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**H. B. 4316**

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3 (By Delegates Manypenny, Longstreth and Perdue)

4 [Introduced January 26, 2012; referred to the

5 Committee on Energy, Industry and Labor, Economic Development and

6 Small Business then the Judiciary.]

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10 A BILL to amend and reenact §22-11-8 of the Code of West Virginia,  
11 1931, as amended, relating to prohibiting underground  
12 injection of coal slurry in new permits or modifications and  
13 renewals of existing permits.

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

15 That §22-11-8 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 11. WATER POLLUTION CONTROL ACT.**

18 **§22-11-8. Prohibitions; permits required.**

19 (a) The secretary may, after public notice and opportunity for  
20 public hearing, issue a permit for the discharge or disposition of  
21 any pollutant or combination of pollutants into waters of this  
22 state upon condition that the discharge or disposition meets or

1 will meet all applicable state and federal water quality standards  
2 and effluent limitations and all other requirements of this article  
3 and article three, chapter twenty-two-b of this code.

4       (b) It is unlawful for any person, unless the person holds a  
5 permit ~~therefor~~ from the department which is in full force, ~~and~~  
6 ~~effect~~ to:

7       (1) Allow sewage, industrial wastes or other wastes, or the  
8 effluent therefrom, produced by or emanating from any point source,  
9 to flow into the waters of this state;

10      (2) Make, cause or permit to be made any outlet or  
11 substantially enlarge or add to the load of any existing outlet,  
12 for the discharge of sewage, industrial wastes or other wastes, or  
13 the effluent therefrom, into the waters of this state;

14      (3) Acquire, construct, install, modify or operate a disposal  
15 system or part thereof for the direct or indirect discharge or  
16 deposit of treated or untreated sewage, industrial wastes or other  
17 wastes, or the effluent therefrom, into the waters of this state,  
18 or any extension to or addition to the disposal system;

19      (4) Increase in volume or concentration any sewage, industrial  
20 wastes or other wastes in excess of the discharges or disposition  
21 specified or permitted under any existing permit;

22      (5) Extend, modify or add to any point source, the operation  
23 of which would cause an increase in the volume or concentration of

1 any sewage, industrial wastes or other wastes discharging or  
2 flowing into the waters of the state;

3       (6) Construct, install, modify, open, reopen, operate or  
4 abandon any mine, quarry or preparation plant, or dispose of any  
5 refuse or industrial wastes or other wastes from the mine or quarry  
6 or preparation plant. ~~Provided, That~~ The department's permit is  
7 only required wherever the aforementioned activities cause, may  
8 cause or might reasonably be expected to cause a discharge into or  
9 pollution of waters of the state, except that a permit is required  
10 for any preparation plant. ~~Provided, however, That~~ Unless waived  
11 in writing by the secretary, every application for a permit to  
12 open, reopen or operate any mine, quarry or preparation plant or to  
13 dispose of any refuse or industrial wastes or other wastes from the  
14 mine or quarry or preparation plant shall contain a plan for  
15 abandonment of the facility or operation, which plan shall comply  
16 in all respects to the requirements of this article. The plan of  
17 abandonment is subject to modification or amendment upon  
18 application by the permit holder to the secretary and approval of  
19 the modification or amendment by the secretary; or

20       (7) Operate any disposal well for the injection or reinjection  
21 underground of any industrial wastes, including, but not limited  
22 to, liquids or gases, or convert any well into such a disposal  
23 well or plug or abandon any such disposal well.

1           (c) Where a person has a number of outlets emerging into the  
2 waters of this state in close proximity to one another, the outlets  
3 may be treated as a unit for the purposes of this section and only  
4 one permit issued for all the outlets.

5       (d) Notwithstanding any provision of this code to the  
6 contrary, effective upon the enactment of this subsection by the  
7 Legislature during the regular session of 2012, the issuance of new  
8 permits, permit modifications or permit renewals for the  
9 underground injection of coal slurry is prohibited.

NOTE: The purpose of this bill is to prohibit underground injection of coal slurry in new permits, permit modifications and permit renewals.

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