

## 2012 VA General Assembly

# Legislation Concerning Solid Waste/Recycling Issues

Several pieces of legislation dealing with solid waste concerns are presently being considered in the Virginia General Assembly. The following is a brief summary of the major issues of interest to solid waste professionals. This publication reflects the status of these bills as of February 17th.

### **HB 105 Machinery & equipment recyclable materials; tax credit for those used by certain manufacturers**

*Summary as introduced:* Provides that beginning January 1, 2012, machinery and equipment used in a manufacturing facility or plant unit that produces methane gas for sale through anaerobic digestion would be eligible for the tax credit

*Status:* 02/14/12 House: Left in Committee on Finance.

### **HB 114 Cigarettes; deemed litter for purposes of criminal punishment for improper disposal of trash.**

*Summary as introduced:* Includes cigarettes specifically in the category of things deemed litter for purposes of criminal punishment for improper disposal of trash. The bill also provides that in lieu of the imposition of the Class 1 misdemeanor criminal penalty, the court may order the defendant to perform community service in litter abatement activities. If the offense involves a cigarette or cigarettes, the court shall order the payment of a \$100 civil penalty payable to the Litter Control and Recycling Fund established in § 10.1-1422.01 in addition to the imposition of such community service.

*Status:* 02/14/12 House: Left in Committee for Courts of Justice.

### **HB 124 Plastic bags; imposes a tax of 20 cents on those used by purchasers.**

*Summary as introduced:* Imposes a tax of 20 cents (\$0.20) on plastic bags used by purchasers to carry tangible personal property purchased in grocery stores, convenience stores, or drug stores. Durable, reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning, and prescription drugs are exempt from the tax. Retailers are allowed to retain five cents (\$0.05) of the 20-cent (\$0.20) tax or seven cents (\$0.07) if the retailer has a customer bag credit program. Failure to collect and remit the tax will result in fines of \$250, \$500, and \$1,000 for the first, second, and third and subsequent offenses, respectively.

*Status:* 02/14/12 House: Left in Committee on Finance.

### **HB 232 Renewable energy; expands definition to include landfill gas, etc.**

*Summary as introduced:* Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours.

*Status:* 02/17/12 House: Passed. Senate: Passed. Bill test as passed House and Senate (HB232ER)

### **HB 241 Solid waste landfill; allows Rockbridge County to operate for an additional two years.**

*Summary as introduced:* Allows the Rockbridge County landfill to operate for an additional two years or until it reaches maximum capacity, whichever occurs sooner. The landfill is scheduled to be closed by the Department of Environmental Quality on December 31, 2012.

*Status:* 02/08/12 House: Stricken from docket by Committee on Agriculture, Chesapeake and Natural Resources

### **HB 561 Solid waste disposal fee; adds Pittsylvania County to list of counties authorized to levy fee.**

*Summary as introduced:* Adds Pittsylvania County to the list of counties authorized to levy a fee for the disposal of solid waste.

*Status:* 02/14/12 House: Passed with amendments.

### **HB 564 Electric utility; ratemaking incentives, landfill gas.**

*Summary as introduced:* Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 150 basis points above the authorized rate of return, on their investments in generation facilities that are fired by landfill gas produced in a solid waste management facility licensed by the Waste Management Board. The facility includes the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

*Status:* 02/07/12 House: Passed. Senate: Referred to Committee on Commerce and Labor

**HB 645 Renewable energy; expands definition to include landfill gas, etc.**

*Summary as introduced:* Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours.

*Status:* 01/19/12 House: Stricken from docket by Commerce and Labor by voice vote

**HB 758 Littering; defines and provides for penalties based on gravity of offense.**

*Summary as introduced:* Defines littering and provides for penalties for littering, based on the gravity of the offense, and subsequent littering offenses. The bill allows counties, cities, and towns to adopt litter control ordinances pursuant to, and to enforce, its provisions.

*Status:* 01/27/12 House: Stricken from docket by Committee on Counties, Cities and Towns

**HB 913 Solid waste management plan; making such plans optional.**

*Summary as passed House:* Removes the mandate that a governing body develop and implement a regional or local solid waste management plan, making such plans optional. The bill includes technical amendments.

*Status:* 02/14/12 House: Passed with amendment. Senate: Referred to Committee on Agriculture, Conservation and Natural Resources.

**HB 1076 Special use permit; land filling activities.**

*Summary as passed House:* Provides that a locality may require a special use permit for the storage or disposed of certain non-agricultural materials not generated on the form on agriculturally zoned property.

*Status:* 02/14/12 House: Passed with amendments.

**SB 102 Water and waste authorities; liens.**

*Summary as introduced:* Prohibits a water authority in some circumstances from establishing a lien against a landlord's property for a tenant's delinquent fees absent an agreement signed by the landlord permitting such recourse.

*Status:* 02/13/12 Senate: Passed. House: Referred to Committee on Counties, Cities and Towns.

**SB 361 Solid waste landfill; allows Rockbridge County to operate for an additional two years.**

*Summary as introduced:* Allows the Rockbridge County landfill to operate for an additional two years or until it reaches maximum capacity, whichever occurs sooner. The landfill is scheduled to be closed by the Department of Environmental Quality on December 31, 2012.

*Status:* 02/02/12 Senate: Stricken at request of Patron in Committee on Agriculture, Conservation and Natural Resources

**SB 492 Renewable energy; expands definition to include landfill gas.**

*Summary as introduced:* Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours.

*Status:* 02/13/12 Senate: Passed. House: Referred to Committee on Commerce and Labor.

**SB 504 Air quality, water quality or solid waste permits; facilities upgrade.**

*Summary as introduced:* Allows operators of facilities that hold air quality, solid waste, or water quality permits to install new technology, equipment, or other apparatus at the permitted facility without having to obtain a new, modified, or amended permit so long as they can demonstrate that the new technology will result in increased energy efficiency and improved environmental conditions.

*Status:* 02/13/12 Senate: Passed with substitute. House: Referred to Committee on Agriculture, Chesapeake and Natural Resources.

**SB 676 Recycling survey report.**

*Summary as introduced:* Requires solid waste planning units and localities to submit a recycling survey report every four years. Currently, the Department of Environmental Quality requires this report to be submitted annually.

*Status:* 02/13/12 Senate: Passed with amendment. House: Referred to Committee on Agriculture, Chesapeake and Natural Resources.