

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Public Service Commission of West Virginia TITLE NUMBER: 24-1
RULE TYPE: Legislative; CITE AUTHORITY §§24-1-7, 24-2-1h, 24A-2-3
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: XV

TITLE OF RULE BEING PROPOSED: Rules and Regulations Governing the
Management, Transportation and Flow Control of Solid Waste and
Recyclable Materials Generated in West Virginia.

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON March 9, 1992 AT 4:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Howard M. Cunningham
Executive Secretary
Public Service Comm'n of W.V.
P.O. Box 812
Charleston, WV 25323

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Boyce Griffith, Chairman

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

PSC
Leg. Rule/Adm. Reg. 24-1
Series XV

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
LEGISLATIVE RULE
CHAPTER 24-1
SERIES XV

TITLE: Rules and Regulations Governing the Management,
Transportation and Flow Control of Solid Waste and
Recyclable Materials Generated in West Virginia

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WEST VIRGINIA LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION
CHAPTER 24-1
SERIES XV

RULES AND REGULATIONS
GOVERNING THE MANAGEMENT, TRANSPORTATION
AND CONTROL OF SOLID WASTE AND
RECYCLABLE MATERIALS GENERATED
IN WEST VIRGINIA

1. GENERAL

- 1.1 Scope - These legislative rules apply to the management, transportation and control of solid waste and recyclable materials generated in West Virginia.
- 1.2 Authority - West Virginia Code §§24-1-7, 24-2-1h and 24A-2-3.
- 1.3 Filing Date - January 8, 1992
- 1.4 Effective Date -

2. FLOW CONTROL OF SOLID WASTE

- 2.1 Upon the petition of any county or regional solid waste authority, motor carrier, or solid waste disposal facility, or upon the Commission's own motion, the Commission may issue an order that solid waste generated in the surrounding geographical area of a solid waste facility and transported for processing or disposal by a motor carrier be processed or disposed of at a designated solid waste facility or facilities.
- 2.2 Commission orders implementing flow control shall not include:
- (a) Disposal of solid waste at a solid waste disposal facility by a person who owns, operates or leases the facility if it is used exclusively to dispose of waste originally produced by such person in such person's regular business or personal activities, or by persons utilizing the facility on a cost-sharing or nonprofit basis;
- (b) Reuse or recycling of any solid waste; or

(c) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the director of the division of natural resources pursuant to West Virginia Code §20-5F-4b.

2.3 In determining whether to issue an order establishing flow control to a solid waste facility, the Commission shall consider, at a minimum, the following:

- (a) the nature and composition of the solid waste;
- (b) the environmental impact of controlling the flow of solid waste;
- (c) the efficient disposal of solid waste;
- (d) the financial feasibility of proposed or existing solid waste facilities;
- (e) the county or regional solid waste control plan;
- (f) the statewide solid waste control plan; and
- (g) the public convenience and necessity.

3. SOURCE-SEPARATED RECYCLABLE MATERIALS

3.1 Motor carriers of source-separated recyclable materials shall transport said materials to a recycling facility.

3.2 Motor carriers of source-separated recyclable materials shall establish in their tariff, subject to the approval of the Commission, a separate rate for the transportation of such materials; provided that said carriers may waive the charges so established in exchange for the value of such materials.

SUMMARY OF PROPOSED RULE

The purpose of this proposed Legislative rule is to implement the Commission's newly-acquired jurisdiction over solid waste and recyclable materials found in West Virginia Code §24-2-1h.

FISCAL NOTE

This is a fiscal note issued pursuant to §§24-1-7 and 24A-2-3 of the West Virginia Code, as these sections are read in pari materia with §29A-3-1 et seq. of said Code, relating to General Order No. and M.C. General Order No. , In the Matter of Commission Proposed Rules and Regulations Governing the Management, Transportation and Flow Control of Solid Waste and Recyclable Materials Generated in West Virginia.

I. OBJECTIVES OF THE RULES

The purpose of this proposed Legislative rule is to implement the Commission's newly acquired jurisdiction controlling the flow of solid waste and recyclable materials pursuant to West Virginia Code §24-2-1h.

II. COST OF IMPLEMENTING THE PROPOSED RULES

There will be no significant implementation cost relating to the rulemaking for the State or for those persons affected by the proposed rules.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either House of the Legislature.)

This rulemaking will have no significant effect on the costs or revenues of the state.

IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

The economic impact of these rules on the state or its residents is indeterminable, since said impact will depend on the frequency and manner of which the Commission is required to assert flow control jurisdiction over solid waste.

DATE January 8, 1992 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

