

PROMULGATION HISTORY OF PROPOSED RULE

**SOLID WASTE MANAGEMENT BOARD
TITLE 54, SERIES 3
RULE FOR DEVELOPING, UPDATING AND AMENDING COMPREHENSIVE
LITTER AND SOLID WASTE CONTROL PLANS**

EVENT	DATE
Notice of Approval by Agency	6/22/95
End of Comment Period	7/24/95
File - Secretary of State	7/26/95
LRMRC-Action Modified and Approved	10/17/95
Filed	10/26/95
Legislature - HB 4224 Approved	3/9/96
Final Rule Filed	4/10/96
Effective Date	4/10/96



BUREAU OF ENVIRONMENT
10 McJunkin Road
Nitro, WV 25143-2506

GASTON CAPERTON
GOVERNOR

LAIDLEY ELI MCCOY, PH.D.
COMMISSIONER

April 8, 1996

Ms. Judy Cooper
Director, Administrative Law Division
Office of the Secretary of State
Capitol Complex
Charleston, West Virginia 25305

RE: 54-CSR-3 - "Development of Comprehensive Litter
and Solid Waste Control Plans"

Dear Ms. Cooper:

This is to advise you that I am giving approval for final filing and adoption of the above-captioned rule, as authorized by the West Virginia Legislature, with the Secretary of State's Office.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please feel free to contact Roger T. Hall at 759-0515.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Laidley E. McCoy".

Laidley Eli McCoy, Ph.D.
Commissioner

LEM:cc

Attachment

FILED
APR 10 11 33 AM '96
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**TITLE 54
LEGISLATIVE RULES
SOLID WASTE MANAGEMENT BOARD**

**SERIES 3
RULE FOR DEVELOPING, UPDATING AND AMENDING COMPREHENSIVE
LITTER AND SOLID WASTE CONTROL PLANS**

§ 54-3-1. General.

1.1. Scope. - The scope and purpose of this rule is to establish minimum standards and planning requirements for all county and regional solid waste authorities to follow in developing, updating and amending comprehensive litter and solid waste control plans as required by W.Va. Code § 22C-4-1 et seq. Such minimum standards and requirements are designed to protect the public health, safety, and environment throughout the State of West Virginia; provide for an integrated waste management hierarchy; provide for the most effective and efficient use of available resources; and to ensure the establishment of the most proper and effective solid waste collection, transportation, processing, recycling, and disposal services for all residents of the State.

1.2 Filing Date. --- April 10, 1996

1.3. Effective Date. -- April 10, 1996

1.4. Authority. -- W. Va. Code §§ 22C-3-6; 22C-4-8; 22C-4-23; 20-11-1 et seq.

§ 54-3-2. Definitions

The following words and terms, when used in this rule, shall have the following meaning, unless the context clearly indicates otherwise:

2.1. "Authority" - means any solid waste authority of any county or region in West Virginia, established by W. Va. Code § 22C-4-3 and § 22C-4-4; or the County Commission of any county which elected not to establish an authority, as allowed by W.Va. Code § 22C-4-6.

2.2. "Board" - means the West Virginia Solid Waste Management Board as established by W.Va. Code § 22C-3-4, or its authorized representatives.

2.3. "Composting Facility" - means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a facility for composting solid waste that is located at the site where the waste was generated.

2.4. "Landfill" - means any solid waste facility for the disposal of solid waste on land. Such facility, for the purposes of this rule, is situated in the county where the majority of the spatial area of such facility is located.

2.5. "Materials Recovery Facility" - means any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded, or separated, for purposes of reuse and recycling, but does not include a composting facility.

2.6. "Open Dump" - means any solid waste disposal which does not have a permit under W. Va. Code § 22-15-1 et seq., or is in violation of state law, or where solid waste is disposed in a manner that does not protect the environment.

2.7. "Plan" or "Comprehensive Plan" - means the comprehensive litter and solid waste control plan or update of such plan required under W. Va. Code § 22C-4-8 and Sections 5 and 6 of this rule.

