

WEST VIRGINIA CODE: §22-22-12

§22-22-12. Enforcement orders for licensed remediation specialists; cease and desist order; criminal penalties.

(a) If the Secretary, upon inspection, investigation, or through other means observes, discovers, or learns that a licensed remediation specialist has violated the provisions of this article or any rules promulgated hereunder, the Secretary may:

(1) Issue an order stating with reasonable specificity the nature of the violation and requiring compliance immediately or within a specified time. An order under this section includes, but is not limited to, orders suspending or revoking licenses, orders requiring a person to take remedial action, or cease and desist orders; or

(2) Request the prosecuting attorney of the county in which the alleged violation occurred bring a criminal action as provided for herein.

(b) Any person issued an order may file a request for reconsideration with the Secretary within seven days of the receipt of the order. The Secretary shall conduct a hearing on the merits of the order within 10 days of the filing of the request for reconsideration. The filing of a notice of request for reconsideration does not stay or suspend the execution or enforcement of the order.

(c) Any licensed remediation specialist who fraudulently misrepresents that work has been completed and such action results in an unjustified and inexcusable disregard for the safety of others, thereby placing another in imminent danger or contributing to ongoing harm to the environment, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned not less than one nor more than two years, or both.

(d) If any person associated with remediation of a brownfield or voluntary remediation site engages in fraudulent acts or representations to the Department, he or she is guilty of a felony and, upon conviction thereof, shall be fined not more than \$50,000 or imprisoned not less than one nor more than two years, or both.