

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 10.1-1413.2 of the Code of Virginia, relating to closure of landfills.*

3 [H 1228]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 10.1-1413.2 of the Code of Virginia is amended and reenacted as follows:**7 § 10.1-1413.2. Virginia Landfill Clean-up and Closure Fund established; requirements for landfill
8 closure.9 A. There is hereby created in the state treasury a special nonreverting fund to be known as the
10 Virginia Landfill Clean-up and Closure Fund, hereafter referred to as "the Fund." The Fund shall be
11 established on the books of the Comptroller. The Fund shall consist of funds appropriated to it by the
12 General Assembly and such other sums as may be made available to it from any other source, public or
13 private, all of which shall be credited to the Fund. Interest earned on moneys in the Fund shall remain
14 in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the
15 end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the
16 Fund shall be used solely for the purposes described in subsection B. Expenditures and disbursements
17 from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written
18 request signed by the Director. This fund shall be exempt from indirect costs assessed by the
19 Department of Accounts.20 B. The Fund shall be used by the Department solely for the purposes of providing grants to local
21 governments and to political subdivisions which exist to provide solid waste management services for
22 the proper final closure of landfills that are owned by the local governments or political subdivisions, or
23 which are located in the locality and have been abandoned in violation of this chapter, and are not
24 equipped with liner and leachate control systems meeting the requirements of the Board's regulations.
25 The Department shall prioritize landfills in need of grants pursuant to this subdivision based on the
26 greatest threat to human health and the environment. *The Department shall establish a schedule, after*
27 *public notice and a period for public comment, based upon that prioritization requiring municipal solid*
28 *waste landfills to cease accepting solid waste in, and to prepare financial closure plans for, disposal*
29 *areas permitted before October 9, 1993. No municipal solid waste landfill may continue accepting waste*
30 *after 2020 in any disposal area not equipped with a liner system approved by the Department pursuant*
31 *to a permit issued after October 9, 1993. Notwithstanding the provisions of subsection N of*
32 *§ 10.1-1408.1, failure by a landfill owner or operator to comply with the schedule established by the*
33 *Department shall be a violation of this chapter.* Grants pursuant to this subsection shall not replace
34 previously existing financial assurances provided to the Department.35 C. The Director shall have the authority to access and release moneys in the Fund for purposes of
36 this section for up to \$100,000 per occurrence as long as the disbursement does not exceed the balance
37 of the Fund. If the Director requests a disbursement in excess of \$100,000 or an amount exceeding the
38 current Fund balance, the disbursement shall require the written approval of the Governor.39 Disbursements from the Fund may be made for the purposes outlined in subsection B, including, but
40 not limited to, personnel, administrative, and equipment costs and expenses directly incurred by the
41 Department, or by any other agency or political subdivision acting at the direction of the Department.42 D. The Department shall develop guidelines which, after approval by the Governor, shall determine
43 how the Fund can be used for the purposes of this section.

ENROLLED

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