WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED
Committee Substitute for
SENATE BILL NO. 149

(By Senator [Signature])

PASSED March 7, 1990
In Effect 90 days from Passage
AN ACT to amend and reenact section two, article five-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, further defining the term “other wastes” in the water pollution control act.

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.


1. Unless the context in which used clearly requires a different meaning, as used in this article:

3. (a) “Director” shall mean the director of the division of natural resources;

5. (b) “Board” shall mean the state water resources board;
(c) "Chief" shall mean the chief of the section of water resources of the division of natural resources;

(d) "Person", "persons" or "applicant" shall mean any industrial user, public or private corporation, institution, association, firm or company organized or existing under the laws of this or any other state or country; state of West Virginia; governmental agency, including federal facilities; political subdivision; county commission; municipal corporation; industry; sanitary district; public service district; drainage district; soil conservation district; watershed improvement district; partnership; trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity whatever;

(e) "Water resources", "water" or "waters" shall mean any and all water on or beneath the surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within this state, or bordering this state and within its jurisdiction, and shall include, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds (except farm ponds, industrial settling basins and ponds and water treatment facilities), impounding reservoirs, springs, wells, watercourses and wetlands;

(f) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of the waters of the state;

(g) "Sewage" shall mean water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface waters as may be present;

(h) "Industrial wastes" shall mean any liquid, gaseous, solid or other waste substance, or a combination thereof, resulting from or incidental to any process of industry, manufacturing, trade or business, or from or incidental to the development, processing or recovery of any natural resources; and the admixture with such industrial wastes of sewage or other
wastes, as hereinafter defined, shall also be considered
“industrial wastes” within the meaning of this article;

(i) “Industrial user” shall mean those industries
identified in the standard industrial classification
manual, United States Bureau of the Budget, 1967, as
amended and supplemented, under the category
“division d—manufacturing” and other classes of
significant waste producers identified under regula-
tions issued by the board or the administrator of the
United States environmental protection agency;

(j) “Other wastes” shall mean garbage, refuse,
decayed wood, sawdust, shavings, bark and other wood
debris and residues resulting from secondary process-
ing; sand, lime, cinders, ashes, offal, night soil, silt, oil,
tar, dyestuffs, acids, chemicals, heat, or all other
materials and substances not sewage or industrial
wastes which may cause or might reasonably be
expected to cause or to contribute to the pollution of
any of the waters of the state;

(k) “Establishment” shall mean an industrial estab-
ishment, mill, factory, tannery, paper or pulp mill,
mine, colliery, breaker or mineral processing opera-
tion, quarry, refinery, well, and each and every
industry or plant or works in the operation or process
of which industrial wastes, sewage or other wastes are
produced;

(l) “Sewer system” shall mean pipelines or conduits,
pumping stations, force mains and all other construc-
tions, facilities, devices and appliances appurtenant
thereto, used for collecting or conducting sewage,
industrial wastes or other wastes to a point of disposal
or treatment;

(m) “Treatment works” shall mean any plant,
facility, means, system, disposal field, lagoon, pumping
station, constructed drainage ditch or surface water
intercepting ditch, diversion ditch above or below the
surface of the ground, settling tank or pond, earthen
pit, incinerator, area devoted to sanitary landfills, or
other works not specifically mentioned herein,
installed for the purpose of treating, neutralizing,
stabilizing, holding or disposing of sewage, industrial
wastes or other wastes or for the purpose of regulating
or controlling the quality and rate of flow thereof;

(n) "Publicly owned treatment works" shall mean
any treatment works owned by the state or any
political subdivision thereof, any municipality or any
other public entity, for the treatment of pollutants;

(o) "Disposal system" shall mean a system for
treating or disposing of sewage, industrial wastes or
other wastes, or the effluent therefrom, either by
surface or underground methods, and shall be con-
strued to include sewer systems, the use of subterra-
nean spaces, treatment works, disposal wells and other
systems;

(p) "Outlet" shall mean the terminus of a sewer
system or the point of emergence of any water-carried
sewage, industrial wastes or other wastes, or the
effluent therefrom, into any of the waters of this state,
and shall include a point source;

(q) "Point source" shall mean any discernible,
confined and discrete conveyance, including, but not
limited to, any pipe, ditch, channel, tunnel, conduit,
well, discrete fissure, container, rolling stock, or vessel
or other floating craft, from which pollutants are or
may be discharged;

(r) "Activity" or "activities" shall mean any activity
or activities for which a permit is required by the
provisions of section five of this article;

(s) "Disposal well" shall mean any well drilled or
used for the injection or disposal of treated or
untreated sewage, industrial wastes or other wastes
into underground strata;

(t) "Effluent limitation" shall mean any restriction
established on quantities, rates and concentrations of
chemical, physical, biological and other constituents
which are discharged into the waters of this state;

(u) "Code" shall mean the code of West Virginia,
one thousand nine hundred thirty-one, as amended;
(v) “Division” shall mean the division of natural resources;

(w) “Well” shall mean any shaft or hole sunk, drilled, bored or dug into the earth or into underground strata for the extraction or injection or placement of any liquid or gas, or any shaft or hole sunk or used in conjunction with such extraction or injection or placement. The term “well” shall not have included within its meaning any shaft or hole sunk, drilled, bored or dug into the earth for the sole purpose of core drilling or pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural or public use; and

(x) “Pollutant” shall mean industrial wastes, sewage or other wastes as defined in this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 7th day of

Governor
PRESENTED TO THE
GOVERNOR
Date 3/10/10
Time 10:24 AM