2.8. "Recycle" or "Recycling" - means the collection, separation, recovery and sale, or reuse of metals, glass, paper, tires, lead-acid batteries and other materials.

2.9. "Recycling Facility" - means any solid waste facility for the purpose of recycling at which neither land disposal, nor biological, chemical or thermal transformation of solid waste occurs: *Provided*, That mixed waste recovery facilities, sludge processing facilities and composting facilities are not considered recycling facilities nor considered to be reusing or recycling solid waste within the meaning of W.Va. Code §§ 20-11, 22-15, 22C-4.

2.10. "Resource Recovery Facility" - means any solid waste facility at which solid wastes are mechanically, biologically, chemically, or thermally transformed for the purpose of separating, removing, or creating any material or energy for reuse or sale and at which land disposal of solid waste does not occur. Resource recovery facilities include composting facilities, environmentally acceptable incinerators, materials recovery facilities, energy recovery facilities and other such solid waste facilities not herein specified.

2.11. "Solid Waste" - means any garbage, paper, litter, refuse, cans, bottles, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, other discarded material including offensive or unsightly matter, solid, liquid, semisolid or contained liquid or gaseous material resulting from industrial, commercial,

mining or community activities but does not include solid or dissolved material in sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under W. Va. Code § 22-11, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or by-product material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under W. Va. Code § 22-18, or refuse, slurry, overburden or other wastes or material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage and recovery of coal, oil and gas, and other mineral resources placed or disposed of at a facility which is regulated under W. Va. Code §§ 22-2, 22-3, 22-4, 22-6, 22-7, 22-8, 22-9, 22-10, 22A-1, et seq., or 22B-1, et seq., so long as such placement or disposal is in conformance with a permit issued pursuant to said chapters; "solid waste" does not include materials which are recycled by being used or reused in an industrial process to make a product, as effective substitutes for commercial products, or are returned to the original process as a substitute for raw material feedstock.

2.12. "Solid Waste Disposal" - means the practice of disposing of solid waste including placing, depositing, dumping or throwing or causing to be placed, deposited, dumped or thrown any solid waste.

2.13. "Solid Waste Facility" - means any system, facility, land, contiguous land, improvements on the land, structures or other appurtenances or methods used for processing, recycling or disposing of solid waste, including landfills, transfer stations, materials recovery facilities, mixed waste processing facilities, composting facilities and other such facilities not herein specified, but not including land upon which sewage sludge is applied in accordance with W.Va. Code § 22-15-20 (b). Such facility shall be deemed to be situated, for purposes of this rule, in the county where the majority of the spatial area of such facility is located: *Provided, That a salvage yard, licensed and regulated pursuant to the terms of W.Va. Code § 17-23, is not a solid waste facility.*

2.14. "Source-separated materials" - means materials separated from general solid waste at the point of origin for the purpose of reuse and recycling but does not mean sewage sludge.

2.15. "Transfer Stations" - means a combination of structures, machinery or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility.

§ 54-3-3. Requirement and Procedure for Plan Development, Update and Approval.

3.1. Requirement of Plan.

All authorities are required to have a plan and to update it.

3.2. Submission to the Board.

3.2.1. The comprehensive litter and solid waste control plan is to be updated and submitted to the Board every five years. The plan shall be submitted five years from the date of initial Board approval or within ninety (90) days of the formation of a new authority.

3.2.2. A grant may be obtained from the Solid Waste Management Board for the purpose of updating the comprehensive plan in accordance with Section 4.4 of the SWMB, Title 54, Series 5, Rules and Regulations for the Disbursement of Grants to Solid Waste Authorities.

3.3. Plan Review.

3.3.1. The Board shall review each plan for administrative and technical completeness. If the Board finds the draft plan to be incomplete, i.e., to not contain all of the information required by this rule, it shall return the plan to the authority along with a written statement explaining how the plan is incomplete.

