WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

HOUSE BILL No. 2677

(By Mr. Speaker, Mr. Chambers, and Del R. Bank)
[By Request]

Passed ........................................... April 8, 1989
In Effect ......................................... July 1, 1989

Passed ........................................... 1989

In Effect ......................................... 1989
AN ACT to amend and reenact section six, article five-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section six-a, relating to form of application for permit under the water pollution control act; information required; water quality management fund established; permit application fees; annual permit fees; dedication of proceeds; rules and regulations.

Be it enacted by the Legislature of West Virginia:

That section six, article five-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section six-a, to read as follows:

ARTICLE 5A. WATER POLLUTION CONTROL ACT.

§20-5A-6. Form of application for permit; information required.

1. The chief shall prescribe a form of application for all permits for any activity specified in section five of this article and, notwithstanding any other provision of law to the contrary, no other discharge permit or discharge authorization from any other state department, agency, commission, board or officer shall be required for such
activity except that which is required from the depart-
ment of mines by the provisions of chapter twenty-two
of this code. All applications must be submitted on a
form as prescribed above. An applicant shall furnish all
information reasonably required by any such form,
including without limiting the generality of the forego-
ing, a plan of maintenance and proposed method of
operation of the activity or activities. Until all such
required information is furnished, an application shall
not be considered a complete application. The chief and
board shall protect any information (other than effluent
data) contained in such permit application form, or
other records, reports or plans as confidential upon a
showing by any person that such information, if made
public, would divulge methods or processes entitled to
protection as trade secrets of such person. If, however,
the information being considered for confidential
treatment is contained in a national pollutant discharge
elimination form, the chief or board shall forward such
information to the regional administrator of the United
States environmental protection agency for his concur-
rence in any determination of confidentiality.

§20-5A-6a. Water quality management fund established;
permit application fees; annual permit
fees; dedication of proceeds; rules and
regulations.

(a) A special revenue fund designated the “Water
Quality Management Fund” shall be established in the
state treasury on the first day of July, one thousand nine
hundred eighty-nine.

(b) The permit application fees and annual permit fees
established and collected pursuant to this section shall
be deposited into the water quality management fund.
The director shall expend the proceeds of the water
quality management fund for the review of initial
permit applications, renewal permit applications and
permit issuance activities.

(c) The director shall promulgate rules in accordance
with the provisions of chapter twenty-nine-a of this code,
to establish a schedule of application fees for which the
appropriate fee shall be submitted by the applicant to the department with the application filed pursuant to this article for any state water pollution control permit or national pollutant discharge elimination system permit. Such schedule of application fees shall be designed to establish reasonable categories of permit application fees based upon the complexity of the permit application review process required by the department pursuant to the provisions of this article and the rules promulgated thereunder: Provided, That no initial application fee shall exceed seven thousand five hundred dollars for any facility nor shall any permit renewal application fee exceed two thousand five hundred dollars. The department shall not process any permit application pursuant to this article until said permit application fee has been received.

(d) The director shall promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code, to establish a schedule of annual permit fees which shall be assessed annually upon each person holding a state water pollution control permit or national pollutant discharge elimination system permit issued pursuant to this article. Each person holding such a permit shall pay the prescribed annual permit fee to the department pursuant to the rules and regulations promulgated hereunder. Such schedule of annual permit fees shall be designed to establish reasonable categories of annual permit fees based upon the relative potential of such categories or permits to degrade the waters of the state: Provided, That no annual permit fee may exceed two thousand five hundred dollars. Any such permit issued pursuant to this article shall be void when the annual permit fee is more than one hundred eighty days past due pursuant to the rules promulgated hereunder.

(e) The provisions of this section shall not be applicable to fees required for permits issued under article three, chapter twenty-two-a of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.
Takes effect July 1, 1989.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 16th
day of April, 1989.

Governor