

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 495

An Act to amend and reenact § 10.1-1411 of the Code of Virginia, relating to solid waste recycling rates.

[H 2333]

Approved March 18, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1411 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1411. Regional and local solid waste management plans.

The Board is authorized to promulgate regulations specifying requirements for local and regional solid waste management plans.

To implement regional plans, the Governor may designate regional boundaries. The governing bodies of the counties, cities and towns within any region so designated shall be responsible for the development and implementation of a comprehensive regional solid waste management plan in cooperation with any planning district commission or commissions in the region. Where a county, city or town is not part of a regional plan, it shall develop and implement a local solid waste management plan in accordance with the Board's regulations.

The Board's regulations shall include all aspects of solid waste management including waste reduction, recycling and reuse, storage, treatment, and disposal and shall require that consideration be given to the handling of all types of nonhazardous solid waste generated in the region or locality. In promulgating such regulations, the Board shall consider urban concentrations, geographic conditions, markets, transportation conditions, and other appropriate factors and shall provide for reasonable variances and exemptions thereto, as well as variances or exemptions from the minimum recycling rates specified herein when market conditions beyond the control of a county, city, town, or region make such mandatory rates unreasonable. ~~The regulations shall require that local or regional plans identify how the following minimum recycling rates shall be achieved: ten percent by 1991, fifteen percent by 1993, and twenty-five percent by 1995. Following 1995, local and regional solid waste planning units shall maintain a minimum twenty-five percent recycling rate through 1997 and shall report their 1997 recycling rates to the Department by May 1, 1998.~~ The regulations shall permit a credit of one ton for each one ton of recycling residue generated in Virginia and deposited in a landfill permitted under subsection L of § 10.1-1408.1. The total annual credits shall not exceed one-fifth of the twenty-five percent requirement.

Local and regional solid waste planning units shall maintain a minimum twenty-five percent recycling rate.

After July 1, 2000, ~~1992~~, no permit for a solid waste management facility shall be issued until the local or regional applicant has a plan approved by the Board in accordance with the regulations.

If a county levies a consumer utility tax and the ordinance provides that revenues derived from such source, to the extent necessary, be used for solid waste disposal, the county may charge a town or its residents, establishments and institutions an amount not to exceed their pro rata cost, based upon population for such solid waste management if the town levies a consumer utility tax. This shall not prohibit a county from charging for disposal of industrial or commercial waste on a county-wide basis, including that originating within the corporate limits of towns.