WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

SENATE BILL NO. 608

[Originating in the Committee (By Senator [Name], on the Judiciary)]

PASSED March 7, 1990
In Effect from Passage
ENROLLED

Senate Bill No. 608

(Originating In The Committee On The Judiciary)

[Passed March 7, 1990; in effect from passage.]

AN ACT to amend and reenact sections six and twenty-two, article five-h, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to underground storage tank management.

Be it enacted by the Legislature of West Virginia:

That sections six and twenty-two, article five-h, 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 5H. WEST VIRGINIA UNDERGROUND STORAGE TANK ACT.


1 (a) The director has overall responsibility for the promulgation of rules and regulations under this article. In promulgating and revising such rules and regulations the director shall comply with the provi-
(b) The director shall promulgate rules and regulations applicable to owners or operators of underground storage tanks or other affected persons, as appropriate, as follows:

(1) A requirement for a yearly registration fee for underground storage tanks;

(2) A requirement that an owner or operator register with the director each underground storage tank after the effective date of the regulations and that an owner or operator report annually on changes in status of any underground storage tank;

(3) Such release detection, prevention and correction rules applicable to underground storage tanks as may be necessary to protect human health and the environment;

(4) Requirements for maintaining a leak detection system, inventory control systems together with tank testing, or a comparable system or method designed to identify releases from underground storage tanks in a manner consistent with the protection of human health and the environment;

(5) Requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing system;

(6) Regulations for procedures and amount of fees to be assessed for the underground storage tank administrative fund, the leaking underground storage tank response fund and the underground storage tank insurance fund established pursuant to this article, which shall include a capitalization fee to be assessed against all owners or operators of underground tanks to be used for initial establishment of the underground storage tank insurance fund;

(7) Procedures for making expenditures from the
underground storage tank administrative fund, the leaking underground storage tank response fund and the underground storage tank insurance fund;

(8) Acceptable methods by which an owner or operator may demonstrate financial responsibility;

(9) Requirements for reporting of releases and corrective action taken in response to a release;

(10) Requirements for taking corrective action in response to a release from an underground storage tank;

(11) Requirements for the closure of tanks to prevent future releases of regulated substances to the environment;

(12) Requirements for certification of installation, removal, retrofit, testing and inspection of underground storage tanks and leak detection systems by a registered professional engineer or other qualified person;

(13) Requirements for public participation in the enforcement of the state underground storage tank program;

(14) Procedures establishing when and how the director shall determine if information obtained by any agency under this article is confidential;

(15) Standards of performance for new underground storage tanks; or

(16) Any other rules, regulations or standards necessary and appropriate for the effective implementation and administration of this article.


(a) The director may establish an underground storage tank insurance fund for the purpose of satisfying the financial responsibility requirements established pursuant to section ten of this article. In addition to the capitalization fee to be assessed against all owners or operators of underground storage tanks provided by subdivision six, subsection (b), section six
of this article, the director shall promulgate rules and
regulations establishing an annual financial responsi-
bility assessment to be assessed on and paid by owners
or operators of underground storage tanks who are
unable to obtain insurance or otherwise meet the
financial responsibility requirements established
pursuant to section ten of this article. Such assess-
ments shall be paid into the state treasury into a
special fund designated “the underground storage tank
insurance fund.”

(b) At the end of each fiscal year, any unexpended
balance of such assessment shall not be transferred to
the general revenue fund but shall remain in the
underground storage tank insurance fund.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within do approve this the 15th
day of March 1990.

Governor