

2023 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

23105073D

HOUSE BILL NO. 2496

Offered January 20, 2023

A BILL to amend and reenact § 58.1-1710 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 14 of Title 10.1 an article numbered 3.8, consisting of sections numbered 10.1-1425.40 through 10.1-1425.43, relating to Virginia Recycling Development Center; established; report.

Patrons—Runion and Willett

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1710 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 14 of Title 10.1 an article numbered 3.8, consisting of sections numbered 10.1-1425.40 through 10.1-1425.43, as follows:

Article 3.8.

Virginia Recycling Development Center.

§ 10.1-1425.40. Definitions.

As used in this article, unless the context requires a different meaning:

"Center" means the Virginia Recycling Development Center established in § 10.1-1425.41.

"Fund" means the Recycling Market Development Fund established in § 10.1-1425.42.

"Director" means the Director of the Center established in § 10.1-1425.41.

"Recyclable material" means any material that is able to be separated from the waste stream and processed so that it may be used again as a raw material for a product which may or may not be similar to the original product.

"Secretary" means the Secretary of Natural and Historic Resources.

§ 10.1-1425.41. Virginia Recycling Development Center; established; duties; report.

A. There is hereby established within the Department the Virginia Recycling Development Center, which shall provide or facilitate applied research and development, marketing assistance, and policy analysis in furthering the development of markets and processing for recycled commodities and products.

B. The Secretary shall appoint a Director of the Center to serve as the principal administrative officer of the Center. The Director shall be under the supervision of the Secretary or his designee.

C. The Center and the Director shall have the following duties:

1. Adopt an annual plan for developing recycling markets that includes actions and recommendations for commodities that make up a significant portion of the waste stream and can be used as industrial or commercial feedstocks;

2. Analyze, evaluate, and make recommendations to the General Assembly, the Department, and the Secretary regarding current and proposed state policies that may affect the markets for recyclable materials. Recommendations shall include anticipated solid waste rate changes, consumer goods costs, recycling rates, and use of recycled materials rates;

3. Collaborate as necessary with (i) producers of potentially recyclable materials to increase the potential for their products to be recycled or reduced, (ii) material recovery facility operators, (iii) public and private sector recycling and solid waste industries, (iv) packaging manufacturers and retailers, (v) local governments, (vi) environmental organizations, (vii) institutions of higher education in the Commonwealth, and (viii) agencies of the Commonwealth;

4. Conduct or contract for studies related to the development of the recyclables market, which include applied research, technology transfer, life cycle analysis, and pilot demonstration projects;

5. Disseminate recyclable materials market development information;

6. Subject to available funds, issue grants ~~and incentives~~ for further development of recycling markets;

7. Provide business and marketing assistance to the public and private sectors;

8. Represent the Commonwealth in regional, national, and global market development efforts;

9. In even numbered years, submit an annual report to the Department, Governor, and General Assembly that includes (i) progress toward achievement of the goals of the annual plan and the overall Center's purpose and (ii) updates on recycling rates and recycled content use in the Commonwealth;

10. Enter into an intergovernmental agreement with the Virginia Economic Development Partnership Authority to perform or contract to perform:

a. Targeted business assistance to recycling businesses, including business plan development, market

