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WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4504

(By Delegates Kominar, Proudfoot, Boggs,
Browning, H. White and Stalnaker)



Passed March 9, 2002

In Effect July 1, 2002

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WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4504

(BY DELEGATES KOMINAR, PROUDFOOT, BOGGS,
BROWNING, H. WHITE AND STALNAKER)

[Passed March 9, 2002; in effect July 1, 2002.]

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 permit application fees and annual permit fees; establishing fees for surface coal mining operations; and prohibiting setting fees for surface coal mining operations by rule.

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 secretary; interest
8 accruing on investments and deposits of the fund; and any other
9 moneys designated by the secretary shall be deposited into the
10 water quality management fund. The secretary 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 secretary 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 all
17 applications except for surface coal mining operations as
18 defined in article three of this chapter. The appropriate fee shall
19 be submitted by the applicant to the department with the
20 application filed pursuant to this article for any state water
21 pollution control permit or national pollutant discharge elimina-
22 tion system permit. The schedule of application fees shall be
23 designed to establish reasonable categories of permit applica-
24 tion fees based upon the complexity of the permit application
25 review process required by the department pursuant to the
26 provisions of this article and the rules promulgated under this
27 article: *Provided*, That no initial application fee may exceed
28 fifteen thousand dollars for any facility nor may any permit
29 renewal application fee exceed five thousand dollars. The
30 department may not process any permit application pursuant to
31 this article until the required permit application fee has been
32 received.

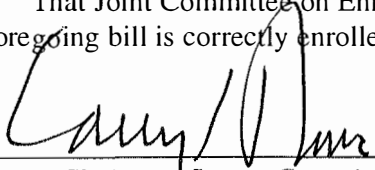
33 (d) The secretary shall propose for promulgation legislative
34 rules in accordance with the provisions of chapter twenty-nine-a
35 of this code, to establish a schedule of permit fees to be
36 assessed annually upon each person holding a state water
37 pollution control permit or national pollutant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

56 (e) The secretary shall file a quarterly report with the joint
57 committee on government and finance setting forth the fees
58 established and collected pursuant to this section.

59 (f) On the first day of July, two thousand two, and each year
60 thereafter, a one thousand dollar fee shall be assessed for permit
61 applications and renewals submitted pursuant to this article for
62 surface coal mining operations, as defined in article three of this
63 chapter. On the first day of July, two thousand two, and each
64 year thereafter, a five hundred dollar fee shall be assessed for
65 application for permit modifications submitted pursuant to this
66 article for surface coal mining operations, as defined in article

67 three of this chapter. Beginning the first day of July, two
68 thousand two and every year thereafter, an annual permit fee
69 shall be assessed on the issuance anniversary dates of all
70 permits issued pursuant to this article for surface coal mining
71 operations as defined in article three of this chapter. The annual
72 permit fee shall be collected as follows: Five hundred dollars
73 for the fiscal year beginning on the first day of July, two
74 thousand two and one thousand dollars for each fiscal year
75 thereafter.

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



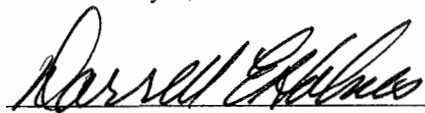
Chairman Senate Committee



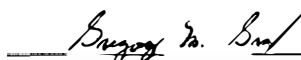
Chairman House Committee

Originating in the House.

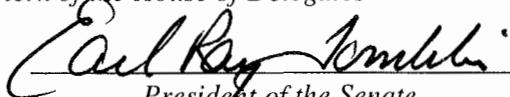
In effect July 1, 2002.



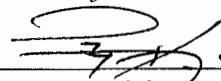
Clerk of the Senate



Clerk of the House of Delegates

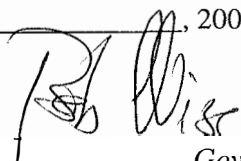


President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April, 2002.



Governor

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