

HB 2474

FILED

2009 APR 11 PM 3: 01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

House Bill No. 2474

(By Delegates Argento, Talbott, Martin, Staggers, Evans,
Williams, Tabb, C. Miller and Beach)



Passed April 7, 2009

In Effect Ninety Days from Passage

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H. B. 2474

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(BY DELEGATES ARGENTO, TALBOTT, MARTIN, STAGGERS,
EVANS, WILLIAMS, TABB, C. MILLER AND BEACH)

[Passed April 7, 2009; 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 §19-29-6; and to amend and reenact §22-15-22 of said code, all relating to the regulation of land-based aquaculture facilities; exempting aquaculture facilities from certain sludge management requirements; and providing the Commissioner of Agriculture rule-making authority to promulgate rules after consultation with the Department of Environmental Protection, concerning the disposal or application of waste produced from an aquaculture facility.

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 §19-29-6; and that §22-15-22 of said code be amended and reenacted, all to read as follows:

CHAPTER 19. AGRICULTURE.

ARTICLE 29. PRODUCTION OF NONTRADITIONAL AGRICULTURE PRODUCTS.

§19-29-6. Waste disposal from an aquaculture facility.

1 After consultation with the Department of Environmental
2 Protection, the commissioner shall propose rules for
3 legislative approval in accordance with article three, chapter
4 twenty-nine-a of this code, to include the disposal or
5 application of waste produced from an aquaculture facility.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-22. Sludge management.

1 (a) Any sludge or other material determined by the
2 secretary to have beneficial properties similar to sewage
3 sludge may be beneficially used in accordance with the
4 applicable requirements governing sewage sludge, and any
5 other requirements determined to be necessary by the
6 secretary to protect human health and the environment.
7 Persons seeking to beneficially use sludge must meet the
8 requirements of this article and the rules promulgated under
9 this article.

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

18 (1) A mechanism to determine beneficial use
19 characteristics;

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

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

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

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

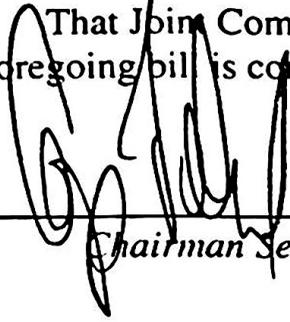
29 (6) Analytical methods, loading rates and storage
30 requirements for the material;

31 (7) Permit requirements; and

32 (8) Appropriate fees.

33 (c) These rules do not apply to land-based aquaculture
34 facilities.

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

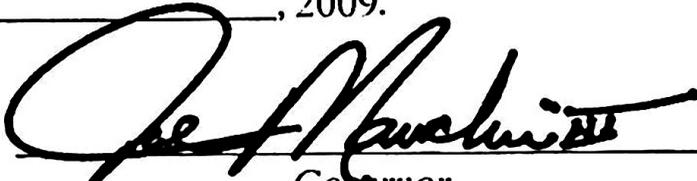


President of the Senate



Speaker of the House of Delegates

The within is approved this the 17th
day of April, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 9 2009

Time 4:15 pm