WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 461

(SENAIORS CARUTH, CHAFIN, TOMBLIN,
(MR. PRESIDENT), BROWNING, EDGELL, GREEN,
HELMICK, PLYMALE, STOLLINGS, JENKINS, LAIRD,
MINARD, YOST, BARNES, HALL, DEEM, OLIVERIO,
WILLIAMS AND FANNING, original sponsors)

[Passed April 11, 2009; in effect ninety days from passage.]
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(Senators Caruth, Chafin, Tomblin (Mr. President), Browning, Edzell, Green, Helmick, Plymale, Stollings, Jenkins, Laird, Minard, Yost, Barnes, Hall, Deem, Oliverio, Williams and Fanning, original sponsors)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to extending the time for compliance with selenium effluent limits; requiring a certain comprehensive study; and filing a report with Joint Committee on Government and Finance.

Be it enacted by the Legislature of West Virginia:

That §22-11-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-6. Requirement to comply with standards of water quality and effluent limitations.
All persons affected by rules establishing water quality standards and effluent limitations shall promptly comply therewith: Provided, That where necessary and proper, the chief may specify a reasonable time for persons not complying with such standards and limitations to comply therewith, and upon the expiration of any such period of time, the chief shall revoke or modify any permit previously issued which authorized the discharge of treated or untreated sewage, industrial wastes or other wastes into the waters of this state which result in reduction of the quality of such waters below the standards and limitations established therefor by rules of the board or director. The Legislature finds that there are concerns within West Virginia regarding the applicability of the research underlying the federal selenium criteria to a state such as West Virginia which has high precipitation rates and free-flowing streams and that the alleged environmental impacts that were documented in applicable federal research have not been observed in West Virginia and, further, that considerable research is required to determine if selenium is having an impact on West Virginia streams, to validate or determine the proper testing methods for selenium and to better understand the chemical reactions related to selenium mobilization in water. For existing NPDES permits, the department may extend the time period for achieving water quality-based effluent limits for selenium discharges into waters supporting aquatic life uses to July 1, 2012, upon compliance with all federally required public notice requirements for such modifications, upon a finding that the permittee cannot comply with its existing compliance schedule and that an extension is not in violation of any state or federal laws, rules or regulations. The West Virginia Department of Environmental Protection is hereby directed to undertake a comprehensive study relating to selenium and prepare a report detailing such findings and submitting the report to the Joint Committee on Government and Finance no later
than January 1, 2010. In conducting such study, the West Virginia Department of Environmental Protection shall consult with, among others, West Virginia University and the West Virginia Water Research Institute.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 13th Day of May, 2009.

Governor
PRESENTED TO THE GOVERNOR

MAY 7 2009

Time 11:15