

**TITLE 33
INTERPRETIVE RULE
DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF WASTE MANAGEMENT**

**SERIES 7
PROOF OF PROPER SOLID WASTE DISPOSAL**

§33-7-1. General.

1.1. Scope and Purpose. -- This rule provides guidance to persons occupying a residence or operating a business establishment in this state regarding the approved method of providing proof of proper solid waste disposal to the Division of Environmental Protection.

1.2. Authority. -- W. Va. Code §22C-4-10.

1.3. Filing Date. -- February 24, 1999.

1.4. Effective Date. -- April 1, 1999.

§33-7-2. Proof of Proper Solid Waste Disposal.

2.1. Applicability. -- Each person occupying a residence or operating a business establishment in this state must be able to provide proof to the Division of Environmental Protection that his solid waste was disposed of at an approved solid waste facility.

2.2. Forms of Proof. -- Proof of proper solid waste disposal includes:

2.2.a. Records demonstrating that a person has subscribed to and used a solid waste collection service and has paid the fees established therefor; or

2.2.b. Records, including bills of receipt, demonstrating that a person has delivered his or her waste to an approved solid waste facility for disposal.

Note: The term "solid waste collection service" means a collection service offered either by a common carrier certificated by the West Virginia Public Service Commission (or similar body of a contiguous state) or by a municipality or other governmental body.

2.3. Recordkeeping Requirements. -- The owner or operator of each approved solid waste facility in this state must maintain records of each delivery of solid waste made by an individual who is not in the business of hauling or disposing of solid waste. Such records must include:

2.3.a. The name and address of the individual who delivered the waste for disposal;

2.3.b. A description of the origin, type, and estimated amounts of the waste delivered for disposal;
and

2.3.c. A copy of the bill of receipt for the waste delivered for disposal.

2.4. Maintenance and Retention of Records. All records required under this rule must be maintained for a minimum of three (3) years and be made available for inspection by an authorized representative of the director upon request.