INTRODUCED

HB2496

59 research and planning, market conditions, and emerging technology and product development;
60 b. Outreach to facilitate voluntary agreements with manufacturers to increase the use of recycled
61 materials in products and product development that state government entities procure;
62 c. Support, promotion, and identification of research and development to stimulate new technologies
63 and products using recycled materials;
64 d. Active promotion of manufacturing with recycled commodities, as well as the purchase of recycled
65 products by agencies of the Commonwealth consistent with the provisions of § 2.2-4323, local
66 governments, and the private sector;
67 e. Studies on the unmet capital and other needs of recycling centers, beneficiation facilities, and
68 manufacturing firms using recycled materials; and
69 f. Research to understand the waste stream supply chain and incentive strategies for retention,
70 expansion, and attraction of innovative recycling technology businesses;
71 ~~11. By regulation, adopt a list of minimum recyclables materials based on available collection and~~
72 ~~processing infrastructure and recycling markets for different materials;~~
73 12. Assess the public education needs in support of this article and support acts to (i) minimize
74 inbound contamination delivered by collection services to material recovery facilities, (ii) achieve
75 consistently high levels of public participation and use of collection services, and (iii) engage and
76 educate citizens on proper recycling behaviors;
77 13. Assess public recycling infrastructure needs and financially support, subject to available funds,
78 recycling infrastructure improvement efforts;
79 ~~14. Assess and recommend funding for recycled content purchase incentives;~~
80 ~~15. Recommend the promulgation of regulations by the Department of General Services to incentivize~~
81 ~~the purchase of products containing recycled content; and~~
82 16. Adopt rules and regulations as necessary to implement and enforce the provisions of this article.
83 D. The Center shall recommend for adoption by the Virginia Waste Management Board standards
84 that shall include a robust stakeholder engagement process to enter into an agreement for recycling
85 services pursuant to the operations of this article; however, (i) no such agreement shall be approved
86 except in compliance with the provisions of this article; (ii) no funds may be granted without an
87 agreement in force; and (iii) in addition to a party to an agreement, an agreement may be enforced by
88 the Attorney General or an attorney for the Commonwealth for the locality in which a party or
89 operations are located.
90 E. Every agency of the Commonwealth shall cooperate and assist the Center with the execution of its
91 duties, as requested.
92 **§ 10.1-1425.42. Recycling Market Development Fund.**
93 There is hereby created in the state treasury a special nonreverting fund to be known as the
94 Recycling Market Development Fund. The Fund shall be established on the books of the Comptroller.
95 All funds appropriated for such purpose, any gifts, donations, grants, bequests, and other funds received
96 on its behalf, and such funds as are disbursed pursuant to § 58.1-1710 shall be paid into the state
97 treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and
98 be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each
99 fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall
100 be used solely for the purposes of this article. Expenditures and disbursements from the Fund shall be
101 made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the
102 Secretary.
103 **§ 10.1-1425.43. Advisory committee; membership; terms.**
104 A. All actions of the Center shall be guided by an advisory committee, which shall consist of the
105 following nonlegislative citizen members:
106 1. One member appointed by the Secretary of Commerce and Trade to represent the economic
107 development community;
108 2. One member appointed by the Virginia Recycling Association to represent recyclers;
109 3. One member of the Virginia Manufacturers Association to represent manufacturers and processors
110 of recycled material and products;
111 4. One member of the State Council of Higher Education for Virginia from the faculty of a business
112 school or economics department; and
113 5. One member appointed by the Secretary to represent a national or statewide nonprofit
114 organization whose ~~primary~~ mission is litter reduction.
115 B. Initially, the advisory committee members established in (i) subdivisions A 1, 2, and 3 shall be
116 appointed to serve for a term of two years and (ii) subdivisions A 4 and 5 shall be appointed to serve
117 for a term of ~~four~~ two years. After the initial staggering of terms, members of the advisory committee
118 shall be appointed to serve for a term of four years. Vacancies occurring other than by expiration of a
119 term shall be filled by appointment of the Secretary for the remainder of the unexpired term. Members
120 shall continue to hold office until their successors have been appointed and qualified.

121 C. The advisory committee shall elect a chairman and vice-chairman from among its membership. A
122 majority of the members shall constitute a quorum. The meetings of the advisory committee shall be held
123 at the call of the chairman or whenever the majority of the members so request.

124 D. All members of the Committee shall serve without compensation but shall receive reasonable and
125 necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

126 **§ 58.1-1710. Disposition of proceeds.**

127 All moneys collected pursuant to this article, minus the necessary expenses of the Department of
128 Taxation for the administration of this tax, as certified by the Commissioner, shall be divided as follows:

129 1. Seventy-five percent shall be deposited into the Recycling Market Development Fund established
130 pursuant to § 10.1-1425.42; and

131 2. Twenty-five percent shall be deposited into the Litter Control and Recycling Fund established
132 pursuant to § 10.1-1422.01.

133 2. That the provisions of this act shall expire on July 1, 2038.

134 3. The § 10.1-1425.43. Advisory committee herein shall convene to make recommendations on the
135 sources of potential funding for and detailed qualifying uses of the § 10.1-1425.42. Recycling Market
136 Development Fund herein. The Advisory committee shall report its recommendations to the Secretary
137 of Natural Resources by October 1, 2023.