

H. B. 2625

(BY DELEGATE(S) ASHLEY AND IRELAND)
[BY REQUEST OF THE ENVIRONMENTAL
PROTECTION, DEPARTMENT OF]

[Introduced February 5, 2015; referred to the
Committee on Government Organization; and then to the
Committee on the Judiciary.]

A BILL to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fee Fund, by extending its sunset provision from June 30, 2015 to June 30, 2020.

Be it enacted by the Legislature of West Virginia:

That §22-18-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 18. HAZARDOUS WASTE MANAGEMENT ACT.

§22-18-22. Appropriation of funds; Hazardous Waste Management Fund.

- 1 (a) The net proceeds of all fines, penalties and forfeitures
- 2 collected under this article shall be appropriated as directed by

3 section five, article XII of the Constitution of West Virginia. For
4 the purposes of this section, the net proceeds of the fines,
5 penalties and forfeitures are considered the proceeds remaining
6 after deducting therefrom those sums appropriated by the
7 Legislature for defraying the cost of administering this article.
8 All permit application fees collected under this article shall be
9 paid into the State Treasury into a special fund designated the
10 Hazardous Waste Management Fund. In making the appropria-
11 tion for defraying the cost of administering this article, the
12 Legislature shall first take into account the sums included in that
13 special fund prior to deducting additional sums as may be
14 needed from the fines, penalties and forfeitures collected
15 pursuant to this article.

16 (b) Effective on July 1, 2003, there is imposed an annual
17 certification fee for facilities that manage hazardous waste, as
18 defined by the federal Resource Conservation and Recovery Act,
19 as amended. The secretary shall propose a rule for legislative
20 approval in accordance with the provisions of article three,
21 chapter twenty-nine-a of this code to establish the certification
22 fee. The rule shall be a product of a negotiated rule-making
23 process with the facilities subject to the rule. The rule shall, at a
24 minimum, establish different fee rates for facilities based on
25 criteria established in the rule. The total amount of fees gener-

26 ated raise no more funds than are necessary and adequate to meet
27 the matching requirements for all federal grants which support
28 the hazardous waste management program, but shall not exceed
29 \$700,000 per year.

30 (c) The revenues collected from the annual certification fee
31 shall be deposited in the State Treasury to the credit of the
32 Hazardous Waste Management Fee Fund, which is continued.
33 Moneys of the fund, together with any interest or other return
34 earned on the fund, shall be expended to meet the matching
35 requirements of federal grant programs which support the
36 hazardous waste management program. Expenditures from the
37 fund are for the purposes set forth in this article and are not
38 authorized from collections, but are to be made only in accor-
39 dance with appropriation by the Legislature and in accordance
40 with the provisions of article three, chapter twelve of this code
41 and upon the fulfillment of the provisions set forth in article two,
42 chapter five-a of this code. Amounts collected which are found,
43 from time to time, to exceed the funds needed for purposes set
44 forth in this article may be transferred to other accounts by
45 appropriation of the Legislature.

46 (d) The fee provided in subsection (b) of this section and the
47 fund established in subsection (c) of this section shall terminate
48 on June 30, ~~2015~~ 2020. The department shall, by December 31

49 of each year, report to the Joint Committee on Government and
50 Finance regarding moneys collected into the Hazardous Waste
51 Management Fee Fund and expenditures by the agency, includ-
52 ing any federal matching moneys received and providing an
53 accounting on the collection of the fee by type of permit activity,
54 funds being expended and current and future projected balances
55 of the fund.

NOTE: The purpose of this bill is to continue the current hazardous waste management fee until 2020.

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