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HOUSE BILL NO. 1380

Offered January 22, 1996

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1408.1:1, relating to prohibiting unjust siting of solid waste facilities.

Patrons—Melvin, Crittenden, Jones, D.C., Robinson and Spruill; Senators: Lucas and Miller, Y.B.

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1408.1:1 as follows:

§10.1-1408.1:1. Prohibition on issuing permits for certain facilities.

A. For purposes of this section, unless the context requires a different meaning:

"Minority community" means a community in which minorities are represented in a greater proportion than in the locality as a whole.

"Economically disadvantaged community" means that the per capita income of the community is less than the state average or that the poverty rate in the community is higher than for the locality as a whole.

The definition for "community" shall be that which is defined by the Planning District Commission whose responsibility encompasses the area for which a solid waste management facility permit is sought.

B. No permit shall be issued for a solid waste management facility to a person whose solid waste management facility siting practices have been conducted in a manner that unjustly selects minority or economically disadvantaged communities. The prohibition established in this section shall apply to an area within a five mile radius of a minority or economically disadvantaged community.

C. Upon request, the Board shall cause an investigation to be made into the siting practices of a person seeking a permit under this chapter to determine if such person's siting practices, within and without the Commonwealth, have been conducted in such a manner to have unjustly selected minority and economically disadvantaged communities. For purposes of investigating siting practices outside of the Commonwealth, the Board shall use the definition of "community" used by the jurisdiction or planning authority in which a facility is located. The person seeking a permit shall provide the Board with such information as the Board deems necessary to conduct the investigation.

D. A finding by the Board that a person's solid waste management facilities have been located in minority and economically disadvantaged communities in a greater proportion than the distribution of those communities shall constitute a finding that the person has unjustly selected such communities for siting of solid waste management facilities.

INTRODUCED

HB1380