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**THE DISPOSAL OF SOLID WASTES
STUDY COMMISSION'S REPORT**

To

THE GOVERNOR

And

THE GENERAL ASSEMBLY OF VIRGINIA



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THE DISPOSAL OF SOLID WASTES STUDY COMMISSION'S
REPORT

Richmond, Virginia
December 1, 1972

TO: HONORABLE LINWOOD HOLTON, *Governor of Virginia*
and

THE GENERAL ASSEMBLY OF VIRGINIA

I. INTRODUCTION

The Disposal of Solid Wastes Study Commission was created under House Bill No. 157 in order to continue studies begun in 1968 by the Virginia Advisory Legislative Council. Its nine members were appointed by the Governor, and the Commission was asked to report on its findings and recommendations by November, 1972. The second paragraph of House Bill No. 157 outlines the scope of the assignment.

"The Commission shall study all matters relating to the disposal of solid wastes and shall consider especially various systems of solid wastes disposal which could be employed by several counties, cities or any combination thereof on a regional basis, including the cost and possible methods of financing such systems; and further, the zoning of areas of land as wastes disposal sites which could be purchased at moderate costs and continued for waste disposal sites several years into the future."

Additionally, Senate Resolution No. 13 of 1972 directed the Commission to "study the feasibility and desirability of using returnable or nondisposable containers as an effective solid waste control measure."

Throughout the period of its study and deliberations, the Commission consulted with different State agencies involved in environmental activities. These included the Department of Agriculture and Commerce, Governor's Council on the Environment, Department of Health, Division of State Planning and Community Affairs and Bureau of Solid Wastes and Vector Control of the State Health Department. The Commission conducted numerous interviews with officials of the Office of Solid Wastes Management in the United States Environmental Protection Agency. Field trips were also arranged and financed through the United States Environmental Protection Agency. In closed sessions, the Commission heard from many experts in the solid wastes field. Two days of public hearings were held on June 22 and July 14, during which city and county officials from throughout Virginia, environmental spokesmen and the public at large were given an opportunity to present their views. The record was kept open for written presentations from anyone concerned with the solid wastes problem.

The Virginia Advisory Legislative Council and the Division of Statutory Research and Drafting made staff and facilities available to carry out this study, Robert B. Cousins, Jr., and G. William White, Jr., being assigned as counsel to assist the members and the Study Commission.

II. PREAMBLE

Solid wastes affect the citizens of Virginia in three principal areas: as a potential menace to public health, as a source of environmental degradation, and by wasting natural resources. Solid wastes constitute one of Virginia's most complicated and pervasive environmental problems. Domestic wastes and litter are the most familiar forms of solid wastes, but there are many others. They include commercial, industrial, agricultural and institutional wastes, hazardous chemical wastes, demolition wastes, brush and debris from land clearing, junked automobiles, worn out tires, old appliances and furniture, mine tailings, and this list is by no means complete.

Yet, solid wastes in toto are but one part of a complex technical, social and economic system. Solutions proposed for solid wastes disposal must take these complex (and often undefined) relationships into account.

In compliance with its mandate under House Bill No. 157, the Solid Wastes Study Commission put primary emphasis on the attainment of efficient collection and disposal systems throughout the regions of the Commonwealth. The emphasis of this report is pointed toward solving the immediate solid wastes problems faced by communities across the State. However, as the study progressed, it became quite clear that solid wastes management goes beyond the elimination of pollution and has other implications.

A long-range solution of the solid wastes problem will ultimately be based on several principles. First, many of the resources that now are lost in the wastes stream should be recovered and recycled as a routine matter. Secondly, energy and material resources now expended in the manufacturing process should be saved through recycling methods by the reuse of products that are now discarded and/or by more efficient use of natural resources. Thirdly, wastes should be integrated with other fuels to generate power and/or heat.

These considerations—energy and resource conservation—have up to now defied the best efforts of environmental planners to recommend all-inclusive solutions. In fact, it is only recently that concepts of wastes disposal have been expanded to embrace the philosophy that the best policy is one based on a closed cycle of production and consumption. While the Governor's Wastes Disposal Study Commission dealt with this imperative only tentatively, the members felt that it should be the subject of continuing discussions and reviews and that the recommendations contained herein must be treated as no more than the first steps toward solving the solid wastes problem.

