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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

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ENROLLED

Committee Substitute for
SENATE BILL NO. 183

(By Mr. *Benson, original sponsor*)

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PASSED March 12, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE
JAMES R. McCARTNEY
SECRETARY OF STATE

THIS DATE 3/25/76

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 183
(MR. BENSON, *original sponsor*)

[Passed March 12, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article five-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring a permit from the department of natural resources for any preparation plant.

Be it enacted by the Legislature of West Virginia:

That section two, article five-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5A. WATER POLLUTION CONTROL ACT.

§20-5A-5. Prohibitions; permits required.

- 1 (a) The chief may, after public notice and opportunity
- 2 for public hearing, issue a permit for the discharge or
- 3 disposition of any pollutant or combination of pollutants
- 4 into waters of this state upon condition that such dis-
- 5 charge or disposition meets or will meet all applicable
- 6 state and federal water quality standards and effluent
- 7 limitations and all other requirements of this article.
- 8 (b) It shall be unlawful for any person, unless he holds
- 9 a permit therefor from the department, which is in full
- 10 force and effect, to:
- 11 (1) Allow sewage, industrial wastes, or other wastes,
- 12 or the effluent therefrom, produced by or emanating from
- 13 any establishment to flow into the waters of this state;

14 (2) Make, cause or permit to be made any outlet, or
15 substantially enlarge or add to the load of any existing
16 outlet, for the discharge of sewage, industrial wastes, or
17 other wastes, or the effluent therefrom, into the waters
18 of this state;

19 (3) Acquire, construct, install, modify or operate a
20 disposal system or part thereof for the direct or indirect
21 discharge or deposit of treated or untreated sewage,
22 industrial wastes, or other wastes, or the effluent there-
23 from, into the waters of this state, or any extension to
24 or addition to such disposal system;

25 (4) Increase in volume or concentration any sewage,
26 industrial wastes or other wastes in excess of the dis-
27 charges or disposition specified or permitted under any
28 existing permit;

29 (5) Extend, modify or add to any establishment, the
30 operation of which would cause an increase in the volume
31 or concentration of any sewage, industrial wastes or
32 other wastes discharging or flowing into the waters of the
33 state;

34 (6) Construct, install, modify, open, reopen, operate
35 or abandon any mine, quarry or preparation plant, or
36 dispose of any refuse or industrial wastes or other wastes
37 from any such mine or quarry or preparation plant:
38 *Provided*, That the department's permit shall only be
39 required wherever the aforementioned activities cause,
40 may cause or might reasonably be expected to cause a
41 discharge into or pollution of waters of the state, except
42 that a permit shall be required for any preparation plant:
43 *Provided, however*, That unless waived in writing by the
44 chief, every application for a permit to open, reopen or
45 operate any mine, quarry or preparation plant or to dis-
46 pose of any refuse or industrial wastes or other wastes
47 from any such mine or quarry or preparation plant shall
48 contain a plan for abandonment of such facility or opera-
49 tion, which plan shall comply in all respects to the re-
50 quirements of this article. Such plan of abandonment
51 shall be subject to modification or amendment upon
52 application by the permit holder to the chief and ap-
53 proval of such modification or amendment by the chief;

54 (7) Operate any disposal well for the injection or
55 reinjection underground of any industrial wastes, in-
56 cluding, but not limited to, liquids or gases, or convert
57 any well into such a disposal well or plug or abandon
58 any such disposal well.

59 (c) Where a person has a number of outlets emerging
60 into the waters of this state in close proximity to one
61 another, such outlets may be treated as a unit for the
62 purposes of this section, and only one permit issued for all
63 such outlets.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Chubb
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

John Dillon Jr.
Clerk of the Senate

Clarence A. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Lewis N. McManus
Speaker House of Delegates

The within approved this the 24th
March, 1976
day of _____

Arch A. Moore Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/76

Time 2:25 p.m.