

1 **H. B. 4277**

2
3 (By Delegate Lane, Armstead, McCuskey and Raines)
4 [Introduced January 23, 2014; referred to the
5 Committee on the Judiciary then Finance.]
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**FISCAL
NOTE**

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10 A BILL to amend the Code of West Virginia, 1931, as amended; by
11 adding thereto a new section, designated §22-11-31, relating
12 to reporting above-ground storage tanks in proximity to
13 flowing waters; providing for civil penalties and injunctive
14 relief.

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 and reenacted by adding thereto a new section, designated §22-11-
18 31, to read as follows:

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

20 **§22-11-31. Aboveground storage tank registry.**

21 (a) "Above-ground storage tank" means any tank or container
22 within one mile of a river, stream, lake or pond where ninety
23 percent or more of the tank volume is located above the ground

1 surface, but does not include farm or residential tanks or
2 containers with a capacity of eleven hundred gallons or less and
3 used for noncommercial purposes.

4 (b) "Operator" means any person in control of, or having
5 responsibility for, the daily operation of an above-ground storage
6 tank.

7 (c) "Owner" means a person who owns an above-ground storage
8 tank used for the storage of any fluid.

1 (d) To assure protection of the water resources of the state,
2 the secretary shall compile an inventory of above-ground storage
3 tanks and their contents in existence on the effective date of this
4 section. The secretary shall complete the inventory and report the
5 inventory findings to the Speaker of the House, the Minority Leader
6 of the House, the President of the Senate and the Minority Leader
7 of the Senate within thirty days of the effective date of this
8 section.

9 (e) Within fifteen days of the effective date of this section
10 owners or operators shall register each above-ground storage tank
11 and provide an inventory of its contents to the secretary.

12 (f) Any owner or operator who fails to register as required in
13 this section, shall be subject to a civil penalty of \$1,000 per day
14 for each above-ground storage tank not timely registered and
15 administrative injunction against continuing operations until the
16 owner or operator registers.

1 (g) All costs associated with compliance with the provisions
2 of this section shall be tax deductible.

3 (h) All water providers in each public service district shall
4 provide risk assessments for water contamination in each public
5 service district. The assessments shall be completed and submitted
6 to the secretary within sixty days of the effective date of this
7 section.

8 (i) The purposes of this section are that any data derived be
9 used purely for information gathering and future water protection
10 policy development.

NOTE: The purpose of this bill is to require registration and inventory of existing above-ground storage tanks and to direct the Secretary of the Department of Environmental Protection to report the inventory to the Legislature.

This section is new; therefore, it has been completely underscored.