III. RECOMMENDATIONS

A. The General Assembly should adopt the attached draft legislation to allow the State to acquire land when necessary to be used for disposal purposes.

B. The General Assembly should adopt the attached draft legislation to permit the establishment of public utilities for the collection and disposal of solid wastes.

C. The General Assembly should ensure that the needed funds are made available for the State Health Department to provide for enforcement of existing regulations, to provide expanded planning, technical support and training to localities, and to improve its program to inform the public concerning solid wastes management systems and goals.

D. The Governor should request each Regional Planning District Commission (RPDC) to encourage its member jurisdictions and/or their adjacent jurisdictions to work together to combine collection and/or disposal services when appropriate.

E. The State Health Department should be authorized to require each jurisdiction to implement a plan, approved by the Department, for assuring disposal of all solid wastes.

F. The State Board of Health should promulgate specific regulations for the disposition of hazardous wastes so as to protect the public as well as the environment.

G. The General Assembly should take no action at this time on container legislation, pending the outcome of judicial developments and technical evaluations now in process.

H. The General Assembly should enact new anti-litter legislation, including the imposition of civil penalties for littering, mandatory use of litter containers by commercial establishments and mandatory provision of litter receptacles within automobiles subject to State inspection. Strict enforcement of present anti-litter legislation should be encouraged by all State and local agencies concerned.

I. The State should implement the recommendation of the Virginia Report on Discarded Vehicles (August 27, 1970) that \$2 be added to the automobile titling fee in order to finance automobile disposal and salvage.

J. The recycling of waste materials should be encouraged through such measures as:

1. State and local governments purchasing products made from recycled materials.
2. State and local governments encouraging cooperation with private industry in resource recovery projects.
3. The General Assembly requesting the Revenue Resources and Economic Studies Commission to investigate ways to encourage resource recovery, such as allowing tax credits for increased use of recycled materials, and directing the State Corporation Commission to investigate the development of equitable rates for shipment of secondary materials.
4. State and local governments encouraging utility companies to generate power and/or heat from refuse incineration as a measure to save fuel and help dispose of wastes.

K. A solid wastes research and development function should be established by the State Health Department in conjunction with the State universities.

L. Administrative machinery at the State level should be organized to enhance cooperation and coordination among all agencies involved in environmental matters.

IV. REASONS FOR RECOMMENDATIONS

A. At the moment, sanitary land filling is an acceptable method of solid wastes disposal and least likely to degrade our environment; however, urban jurisdictions are running out of land for disposal sites within their own boundaries. There are large amounts of suitable land in federal and State government facilities and in rural counties which the State could acquire for disposal facilities. Under present law, a jurisdiction with suitable lands can prevent its use for disposal purposes by another jurisdiction. Although one jurisdiction may own or condemn land in another jurisdiction, generally it has been necessary to obtain a use permit and/or rezoning before the land can be used for disposal purposes. Such approval is virtually impossible to secure.

The Department of Conservation and Economic Development, or other appropriate department, should be given the power to acquire land when necessary to be available for regional wastes disposal operations. Suggested model legislation has been drafted as part of the Commission's Report.

If the State acquired the land either by purchase, condemnation or by obtaining permission to use federal or State-owned land, special use permits and rezoning would not have to be obtained, for the State is exempt from such requirements.

If the land has to be purchased the State should put up the capital or guarantee bonds for it, which would be repaid by user fees from the representative jurisdictions or by proceeds from sale of revenue bonds by a solid wastes utility. Operation of the disposal facility could be conducted by a private group or by a public agency in accordance with the rules and regulations of the State Board of Health. Once the land was no longer used for disposal purposes it could be turned into a recreational site with the development costs being paid from any disposal user fees. Completed landfills have been successfully converted into golf courses, arboretums and the like in many parts of the United States.

Reasonably priced open land in the vicinity of urban areas is becoming increasingly scarce. Land should be obtained in the next few years to meet anticipated disposal needs and some of the recreational needs of urban areas in the Commonwealth for the next few decades.

