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HOUSE BILL NO. 1748
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by Delegate Deeds
 on February 5, 1999)

(Patron Prior to Substitute—Delegates Deeds)

A BILL to amend the Code of Virginia by adding in Chapter 14 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1413.2, 10.1-1413.3, and 10.1-1413.4, and by adding a section numbered 62.1-241.7:1, relating to solid waste.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 14 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1413.2, 10.1-1413.3, and 10.1-1413.4, and by adding a section numbered 62.1-241.7:1 as follows:

Article 2.1.

Virginia Solid Waste Environmental Stewardship Fund.

§ 10.1-1413.2. Virginia Solid Waste Environmental Stewardship Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Solid Waste Environmental Stewardship Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All fees collected pursuant to § 10.1-1413.4 shall be paid into the state treasury and credited to the Fund. The Fund shall also consist of funds appropriated to it by the general Assembly and such other sums as may be made available to it from any other source, public or private, all of which shall be 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 purposes found in subsection 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. This fund shall be exempt from indirect costs assessed by the Department of Accounts.

B. The Fund shall be used for the following purposes:

1. Under the supervision of the Director of the Department of Environmental Quality, to pay necessary costs of preventing, abating, removing and remediating releases or threatened releases of pollutants to the environment from solid waste landfills that have been determined by the Director to be causing harm to human health or the environment or creating an imminent and substantial risk of such harm and for which funds for prevention, abatement, removal or remediation of releases or threatened releases causing such harm or risk are insufficient or are unavailable from other sources. Expenditures may be made from the Fund under this subdivision only for prevention, abatement, removal and remediation of releases that occur or threaten to occur after the termination of the post-closure maintenance period established for the subject landfill, or after the Director has determined that the landfill has been abandoned by the owner in violation of this chapter.

2. For transfer, as provided in § 10.1-1413.3, to the Virginia Solid Waste or Recycling Revolving Fund (§ 62.1-241.2), for use by the Board according to § 62.1-241.7:1 to provide grants to local governments, subject to the provisions of subsection C of § 10.1-1413.4, for the proper final closure of landfills that are owned by local governments or political subdivisions, or which are located in the locality and have been abandoned in violation of this chapter, and that are not equipped with liner and leachate control systems meeting the requirements of the Board's regulations, and as otherwise provided in § 62.1-241.7:1. The Department shall annually prioritize landfills in need of grants pursuant to this subdivision based on the greatest threat to human health and the environment.

§ 10.1-1413.3. Solid Waste Environmental Stewardship Fund; distribution.

A. Until January 1, 2009, moneys in the Fund shall be distributed for the purposes of subsection B2 of § 10.1-1413.2.

After January 1, 2009, moneys in the fund shall be distributed as follows: fifty percent for subdivision B1 of § 10.1-1413.2 and fifty percent for subdivision B2 of § 10.1-1413.2.

B. Any moneys expended from the Fund for the purposes enumerated in subdivision B1 or B2 of § 10.1-1413.2 and subsequently recovered by the Commonwealth pursuant to subsection F of § 10.1-1410 or by other means shall be deposited in the Fund.

§ 10.1-1413.4. Fees.

A. In addition to the financial assurances required by this chapter for landfill closure and post-closure care, the owner or operator of each landfill permitted under this chapter to dispose of municipal solid waste, shall remit to the State Treasurer, for deposit into the Virginia Solid Waste Environmental Stewardship Fund, a fee, calculated pursuant to subsection B, for each ton of municipal

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60 solid waste disposed of at the landfill. Payment shall be made within ten days of the end of each
61 quarter with the first payment due by October 10, 1999. Remittance shall not be required under this
62 subsection or subsection B for wastes accepted from localities utilizing the procedures found in
63 subsection C.

64 B. There shall be a base fee of \$1.00 per ton for every ton of municipal solid waste disposed of in a
65 landfill. In addition, amounts within the following volume slots shall be assessed:

- 66 1. 1,000 to 3,000 tons per day, \$0.50 per ton;
- 67 2. 3,001 to 5,000 tons per day, \$0.75 per ton; and
- 68 3. More than 5,000 tons per day, \$1.00 per ton.

69 C. Any Virginia local government, and any political subdivision which exists to provide solid waste
70 management services, contracting for disposal in Virginia of municipal solid waste generated within its
71 borders or disposing of such waste in a publicly or privately owned landfill shall be exempt from any
72 fees charged for the purposes of subsection A or B, provided that the locality (i) advises the Director in
73 advance of the beginning of the quarter for which a fee would otherwise be required, (ii) dedicates an
74 amount equivalent to the amount that would otherwise be assessed to the purposes of the Virginia Solid
75 Waste Environmental Stewardship Fund found in subsection B of § 10.1-1413.2 or to aid in meeting
76 mandated recycling requirements imposed pursuant to § 10.1-1411 and (iii) notifies the owner or
77 operator of the landfill accepting its municipal solid waste that no remittance to the State Treasurer
78 pursuant to this section is required for its waste.

79 D. The Department of Environmental Quality shall notify the owner or operator of every landfill
80 permitted to dispose of municipal solid waste of the requirements of this section not later than
81 September 30, 1999.

82 § 62.1-241.7:1. Grants to localities for landfill closure.

83 Subject to the provisions of subsection C of § 10.1-1413, funds transferred to the Fund from the
84 Virginia Solid Waste Environmental Stewardship Trust Fund pursuant to § 10.1-1413.2 shall be used by
85 the Board to provide grants to local governments for the proper final closure of landfills that are owned
86 by local governments or political subdivisions, or that are located in the locality and have been
87 abandoned in violation of this chapter, and that are not equipped with liner and leachate control
88 systems meeting the requirements of the Board's regulations. However, the Board may, if it finds that
89 there exist sufficient funds to maintain significant and continuing progress in fulfilling the purposes of
90 subdivision B 2 of § 10.1-1413.2, utilize up to ten percent of moneys that would otherwise go to such
91 purposes to provide grants to localities to enhance recycling activities and recycling infrastructure,
92 waste reduction efforts, litter control and anti-litter education efforts and for use by the locality to assist
93 the private sector in providing these types of activities. The Board may establish such terms and
94 conditions on any grant as it deems appropriate. Grants shall be disbursed from the Fund by the
95 Authority in accordance with the written direction of the Board.