WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
Committee Substitute for
SENATE BILL NO. 183

(By Mr. Brown, original sponsor)

PASSED January 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 for public hearing, issue a permit for the discharge or disposition of any pollutant or combination of pollutants into waters of this state upon condition that such discharge or disposition meets or will meet all applicable state and federal water quality standards and effluent limitations and all other requirements of this article.

8   (b) It shall be unlawful for any person, unless he holds a permit therefor from the department, which is in full force and effect, to:

11  (1) Allow sewage, industrial wastes, or other wastes, or the effluent therefrom, produced by or emanating from any establishment to flow into the waters of this state;
(2) Make, cause or permit to be made any outlet, or substantially enlarge or add to the load of any existing outlet, for the discharge of sewage, industrial wastes, or other wastes, or the effluent therefrom, into the waters of this state;

(3) Acquire, construct, install, modify or operate a disposal system or part thereof for the direct or indirect discharge or deposit of treated or untreated sewage, industrial wastes, or other wastes, or the effluent therefrom, into the waters of this state, or any extension to or addition to such disposal system;

(4) Increase in volume or concentration any sewage, industrial wastes or other wastes in excess of the discharges or disposition specified or permitted under any existing permit;

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

(6) Construct, install, modify, open, reopen, operate or abandon any mine, quarry or preparation plant, or dispose of any refuse or industrial wastes or other wastes from any such mine or quarry or preparation plant: Provided, That the department's permit shall only be required wherever the aforementioned activities cause, may cause or might reasonably be expected to cause a discharge into or pollution of waters of the state, except that a permit shall be required for any preparation plant: Provided, however, That unless waived in writing by the chief, every application for a permit to open, reopen or operate any mine, quarry or preparation plant or to dispose of any refuse or industrial wastes or other wastes from any such mine or quarry or preparation plant shall contain a plan for abandonment of such facility or operation, which plan shall comply in all respects to the requirements of this article. Such plan of abandonment shall be subject to modification or amendment upon application by the permit holder to the chief and approval of such modification or amendment by the chief;
(7) Operate any disposal well for the injection or reinjection underground of any industrial wastes, including, but not limited to, liquids or gases, or convert any well into such a disposal well or plug or abandon any such disposal well.

(c) Where a person has a number of outlets emerging into the waters of this state in close proximity to one another, such outlets may be treated as a unit for the purposes of this section, and only one permit issued for all such outlets.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. W. Hill  
Clerk of the Senate

E. A. Blanchard  
Clerk of the House of Delegates

W. F. Bartholomew  
President of the Senate

Lewis F. Mann  
Speaker House of Delegates

The within approved this the 24th day of

Thank, 1976

Ann H. Hare  
Governor
PRESENTED TO THE GOVERNOR

Date 3/18/76
Time 2:25 p.m.