The Commission recognizes that the concept of transfer stations within urban jurisdictions, coupled with long-haul transport of solid wastes by train or truck to remote disposal sites may be a feasible alternative to other disposal solutions. If this concept were adopted it would provide the State with a great deal of flexibility in selecting disposal sites. A key is the early acquisition by each urban jurisdiction of one-half to one acre sites for transfer stations.

B. Currently there is no feasible framework for establishing a public utility for solid wastes collection and disposal. Such solid wastes utilities have been successfully implemented in other states. A utility provides a mechanism for communities to enter into long-term service contracts. Communities which contract directly for services are constrained to short-term agreements with relatively unfavorable rates. Also, the establishment of a utility facilitates the sale of revenue bonds to self-finance improvements and to modernize collection and disposal operations.

Legislation should be enacted which would allow a self-supporting utility for the collection, transportation and disposal of solid wastes. The utility would be supported solely from user fees.

The utility should be allowed to operate in the same manner and under the same conditions as other public utilities such as electrical and telephone

companies. Suggested model legislation has been drafted as part of the Commission's Report.

C. During the course of public hearings, the localities were nearly unanimous in requesting State support; however, the Commission makes no recommendation that the State provide funds to localities for wastes disposal. The Commission does recommend that attention be given to present and projected personnel and funding needs of the Health Department in order that it may adequately fulfill its current mission.

The current staffing level of the Bureau of Solid Wastes and Vector Control of the State Health Department is for five persons and a Director. It is charged with the function of enforcement of State statutes on solid wastes, reviewing county, town and city plans for wastes disposal, assisting localities in solving disposal and collection problems, evaluating and issuing permits for disposal sites, and inspecting disposal facilities. It is the finding of the Commission that without additional manpower it is impossible for the staff to provide its services pursuant to 1970 legislation.

Approximate needs for the Bureau of Solid Wastes and Vector Control to adequately fulfill its mission would be the immediate addition of eight persons and supplemental funds in the amount of \$110,000. To implement the additional functions as outlined in this Report, the Commission estimates that five additional persons and funds in the amount of \$60,000 will be required.

The success of most disposal operations such as sanitary landfills depends on well-trained operators. It is not enough just to know how to operate a piece of equipment. There is a need and demand for persons who understand what a sanitary landfill is and how one must be operated to meet State standards. At present there is no State program to help localities train these operators. This service should be provided by the State Health Department.

Additionally, the Commission has found that many solid wastes problems are directly related to public misunderstanding of proper solid wastes management systems and goals. It is recommended therefore that the State Health Department establish an on-going public relations program, under the direction of a full-time professional, to educate the public regarding solid wastes management systems and goals.

D. In some urban areas economies of scale and a reduction in duplication of disposal facilities could be achieved if two or more jurisdictions combined their collection and/or disposal operations, but political mistrust, bureaucratic inertia, and lack of incentives prevent jurisdictions from regulating cooperative programs on their own.

Each Regional Planning District Commission should examine the current and anticipated solid wastes problems of its member jurisdictions as well as those of neighboring jurisdictions. It should try to determine if it is economical, feasible and practical for certain local governments to combine their collections and/or disposal services. In encouraging this cooperation, the formation of a solid wastes disposal utility should be considered.

E. Local jurisdictions have been required by State law to submit plans for disposal of household refuse. Some jurisdictions have not submitted the plans. Others have submitted them but the State Health Department has not had adequate manpower to review all of them and to help strengthen the plans when necessary. As discussed in Recommendation C, there is not enough manpower currently in the Bureau of Solid Wastes and Vector Control to apply pressure to the jurisdictions to be sure that plans will be submitted or implemented.

The State should require that comprehensive plans identifying components of the waste stream and assuring disposal of all major types of

refuse be submitted to the Department for review and approval. After approval a deadline for implementation should be established and aggressive enforcement actions taken to bring about compliance. The Department should be given sufficient personnel (See Recommendation C) to assist jurisdictions in the development and implementation of the plan as well as to bring about enforcement action when necessary.

