

Senate Bill No. 547

(By Senator Hall)

[Introduced February 18, 2011; referred to the Committee on
Natural Resources; and then to the Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §22-11-31, relating
to the West Virginia Water Research Institute's development of
a method for assessing the state's narrative water quality
standards; and determining whether streams meet the federal
Clean Water Act's designated use requirements.

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 §22-11-31, to read as
follows:

ARTICLE 11. WATER POLLUTION CONTROL ACT.

**§22-11-31. The West Virginia Water Research Institute's
development of a method for assessing the state's
narrative water quality standards and determining
whether streams meet the federal Clean Water Act's**

1 **designated use requirements.**

2 (a) The West Virginia Water Research Institute shall develop
3 a method for assessing compliance with the state's narrative water
4 quality standards and determining whether or not a stream meets the
5 Federal Clean Water Act's designated use requirements. The method,
6 consistent with the Legislature's previous statements as embodied
7 in House Concurrent Resolution 111 passed in the 2010 regular
8 legislative session and in recognition of the goals of West
9 Virginia Water Pollution Act, will consider all components of the
10 aquatic ecosystem.

11 (b) The West Virginia Water Research Institute shall report to
12 the Legislature on the development on this aquatic ecosystem
13 assessment and stream use attainment method within six months. A
14 final report shall be issued by the West Virginia Water Research
15 Institute to the Legislature no later than one year after the
16 effective date of this legislation.

17 (c) If the Legislature finds and determines that this
18 assessment method is consistent with the goals and objectives of
19 the West Virginia Water Pollution Control Act and reflective of the
20 Legislature's statements in House Concurrent Resolution 111, it
21 shall direct the West Virginia Department of Environmental
22 Protection to utilize the assessment method and develop a
23 reasonable schedule for the agency to reevaluate previous stream
24 impairment listings based on this new assessment tool.

NOTE: The purpose of this bill is to require the West Virginia Water Research Institute to develop a method for assessing the state's narrative water quality standards and determining whether streams meet the federal Clean Water Act's designated use requirements.

§22-11-31 is new; therefore, strike-throughs and underscoring have been omitted.