3.3.2. Within ninety (90) days of receipt of a letter disapproving the plan, the authority shall revise the plan to eliminate the insufficiencies and submit the corrected plan to the Board.

3.4. Final Submission to the Board.

3.4.1. The Board shall approve the final plan in writing if the Board determines that the plan complies with the purposes and requirements of applicable state and applicable federal law, if any, and the rules promulgated in this series.

3.4.2. No later than sixty (60) days after approval, each county authority shall submit to the Board four (4) copies of its final plan. Each regional authority must submit one additional copy of the plan for each county within that region. Each authority shall transmit one copy of its plan to each appropriate regional planning and development council and to the office of each appropriate county clerk, who shall file the plan in the appropriate manner and make it available for public inspection.

3.5. Plans Developed by the Board.

3.5.1 The Board shall develop a plan for any authority which fails to submit an update and for any new authority that fails to submit a plan within ninety (90) days of the due date under Section 3.2.1., provided that in preparing such plans, the Board may determine whether to prepare a regional or county based plan for those authorities which fail to complete such an update or for those new authorities that fail to complete a plan.

3.5.2 Once a plan or an update has been developed for an authority, the authority shall be responsible for the five-year plan update.

§54-3-4. Required Format of Plan.

4.1. Required Format.

In addition to the information required in Section 5 of this rule, each plan submitted shall include:

4.1.1. A cover sheet which includes the name of the authority, the title of the plan, and the signature of the authority chair;

4.1.2. An introduction explaining the plan's background, scope and purpose;

4.1.3. A table of contents indicating the major subdivisions of the plan;

4.1.4. An executive summary of the plan which briefly describes its methodology, goals and objectives, conclusions and recommendations;

4.1.5. A copy of the Class I legal advertisement as specified in Section 7.1 of these rules regarding the required public hearings;

4.1.6. A brief summary of public comments and a statement describing how the authority responded to the public comments;

4.1.7. Maps of an appropriate size and scale that will allow the reader to identify the location of features, services, facilities and population listed in Sections 5.2.2a and 5.2.2c of this rule;

§ 54-3-5. Content of Plan.

5.1. General Information.

The plan shall include the following general information:

5.1.1. Description of plan goals and objectives for solid waste management for the next twenty (20) years;

5.1.2. Status of existing solid waste management activities in the county or region and a description of how the plan has been implemented. If portions of the plan have not been implemented, discuss the reasons and need for plan modification;

5.1.3. Describe how funds, including grant funding, have been used and will be used to implement the plan;

5.1.4. Describe the actions taken by the authority to implement the hierarchy established in W. Va. Code § 22C-4-1 in the following order of priority: (1) source reduction, (2) recycling, reuse and materials recovery, and (3) landfilling.

5.2. Specific Information and Data.

In addition, the plan shall include the following specific information:

5.2.1. An assessment of litter and solid waste problems in the county or the region including, but not limited to, a listing of any open and unpermitted dumps and any other problem areas for litter control.

5.2.2. An evaluation and assessment of existing solid waste collection and disposal services for all county or regional residents at their residences, where practicable, or the use of refuse collection stations at disposal access points in areas where residential collection is not practicable. In developing such collection services, primacy shall be given to private collection services currently operating with a certificate of convenience and necessity from the motor carrier division of the State Public Service Commission.

5.2.2.a. Locate on a county or regional highway map or maps, and include a listing of, haulers and areas served, existing and planned solid waste collection, storage, treatment, transportation, disposal, recycling and other management facilities, and their projected capacities. Information shall be included for all solid waste generated within the area covered by the authority from collection to final disposal whether or not the above listed facilities are located within the geographic area of the authority. Information on private haulers is available from the State Public Service Commission. Contact local government for information on public haulers. Information on existing permitted landfills and transfer stations is available from the Division of Environmental Protection (DEP). Information on recycling facilities is available from the Board and the Division of Natural Resources.

5.2.2.b. Include demographic information and projections over twenty (20) years. Information may be obtained from Regional Research Institute at West Virginia University.