Municipal and county governments should make sure that all industrial, commercial and agricultural solid wastes currently not considered in solid wastes regulatory programs henceforth must be disposed of in a manner that protects the quality of the environment.

F. Hazardous solid wastes present peculiar and often dangerous situations for local and State solid wastes officials. These wastes often require specialized handling and disposal techniques to prevent direct dangers to the public or indirect future dangers such as contamination of ground water. The special handling procedures may include sophisticated equipment such as ultra high temperature incinerators or fool-proof burial locations not readily available to a local community or even within the State.

Recognizing the general nature of this problem, the federal government's Office of Solid Wastes has recently contracted for a study of the entire area of hazardous wastes.

Since hazardous wastes can represent a serious potential threat to the health and safety of the citizens of Virginia, the Commission recommends that the State Board of Health establish a State policy for hazardous wastes. The Board should, in establishing this State policy, closely monitor the federal government's contract in this area. In the interim, local governments should be instructed to alert the State Health Department of any hazardous wastes situation they encounter and obtain instructions, on a case basis, for dealing with the situation.

G. As directed by Senate Resolution 13, the Disposal of Solid Wastes Study Commission placed special emphasis on the problem of the growth in numbers of containers and possible ways of alleviating this particular solid wastes disposal problem. In the course of its investigation, the Commission tabulated all legislation in this area now pending in other states, pursued this question through public hearings and reviewed with EPA officials the federal government's position on container legislation.

In the course of its investigation, the Commission found that proposals to regulate the use of, or tax, containers, in general, and beer and soft drink non-returnable containers, in particular, appear to be extremely popular, judging from the large number of bills introduced annually at the local, state and federal levels. Such proposals appear to have support, particularly among ecology groups.

As indicated by the public hearings held by the Disposal of Solid Wastes Study Commission, industry is adamantly opposed to legislation restricting packaging containers, and, if the experience of other areas with such laws is any indication, industry would in all probability challenge such legislation in the courts. There has not, as yet, been a definitive ruling on any one of the numerous approaches to taxing, banning or otherwise regulating non-returnable containers.

From a technical point of view, specific legislation pointed toward non-returnable containers cannot be expected to make a major dent in litter and solid wastes problems, since these containers make up relatively minor percentages of both. However, this fact alone does not preclude legislation in this particular area as, in the litter area, containers make up a highly visible portion of the wastes.

At the federal level, present attitudes do not encourage state and local

governments to attack solid wastes problems through taxes, deposits or bans on non-returnable containers, or any other specific category of wastes for that matter.

Lacking technical assurance that legislation in the area of non-returnable containers will do anything to alleviate the solid wastes and litter problem, and in light of industry's opposition and the Environmental Protection Agency's counsel against precipitous action in this area, a legislative program to regulate non-returnable containers cannot be recommended at this time. However, since almost every conceivable situation is now undergoing technical and/or legal tests in other areas, the Study Commission recommends that the situation in other states and at the federal level be closely monitored from both a legal and a technical viewpoint. This monitoring together with guidance from the State Health Department and the Environmental Protection Agency will determine what, if any, action should be taken in this area in the future.

H. Litter is a visual manifestation of the solid wastes problem. While litter represents only a small part of the overall solid wastes problem in terms of weight or volume, it is an intense political and emotional issue because of its visibility and because littered items are expensive to remove on a weight or per piece basis. Much of the anti-container legislation now being proposed in other states is really more of an attempt to control litter than solid wastes. Yet, according to the best data made available to the Commission, the majority of litter items are non-containers.

An effective litter control program can be brought about within Virginia by enforcing the present law against littering. The present law, if uniformly enforced, will do much to reduce the litter problem. We believe that the cost of controlling litter on the highways should be borne by those who cause it and who are convicted. Accordingly, we propose a statute that will provide civil penalties to be recoverable from the offenders, which penalties when recoverable would be paid to the highway funds to defray in part the cost of litter control; the penalties would be appropriately graduated. Finally, as a further step to litter control along the highways we recommend that the law requiring the inspection of motor vehicles and compulsory equipment be amended so as to require that each vehicle subject to inspection have within the passenger compartment an appropriate container for the disposition of litter, the size and type of container to be specified in regulations adopted by the Superintendent of State Police. Any vehicle not so equipped will fail to pass inspection. In addition mandatory use of litter containers by commercial establishments serving the traveling public is recommended. Suggested model legislation has been drafted as part of the Commission's Report.

