

Veto- 233

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1985

—•—

ENROLLED

SENATE BILL NO. 233

(By Mr. Whitacre & Mr. Lusk)

—•—

PASSED April 13, 1985

In Effect ninety days from Passage



**ENROLLED**  
**Senate Bill No. 233**

(BY MR. WHITACRE AND MR. TUCKER)

[Passed April 13, 1985; 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 the water pollution control act; permits; prohibitions; actions for emergencies under rules and regulations of the water resources board.

*Be it enacted by the Legislature of West Virginia:*

That section five, 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.**

**PART III. PERMITS.**

**§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 discharge
- 5 or disposition meets or will meet all applicable state and
- 6 federal water quality standards and effluent limitations
- 7 and all other requirements of this article.
- 8 (b) It is unlawful for any person, unless the person holds

9 a permit therefor from the department, which is in full force  
10 and effect, to:

11 (1) Allow sewage, industrial wastes or other wastes, or  
12 the effluent therefrom, produced by or emanating from any  
13 point source, 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 of  
18 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 therefrom,  
23 into the waters of this state, or any extension to or addition  
24 to such disposal system;

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

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

33 (6) Construct, install, modify, open, reopen, operate or  
34 abandon any mine, quarry or preparation plant, or dispose  
35 of any refuse or industrial wastes or other wastes from any  
36 such mine or quarry or preparation plant. The department's  
37 permit is only required wherever the aforementioned  
38 activities cause, may cause or might reasonably be expected  
39 to cause a discharge into or pollution of waters of the state,  
40 except that a permit is required for any preparation plant.  
41 Unless waived in writing by the chief, every application for  
42 a permit to open, reopen or operate any mine, quarry or  
43 preparation plant or to dispose of any refuse or industrial  
44 wastes or other wastes from any such mine or quarry or  
45 preparation plant shall contain a plan for abandonment of  
46 such facility or operation, which plan shall comply in all  
47 respects to the requirements of this article. Such plan of  
48 abandonment is subject to modification or amendment  
49 upon application by the permit holder to the chief and  
50 approval of such modification or amendment by the chief;

51 (7) Operate any disposal well for the injection or  
52 reinjection underground of any industrial wastes,  
53 including, but not limited to, liquids or gases, or convert any  
54 well into such a disposal well or plug or abandon any such  
55 disposal well.

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

61 (d) In the event an emergency arises from any discharge,  
62 release, escape, deposit or disposition of pollutants which  
63 endangers human health or the environment or in the event  
64 of an accidental discharge, release, escape, spill, deposit or  
65 disposition of pollutants, the chief, in order to minimize or  
66 prevent pollution of the waters of the state, may in addition  
67 to the emergency orders provided for in section twelve-a of  
68 this article, take such other action as may be provided for  
69 under rules and regulations of the board.

*[Handwritten signatures and marks at the bottom of the page]*

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

.....*Harrell E. Holmes*.....  
Chairman Senate Committee

.....*Floyd Fuller*.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

.....*Todd C. Hillis*.....  
Clerk of the Senate

.....*Donald L. Hopp*.....  
Clerk of the House of Delegates

.....*Sam Tenenbaum*.....  
President of the Senate

.....*Joseph Albright*.....  
Speaker House of Delegates

Th *disapproved* ..... this the *2nd* .....  
day of *May* ..... 1985.  
*Hubert H. Hanes*  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/19/85

Time

8:45 p.m.