

**REPORT OF THE COMMISSION TO STUDY AND
ADVISE UPON THE DISPOSAL OF SOLID WASTES**

To

THE GOVERNOR

And

THE GENERAL ASSEMBLY OF VIRGINIA



Senate Document No. 24

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1974

MEMBERS OF COMMISSION

DR. ROBERT F. TESTIN, *Chairman*
WILLIAM M. BECK, JR., *Vice Chairman*
CALLIS H. ATKINS
W. T. BENNETT
ERNEST C. EDWARDS, JR.
JULIAN F. HIRST
J. D. PENNEWELL
STANLEY C. WALKER
WILLIAM M. AMRHEIN, *Counsel to Commission*

STAFF

JOHN A. BANKS, JR., *Director*

ROBERT B. COUSINS, JR.
JANET MIRI

REPORT OF THE COMMISSION TO STUDY AND
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Richmond, Virginia
January, 1974

To: HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

INTRODUCTION

At its 1973 Session, the General Assembly of Virginia enacted legislation establishing a permanent Commission to Study and Advise Upon the Disposal of Solid Wastes. In creating this Commission, the General Assembly recognized the numerous and serious solid waste disposal problems which are faced by the Commonwealth and the need for a continuing review of the State's policies in this field in order that programs to alleviate these problems will keep pace with new ideas and improved technology.

The Commission was directed to "study all problems incident to the causes, collection and disposal of solid wastes" and to "consider the problems of the several areas of the State." Additionally, the Commission was directed to "obtain data upon solid wastes disposal systems on a local, regional or other basis and what measures can best be employed to provide for the orderly disposition of such wastes without adverse effect upon the environment." Finally, the Commission was directed to "report to the Governor and General Assembly in January of each year as to its activities in the preceding year and the progress which it has observed and has been able to foster throughout the State in reducing problems caused by solid wastes" and to offer advice and guidance when deemed appropriate. A copy of this legislation (Chapter 327 of the 1973 Acts of Assembly) has been appended to this Report.

To serve on this Commission the Governor appointed the following members: Dr. Robert F. Testin, Richmond; Callis H. Atkins, Ruckersville; William M. Beck, Jr., Norfolk; Julian F. Hirst, Richmond; W. T. Bennett, Chester*; J. D. Pennewell, Chincoteague; and Ernest C. Edwards, Chase City. The Speaker of the House of Delegates appointed John C. Towler, member of the House from Roanoke**, and the Committee for Privileges and Elections of the Senate appointed Stanley C. Walker, member of the Senate from Norfolk, to serve on the Commission.

The Commission, at its organizational meeting, elected Dr. Robert F. Testin as Chairman and William M. Beck, Jr. as Vice Chairman. Mr. R. E. Dorer, Director of the Bureau of Solid Waste and Vector Control of the State Department of Health, was asked to attend the Commission's meetings and to provide advice and assistance in its deliberations. The Commission also retained William M. Amrhein, attorney at law, Richmond, to serve as counsel. Mr. Robert B. Cousins, Jr. and Janet Miri of the Division of Legislative Services were assigned to provide additional assistance to the Commission.

* Mr. Bennett, who participated in the deliberations of the Commission regarding this Report, submitted his resignation from the Commission in January, 1974.

** Mr. Towler submitted his resignation from the Commission in November, 1973.

DELIBERATIONS OF THE COMMISSION

A. Review of Legislation.

Because the entire membership of the Commission was not appointed until late summer, the Commission was not able to organize and commence its work until September of 1973. Since its organization, the Commission has been concerned primarily with a review of legislation in the area of solid waste disposal which was introduced during the 1973 Session of the General Assembly but deferred pending further study. The following is a listing of the measures studied and the results of the Commission's deliberations thereon to date.

1. Bottle Bill. — At the 1973 Session of the General Assembly, Senate Bill Number 670 was introduced by Senator Canada and others, which provided for a ban on certain disposable beverage containers. This bill is similar to legislation enacted by the State of Oregon. A special subcommittee of the Commission was appointed to review this legislation, and Mr. Beck was designated Chairman thereof.

The subcommittee is gathering direct and statistical information both in support and in opposition to the legislation which has again been introduced for consideration by Senator Canada and will hereforth be referred to as Senate Bill No. 30. The Commission has given its consideration of this bill a status of priority and, while awaiting a report containing specific recommendations resulting from a study conducted by the Environmental Protection Agency, will continue its own study in order to be able to recommend a course of action to serve the best interests of the Commonwealth.