Although not included in the specific recommendations, the Commission recognizes the need for public education regarding the establishment of an anti-littering attitude in the general public. Here, inclusion of anti-litter information as part of standard school curriculum, particularly in the area of driver education, is highly recommended. Also in the area of education, the Commission endorses the efforts of citizen groups such as Keep Virginia Beautiful.

I. The State should contract with private scrap firms directly and then pay localities a sum based on the tonnage of cars disposed of in the jurisdiction in order to offset the costs of maintaining disposal facilities. The program would cost around \$1.61 million a year, amply covered by the additional titling fees which would generate in excess of \$1.8 million annually.

J. Municipal and industrial wastes contain potentially valuable resources. These include paper, metals and glass for direct salvage; fine glass and incinerator ash for paving material and building aggregate; and many potentially useful by-products, which range from organic liquids and gases to steam and electrical energy. The value of these waste-benefits will increase in proportion to the growing scarcity of finite natural resources and the rising

cost of energy. Recycling of municipal solid wastes has not generally been a profitable business. However, resource recovery is an alternative long-term solution to the twin problems of wastes management and natural resource depletion; and should be encouraged both technically and economically.

K. Solid wastes management is a rapidly changing field with many technical and social implications. For this reason, the Commission recommends that an advanced development or research function be established by the State Health Department.

Specific programs to be considered by this activity could include research into recycling technology, studies or test programs on collection and transportation, and the environmental implications of various present and future components of the solid waste stream, particularly as these items pertain to specific communities within Virginia. It is recommended that detailed programs be developed in conjunction with and carried out by the State universities.

L. The Commission, recognizing that a systems approach is the most effective way to deal with complex, interdependent environmental problems, recommends that the administrative machinery at the State level should be organized to enhance cooperation and coordination among all agencies involved in environmental matters. However, such reorganization should not dismantle or weaken existing programs concerning solid wastes. The Virginia Advisory Legislative Council is presently studying this problem in depth and may have specific recommendations in this area.

V. SUMMARY

Members of the Commission realize that new ideas and improved technology may alter and/or eliminate certain recommendations contained in this Report; however, the recommendations made are those which the members feel are most conducive to both short-term and long-range efforts to solve the numerous and serious solid wastes disposal problems which are faced by the Commonwealth.

Respectively,

Robert F. Testin, *Chairman*

Benjamin F. Sutherland, *Vice Chairman*

Callis H. Atkins

William M. Beck, Jr.

Louis H. Blair

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B. David Peck

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Appendix A

Recommended Legislation

A B I L L

To amend the Code of Virginia by adding in Title 10 a chapter numbered 18 consisting of sections numbered 10-187 through 10-195 authorizing the Department of Conservation and Economic Development to acquire certain land from funds provided by law; to set forth the procedures by which such land may be acquired; to require the approval of the site by certain State agencies; to provide how such land may be used and to provide for certain payments to the county or city in which the land is so acquired; and to authorize such department to provide for the use of such land for other purposes after it is used for the purposes for which originally acquired.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 10 a chapter numbered 18 containing sections numbered 10-187 through 10-195 as follows:

Chapter 18

Refuse Disposal Sites

§ 10-187. The Department of Conservation and Economic Development, hereafter referred to as Department, is authorized to acquire land in any county or city for use as a refuse disposal site for those counties, cities and towns which are situated reasonably close thereto and which can economically employ such site for such purposes in accordance with the conditions and requirements of this chapter.

§ 10-188. The acquisition of land for use as a refuse disposal site is declared to be an essential public purpose and necessary for the protection of the public welfare, health and safety. The acquisition of such sites and the disposal of refuse thereon in accordance with requirements of the State Health Department is essential to the protection of the environment from pollution, the reduction of disease and other threats to the public health from other methods of waste disposal, and provides means whereby the land in such sites may be restored to other productive uses.

