

1 **ENROLLED**

2 **H. B. 2625**

3
4 (By Delegates Ashley and Ireland)

5 [Passed March 12, 2015; in effect ninety days from passage.]
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9 AN ACT to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating
10 to the Hazardous Waste Management Fee Fund, by extending its sunset provision from June
11 30, 2015 to June 30, 2020.

12 *Be it enacted by the Legislature of West Virginia:*

13 That §22-18-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted
14 to read as follows:

15 **ARTICLE 18. HAZARDOUS WASTE MANAGEMENT ACT.**

16 **§22-18-22. Appropriation of funds; Hazardous Waste Management Fund.**

17 (a) The net proceeds of all fines, penalties and forfeitures collected under this article shall
18 be appropriated as directed by section five, article XII of the Constitution of West Virginia. For the
19 purposes of this section, the net proceeds of the fines, penalties and forfeitures are considered the
20 proceeds remaining after deducting therefrom those sums appropriated by the Legislature for
21 defraying the cost of administering this article. All permit application fees collected under this
22 article shall be paid into the State Treasury into a special fund designated the Hazardous Waste
23 Management Fund. In making the appropriation for defraying the cost of administering this article,
24 the Legislature shall first take into account the sums included in that special fund prior to deducting
25 additional sums as may be needed from the fines, penalties and forfeitures collected pursuant to this
26 article.

1 (b) Effective on July 1, 2003, there is imposed an annual certification fee for facilities that
2 manage hazardous waste, as defined by the federal Resource Conservation and Recovery Act, as
3 amended. The secretary shall propose a rule for legislative approval in accordance with the
4 provisions of article three, chapter twenty-nine-a of this code to establish the certification fee. The
5 rule shall be a product of a negotiated rule-making process with the facilities subject to the rule. The
6 rule shall, at a minimum, establish different fee rates for facilities based on criteria established in the
7 rule. The total amount of fees generated raise no more funds than are necessary and adequate to
8 meet the matching requirements for all federal grants which support the hazardous waste
9 management program, but shall not exceed \$700,000 per year.

10 (c) The revenues collected from the annual certification fee shall be deposited in the State
11 Treasury to the credit of the Hazardous Waste Management Fee Fund, which is continued. Moneys
12 of the fund, together with any interest or other return earned on the fund, shall be expended to meet
13 the matching requirements of federal grant programs which support the hazardous waste
14 management program. Expenditures from the fund are for the purposes set forth in this article and
15 are not authorized from collections, but are to be made only in accordance with appropriation by the
16 Legislature and in accordance with the provisions of article three, chapter twelve of this code and
17 upon the fulfillment of the provisions set forth in article two, chapter five-a of this code. Amounts
18 collected which are found, from time to time, to exceed the funds needed for purposes set forth in
19 this article may be transferred to other accounts by appropriation of the Legislature.

20 (d) The fee provided in subsection (b) of this section and the fund established in subsection
21 (c) of this section shall terminate on June 30, 2020. The department shall, by December 31 of each
22 year, report to the Joint Committee on Government and Finance regarding moneys collected into the
23 Hazardous Waste Management Fee Fund and expenditures by the agency, including any federal
24 matching moneys received and providing an accounting on the collection of the fee by type of permit
25 activity, funds being expended and current and future projected balances of the fund.

