

LD5724685

HOUSE BILL NO. 1221

Offered January 25, 1994

A BILL to amend and reenact § 10.1-1425.10 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1425.11:1, relating to implementation of pollution prevention within state agencies.

Patrons—Keating, Albo, Connally, Cooper, DeBoer, Grayson, Griffith and Puller; Senators: Houck, Howell and Woods

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1425.10 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding a section numbered 10.1-1425.11:1 as follows:

§ 10.1-1425.10. Definition.

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

"~~pollution~~ Pollution prevention" means eliminating or reducing the use, generation or release at the source of environmental waste. Methods of pollution prevention include, but are not limited to, equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; improvements in housekeeping, maintenance, training, or inventory control; and closed-loop recycling, on-site process-related recycling, reuse or extended use of any material utilizing equipment or methods which are an integral part of a production process. The term shall not include any practice which alters the physical, chemical, or biological characteristics or the volume of an environmental waste through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service, and shall not include treatment, increased pollution control, off-site or nonprocess-related recycling, or incineration.

"Toxic or hazardous substance" means (i) a chemical identified on the Toxic Chemical List established pursuant to § 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11001 et seq. (P.L. 99-499), or (ii) a chemical listed pursuant to §§ 101 (14) or 102 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. (P.L. 92-500).

§ 10.1-1425.11:1. Duties of state agencies.

A. Each agency of the Commonwealth which uses or generates more than a minimal amount of a toxic or hazardous substance shall:

1. Review the programs, processes, and activities of the agency and ascertain how reductions in the use, generation, or release of toxic or hazardous substances can be promoted and achieved;

2. Amend those programs, processes, and activities so as to reduce the use, generation, and release of toxic or hazardous substances in furtherance of statewide goals for reducing or eliminating toxic or hazardous substances;

3. Submit to the Department an agency pollution prevention plan in accordance with a schedule for the filing of such plans to be established by the Department of Environmental Quality; and

4. Amend any specifications established for goods and products procured by the agency to eliminate or reduce the amount of toxic or hazardous substances used directly or included in goods or products used by the agency if goods or products are available for procurement which (i) are functionally equivalent to goods or products currently being used or specified by the agency, (ii) are comparable in cost to goods or products currently being used or specified by the agency, and (iii) contain, emit, produce, or generate a lesser amount of toxic or hazardous substances or a less toxic or less hazardous substance, or both.

B. By January 1, 1996, the Department shall establish criteria for determining whether a minimal amount of toxic or hazardous substances is used or generated. In developing the criteria, the Department shall consider, among other factors, (i) risks to public health and safety posed by the use or release of such substances, and (ii) the cost and availability of less toxic substitute materials.

INTRODUCED

HB1221