§ 10-189. The Department may acquire refuse disposal sites by purchase, lease or condemnation, using for such purposes funds provided by law. In the exercise of the power of eminent domain the Department may employ the procedure set forth in Title 25 of the Code of Virginia or may employ the procedure set forth in Article 7 of Chapter 1 of Title 33.1 of the Code of Virginia relating to the acquisition of land and interests therein by the State Highway Commission, and in such latter event, the provisions of said Article shall apply mutatis mutandis to proceedings brought by the Department of Conservation and Economic Development.

§ 10-190. The Department shall not acquire a site under this chapter unless the proposed site has been evaluated by the State Health Department, the State Water Control Board, and other State agencies having jurisdiction over matters relating to health and the environment as being suitable for refuse disposal. Such agencies and the State Health Department and State Water Control Board may prescribe conditions under which the site may be operated for refuse disposal to the end that it will not create a danger to the public health or safety or degrade the environment; they also should consider the future use of the site after the landfill has been completed and such use shall be set forth.

§ 10-191. The Department may only exercise its powers under this chapter within a county or city when the following conditions are met:

(a) There is need for a refuse disposal site in the area to serve the county or city in which the proposed site is located and which will serve adjoining counties, cities and towns as a site for refuse disposal;

(b) The governing bodies of the political subdivisions have been unable to agree upon the acquisition and joint use of a site for refuse disposal;

(c) The governing bodies of the counties, cities and towns, which propose to use the site for refuse disposal, have agreed to pay to the county or city in which the site is located the tax revenues which the land would otherwise have been liable to at the time the property is acquired by the department;

(d) The counties, cities and towns which propose to use the site for refuse disposal will assist in paying a portion or all of the purchase price of the land for such site but the interest acquired shall be held in the name of the Commonwealth.

§ 10-192. When the Department has acquired a site in the manner prescribed in this chapter, it may enter into a contract with one or more participating counties, cities and towns or with a private contractor for the operation of the site for refuse disposal in the manner and under conditions prescribed by the Department and pursuant to the conditions imposed by those State agencies which have duties involving the protection of health, safety and the environment.

§ 10-193. Neither the Department nor any person or political subdivision contracting with it for the operation of a refuse disposal site shall be required to obtain a use or other permit, license or other permission to operate the site for the purposes so indicated. The property shall be exempt from taxation while it is held by the Commonwealth.

§ 10-194. Neither the Department nor any political subdivision or person contracting with it for the operation of any such site shall be required to pay any tax or other levy of whatsoever nature in the operation of the refuse disposal site.

§ 10-195. After the landfill on the refuse disposal site has been completed, the Department may convey the land, upon such terms and conditions as it deems proper, to the county or city in which it is located or to a combination of the counties, cities and towns which contribute funds to the acquisition thereof.

A B I L L

To amend and reenact §§ 56-232, 56-265 and 56-265.1, as severally amended, of the Code of Virginia, and to amend the Code of Virginia further by adding a section numbered 56-261.3, the amended and new sections relating to disposal of solid wastes facilities.

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-232, 56-265 and 56-265.1, as severally amended, of the Code of Virginia be amended and reenacted and that the Code of Virginia be amended further by adding a section numbered 56-261.3 as follows:

§ 56-232. Public utility and schedules defined. — The term “*public utility*” as used in §§ 56-233 to 56-240 and 56-246 to 56-249 shall mean and embrace every corporation (other than a municipality), company, individual, or association of individuals or cooperative, their lessees, trustees, or receivers, appointed by any court whatsoever, that now or hereafter may own, manage or control any plant or equipment or any part of a plant or equipment within the State for the conveyance of telephone messages or for the production, transmission, delivery, or furnishing of heat, chilled air, chilled water, light, power, or water, sewerage or *solid wastes collection and disposal services and facilities*, either directly or indirectly, to or for the public.

But the term “public utility” as herein defined shall not be construed to include any corporation created under the provisions of Title 13 of the Code of Virginia, and shall not be construed to include any corporation created under the provisions of Title 13.1 of the Code of Virginia unless the articles of incorporation expressly state that the corporation is to conduct business as a public service company.

