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OCT 18 8 45 AM '00

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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October 16, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Charles Jordan
Solid Waste Management Board
1615 Washington St., East
Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **The Development of Commercial and Solid Waste Facility Siting Plans, 54CSR4**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
(a) as originally filed ☒
(b) as modified by the agency ☐
2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation is attached. ☐
3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation is attached. ☐
4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation is attached. ☐
5. Recommends that the Legislative rule be withdrawn; a statement
of reasons for such recommendation is attached. ☐

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULE

Agency: Solid Waste Management Board

Subject: The Development of Commercial Solid Waste Facility
Siting Plans

CSR Cite: 54CSR4

Counsel: JAA

PERTINENT DATES

Filed for public comment: June 16, 2000
Public comment period ended: July 17, 2000
Filed following public comment period: August 29, 2000
Filed LRMRC: August 29, 2000
Filed as emergency: n/a

FILED
OCT 10 3 27 PM '00
OFFICE OF THE CLERK
SECRETARY OF STATE
COMMONWEALTH OF VIRGINIA

Fiscal Impact: None.

ABSTRACT

Brief Summary

This rule is being updated to bring it into compliance with changes in the state code and DEP rules since the rule was last modified in 1991.

Section Summary

Several definitions were updated or added in Section 2. Class A, Class B, Class C and Class D Solid waste facility definitions were amended to comport to statutory definitions. Definitions of "commercial recycler" "compliance order," "incineration technologies," "open dump," "person," "sludge," and "solid waste disposal shed" are added. These definitions reflect statutory language. Several other similar amendments to existing definitions were made.

Section 3.1 is updated to provide that commercial solid waste facility plans must be updated every five years or created within 90 days of the establishment of a new local solid waste authority.

Section 3.4 is amended to require any siting plan submitted must also be provided to the regional Planning and Development Council and the local County Planning Commission. A copy must also be provided to the County Clerk to be made available for public inspection.

Section 3.5 is amended to allow the Solid Waste Management Board to prepare a plan for any local Solid Waste Authority that fails to develop its own local solid waste management plan. The Board may develop either a county or regionally based plan.

Section 7.1.e. is amended to require that the Board retain public comments received from public hearings for at least three years. These hearings are required whenever the Board proposes amendments or new draft solid waste management plans.

AUTHORITY

Statutory authority: W.Va. Code, §22C-4-23 provides:

The authority may exercise all powers necessary or appropriate to carry out the purposes and duties provided in this article, including the following...

(3) The authority board of directors shall promulgate rules to implement the provisions of sections nine and ten of this article and is authorized to promulgate rules for purposes of this article and the general operation and administration of authority affairs....