5.2.2.c. Include data on urban concentrations, geographic conditions, markets, transportation conditions, and related factors.

5.2.2.c.1. Indicate the regions which are predominantly urban in nature, their population density, projected changes in the area or population of these regions. Also indicate any additional regions which are expected to urbanize or where growth is anticipated.

5.2.2.c.2. Include a general description of geographic features in the region, e.g., rolling hills, steep valleys, narrow river plains, or eroded plateau. A short description of soil conditions and underlying bedrock is also requested.

5.2.2.c.3. Identify major highways, rail or river routes currently used in the transportation of solid waste and which are anticipated to be used in the future. Describe any existing or anticipated problem areas and conditions along such routes.

5.2.3. A recommendation, and the reasons for such recommendation, for the siting of one or more properly permitted public or private solid waste landfills and other solid waste facilities, whether existing or proposed, to serve the solid waste needs of the county or the region, as the case may be, consistent with the comprehensive plan prepared by the county planning commission;

5.2.3.a. To ensure that the present and future solid waste needs of the county or regional authority are attained, the authority may recommend that its solid waste be processed, recycled or disposed of at an existing or proposed solid waste facility located either within or without the authority's geographic area.

5.2.3.b. If an authority recommends that its solid waste be processed, recycled or disposed of at a proposed solid waste facility, such facility may not be located within a prohibited or tentatively prohibited zone established pursuant to 54 CSR Series 4.

5.2.3.c. Whether an authority proposes using a solid waste facility within its area or outside its area, it shall provide documentation that the facility will meet the authority's future solid waste needs.

5.2.4. A timetable for the implementation of the plan over the twenty(20) year projection including stages of progress toward the accomplishment of each item in section 5.2. of this rule and the parties responsible for each step in the timetable;

5.2.5. A program for the cleanup, reclamation and stabilization of any open and unpermitted dumps. The authority should consider using the Pollution Prevention Open Dumps (PPOD) cleanup funds available through the DEP.

5.2.6. A program to enlist the voluntary assistance of private industry and civic groups in volunteer cleanup efforts to the maximum practicable extent;

5.2.7. Coordination with the West Virginia Division of Highways and other local, state, and federal agencies in the control and removal of litter and the cleanup of open and unpermitted dumps;

5.2.8. Establishment of a program to encourage and utilize those individuals incarcerated in the county jail and those adults and juveniles sentenced to probation for the purposes of litter pickup. Coordination with the local Sheriff's office and magistrate's office will be required.

5.2.9. Provisions for the coordination of the plan with the related solid waste collection and disposal services of municipalities and, if applicable, other counties. Copies of any intergovernmental agreements shall be included in the plan.

5.2.10. A program to identify the disposal of solid wastes which are not generated by sources situated within the boundaries of the authority. Information on the source of wastes may be available from the DEP and landfills within the county or region for which the plan is being developed.

5.2.11. Provision for the safe and sanitary disposal of all refuse from commercial and industrial sources within the county or region, as the case may be, including refuse from commercial and industrial sources, but excluding refuse from sources owned or operated by the state or federal government.

5.2.11.a. The purpose of this requirement is to ensure that the comprehensive plan addresses not only solid waste from county residents but also solid waste generated by commercial and industrial sources within the county or region and further to ensure that all such solid waste is disposed of in a manner which protects the public health and welfare.

5.2.11.b. In order to carry out these purposes the authority shall inventory all major industrial and commercial sources of solid waste within its boundaries and determine the nature and quantity and ultimate disposal location of solid wastes which are disposed of at a location outside the property boundary of the particular source. Such information and data shall be included in the plan. For the purposes of this paragraph, the word "major" shall mean any industrial or commercial facility which generates more than five (5) tons of solid waste per month.

5.2.11.c. The authority shall evaluate the information and data it collects pursuant to paragraph 5.2.11.b. of this rule for the following purposes:

5.2.11.c.1. To determine what impact such solid wastes have and are expected to have on the overall solid waste collection, transportation, processing, recycling, and disposal system of the county or region.

