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HOUSE BILL NO. 1773

Offered January 13, 1999

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1408.3, by adding in Article 2 of Chapter 14 of Title 10.1 a section numbered 10.1-1413.2, by adding in Chapter 14 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1413.3, 10.1-1413.4 and 10.1-1413.5, and by adding a section numbered 62.1-241.7:1, relating to solid waste transportation and management.

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 a section numbered 10.1-1408.3, by adding in Article 2 of Chapter 14 of Title 10.1 a section numbered 10.1-1413.2, by adding in Chapter 14 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1413.3, 10.1-1413.4 and 10.1-1413.5, and by adding a section numbered 62.1-241.7:1 as follows:

§ 10.1-1408.3. Solid waste transportation certification.

A. Any person transporting municipal solid waste by truck for commercial gain shall provide to the operator of any solid waste management facility at which he intends to deposit the waste a description of the exact route taken within Virginia. The description shall cover the route to the facility from the point of last waste pick-up within Virginia, or from the point of entry into Virginia, and shall be provided at the time of the intended deposit. The description shall also state (i) the driver's name and address; (ii) the name and address of the truck owner; (iii) the origin of the waste; and (iv) the location of all weigh stations in Virginia through which the truck passed on its route to the facility.

B. Solid waste management facility owners and operators shall not allow the placement of municipal solid waste in their facilities by those who are transporting municipal solid waste by truck for commercial gain unless the information required by subsection A is provided.

C. The Director may prescribe the form in which the information required by subsection A is to be provided. The information provided pursuant to subsection A shall be kept on site for a period of not less than one year and shall be made available to the Department upon request.

D. It shall be a violation of this chapter to:

1. Provide false information in the descriptions required by subsection A.

2. Intentionally alter a route in order to avoid a weigh station.

§ 10.1-1413.2. Cap on levels of disposal.

A. The amount of municipal solid waste received at any landfill authorized to accept such waste shall not exceed 2,000 tons per day, or the actual amount of municipal solid waste received by such landfill during 1998, as reported to the Department of Environmental Quality pursuant to § 10.1-1413.1, whichever is greater, unless the landfill has received approval from the Director of the Department of Environmental Quality pursuant to subsection B for a larger tonnage allotment.

B. In considering requests for increased tonnage allotments, the Director shall consider those factors he deems appropriate to protect the health, safety and welfare of the people of Virginia and Virginia's environmental and natural resources.

No request for an increased tonnage allotment shall be approved by the Director until a public hearing on the proposed increase has been held in the locality where the landfill requesting the increase is located.

C. The provisions of this section shall not be construed as allowing activities related to waste disposal that exceed those that may be found in state or local permits, regulations, ordinances, agreements, contracts or other instruments related to particular facilities or localities.

Article 2.1.

Virginia Landfill Clean-up and Closure Fund.

§10.1-1413.3. Virginia Landfill Clean-up and Closure Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Landfill Clean-up and Closure Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All fees collected pursuant to § 10.1-1413.5 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 purposes found in subsection B. Expenditures and disbursements from

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60 the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written
61 request signed by the Director.

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

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

73 2. To transfer, as provided in § 10.1-1413.4, moneys to the Virginia Solid Waste or Recycling
74 Revolving Fund (§ 62.1-241.1 et seq.), for use by the Board according to § 62.1-241.7:1 to provide
75 grants to local governments for the proper final closure of landfills that are owned by local
76 governments, or are located in the locality and have been abandoned in violation of this chapter, and
77 are not equipped with liner and leachate control systems meeting the requirements of the Board's
78 regulations. The Department shall annually prioritize landfills in need of grants pursuant to this
79 subdivision based on the greatest threat to human health and the environment.

80 § 10.1-1413.4. Distribution of moneys.

81 A. Fifty percent of the moneys in the Fund shall be distributed pursuant to subdivision B 1 of
82 § 10.1-1413.3 and fifty percent pursuant to subdivision B 2 of § 10.1-1413.3.

83 B. Any moneys expended from the Fund for the purposes enumerated in subdivision B 1 of
84 § 10.1-1413.3 and subsequently recovered by the Commonwealth pursuant to subsection F of
85 § 10.1-1410 or by other means shall be deposited in the Fund for use pursuant to subdivision B 1 of
86 § 10.1-1413.3.

87 C. Any moneys expended from the Fund pursuant to subdivision B 2 of § 10.1-1413.3 for the proper
88 closure of landfills abandoned in violation of this chapter and subsequently recovered by the
89 Commonwealth pursuant to subsection F of § 10.1-1410 or by other means shall be deposited in the
90 Fund for use pursuant to subdivision B 2 of § 10.1-1413.3.

91 § 10.1-1413.5. Fees.

92 A. In addition to the financial assurances required by this chapter for landfill closure and
93 post-closure care, the owner or operator of each landfill permitted under this chapter to dispose of
94 municipal solid waste shall remit to the State Treasurer, for deposit into the Virginia Landfill Clean-up
95 and Closure Fund, a fee, calculated pursuant to subsection B, for municipal solid waste disposed of at
96 the landfill. Payment shall be made within ten days of the end of each quarter with the first payment
97 due by October 10, 1999.

98 B. There shall be a base fee of \$1.00 per ton for every ton over 200 tons per day of municipal solid
99 waste disposed of in a landfill. In addition, amounts within the following volume slots shall be assessed:

100 1. 1,000 to 3,000 tons per day, \$0.50 per ton;

101 2. 3,001 to 5,000 tons per day, \$0.75 per ton; and

102 3. More than 5,000 tons per day, \$1.00 per ton.

103 § 62.1-241.7:1. Grants to localities for landfill closure.

104 Funds transferred to the Fund from the Virginia Landfill Clean-up and Closure Fund pursuant to
105 § 10.1-1413.3 shall be used by the Board to provide grants to local governments for the proper final
106 closure of landfills that are owned by local governments, or are located in the locality and have been
107 abandoned in violation of this chapter, and are not equipped with liner and leachate control systems
108 meeting the requirements of the Board's regulations. The Board may establish such terms and conditions
109 on any grant as it deems appropriate. Grants shall be disbursed from the Fund by the Authority in
110 accordance with the written direction of the Board.