

HB 2684

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WEST VIRGINIA LEGISLATURE

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FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE FOR House Bill No. 2684

(By Delegates Michael, Compton, trump,
Jenkins, Capito, Johnson, and Amores)



Passed March 11, 1999

In Effect Ninety Days from Passage

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LEGISLATIVE DEPARTMENT
STATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE

FOR

H. B. 2684

(BY DELEGATES MICHAEL, COMPTON, TRUMP,
JENKINS, CAPITO, JOHNSON AND AMORES)

[Passed March 11, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article eleven, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to application and permit fees paid to the division of environmental protection for certain permits; continuing the water quality management fund; permitting the director of the division of environmental protection to expend interest, assessments and other moneys deposited in the water quality management fund; increasing maximum fees for permit applications and permits issued under the water pollution control act; exempting home aerator units of six hundred gallons and under; changing the circumstances under which permits become void for failure to pay annual permit fees; requiring the director of the division of environmental protection to promulgate emergency and legislative rules to implement a revised schedule for application and permit fees; and reporting requirements.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-10. Water quality management fund established; permit application fees; annual permit fees; dedication of proceeds; rules.

1 (a) The special revenue fund designated the “Water Quality
2 Management Fund” established in the state treasury on the first
3 day of July, one thousand nine hundred eighty-nine is hereby
4 continued.

5 (b) The permit application fees and annual permit fees
6 established and collected pursuant to this section; any interest
7 or surcharge assessed and collected by the director; interest
8 accruing on investments and deposits of the fund; and any other
9 moneys designated by the director shall be deposited into the
10 water quality management fund. The director shall expend the
11 proceeds of the water quality management fund for the review
12 of initial permit applications, renewal permit applications and
13 permit issuance activities.

14 (c) The director shall propose for promulgation, legislative
15 rules in accordance with the provisions of chapter twenty-nine-a
16 of this code, to establish a schedule of application fees for
17 which the appropriate fee shall be submitted by the applicant to
18 the division with the application filed pursuant to this article for
19 any state water pollution control permit or national pollutant
20 discharge elimination system permit. The schedule of applica-
21 tion fees shall be designed to establish reasonable categories of
22 permit application fees based upon the complexity of the permit
23 application review process required by the division pursuant to
24 the provisions of this article and the rules promulgated thereun-
25 der: *Provided*, That no initial application fee may exceed fifteen
26 thousand dollars for any facility nor may any permit renewal
27 application fee exceed five thousand dollars. The division may
28 not process any permit application pursuant to this article until
29 the required permit application fee has been received.

30 (d) The director shall propose for promulgation legislative
31 rules in accordance with the provisions of chapter twenty-nine-a
32 of this code, to establish a schedule of permit fees to be
33 assessed annually upon each person holding a state water
34 pollution control permit or national pollutant discharge elimina-
35 tion system permit issued pursuant to this article. Each person
36 holding a permit shall pay the prescribed annual permit fee to
37 the division pursuant to the rules promulgated hereunder:
38 *Provided*, That no person holding a permit for a home aerator
39 of six hundred gallons and under shall be required to pay an
40 annual permit fee. The schedule of annual permit fees shall be
41 designed to establish reasonable categories of annual permit
42 fees based upon the relative potential of categories or permits
43 to degrade the waters of the state: *Provided*, That no annual
44 permit fee may exceed five thousand dollars. The director may
45 declare any permit issued pursuant to this article void when the
46 annual permit fee is more than ninety days past due pursuant to
47 the rules promulgated hereunder. Voiding of the permit will
48 only become effective upon the date the director mails, by
49 certified mail, written notice to the permittee's last known
50 address notifying the permittee that the permit has been voided.

51 (e) The director shall promulgate an emergency rule and
52 propose a legislative rule for promulgation in accordance with
53 the provisions of article three, chapter twenty-nine-a of this
54 code by the first day of July, one thousand nine hundred ninety-
55 nine, to implement the fee schedule authorized by the amend-
56 ments to this section enacted in the year one thousand nine
57 hundred ninety-nine. Beginning the first day of September, one
58 thousand nine hundred ninety-nine, the director shall file a
59 quarterly report with the joint committee on government and
60 finance setting forth the fees established and collected pursuant
61 to this section.

62 (f) The provisions of this section are not applicable to fees
63 required for permits issued under article three of this chapter.

Enr. Com. Sub. for H. B. 2686] 4

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



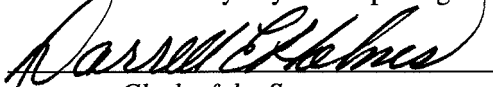
Chairman Senate Committee



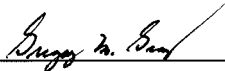
Chairman House Committee

Originating in the House.

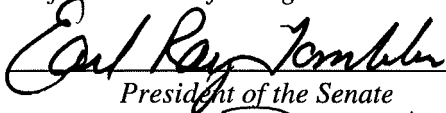
Takes effect ninety days from passage.)



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within approved this the 24th
day of March, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date

3/22/99

Time

10:20am