5.2.11.c.2. To ensure that such wastes are disposed of in an approved solid waste facility or in an otherwise lawful manner.

5.2.11.d. The authority shall include its evaluation of this information and conclusions reached in the comprehensive plan.

5.2.12. The authority shall provide a summary of all written and oral public comments received at the public hearings required under Section 7 of this rule, including a statement of how the authority responded to the comments. Public hearings for the comprehensive plan update may be held at the same time as siting plan update hearings as long as both plans are advertised and addressed equally.

5.3 Comprehensive recycling plan.

The comprehensive recycling plan shall include, but not be limited to:

5.3.1. The evaluation, including specific reasons, of the feasibility of requiring or encouraging the separation of residential or commercial solid waste at its source prior to collection for the purpose of facilitating the efficient and effective recycling of such wastes and the reduction of those wastes which must be disposed of in landfills or by other nonrecycling means;

5.3.2. Designation of the recyclable materials that can be most effectively source separated in the region or county, which shall include at least three recyclable materials. Before designation of the materials, the following should be examined:

5.3.2.a. Characterization of the waste stream to determine the quantity of materials potentially available for recycling. Geographic location and seasonal fluctuations should be taken into account in identifying sources of waste.

5.3.2.b. Description of the existing and anticipated markets for resource recovery, materials recovery, recycling and composting facilities within the area. Intermediate and final markets should be identified. Markets will dictate the types, quantity and quality of materials collected. Market conditions will dictate the type of processing necessary.

5.3.3. Designation of potential strategies for the collection, marketing and disposition of designated source separated recyclable materials in each region or county including consideration of utilizing existing private and public recycling facilities.

5.3.3.a. Estimate the likely program recovery rate through an analysis of residential, commercial and industrial recycling potential. All current recycling activities, including collection and processing, should be identified. Existing capacity of all municipal solid waste management facilities, public and private, should be examined.

5.3.3.b. Estimate the likely program requirements for the collection, storage and retrieval, processing and marketing of yard waste and tires.

5.3.4. A copy of any ordinance adopting a county recycling program pursuant to W.Va. Code § 20-11-5, if applicable. Minutes from the authority board meeting where the ordinance is adopted should also be included.

5.3.5. A public education program to include:

5.3.5.a. Definition of the goals and objectives of the recycling educational efforts.

5.3.5.b. Identification of target audiences and the development of appropriate messages and formats. This should include the selection of an appropriate

media for conveying recycling messages and development of educational materials. Use of materials that are readily available is encouraged.

5.3.5.c. Identification of methods to disseminate information and the development of an effective media relations strategy. Community organizations that can assist in the implementation of a public information program should be utilized.

5.3.5.d. Innovative incentives to promote recycling efforts, e.g., a competition between schools for tonnage recycled, a poster or essay contest in schools, developing a new recycling market such as using car tires in playground construction.

5.3.5.e. Plans for evaluation of recycling education effectiveness on recycling rate, program expansions and other changes that measure progress.

5.4. Establishment of an appropriate mandatory garbage disposal program.

The program shall include:

5.4.1 Methods whereby residents must prove either (1) payment of garbage collection fee or (2) proper disposal at an approved solid waste facility or in an otherwise lawful manner. The authority shall include a copy of its rules implementing this provision as required under W.Va. Code § 22C-4-23(3). In establishing the methods for providing proper proof, the authority shall comply with the DEP Title 47 Series 38B rules.

5.4.2 Provisions for how the authority will assist local law enforcement officials in the enforcement of the mandatory garbage disposal program.

§ 54-3-6. Development, Update and Amendment Process.

6.1. Each authority shall update the plan for its county or region every five years. Public notice and hearing on any proposed updates or amendments shall be given and held in the same manner as outlined in Section 7 of this rule. Any updates or amendments proposed by the authority shall be submitted to the Board for approval in the same manner as provided in Section 3.4.