The term “*schedules*” as used in §§ 56-234 through 56-245 shall include schedules of rates and charges for service to the public and also contracts for rates and charges in sales at wholesale to other public utilities or for divisions of rates between public utilities, but shall not include contracts of telephone companies with municipal corporations or the State government or contracts of other public utilities with municipal corporations or the federal or State government, or any contract executed prior to July one, nineteen hundred fifty.

§ 56-261.3. Every public service corporation engaged in the business of furnishing solid wastes collection and disposal services to any city, incorporated town, or county in this Commonwealth having a population greater than five hundred inhabitants per square mile as shown by the United States census, or to the inhabitants thereof, whether or not such business is conducted under or by virtue of a municipal franchise, shall furnish at all times and at a reasonable charge a system of solid wastes collection and disposal services and facilities. Such collection and disposal services and facilities shall be sufficient and adequate for the protection of the health of such inhabitants and to the public health of the community.

§ 56-265. Certain sections not to limit Commission’s powers. — Nothing in §§ 56-261 or §§ ~~56-262~~ through 56-264 shall be construed so as to limit or curtail the existing powers of the Commission to require of all public service corporations in all cases the rendition of adequate service to the public at reasonable rates nor the existing right of municipalities or individuals to apply to the Commission for the enforcement of such duties, the purpose of such sections being to extend and not to limit the powers of the Commission.

§ 56-265.1. Definitions. — In this chapter the following terms shall have the following meanings:

(a) “*Company*” means a corporation, an individual, a partnership, an association, a joint-stock company, a business trust, a cooperative, or an organized group of persons, whether incorporated or not; or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; but not a municipal corporation or a county.

(b) “*Public utility*” means any company which owns or operates facilities within the Commonwealth of Virginia for the generation, transmission or distribution of electric energy for sale, for the production, transmission, or distribution, otherwise than in enclosed portable containers, of natural or manufactured gas for sale for heat, light or power, or for the furnishing of telephone service, sewerage or *solid wastes collection and disposal services and facilities* or water. Provided that the term “public utility” shall not include any of the following:

(1) Any company furnishing sewerage facilities or water to less than fifty customers.

(2) Any company generating and distributing electric energy exclusively for its own consumption.

(3) Any company (A) which furnishes electric service together with heating and cooling services, generated at a central plant installed on the premises to be served, to the tenants of a building or buildings located on a single tract of land undivided by any publicly maintained highway, street or road at the time of installation of the central plant, and (B) which does not charge separately or by meter for electric energy used by any tenant except as part of a rental charge. Any company excluded by this paragraph (3) from the definition of “public utility” for the purposes of this chapter nevertheless shall, within thirty days following the issuance of a building permit, notify the State Corporation Commission in writing of the ownership, capacity and location of such central plant, and it shall be subject, with regard to the quality of electric service furnished, to the provisions of chapters 10 and 17 (§ 56-232 et seq. and § 56-509 et seq.) of this title and regulations thereunder and be deemed a public utility for such purposes, if such company furnishes such service to one hundred or more lessees.

(c) “*Commission*” means the State Corporation Commission.

A B I L L

To amend and reenact § 15.1-879 of the Code of Virginia relating to disposal of garbage and other refuse.

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-879 of the Code of Virginia be amended and reenacted as follows:

§ 15.1-879. Disposal of garbage and other refuse. — A municipal corporation may provide and operate, within or without the municipal corporation, incinerators, dumps, facilities and appurtenances for the disposal of garbage and other refuse of the inhabitants of the municipality; may contract with others ~~municipal corporations or jurisdictions to provide such services jointly; may contract with others~~ for supplying such services; may prohibit the disposal of garbage and refuse in or at any place other than that provided for the purpose; may charge and collect compensation for such service; and provide penalties for the unauthorized use of such facilities.

