

# WEST VIRGINIA CODE: §22-25-5

## **§22-25-5. Eligibility and application requirements.**

(a) The secretary shall establish by rule the minimum criteria for participation in the environmental excellence program. The minimum criteria shall include, but not be limited to, the following:

- (1) An identified number of years with no serious civil noncompliance;
- (2) An identified number of years without any criminal noncompliance;
- (3) An identified number of years with no activities that resulted in a significant negative impact to human health or the environment;
- (4) The existence and maintenance of an environmental management system;
- (5) The existence and maintenance of an environmental management system audit program;
- (6) The establishment of quantifiable environmental goals which are designed to achieve superior environmental performance;
- (7) The existence and maintenance of verifiable, quantitative and qualitative measures or methods to document attainment of environmental goals; and
- (8) The existence or establishment of a public participation plan as approved by the secretary that demonstrates that the proposal has broad support, its environmental implications are fully understood by all interested parties, and assures ongoing engagement of the public.

(b) The secretary shall establish alternative elective program elements in addition to the mandatory program elements set forth in subsection (a) of this section. Qualified applicants shall select from among the alternative elective program elements and complete those selected within a specified time period. The number of elective program elements shall be determined by the secretary and based on the activity of the participant and the nature of the proposal. All elective program elements shall be designed to result in measurable improvement and enhancement of the environmental quality of the state or shall be activities that are beneficial to the environment. Elective program elements may include, but are not limited to:

- (1) Development and maintenance of programs that provide technical assistance or mentoring to one or more specified organizations to encourage technology transfers;
- (2) Active participation in industry or business environmental improvement programs;

- (3) Publication and public distribution of annual environmental performance summary reports;
- (4) Promotion, sponsorship and participation in community environmental and advisory programs;
- (5) Development and maintenance of management programs that encourage and reward employees for meeting or exceeding requirements of environmental laws or permits and for participation in voluntary environmental activities; and
- (6) Development and implementation of programs that reduce adverse environmental impact of development, manufacturing, distribution and marketing of the participant's products or services.

The secretary may establish additional alternative elective program elements so long as the elements are designed to result in the measurable improvement and enhancement of the environmental quality of this state. Any additional alternative elective program elements established by the secretary shall have a reasonable nexus to the industry or business to which it applies.

(c) The secretary shall establish application requirements and application forms for entities to submit proposals to participate in the program. The department shall review all applications submitted for the program and shall notify the eligible applicant that the application is complete or that the application is incomplete. If the application is incomplete, the department shall describe what additional information is required to complete the application. The applicant may correct the application and resubmit it at any time.

(d) Applicants accepted into an equivalent federal program at the time of submitting an application to the department may satisfy some or all of the eligibility and application requirements pursuant to this article at the secretary's discretion.