6.2. At the time of the five year update, the authority shall, in addition to any other amendments considered necessary, extend the period of time covered by the plan to include the next twenty (20) years following the five year update.

6.3. The plan may be amended at any time by the county or regional authority which originated the plan. Amendments must meet all requirements of the original plan, including that of giving notice and holding a public hearing as detailed in Section 7 of this rule. No amendments may become effective until approved by the Board in the same manner as the original plan.

6.4. Minutes from the authority meeting in which the new, updated or amended plan is approved shall be included in the new, updated or amended plan before final

submittal for approval by the Board. Minutes should be signed by the chair. It is the authority's responsibility to ensure that it is legally constituted to conduct business in accord with W.Va. Code § 22C-4-1 et seq.

§ 54-3-7. Public Participation Process.

7.1. Public Notice and Hearing.

7.1.1. Prior to the submission of a draft plan to the Board and to assist the authority in the development of a draft plan, the authority shall publish notice and hold at least one public hearing to solicit ideas, opinions and comments from the general public on the development of the draft plan.

7.1.1.a. The authority shall publish notice of the hearing at least thirty (30) days in advance of the hearing as a Class I legal advertisement published in a qualified newspaper, as defined in W.Va. Code § 59-3-1, serving the county or counties, whichever is appropriate.

7.1.1.b. The authority shall consider the public comments received at the public hearing and shall record the proceedings of the hearing and prepare a written summary of the proceedings.

7.1.2. After submission of the draft plan to the Board, the authority shall publish notice and conduct at least one public hearing to solicit ideas, opinions and comments from the general public concerning the plan.

7.1.2.a. The authority shall publish notice of the hearing at least thirty (30) days in advance of the hearing as a Class I legal advertisement published in a qualified newspaper, as defined in W.Va. Code § 69-3-1, serving the county or counties, whichever is appropriate, and by posting the public notice at the appropriate county courthouse or courthouses.

7.1.2.b. A copy of the public notice of the hearing shall be mailed to those persons requesting to be placed on a mailing list to be maintained by the authority.

7.1.2.c. The public notice shall include the date, time, and place scheduled for the public hearing, an invitation for written and oral comments, an address to which comments may be mailed, and the locations in the area where a copy of the draft plan is available for public review.

7.1.2.d. The proceedings of the public hearing shall be recorded by mechanical means, and such recording and a copy of all written comments received shall be retained by the authority for a period of three (3) years from the date of the public hearing.

7.1.2.e. At the public hearing, reasonable limits may be set upon the time allowed for oral statements. The submission of written comments shall be extended to ten (10) days after the public hearing date.

7.2. Public Review of the Plan.

At least thirty (30) days prior to any public hearing under subsection 7.1.2., the authority shall place for public review a copy of the draft plan at the county clerk's office or clerks' offices and at all public libraries and branch libraries in the county or counties and at the office of each appropriate regional planning and development council.

7.3. Consideration of Public Comments.

7.3.1. The authority shall consider all public comments received, written and oral, in the development of the final plan

7.3.2. The authority shall prepare a written summary of the public comments received and a statement explaining how it responded to the public comments in the development of the final plan. Such written summary and statement shall be submitted to the Board with the final plan.

7.3.3. If requested by the Board, the authority shall submit all or any part of the public comment record to the Board for its review.

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9626

H. B. 4296

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)

(Introduced January 29, 1996; referred to the
Committee on the Judiciary)

54-3

10 A BILL to amend and reenact section two, article three,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the solid waste management board to
14 promulgate legislative rules relating to the
15 development of comprehensive litter and solid waste
16 control plans.

17 Be it enacted by the Legislature of West Virginia:

18 That section two, article three, chapter sixty-four of
19 the code of West Virginia, one thousand nine hundred
20 thirty-one, as amended, be amended and reenacted, to read
21 as follows:

22 ARTICLE 3. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO
23 PROMULGATE LEGISLATIVE RULES.

24 §64-3-2. Environmental boards.

