

WEST VIRGINIA CODE: §22-25-10

§22-25-10. Environmental performance agreements; contents, and specifications.

- (a) The environmental performance agreement shall clearly establish the environmental goals of the participant; public involvement requirements; incentives; reporting requirements; and all other terms to ensure that the proposal is properly implemented and enforceable.
- (b) In entering into environmental performance agreements, the secretary shall require stricter monitoring, or take other appropriate steps to ensure accountability, for proposals with greater uncertainty of meeting their stated environmental goals.
- (c) A final environmental performance agreement shall specify:
 - (1) Any otherwise applicable rules, requirements, policies, or practices, modified, waived or replaced;
 - (2) The specific environmental goals of the agreement and the criteria for determining whether the agreement is meeting those goals;
 - (3) A description of how compliance with the agreement will be monitored and enforced, including any penalties that may be imposed for failure to carry out the terms of the agreement;
 - (4) The duration of the agreement and terms for renewal or extension;
 - (5) A transition plan for returning to otherwise applicable environmental laws in the event the agreement is terminated by either the participant or the department;
 - (6) A plan for integrating into the agreement any relevant regulations that are promulgated during the duration of the agreement; and
 - (7) Criteria for determining whether agreement may be transferred in the event of a transfer of ownership of the facility subject to the terms and conditions of the agreement and when applicable, the procedures for transferring the agreement.