

*Handwritten initials and date: "L. H. Dyer" and "4.16.67"*

STATE DEPARTMENT OF HEALTH  
Charleston, West Virginia

April 28, 1967

Honorable Robert Bailey  
Secretary of State  
State of West Virginia  
State Capitol  
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of a regulation issued by this Department defining Various Types of Waste Materials with Requirements for Disposal. This regulation is designated Series II, Section 6 of Chapter 16-1 of the West Virginia Administrative Regulations.

I hereby certify that the attached regulation is a true and accurate copy of official regulation adopted by this Department on February 15, 1967.

Very truly yours,

*N. H. Dyer*  
N. H. Dyer, M. D., M. P. H.  
State Director of Health

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 5/1/67

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

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Section 6. Regulations Defining Various Types of Waste Materials With Requirements for Disposal

6.01. Definitions:

- (a) SOLID WASTE - All putrescible and non-putrescible discarded material (except household sewage) including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, sewage plant sludge, and industrial wastes, except those industrial wastes which are controlled or subject to control by the Department of Natural Resources, or West Virginia Air Pollution Control Commission.
- (b) GARBAGE - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food, including wastes from markets, storage facilities, handling, and the sale of produce and other food products.
- (c) ASHES - The solid residue from burning of wood, coal, coke, or other combustible material used for heating buildings or the solid residue from incineration of combustible solid wastes.
- (d) RUBBISH - Non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials. Non-combustible rubbish includes glass, crockery, tin cans, aluminum cans, dust, metal, furniture, and like materials which will not burn at ordinary incinerator temperatures (1600° F to 1800° F).
- (e) PREMISES shall mean any place, land, building, watercraft on the waters of this state, or any other place upon or in which solid waste is stored.

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- (f) SANITARY LANDFILL shall mean a controlled area of land upon which solid waste is deposited, compacted, and covered daily with compacted earth.
- (g) INCINERATOR shall mean a multi-chambered furnace designed for the volume reduction of solid waste by burning in a fire box which has been lined with refractory material and the design approved by the Director of Health and the West Virginia Air Pollution Control Commission.
- (h) INCINERATION shall mean the destruction of solid waste by burning in a furnace designed for that purpose with proper controls at a temperature in the range of 1600° F to 2000° F with stack emissions not exceeding the limits set by the West Virginia Air Pollution Control Commission. Open burning is not considered incineration. Residue from incineration shall contain no more than 10% organic material.
- (i) INCINERATOR RESIDUE shall mean the solid material remaining after burning of solid waste in an incinerator as described above.

6.02. Disposal. ~~Disposal~~ of garbage and rubbish by open dumping is hereby declared to be a nuisance and hazardous to the human health. On and after July 1, 1967, disposal of solid waste shall be made only through the use of:

- (a) Sanitary landfills--established, conducted, operated, and maintained in accordance with standards of this regulation.

OR ..

- (b) Incinerators constructed, operated, and maintained in accordance with the provisions of this article.

OR

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- (c) Any other method approved in writing by the Director of the West Virginia State Department of Health and, if combustion is to be utilized, by the West Virginia Air Pollution Control Commission.

6.03. Standards for Sanitary Landfills.---

- (a) No solid waste shall be disposed of on the land except in approved sanitary landfills that have been prepared by excavation or otherwise for that purpose and approved by the proper authority. The site will be selected to protect waters of the state from pollution.
- (b) Suitable equipment to perform the necessary digging, compacting, and covering is to be available for use at all times. Standby equipment is to be available within 24 hours in the event of failure of regular equipment. Satisfactory evidence of availability of standby equipment is to be on file for inspection.
- (c) The sanitary landfill shall be pre-planned by a registered engineer and a copy of the plan shall be submitted to the Division of Sanitary Engineering for approval, and approval shall be obtained prior to beginning use, including operating procedures.
- (d) Maintenance shall be by properly trained personnel responsible for conduct of the operation.
- (e) The face of the working fill is to be kept as small as consistent with good operation to keep the area of exposed material as small as possible.

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ROBERT D. J. LEY

SECRETARY OF STATE

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