

1 available by the Division of Highways, as well as federal, state or
2 private grants for remediation of waste tire piles and for the
3 proper disposal of waste tires removed from waste tire piles.

4 (b) All authority to promulgate legislative rules necessary to
5 implement ~~the provisions of this article is hereby~~ transferred from
6 the Division of Highways to the Secretary of the Department of
7 Environmental Protection as of the effective date of enactment of
8 this section and article during the 2005 session of the
9 Legislature. Any legislative rules ~~promulgated by~~ the Commissioner
10 of the Division of Highways promulgated in furtherance of the waste
11 tire remediation program established in former article twenty-four,
12 chapter seventeen of this code shall remain in force ~~and effect~~ as
13 if promulgated by the secretary until they are amended in
14 accordance with ~~the provisions of~~ article three, chapter twenty-
15 nine-a of this code.

16 (c) The secretary also has the following powers:

17 (1) To apply and carry out ~~the provisions of this article and~~
18 the rules promulgated under this article.

19 (2) To investigate, from time to time, the operation ~~and~~
20 ~~effect~~ of this article and ~~of the~~ rules promulgated under this
21 article and ~~to~~ report his or her findings and recommendations to
22 the Legislature and the Governor.

23 (d) On or before July 1, 2006, the secretary shall determine
24 the location, approximate size and potential risk to the public of

1 all waste tire piles in the state and establish ~~in descending~~
2 ~~order,~~ a waste tire remediation list. The secretary may also
3 remediate any waste tire pile consisting of twenty-five tires or
4 more, provided the removal criteria meets all other requirements of
5 this article.

6 (e) The secretary may contract with the Department of Health
7 and Human Resources or the Division of Corrections, or both, to
8 remediate or assist in remediation of waste tire piles throughout
9 the state. Use of available Department of Health and Human
10 Resources and the Division of Corrections work programs ~~shall be~~ is
11 given priority status in the contract process so long as such
12 programs prove a cost-effective method of remediating waste tire
13 piles.

14 (f) Waste tire remediation shall be stopped upon the discovery
15 of any potentially hazardous material at a remediation site. The
16 department shall respond to the discovery in accordance with ~~the~~
17 ~~provisions of~~ article nineteen of this chapter.

18 (g) The secretary may establish a tire disposal program within
19 the department to provide for a cost effective and efficient method
20 to accept passenger car and light truck waste tires at locations
21 designated by the department that have sufficient space for
22 temporary storage of waste tires and personnel to accept and handle
23 waste tires. The secretary may pay a fee for each tire an
24 individual West Virginia resident or West Virginia business brings

1 to the department. The secretary may establish a limit on the
2 number of tires an individual or business may be paid for during
3 any calendar month. The secretary may in his or her discretion
4 authorize commercial businesses to participate in the collection
5 program. ~~Provided, That no~~ No person or business who has a waste
6 tire pile subject to remediation under this article may participate
7 in this program.

8 (h) The Commissioner of the Division of Highways may pledge
9 not more than \$2,500,000 annually of the moneys appropriated,
10 deposited or accrued in the A. James Manchin Fund created by
11 section nine of this article to the payment of debt service,
12 including the funding of reasonable reserves, on bonds issued by
13 the Water Development Authority pursuant to section seventeen-a,
14 article fifteen-a, chapter thirty-one to finance infrastructure
15 projects relating to waste tire processing facilities located in
16 this state. ~~Provided, That a~~ A waste tire processing facility
17 shall be determined by the Solid Waste Management Board,
18 established pursuant to ~~the provisions of~~ article three, chapter
19 twenty-two-c, to meet all applicable federal and state
20 environmental laws and rules and to aid the state in efforts to
21 promote and encourage recycling and use of constituent component
22 parts of waste tires in an environmentally sound manner. ~~Provided,~~
23 ~~however, That the~~ The waste tire processing facility shall have a
24 capital cost of not less than \$300 million and the council for

1 community and economic development shall determine that the waste
2 tire processing facility is a viable economic development project
3 of benefit to the state's economy.

NOTE: The purpose of this bill is to permit the Department of Environmental Protection to remediate any waste tire pile in the state consisting of twenty-five or more tires.

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