

HB 4519

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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 4519

(By Delegate S. Michael and Mezzalana)



Passed March 8, 1996

In Effect Ninety Days From Passage

ENROLLED

H. B. 4519

(BY DELEGATES MICHAEL AND MEZZATESTA)

[Passed March 8, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article eleven, chapter twenty-two-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the Interstate Commission on the Potomac River Basin.

Be it enacted by the Legislature of West Virginia:

That section one, article eleven, chapter twenty-two-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN.

§22C-11-1. Creation of commission; members; terms; compact with other political units.

1 There is hereby created a commission consisting of
2 three members, to act jointly with commissioners ap-
3 pointed for like purposes by the commonwealths of
4 Pennsylvania and Virginia, the state of Maryland, and the
5 District of Columbia, and an additional three members to
6 be appointed by the president of the United States, and
7 which, together with the other commissioners appointed as
8 hereinbefore mentioned, shall constitute and be known as
9 the "Interstate Commission on the Potomac River Basin."
10 The said commission of the state of West Virginia shall
11 consist of three members. The governor, by and with the
12 advice and consent of the Senate, shall appoint two
13 persons as two of such commissioners, each of whom shall
14 be a resident and citizen of this state. The terms of one of

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15 the said two commissioners first appointed shall be three
16 years and of the other shall be six years; and their
17 successors shall be appointed by the governor, by and with
18 the advice and consent of the Senate, for terms of six years
19 each. Each commissioner shall hold office until his
20 successor shall be appointed and qualified. Vacancies
21 occurring in the office of any such commissioner for any
22 reason or cause shall be filled by appointment by the
23 governor, by and with the advice and consent of the
24 Senate, for the unexpired term. The third commissioner
25 from this state is the director of the division of
26 environmental protection, and the term of the ex officio
27 commissioner terminates at the time he ceases to hold said
28 office. Said ex officio commissioner may delegate, from
29 time to time, to any deputy or other subordinate in his
30 division or office, the power to be present and participate,
31 including voting, as his representative or substitute at any
32 meeting of or hearing by or other proceeding of the
33 commission. The term of each of the initial three members
34 shall begin at the date of the appointment of the two
35 appointive commissioners: *Provided*, That the compact
36 hereinafter referred to shall then have gone into effect, in
37 accordance with article six thereof, otherwise to begin
38 upon the date said compact shall become effective, in
39 accordance with said article six.

40 Any commissioner may be removed from office by
41 the governor.

42 The governor of the state of West Virginia is hereby
43 authorized and directed to execute a compact on behalf of
44 the state of West Virginia, with the other states and the
45 district hereinabove referred to, who may by their
46 legislative bodies so authorize a compact in form
47 substantially as follows:

48 A COMPACT

49 Whereas, It is recognized that abatement of existing
50 pollution and the control of future pollution of interstate
51 streams can best be promoted through a joint agency
52 representing the several states located wholly or in part
53 within the area drained by any such interstate streams; and

94 from which they are appointed, and shall serve without
95 compensation from the commission but shall be paid by
96 the commission their actual expenses incurred and
97 incident to the performance of their duties.

98 (A) The commission shall meet and organize within
99 thirty days after the effective date of this compact, shall
100 elect from its number a chairman and vice chairman, shall
101 adopt suitable bylaws, shall make, adopt and promulgate
102 such rules and regulations as are necessary for its
103 management and control, and shall adopt a seal.

104 (B) The commission shall appoint, and at its pleasure,
105 remove or discharge such officers and legal, engineering,
106 clerical, expert and other assistants as may be required to
107 carry the provisions of this compact into effect, and shall
108 determine their qualifications and fix their duties and
109 compensation. Such personnel as may be employed shall
110 be employed without regard to any civil service or other
111 similar requirements for employees of any of the
112 signatory bodies. The commission may maintain one or
113 more offices for the transaction of its business and may
114 meet at any time within the area of the signatory bodies.

115 (C) The commission shall keep accurate accounts of
116 all receipts and disbursements and shall make an annual
117 report thereof and shall in such report set forth in detail
118 the operations and transactions conducted by it pursuant
119 to this compact. The commission, however, shall not incur
120 any obligations for administrative or other expenses prior
121 to the making of appropriations adequate to meet the
122 same nor shall it in any way pledge the credit of any of
123 the signatory bodies. Each of the signatory bodies reserves
124 the right to make at any time an examination and audit of
125 the accounts of the commission.

126 (D) A quorum of the commission shall, for the
127 transaction of business, the exercise of any powers, or the
128 performance of any duties, consist of at least six members
129 of the commission who shall represent at least a majority
130 of the signatory bodies: *Provided*, That no action of the
131 commission relating to policy or stream classification or
132 standards shall be binding on any one of the signatory
133 bodies unless at least two of the commissioners from such

134 signatory body shall vote in favor thereof.

135 Article II

136 The commission shall have the power:

137 (A) To collect, analyze, interpret, coordinate, tabulate,
138 summarize and distribute technical and other data relative
139 to, and to conduct studies, sponsor research and prepare
140 reports on, pollution and other water problems of the
141 conservancy district.

