

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number: HB1689

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Landes

3. Committee: Agriculture, Chesapeake, and Natural Resources

4. Title: Municipal solid waste regulation

5. Summary/Purpose: The bill repeals two provisions of the solid waste laws enacted in 1999 that were subsequently found to be unconstitutional by the federal court. The bill repeals the authority of the Solid Waste Management Board to develop regulations governing the commercial transport of nonhazardous municipal solid waste by truck. This section was declared unconstitutional because it imposed certain requirements on large trucks carrying solid waste that violated the dormant commerce clause. The federal court found that the statute placed "disproportionate burdens" on trucks carrying waste from outside of Virginia. The second provision found to be unconstitutional under the dormant commerce clause was the 2,000 tons per day cap placed on landfills for accepting municipal solid waste. This is a recommendation of the Virginia Code Commission.

6. No Fiscal Impact.

7. Budget amendment necessary: No.

8. Fiscal implications: None.

9. Specific agency or political subdivisions affected: Department of Environmental Quality.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 1/18/07 kbs

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cc: Secretary of Natural Resources