

HB 4011 -- Redline

Committee Substitute to Committee Substitute -- Relating to advanced recycling.

Deletions ~~struck~~ · Insertions underlined

~~CS for HB 4011~~ WEST VIRGINIA LEGISLATURE REGULAR SESSION ENGROSSED Committee Substitute for House Bill 4011 By Delegates Zatezalo, Heckert, B.

Ward, Anderson, Dean, Moore, Akers, Linville, Hott, Mallow, and Clark [Originating in the Committee on Energy and Public ~~Works, Works; February 4, 2026.] CS for HB 4011 A BILL to amend and reenact Sec.22-15-2 and Sec.22-15-5 the Code of West Virginia, 1931, as amended, relating to facilitating the implementation by DEP of the certification of mass balance attribution by a third party who certifies recycled content in products to promote waste reduction practices by facilitating the use of recycled material in the feedstock for new products;~~

February 4, 2026] Eng CS for HB 4011 A BILL to amend and reenact Sec.22-15-2 and Sec.22-15-5 of the Code of West Virginia, 1931, as amended, relating to facilitating the implementation by DEP of the certification of mass balance attribution by a third party who certifies recycled content in products to promote waste reduction practices by facilitating the use of recycled material in the feedstock for new products;

1 Eng CS for HB 4011 (1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation on the land;

2 Eng CS for HB 4011 "Commercial recycler" means any person, corporation, or business entity whose operation involves the mechanical separation of materials for the purpose of reselling or recycling at least 70 percent by weight of the materials coming into the commercial recycling facility.

"Commercial composting facility" means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such person and other persons on a cost-sharing or nonprofit 3 Eng CS for HB 4011 basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

4 Eng CS for HB 4011 "Incineration technologies" means any technology that uses controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials, regardless of whether the purpose is processing, disposal, electric or steam generation, or any other method by which solid waste is incinerated.

"Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of "recycled ~~material, "material",~~ "recycled ~~plastics, "plastics",~~ and "renewable chemical" as those terms are defined in this article.

5 Eng CS for HB 4011 "Open dump" means any solid waste disposal which does not have a permit under this article, or is in violation of state law, or where solid waste is disposed in a manner that does not protect the environment.

"Publicly owned treatment works" means any treatment works owned by the state or any political subdivision thereof, any municipality or any other public entity which processes raw domestic, industrial, or municipal sewage by any artificial or natural processes in order to remove 6 Eng CS for HB 4011 or so alter constituents as to render the waste less offensive or dangerous to the public health, comfort, or property of any of the inhabitants of this state before the discharge of the plant effluent into any of the waters of this state, and which produces sewage sludge.

"Recycled material" means materials, goods, or products that consist of recovered recyclable material or materials derived from recoverable feedstocks, post-use polymers, ~~postconsumer~~post-consumer waste, industrial waste, or hazardous waste which may be used in place of a raw or virgin material in manufacturing a new saleable product or that are certified under a third-party certification system for mass balance attribution identified by the director under Sec.22-15-5(i) of this code.

or 7 Eng CS for HB 4011 (2) Advanced recycling of recoverable feedstocks or post-use polymers that are certified under a third-party certification system for mass balance attribution identified by the director under Sec.22-15-5(i) of this article.

8 Eng CS for HB 4011 (i) Feed grains and other agricultural commodities;
and ~~(iii)~~(iv) Microorganisms;

9 Eng CS for HB 4011 "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the secretary has delegated authority or duties pursuant to Sec.22-1-1 et seq.

10 Eng CS for HB 4011 "Solid waste disposal shed" means the geographical area which the solid waste management board designates and files in the state register pursuant to Sec.16-26-8 of this code.

11 Eng CS for HB 4011 (a) The director shall promulgate rules in compliance with the West Virginia administrative procedures act Administrative Procedures Act to carry out the provisions of this article including modifying any existing rules and establishing permit application fees up to an amount

sufficient to defray the costs of permit review.

12 Eng CS for HB 4011 (1) Has demonstrated, either by his or her police record or by his or her record as a permittee under articles eleven through nineteen of this chapter or chapter twenty of this code, a lack of respect for law and order, generally, or for the laws and rules governing the disposal of solid wastes;

13 Eng CS for HB 4011 (h) The director shall require and set the amount of performance bonds for persons engaged in the practice of solid waste disposal in this state, pursuant to section twelve of this article.

~~---~~ The director shall require an applicant for a solid waste facility permit to provide the following information:

14 Eng CS for HB 4011 (3) The names and addresses of the holders of record to a leasehold interest in surface or subsurface areas within, and contiguous to, the proposed permit area;

(6) An application shall list permits or licenses, issued by the division or other environmental regulatory agency to each person or municipality identified in paragraph (1) of this 15 Eng CS for HB 4011 subdivision and to other related parties to the applicant, that are currently in effect or have been in effect in at least part of the previous ten years.

~~---~~ An application shall contain the following information for the ten-year period prior to the date on which the application is filed:

16 Eng CS for HB 4011 (4) A description of a court proceeding concerning any environmental law or rule that was not described under paragraph (3) of this subdivision in which the applicant or a related party has been party.

(8) A description of a misdemeanor or felony conviction, a plea of guilty and a plea of no contest, by the applicant or a related party for violations outside of this state of any environmental 17 Eng CS for HB 4011 protection laws or regulations.

NOTE:

~~The purpose of this bill is to facilitate the implementation of the certification of mass balance attribution by third party certified to promote waste reduction practices by facilitating the use of recycled material in the feedstock for new products.~~

~~Strike throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.~~