

RECEIVED  
1989 APR 28 PM 4:12  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

# ENROLLED

HOUSE BILL No. 2677

(By Mr. Speaker, Mr. Chambers, + Del. R. Bink)  
[By Request]

— ● —

Passed April 8, 1989

In Effect July 1, 1989 ~~Passage~~

**ENROLLED**  
**H. B. 2677**

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE R. BURK)  
[By Request]

[Passed April 8, 1989; in effect July 1, 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  
2     permits for any activity specified in section five of this  
3     article and, notwithstanding any other provision of law  
4     to the contrary, no other discharge permit or discharge  
5     authorization from any other state department, agency,  
6     commission, board or officer shall be required for such

7 activity except that which is required from the depart-  
8 ment of mines by the provisions of chapter twenty-two  
9 of this code. All applications must be submitted on a  
10 form as prescribed above. An applicant shall furnish all  
11 information reasonably required by any such form,  
12 including without limiting the generality of the forego-  
13 ing, a plan of maintenance and proposed method of  
14 operation of the activity or activities. Until all such  
15 required information is furnished, an application shall  
16 not be considered a complete application. The chief and  
17 board shall protect any information (other than effluent  
18 data) contained in such permit application form, or  
19 other records, reports or plans as confidential upon a  
20 showing by any person that such information, if made  
21 public, would divulge methods or processes entitled to  
22 protection as trade secrets of such person. If, however,  
23 the information being considered for confidential  
24 treatment is contained in a national pollutant discharge  
25 elimination form, the chief or board shall forward such  
26 information to the regional administrator of the United  
27 States environmental protection agency for his concur-  
28 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.**

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

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

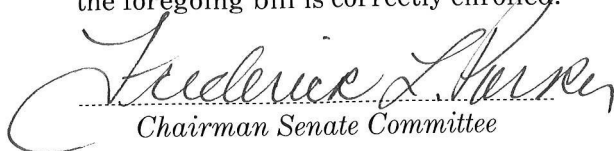
12 (c) The director shall promulgate rules in accordance  
13 with the provisions of chapter twenty-nine-a of this code,  
14 to establish a schedule of application fees for which the

15 appropriate fee shall be submitted by the applicant to  
16 the department with the application filed pursuant to  
17 this article for any state water pollution control permit  
18 or national pollutant discharge elimination system  
19 permit. Such schedule of application fees shall be  
20 designed to establish reasonable categories of permit  
21 application fees based upon the complexity of the permit  
22 application review process required by the department  
23 pursuant to the provisions of this article and the rules  
24 promulgated thereunder: *Provided*, That no initial  
25 application fee shall exceed seven thousand five hundred  
26 dollars for any facility nor shall any permit renewal  
27 application fee exceed two thousand five hundred  
28 dollars. The department shall not process any permit  
29 application pursuant to this article until said permit  
30 application fee has been received.

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

49 (e) The provisions of this section shall not be applica-  
50 ble to fees required for permits issued under article  
51 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.

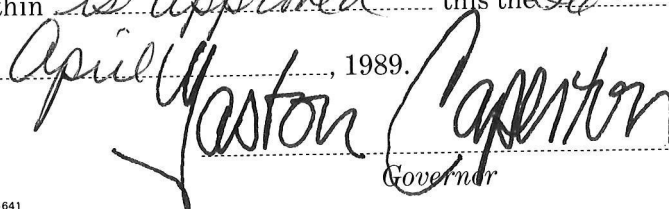
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 16<sup>th</sup>  
day of April, 1989.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/25/89

Time 2.27