WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

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ENROLLED

House Bill No. 4551

(By Mr. Speaker, Mr. Kiss and Delegates
Amores and Michael)

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Passed March 6, 2002

In Effect Ninety Days from Passage
AN ACT to amend article fifteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to beneficial use of sludge and requiring promulgation of emergency and legislative rules.

Be it enacted by the Legislature of West Virginia:

That article fifteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, to read as follows:

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.


(a) Any sludge or other material determined by the secret-
ments governing sewage sludge, and any other requirements
determined to be necessary by the secretary to protect human
health and the environment. Persons seeking to beneficially use
sludge must meet the requirements of this article and the rules
promulgated thereunder.

(b) In order to enhance the resource recovery and recycling
goals of this act and to encourage the beneficial use of sludge
or other materials, the secretary shall propose for promulgation
in accordance with the provisions of article three, chapter
twenty-nine-a of this code, emergency and legislative rules to
effectuate the purposes of this section. The secretary shall at a
minimum include the following in the proposed rules:

(1) A mechanism to determine beneficial use characteristics;

(2) A method to determine pollutant content of the material
proposed for beneficial use;

(3) A method to determine that the beneficial properties of
the material are derived from the raw material rather than
additives;

(4) Buffer zones or other criteria necessary to adequately
protect ground and surface water;

(5) Necessary restrictions of pollutant levels in the material;

(6) Analytical methods, loading rates and storage require-
ments for the material;

(7) Permit requirements; and

(8) Appropriate fees.
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.

In 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 is approved this the 15th day of March, 2002.

Governor