AG 10

1 (a) The legislative rules filed by the environmental
2 quality board in the state register on the fifteenth day of
3 August, one thousand nine hundred ninety-four, under the
4 authority of section four, article three, chapter twenty-
5 two-b of this code, modified by the environmental quality
6 board to meet the objections of the legislative rule-making
7 review committee and refiled in the state register on the
8 twelfth day of January, one thousand nine hundred ninety-
9 five, relating to the division of environmental protection
10 (requirements governing water quality standards, 46 CSR 1),
11 are authorized.

12 (b) The legislative rules filed by the solid waste
13 management board in the state register on the fourth day of
14 August, one thousand nine hundred ninety-four, under the
15 authority of section six, article three, chapter twenty-
16 two-c of this code, relating to the solid waste management
17 board (regulating for the disbursement of grants to solid
18 waste authorities, 54 CSR 5), are authorized.

19 (c) The legislative rules filed in the state register
20 on the twenty-sixth day of July, one thousand nine hundred
21 ninety-five, authorized under the authority of section six,
22 article three, chapter twenty-two-c, of this code, modified
23 by the solid waste management board to meet the objections
24 of the legislative rule-making review committee and refiled

1 in the state register on the twenty-sixth day of October,
2 one thousand nine hundred ninety-five, relating to the
3 solid waste management board (development of comprehensive
4 litter and solid waste control plans, 54 CSR 3). are
5 authorized.

6
7 NOTE: The purpose of this bill is to authorize the
8 Solid Waste Management Board to promulgate legislative
9 rules relating to the development of comprehensive litter
10 and solid waste control plans.

11
12 ~~Strike-throughs indicate language that would be~~
13 ~~stricken from the present law, and underscoring indicates~~
14 ~~new language that would be added.~~

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SENATE BILL NO. 226

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on
Natural Resources;
the Judiciary

543

A BILL to amend and reenact section two, article three,
chapter sixty-four of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating
to authorizing the solid waste management board to
promulgate legislative rules relating to the
development of comprehensive litter and solid waste
control plans.

Be it enacted by the Legislature of West Virginia:

That section two, article three, chapter sixty-four of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted, to read
as follows:

ARTICLE 3. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO
PROMULGATE LEGISLATIVE RULES.

§64-3-2. Environmental boards.

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19 (c) The legislative rules filed in the state register
20 on the twenty-sixth day of July, one thousand nine hundred
21 ninety-five, authorized under the authority of section six,
22 article three, chapter twenty-two-c, of this code, modified
23 by the solid waste management board to meet the objections
24 of the legislative rule-making review committee and refiled

1 in the state register on the twenty-sixth day of October,
2 one thousand nine hundred ninety-five, relating to the
3 solid waste management board (development of comprehensive
4 litter and solid waste control plans, 54 CSR 3), are
5 authorized.

6

7 NOTE: The purpose of this bill is to authorize the
8 Solid Waste Management Board to promulgate legislative
9 rules relating to the development of comprehensive litter
10 and solid waste control plans.

11

12 Strike-throughs indicate language that would be
13 stricken from the present law, and underscoring indicates
14 new language that would be added.



KEN HECHLER,
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

FILED

MAY 16 2 57 PM '96

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(Plus all the volunteer
help we can get)

TO: Charles F. Jordon

AGENCY: Solid Waste Management

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 8, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 3 TITLE: 54 Solid Waste Management

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Charles F. Jordon

TITLE OF PERSON SIGNING: Director

DATE: 5/16/96

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

RECEIVED

MAY 10 1996

SOLID WASTE
MANAGEMENT BOARD



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

March 12, 1996

Charles F Jordan
Solid Waste Management Board
1615 Washington Street East
Charleston, WV 25311

HB 4224 authorizing, **Title 54, Series 03, Rule for Developing Updating & Amending Comprehensive Litter & Solid Waste Control Plans** passed the Legislature on **March 9, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **HB 4224** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 4224 Section 64-3-2(b)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division