WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5074

By Delegate Hansen

[Introduced January 25, 2024; Referred to the Committee on Energy and Manufacturing then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-4, relating to requiring disclosure of the lawful activity that is the basis of a permit application with the Department of Environmental Protection; and providing exceptions thereto.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION.

§22-1-4. Disclosure of purpose for permitted activity.

The Legislature finds that when an industrial, manufacturing, or other activity necessitates a permit pursuant to this chapter, that the public and residents in the proximity of that activity have a right to know the nature and purpose of the permitted activity, and that the entity applying for a permit shall disclose the lawful purpose of the activity with sufficient specificity to put the public on notice of the proposed activities that will occur at the permit location. The Director of the Department of Environmental Protection shall require, for a permit pursuant to this provisions of this chapter, disclosure of this information as part of the permit application: *Provided,* That the provisions of this section may not require disclosure of trade secrets or other propriety information by the applicant.

NOTE: The purpose of this bill is to require the purpose of any activity permitted by the Department of Environmental Protection to allow public disclosure of activities at a permitted location.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.