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# **—ALERT—**

# **Capitol Contact**

Friday, February 3, 2023

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### **Call Now to Oppose Bill Gutting Localities Ability to Regulate Solid Waste**

**Bill to be Heard Monday, February 6 –  
Call Your Senators Now to Oppose**

[SB 1365 \(Lewis\)](#) would exempt Material Recovery Facilities (MRFs) from local flow control ordinance by State law. MRFs are facilities that separate recyclable materials such as metals or other recyclable products from solid waste. The definition of a MRF, as set out [in the bill](#), does not require these facilities to meet any standards for materials actually recovered. The bill offers no distinction between MRFs and transfer stations – except for distinguishing that MRFs are exempt from local flow control ordinances while transfer stations are not.

**SB 1365 creates a loophole allowing MRFs to operate outside local ordinances so long as they have a permit from the Department of Environmental Quality.**

**ACTION REQUIRED** – Call your [Senators](#) today to oppose SB 1365.

SB 1365 passed the Senate Agriculture, Conservation and Natural Resources Committee by an [11-1-1](#) vote and will most likely be heard on the Senate floor on Monday, February 6, 2023.

## **KEY POINTS**

- Disposal of solid waste is historically a function of local government, carried out by local governments. In fact, the state mandates that local governing bodies “are directed” to provide for adequate trash collection and disposal under [Va. Code Section 15.2-931](#).
- Virginia Courts have affirmed local authority as it relates to solid waste regulation and the legislation proposed undermines these rulings and local authority.
- SB 1365 will take authority away from local governments regarding flow control over solid waste.
- This bill will gut flow control ordinances associated with MRF’s, as they can effectively operate as a transfer station.
- MRFs are not required by code, regulation, terms of the DEQ permit, or the definition in SB 1365 to meet **ANY** threshold for recovering materials so it is unclear how they differ from a solid waste transfer station and why they should be exempt from local ordinances.

## **KEY CONTACTS**

### [SENATE OF VIRGINIA](#)

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