A B I L L

To amend the Code of Virginia by adding a section numbered 46.1-346.1 to provide liquidated damages for violation of dumping trash; prohibition; powers of enforcement officers; and to provide that such charges are additional to any other liability.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 46.1-346.1 as follows:

§ 46.1-346.1. (a) Upon conviction of any person for violation of § 33.1-346 the court shall assess the owner, operator or other person convicted liquidated damages in an amount reasonably necessary to reimburse highway funds the cost of removing trash, litter, garbage, and solid waste of whatsoever nature (hereinafter referred to as litter) from upon the highway or right of way left by persons riding in motor vehicles upon such highways. The State Department of Highways shall annually furnish the judge of every court having civil jurisdiction with the cost per mile of maintaining the highways and rights of way free and clear of litter. The cost per mile shall be the minimum amount which may be assessed but in no event less than ten dollars; provided, however, that if the cost of removing such litter exceeds such amount, the court shall assess against the defendant so convicted the actual cost of removing the same. In addition, a person convicted shall be subject to payment of costs. Such assessment shall be entered by the court as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the property of the defendant. Such sums shall be paid into court or collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to the fund appropriated for the construction and maintenance of State highways.

(b) If the officer making the arrest for violation of § 33.1-346 has reason to believe that the person arrested will flee the jurisdiction of the court in which the violation might be prosecuted and the civil penalty imposed, such officer shall request the bailing officer to fix bail at an amount sufficient to cover the cost of the fine which might be imposed and the civil and other penalties which might be levied.

(c) Upon notification of the failure of such person to pay the amount assessed, the Division or the Department of State Police may thereafter deny the offending person the right to operate a motor vehicle or vehicles upon the highways of this State until such assessment has been paid.

(d) The Department of State Police is vested with the same powers with respect to the enforcement of this section as it has with respect to the enforcement of the criminal laws of the Commonwealth.

(e) The charge hereinabove specified shall be in addition to any other liability which may be legally fixed against such owner or operator for damages.

A B I L L

To amend the Code of Virginia by adding a section numbered 46.1-294.1 relating to requiring certain containers in motor vehicles.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 46.1-294.1 as follows:

§ 46.1-294.1. On and after January one, nineteen hundred seventy-four every motor vehicle, other than a motorcycle, registered in this State shall be equipped with a suitable, durable bag or container of a kind and size prescribed by the Superintendent of State Police in which litter, trash, garbage and waste materials (referred to as litter) discarded by any passenger in such vehicle may be placed. No such motor vehicle shall be provided with an approval sticker unless, in addition to meeting the other requirements of this title, it is provided with a container of the nature so specified placed in a position to be reasonably convenient to the driver and passengers riding therein.

A BILL

To amend the Code of Virginia by adding a section numbered 33.1-350.1 to require certain persons to provide containers for the disposal of certain solid wastes.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 33.1-350.1 as follows:

§ 33.1-350.1. Every person, firm, corporation, association or other entity, who or which operates a retail or other establishment contiguous to any highway, and which caters to the traveling public, shall provide in a conspicuous place, for the use of persons entering upon or using the premises of such establishment, a suitable container in which such travelers may place trash, litter, solid waste or other refuse of whatsoever nature (hereinafter referred to as trash). Such containers shall be readily accessible, safe and sanitary, appropriately located to be of the maximum use to the traveling public, and kept in a condition to receive such trash at any time.

A B I L L

To amend and reenact § 32-9.1 of the Code of Virginia relating to solid waste disposal and powers of State Board of Health.

Be it enacted by the General Assembly of Virginia:

1. That § 32-9.1 of the Code of Virginia be amended and reenacted as follows:

§ 32-9.1. **Solid waste disposal.** — The Board shall regulate and prescribe the method or methods of disposition of garbage, refuse and other solid wastes or any combination thereof in this State to be utilized by each county, city and town in the State. On or before January one, nineteen hundred seventy-two, each county, city and town of this State upon written request by the Board when in its opinion such county, city or town has not provided for proper disposition of its solid wastes shall submit to the Board a plan in a form to be prescribed by the Board, setting forth its plan for garbage and all other solid wastes disposal, which plan shall include the cost, the proposed method of financing, the site or sites to be used and the overall changes in such plan anticipated for the ensuing twenty years. *The Board may enforce the provisions of such plan or require and enforce a plan better adapted to protect the public health.* Each county's plan must include the facilities to be used by all towns located therein. Any combination of cities, counties and towns may submit a regional plan in lieu of an individual plan.

