of the commercial solid waste facility
63 records concerning the type, amount and origin of solid waste disposed of by them; and (2) that
64 operators of commercial solid waste facilities within the state maintain records and file them with
65 the director concerning the type, amount and origin of solid waste accepted by them.

66 (j) Identification of interests. -- The director shall require an applicant for a solid waste
67 facility permit to provide the following information:

68 (1) The names, addresses and telephone numbers of:

69 (A) The permit applicant;

70 (B) Any other person conducting or managing the affairs of the applicant or of the proposed
71 permitted premises, including any contractor for gas or energy recovery from the proposed
72 operation, if the contractor is a person other than the applicant; and

73 (C) Parties related to the applicant by blood, marriage or business association, including
74 the relationship to the applicant;

75 (2) The names and addresses of the owners of record of surface and subsurface areas
76 within, and contiguous to, the proposed permit area;

(3) The names and addresses of the holders of record to a leasehold interest in surface or subsurface areas within, and contiguous to, the proposed permit area;

79 (4) A statement of whether the applicant is an individual, corporation, partnership, limited
80 partnership, government agency, proprietorship, municipality, syndicate, joint venture or other
81 entity. For applicants other than sole proprietorships, the application shall contain the following
82 information, if applicable:

83 (A) Names and addresses of every officer, general and limited partner, director and other
84 persons performing a function similar to a director of the applicant;

85 (B) For corporations, the principal shareholders;

86 (C) For corporations, the names, principal places of business and internal revenue
87 service tax identification numbers of United States parent corporations of the applicant, including
88 ultimate parent corporations and United States subsidiary corporations of the applicant and the
89 applicant's parent corporations; and

90 (D) Names and addresses of other persons or entities having or exercising control over
91 any aspect of the proposed facility that is regulated by the division, including, but not limited to,
92 associates and agents;

93 (5) If the applicant or an officer, principal shareholder, general or limited partner or other
94 related party to the applicant, has a beneficial interest in, or otherwise manages or controls
95 another person or municipality engaged in the business of solid waste collection, transportation,
96 storage, processing, treatment or disposal, the application shall contain the following information:

97 (A) The name, address and tax identification number or employer identification number of
98 the corporation or other person or municipality; and

99 (B) The nature of the relationship or participation with the corporation or other person or
100 municipality;

101 (6) An application shall list permits or licenses, issued by the division or other
102 environmental regulatory agency to each person or municipality identified in paragraph (1) of this

103 subdivision and to other related parties to the applicant, that are currently in effect or have been in
104 effect in at least part of the previous ten years. This list shall include the type of permit or license,
105 number, location, issuance date and, when applicable, the expiration date;

106 (7) An application shall identify the solid waste facilities in the state which the applicant or a
107 person or municipality identified in paragraph (1) of this subdivision and other related parties to the
108 applicant currently owns or operates, or owned or operated in the previous ten years. For each
109 facility, the applicant shall identify the location, type of operation and state or federal permits under
110 which they operate or have operated. Facilities which are no longer permitted or which were never
111 under permit shall also be listed.

112 (k) (l) Compliance information. -- An application shall contain the following information for
113 the ten-year period prior to the date on which the application is filed:

114 (1) A description of notices of violation, including the date, location, nature and disposition
115 of the violation, that were sent by the division to the applicant or a related party, concerning any
116 environmental law, rule, or order of the division, or a condition of a permit or license. In lieu of a
117 description, the applicant may provide a copy of notices of violation;

118 (2) A description of administrative orders, civil penalty assessments and bond forfeiture
119 actions by the division, and civil penalty actions adjudicated by the state, against the applicant or a
120 related party concerning any environmental law, rule, or order of the division, or a condition of a
121 permit or license. The description shall include the date, location, nature and disposition of the
122 actions. In lieu of a description, the applicant may provide a copy of the orders, assessments and
123 actions;

124 (3) A description of a summary, misdemeanor or felony conviction, a plea of guilty or plea
125 of no contest that has been obtained in this state against the applicant or a related party under any
126 environmental law or rule concerning the storage, collection, treatment, transportation, processing
127 or disposal of solid waste. The description shall include the date, location, nature and disposition
128 of the actions;

129 (4) A description of a court proceeding concerning any environmental law or rule that was
130 not described under paragraph (3) of this subdivision in which the applicant or a related party has
131 been party. The description shall include the date, location, nature and disposition of the
132 proceedings;

133 (5) A description of a consent order, consent adjudication, consent decree or settlement
134 agreement involving the applicant or a related party concerning any environmental law or rule in
135 which the division, other governmental agencies, the United States environmental protection
136 agency, or a county health department was a party. The description shall include the date, location,
137 nature and disposition of the action. In lieu of a description, the applicant may provide a copy of the
138 order, adjudication, a decree or agreement;

139 (6) For facilities and activities identified under paragraph (1) of this subdivision, a
140 statement of whether the facility or activity was the subject of an administrative order, consent
141 agreement, consent adjudication, consent order, settlement agreement, court order, civil penalty,
142 bond forfeiture proceeding, criminal conviction, guilty or no contest plea to a criminal charge or
143 permit or license suspension or revocation under the act or the environmental protection acts. If
144 the facilities or activities were subject to these actions, the applicant shall state the date, location,
145 nature and disposition of the violation. In lieu of a description, the applicant may provide a copy of
146 the appropriate document. The application shall also state whether the division has denied a
147 permit application filed by the applicant or a related party, based on compliance status;

148 (7) When the applicant is a corporation, a list of the principal shareholders that have also
149 been principal shareholders of other corporations which have committed violations of any
150 environmental law or rule. The list shall include the date, location, nature and disposition of the
151 violation, and shall explain the relationship between the principal shareholder and both the
152 applicant and the other corporation;

153 (8) A description of a misdemeanor or felony conviction, a plea of guilty and a plea of no
154 contest, by the applicant or a related party for violations outside of this state of any environmental

155 protection laws or regulations. The description shall include the date of the convictions or pleas,
156 and the date, location and nature of the offense;

157 (9) A description of final administrative orders, court orders, court decrees, consent
158 decrees or adjudications, consent orders, final civil penalty adjudications, final bond forfeiture
159 actions or settlement agreements involving the applicant or a related party for violations outside of
160 this state of any environmental protection laws or regulations. The description shall include the
161 date of the action and the location and nature of the underlying violation. In lieu of a description,
162 the applicant may provide a copy of the appropriate document.

163 ~~(f) (m)~~ All of the information provided by the applicant pursuant to this section is not
164 confidential and may be disclosed pursuant to the provisions of chapter twenty-nine-b of this code.

NOTE: The purpose of this bill is to facilitate the implementation of the certification of mass
balance attribution by third party certified to promote waste reduction practices by
facilitating the use of recycled material in the feedstock for new products.

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