142 (B) To cooperate with the legislative and
143 administrative agencies of the signatory bodies, or the
144 equivalent thereof, and with other commissions and
145 federal, local governmental and nongovernmental
146 agencies, organizations, groups and persons for the
147 purpose of promoting uniform laws, rules or regulations
148 for the abatement and control of pollution of streams and
149 the utilization, conservation and development of the water
150 and associated land resources in the said conservancy
151 district.

152 (C) To disseminate to the public information in
153 relation to stream pollution problems and the utilization,
154 conservation and development of the water and associated
155 land resources of the conservancy district and on the aims,
156 views, purposes and recommendations of the commission
157 in relation thereto.

158 (D) To cooperate with, assist, and provide liaison for
159 and among, public and nonpublic agencies and
160 organizations concerned with pollution and other water
161 problems in the formulation and coordination of plans,
162 programs and other activities relating to stream pollution
163 or to the utilization, conservation or development of water
164 or associated land resources, and to sponsor cooperative
165 action in connection with the foregoing.

166 (E) In its discretion and at any time during or after the
167 formulation thereof, to review and to comment upon any
168 plan or program of any public or private agency or
169 organization relating to stream pollution or the utilization,
170 conservation or development of water or associated land
171 resources.

172 (F) (1) To make, and, if needful from time to time,
173 revise and to recommend to the signatory bodies,
174 reasonable minimum standards for the treatment of
175 sewage and industrial or other wastes now discharged or to
176 be discharged in the future to the streams of the
177 conservancy district, and also, for cleanliness of the
178 various streams in the conservancy district.

179 (2) To establish reasonable physical, chemical and
180 bacteriological standards of water quality satisfactory for
181 various classifications of use. It is agreed that each of the
182 signatory bodies through appropriate agencies will
183 prepare a classification of its interstate waters in the district
184 in entirety or by portions according to present and
185 proposed highest use, and for this purpose technical
186 experts employed by appropriate state water pollution
187 control agencies are authorized to confer on questions
188 relating to classification of interstate waters affecting two
189 or more states. Each signatory body agrees to submit its
190 classification of its interstate waters to the commission with
191 its recommendations thereon.

192 The commission shall review such classification and
193 recommendations and accept or return the same with its
194 comments. In the event of return, the signatory body will
195 consider the comments of the commission and resubmit
196 the classification proposal, with or without amendment,
197 with any additional comments for further action by the
198 commission.

199 It is agreed that after acceptance of such classification,
200 the signatory body through its appropriate state water
201 pollution control agencies will work to establish programs
202 of treatment of sewage and industrial wastes which will
203 meet or exceed standards established by the commission
204 for classified waters. The commission may from time to
205 time make such changes in definitions of classifications
206 and in standards as may be required by changed
207 conditions or as may be necessary for uniformity and in a
208 manner similar to that in which these standards and
209 classifications were originally established.

210 It is recognized, owing to such variable factors as
211 location, size, character and flow and the many varied uses

212 of the waters subject to the terms of this compact, that no
213 single standard of sewage and waste treatment and no
214 single standard of quality of receiving waters is practical
215 and that the degree of treatment of sewage and industrial
216 wastes should take into account the classification of the
217 receiving waters according to present and proposed
218 highest use, such as for drinking water supply, bathing and
219 other recreational purposes, maintenance and propagation
220 of fish life, industrial and agricultural uses, navigation and
221 disposal of wastes.

222 Article III

223 For the purpose of dealing with the problems of
224 pollution and of water and associated land resources in
225 specific areas which directly affect two or more, but not
226 all, signatory bodies, the commission may establish
227 sections of the commissions consisting of the
228 commissioners from such affected signatory bodies:
229 *Provided*, That no signatory body may be excluded from
230 any section in which it wishes to participate. The
231 commissioners appointed by the president of the United
232 States may participate in any section. The commission
233 shall designate, and from time to time may change, the
234 geographical area with respect to which each section shall
235 function. Each section shall, to such extent as the
236 commission may from time to time authorize, have
237 authority to exercise and perform with respect to its
238 designated geographical area any power or function
239 vested in the commission, and in addition may exercise
240 such other powers and perform such functions as may be
241 vested in such section by the laws of any signatory body
242 or by the laws of the United States. The exercise or
243 performance by a section of any power or function vested
244 in the commission may be financed by the commission,
245 but the exercise or performance of powers or functions
246 vested solely in a section shall be financed through funds
247 provided in advance by the bodies, including the United
248 States, participating in such section.

249 Article IV

250 The moneys necessary to finance the commission in
251 the administration of its business in the conservancy

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

Randy Schuman
Chairman Senate Committee

Randy Leavitt
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.
Russell Adams
Clerk of the Senate

Brian M. Gray
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Paul E. Patton
Speaker of the House of Delegates

The within is approved this the *25th* day of *March*, 1996.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR,

Date 3/22/86

Time 9:30 am

JSC