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## HOUSE BILL NO. 1323

Offered January 26, 1998

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 14 of Title 10.1 sections numbered 10.1-1413.2 and 10.1-1413.3, relating to the Solid Waste Contingency Fund.

Patron—Marshall

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 in Article 2 of Chapter 14 of Title 10.1 sections numbered 10.1-1413.2 and 10.1-1413.3 as follows:****§ 10.1-1413.2. Solid waste contingency fee; reports.**

A. The Board shall impose a fee of one dollar for each ton of nonhazardous solid waste (i) generated within the Commonwealth and disposed of outside the Commonwealth or (ii) generated outside the Commonwealth and disposed of within the Commonwealth. All such fees received by the Board shall be placed in the Solid Waste Contingency Fund as provided in § 10.1-1413.3. The operator of any waste hauling service transporting nonhazardous solid waste generated in the Commonwealth for disposal outside of the Commonwealth shall transmit such fees to the Board quarterly. The operator of any waste hauling service transporting waste generated outside the Commonwealth to a solid waste management facility located in the Commonwealth shall pay the fee to the operator of such facility. Operators of waste management facilities shall transmit collected fees to the Board quarterly.

B. The operator of any waste hauling service transporting nonhazardous solid waste (i) generated within the Commonwealth and disposed of outside the Commonwealth or (ii) generated outside the Commonwealth and disposed of within the Commonwealth shall report quarterly to the Board the number of tons of such transported and the destination of each ton of solid waste.

**§ 10.1-1413.3. Solid Waste Contingency Fund.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Solid Waste Contingency Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All funds raised through the fee established in § 10.1-1413.2 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of responding to environmental pollution incidents at solid waste management facilities in the Commonwealth that accept waste from outside the Commonwealth and solid waste management facilities outside the Commonwealth that accept waste generated in the Commonwealth.

B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director. The funds may be used for preventing or alleviating damage, loss, hardship or suffering caused by a pollution incident if the Director determines that:

1. The incident has occurred at a solid waste management facility in the Commonwealth that accepts waste from outside the Commonwealth or a solid waste management facility outside the Commonwealth that accepts waste generated in the Commonwealth; and

2. Such pollution incident can be demonstrated by a preponderance of the evidence to have been caused by the nature of the waste itself and not through any fault of the solid waste management facility operator.

C. The Director shall have the authority to access moneys in the Fund for up to \$100,000 per occurrence as long as the disbursement does not exceed the balance for the agency account. If the Director requests a disbursement in excess of \$100,000 or an amount exceeding the remaining agency balance, the disbursement shall require the written approval of the Governor. The Department of Environmental Quality shall develop guidelines which, after approval by the Governor, determine how the Fund can be used for the purposes of this section.

INTRODUCED

HB1323