

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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1988 JUL 11 PM 3: 10

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

RULE TYPE: Interpretive; CITE AUTHORITY W. Va. §20-9-9

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 38B

TITLE OF RULE BEING PROPOSED: _____

Proof of Proper Solid Waste Disposal

DATE OF PUBLIC HEARING: Wednesday, August 10, 1988 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: Director's Conference Room 674
Building 3, State Capitol Complex
Charleston, West Virginia

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV Dept. of Natural Resources

Room 842

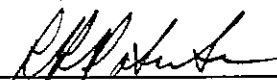
1800 Washington Street, East

Charleston, WV 25305

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



**PREAMBLE TO A PROPOSED INTERPRETIVE RULE
CONCERNING VERIFICATION OF PROPER SOLID WASTE DISPOSAL**

STATE AGENCY: Department of Natural Resources

REGULATIONS: Title 47, Series 38B, "Proof of Proper Solid Waste Disposal"

AUTHORITY: W. Va. Code §20-9-9

ACTION: Proposed Rule; Notice of Hearing and Comment Period

DATES: A public hearing on this proposal will be held on August 10, 1988 at 1:00 p.m. in Room 674, Building 3, State Capitol Complex, Charleston; written comments will be received by the Department until 4:30 p.m. on that day.

CONTACT: For further information regarding this filing, please contact Mr. Jeffrey E. Herrold, WV Department of Natural Resources, 1800 Washington Street, East, Charleston, West Virginia 25305, telephone (304) 348-2761.

SUMMARY: The Enrolled Committee Substitute for House Bill 3146, passed during the 1988 Regular Session, adds a new Article 9 to Chapter 20 of the West Virginia Code. As a part of this new article, W. Va. Code §20-9-9 compels the Director of the Department of Natural Resources to promulgate rules that establish an approved method or methods of supplying proof of proper disposal of solid waste from residences and business establishments in this State. Today's filing provides guidance to the public regarding the approved method of supplying such proof to the Department.

TITLE 47
INTERPRETIVE RULES
DEPARTMENT OF NATURAL RESOURCES
SERIES 38B
PROOF OF PROPER SOLID WASTE DISPOSAL

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§47-38B-1. Scope and Authority.

1.1. Scope and Purpose. -- The purpose of this rule is to provide guidance to persons occupying a residence or operating a business establishment in this State regarding the approved method of providing proof of proper solid waste disposal to the Department.

1.2. Authority. -- W. Va. Code §20-9-9.

1.3. Filing Date. --

1.4. Effective Date. --

§47-38B-2. Proof of Proper Solid Waste Disposal.

2.1. Each person occupying a residence or operating a business establishment in this State must be able to provide proof to the Department that his solid waste was disposed of at an approved solid waste facility.

2.2. Proof of proper solid waste disposal includes:

2.2.1. Records demonstrating that a person has subscribed to and used a solid waste collection service and has paid the fees established therefor; or

2.2.2. Records, including bills of receipt, demonstrating that a person has delivered his waste to an approved solid waste facility for disposal.

2.3. The owner or operator of each approved solid waste facility in this State must maintain records of each delivery of solid waste made by an individual who is not in the business of hauling or disposing of solid waste. Such records must include:

2.3.1. The name, address, and telephone number of the individual who delivered the waste for disposal;

2.3.2. A description of the origin, type, and estimated amount of the waste delivered for disposal; and

2.3.3. A copy of the bill of receipt for the waste delivered for disposal.

2.4. All records required under these regulations must be maintained for a minimum of three (3) years and be made available for inspection by an authorized representative of the director upon request.