

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2005



ENROLLED

Committee Substitute for

SENATE BILL NO. *154*

(By Senator *Bauman*)



PASSED *April 7, 2005*

In Effect *ninety days from* **Passage**

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 154

(SENATOR BOWMAN, *original sponsor*)

[Passed April 7, 2005; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-23, relating to the beneficial use of water treatment plant sludge; requiring promulgation of legislative rules; and setting forth minimum requirements for the legislative rules.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §22-15-23, to read as follows:

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-23. Water treatment plant sludge.

- 1 (a) Water treatment plant sludge determined by the
- 2 Secretary to have beneficial properties may be beneficially
- 3 used in accordance with requirements determined neces-

4 sary by the Secretary to protect human health and the
5 environment. Persons seeking to beneficially use water
6 treatment plant sludge shall meet the requirements of this
7 article and the rules promulgated under this article.

8 (b) In order to enhance the resource recovery and
9 recycling goals of this article and to encourage the benefi-
10 cial use of water treatment plant sludge, the Secretary
11 shall propose, for promulgation, legislative rules to
12 effectuate the purposes of this section in accordance with
13 the provisions of article three, chapter twenty-nine-a of
14 this code. The Secretary shall, at a minimum, include the
15 following in the proposed rules:

16 (1) A mechanism to determine beneficial use characteris-
17 tics of water treatment plant sludge;

18 (2) A method to determine pollutant content of water
19 treatment plant sludge proposed for beneficial use;

20 (3) A method to determine that the beneficial properties
21 of the water treatment plant sludge are derived from the
22 raw material rather than additives;

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

25 (5) Necessary restrictions of pollutant levels in the water
26 treatment plant sludge;

27 (6) Analytical methods and storage requirements for
28 water treatment plant sludge;

29 (7) Permit requirements; and

30 (8) Appropriate fees.

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

C. Nancy White
.....
Chairman Senate Committee

R. Reba Burr
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel Holmes
.....
Clerk of the Senate

Brygg E. Pax
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *21st*
Day of *April*, 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time 3:50 pm