

1 **H. B. 4411**

2
3 (By Delegates R. Phillips, Ashley, Barker,
4 Craig, Eldridge, A. Evans, Ferro,
5 Hamilton and Skaff)

6 (By request of the Department of Environmental
7 Protection)

8 [Introduced February 5, 2014 ; referred to the
9 Committee on Energy then the Judiciary.]

10 A BILL to amend and reenact §22-15-8 of the Code of West Virginia,
11 1931, as amended, relating to allowing the disposal of drill
12 cuttings and associated drilling waste generated from well
13 sites in commercial solid waste facilities; if the drilling
14 waste is placed in a separate cell dedicated solely for those
15 wastes, permitting the disposal even if it results in the
16 facility going over its maximum monthly permitted limits; and
17 providing that the facility may not refuse municipal waste
18 until its monthly limit is reached.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §22-15-8 of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted to read as follows:

22 **ARTICLE 15. SOLID WASTE MANAGEMENT ACT.**

23 **§22-15-8. Limit on the size of solid waste facilities; rulemaking.**

24 (a) On and after October 1, 1991, it is unlawful to operate

1 any commercial solid waste facility that handles between ten
2 thousand and thirty thousand tons of solid waste per month, except
3 as provided in section nine of this article and sections
4 twenty-six, twenty-seven and twenty-eight, articles four and
5 four-a, chapter twenty-two-c of this code.

6 (b) Except as provided in section nine of this article, the
7 maximum quantity of solid waste which may lawfully be received or
8 disposed of at any commercial solid waste facility is thirty
9 thousand tons per month.

10 (c) The director shall, within the limits contained in this
11 article, place a limit on the amount of solid waste received or
12 disposed of per month in commercial solid waste facilities. The
13 director shall consider at a minimum the following criteria in
14 determining a commercial solid waste facility's monthly tonnage
15 limit:

16 (1) The proximity and potential impact of the solid waste
17 facility upon groundwater, surface water and potable water;

18 (2) The projected life and design capacity of the solid waste
19 facility;

20 (3) The available air space, lined acreage, equipment type and
21 size, adequate personnel and wastewater treatment capabilities; and

22 (4) Other factors related to the environmentally safe and
23 efficient disposal of solid waste.

24 (d) Within the limits established in this article, the

1 director shall determine the amount of sewage sludge which may be
2 safely treated, stored, processed, composted, dumped or placed in
3 a solid waste facility.

4 (e) The director shall promulgate emergency rules, and propose
5 for legislative promulgation, legislative rules pursuant to the
6 provisions of article three, chapter twenty-nine-a of this code, to
7 effectuate the requirements of this section. When developing the
8 rules, the director shall consider at a minimum the potential
9 impact of the treatment, storage, processing, composting, dumping
10 or placing sewage sludge at a solid waste facility:

11 (1) On the groundwater, surface waters and potable waters in
12 the area;

13 (2) On the air quality in the area;

14 (3) On the projected life and design capacity of the solid
15 waste facility;

16 (4) On the available air space, lined acreage, equipment type
17 and size, personnel and wastewater treatment capabilities;

18 (5) The facility's ability to adequately develop markets and
19 market the product which results from the proper treatment of
20 sewage sludge; and

21 (6) Other factors related to the environmentally safe and
22 efficient treatment, storage, processing, composting, dumping or
23 placing of sewage sludge at a solid waste facility.

24 (f) Sewage sludge disposed of at a landfill must contain at

1 least twenty percent solid by weight. This requirement may be met
2 by adding or blending sand, sawdust, lime, leaves, soil or other
3 materials that have been approved by the director prior to
4 disposal. Alternative sewage sludge disposal methods can be
5 utilized upon obtaining written approval from the director. No
6 facility may accept for land filling in any month sewage sludge in
7 excess of twenty-five percent of the total tons of solid waste
8 accepted at the facility for land filling in the preceding month.

9 (g) Notwithstanding any other provision of this code to the
10 contrary, a commercial solid waste facility may lawfully receive
11 drill cuttings and associated drilling waste generated from
12 horizontal well sites above the monthly tonnage limits of that
13 commercial solid waste facility: *Provided*, That the drill cuttings
14 and associated drilling waste are placed in a separate cell
15 dedicated solely to the disposal of drilling waste. The secretary
16 may allow solid waste facilities that are actively constructing a
17 separate cell for drilling waste to accept drilling waste until
18 September 30, 2014, without counting it towards the permitted
19 monthly tonnage limits: *Provided*, That, that under no
20 circumstances may a solid waste facility exclude or refuse to take
21 municipal solid waste until it has reached its monthly permitted
22 tonnage limits.

NOTE: The purpose of this bill is to allow the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities. The bill permits that disposal even if it results in the facility going over its maximum monthly permitted limits if the drilling waste is placed in a separate cell dedicated solely for those wastes. The bill provides that the facility may not refuse municipal waste until its monthly limit is reached.

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