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SENATE BILL NO. 82
Offered January 9, 2002
Prefiled January 4, 2002
A BILL to amend and reenact § 10.1-1413.2 of the Code of Virginia, relating to the closure of municipal solid waste landfills.

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Patron—Wampler

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Referred to Committee on Agriculture, Conservation and Natural Resources

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Be it enacted by the General Assembly of Virginia:
1. That § 10.1-1413.2 of the Code of Virginia is amended and reenacted as follows:
    § 10.1-1413.2. Virginia Landfill Clean-up and Closure Fund established; requirements for landfill closure.
    A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Landfill Clean-up and Closure Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of funds appropriated to it by the General Assembly and such other sums as may be made available to it from any other source, public or private, all of which shall be credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes described in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director. This fund shall be exempt from indirect costs assessed by the Department of Accounts.
    B. The Fund shall be used by the Department solely for the purposes of providing grants to local governments and to political subdivisions which exist to provide solid waste management services for the proper final closure of landfills that are owned by the local governments or political subdivisions, or which are located in the locality and have been abandoned in violation of this chapter, and are not equipped with liner and leachate control systems meeting the requirements of the Board's regulations. The Department shall prioritize landfills in need of grants pursuant to this subsection based on the greatest threat to human health and the environment. The Department shall establish a schedule, after public notice and a period for public comment, based upon that prioritization requiring municipal solid waste landfills to cease accepting solid waste in, and to prepare financial closure plans for, disposal areas permitted before October 9, 1993. No municipal solid waste landfill may continue accepting waste after 2020 in any disposal area not equipped with a liner system approved by the Department pursuant to a permit issued after October 9, 1993. Notwithstanding the provisions of subsection N of § 10.1-1408.1, failure by a landfill owner or operator to comply with the schedule established by the Department shall be a violation of this chapter. Grants pursuant to this subsection shall not replace previously existing financial assurances provided to the Department. *The provisions of this subsection shall not apply to municipal solid waste landfills utilizing double synthetic liner systems permitted between December 21, 1988, and October 9, 1993.*
    C. The Director shall have the authority to access and release moneys in the Fund for purposes of this section for up to $100,000 per occurrence as long as the disbursement does not exceed the balance of the Fund. If the Director requests a disbursement in excess of $100,000 or an amount exceeding the current Fund balance, the disbursement shall require the written approval of the Governor.
    Disbursements from the Fund may be made for the purposes outlined in subsection B, including, but not limited to, personnel, administrative, and equipment costs and expenses directly incurred by the Department, or by any other agency or political subdivision acting at the direction of the Department.
    D. The Department shall develop guidelines which, after approval by the Governor, shall determine how the Fund can be used for the purposes of this section.