2. Utility Bill. — At the 1973 Session of the General Assembly, Senator Walker introduced Senate Bill Number 788, which would define solid wastes collection and disposal services and facilities as "public utilities" and as such provide for their regulation by the State Corporation Commission. Again, a special subcommittee was appointed, under the chairmanship of Mr. Hirst, to review this measure. Additionally, the full Commission met with representatives of the State Corporation Commission to discuss the feasibility of the bill, as introduced at the last session. At this meeting, the State Corporation Commission outlined a number of problems with the bill in its present form. The Commission is continuing its study of this measure and of various actions taken relating thereto within the State. The Commission believes that no action should be taken on this measure at the present time pending the results of its study.
3. Solid Waste Processing Facilities. — In its report to the 1973 Session of the General Assembly, the Disposal of Solid Wastes Study Commission recommended that legislation be enacted to deal with the problems encountered by cities in finding suitable sites within their boundaries for solid waste processing facilities. Although legislation to implement its recommendation was not introduced, the study commission proposed that cities be authorized to invoke the power of eminent domain to secure suitable sites in adjoining counties. This question has been taken under advisement by the present Commission, and it is hoped that in a subsequent report the Commission will have specific recommendations to offer in seeking to alleviate this problem.

In addition to these specific measures, the Commission will monitor and review those bills introduced during the 1974 Session of the General Assembly relating to all aspects of solid waste disposal. If

deemed appropriate. it will offer advice or recommendations on individual proposals. The Commission also intends, as part of its ongoing study of solid waste problems, to monitor relevant federal actions, as well as actions taken by other states.

According to statistics compiled by the Environmental Protection Agency, there are 226 laws of the Commonwealth which refer in some manner to solid waste. During the coming year, the Commission will undertake a review of these existing statutes and recommend any action deemed necessary to ensure that conflicts, ambiguities or omissions in these laws do not work to the detriment of the State's policies and programs, and that individuals are not allowed to evade the intent of these laws.

B. Data on Solid Waste Facilities.

In its enabling legislation, the Commission was directed to obtain data on solid waste disposal systems on a local, regional or other basis. The following statistics reflect the number of valid permits for solid waste disposal facilities issued by the State Health Department as of September 25, 1973

Permits for Sanitary Landfills issued to Local Governments	107
Permits for Sanitary Landfills issued to Private Enterprises	18
Permits for Open Pit Burning Devices issued to Private Enterprises	<u>2</u>
Total	127

Additional data will be compiled during the coming year, and presented in a subsequent report.

C. Budget of the Bureau of Solid Waste and Vector Control.

In order to effectively carry out its mandate to develop a solid waste program, the State Department of Health has requested a substantial increase in funds appropriated for the Bureau of Solid Waste and Vector Control. The Commission has reviewed the Bureau's budget requests and recommends that the General Assembly and Governor approve these budget requests, as submitted. This will assure that needed funds are available to provide for effective enforcement of existing regulations and to provide for expanded planning, technical support and training to localities.

CONCLUSION

In this first report to the Governor and General Assembly, the Commission has sought to outline what it has accomplished during the past few months since its first organizational meeting and to define the nature and scope of the tasks it hopes to undertake during the coming year. It is expected that in subsequent reports the Commission will offer substantive recommendations to alleviate the many problems faced by the Commonwealth in developing effective programs and policies for solid waste disposal and in ensuring a clean and healthful environment for its citizens.

Respectfully submitted,

DR. ROBERT F. TESTIN, *Chairman*

WILLIAM M. BECK, JR., *Vice Chairman*

CALLIS H. ATKINS

W. T. BENNETT

ERNEST C. EDWARDS, JR.

JULIAN F. HIRST

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APPENDIX

Chapter 327
1973 Acts of Assembly

Chapter 22
Commission on Solid Wastes

§ 9-144. A Commission to Study and Advise Upon the Disposal of Solid Wastes is hereby created and is hereafter referred to as "Commission". The Commission shall be composed of nine members appointed as follows: one member shall be appointed by the Speaker of the House of Delegates from the membership thereof, one member shall be appointed from the Senate by the Senate Committee for Privileges and Elections, and seven shall be appointed by the Governor from the State at large and shall be persons engaged either in teaching or working with solid waste disposal. The terms of office of the legislative members shall be coincident with their service in the house from which appointed; the appointees of the Governor shall serve for terms of four years beginning July one, nineteen hundred seventy-three, and their successors shall be appointed for like term but vacancies occurring other than by expiration of term shall be filled for the unexpired term. The members shall be reimbursed their expenses incurred in the discharge of their duties.

The Commission shall study all problems incident to the causes, collection and disposal of solid wastes. It shall consider the problems of the several areas of the State and shall offer advice and guidance when they deem it appropriate so to do. The Commission shall obtain data upon solid wastes disposal systems on a local, regional or other basis and what measures can best be employed to provide for the orderly disposition of such wastes without adverse effect upon the environment.

§ 9-145. All agencies of the State shall assist the Commission upon request and shall furnish such staff and consultant services as may be required and to this end may expend their appropriations for such purpose. The Commission may employ such staff as it deems necessary for the discharge of its functions. For the purposes of the study, there is hereby appropriated from the contingent fund of the General Assembly the sum of ten thousand dollars.

The Commission shall report to the Governor and General Assembly in January of each year as to its activities in the preceding year and the progress which it has observed and has been able to foster throughout the State in reducing problems caused by solid wastes.

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