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west virginia department of environmental protection

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Division of Water and Waste Management  
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Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

February 22, 2010

The Honorable Earl Ray Tomblin, Senate President  
Co-Chair - Joint Committee on Government and Finance  
State Capitol Building, Room 227M  
1900 Kanawha Blvd. East  
Charleston, West Virginia 25305

The Honorable Richard Thompson, House Speaker  
Co-Chair - Joint Committee on Government and Finance  
State Capitol Building, Room 234M  
1900 Kanawha Blvd. East  
Charleston, West Virginia 25305

Dear Sirs:

Attached is the quarterly report providing established fees and fees collected in the Water Quality Management Fund for the quarter ending December 31, 2009 (second quarter 2010) as required pursuant to WV Code Chapter 22, Article 11-10(e).

If you require any additional information, please contact Randy Taylor at 304-926-0499, ext. 1552.

Sincerely,

Scott G. Mandirola  
Acting Director

SCM/bam

Attachments

cc: Aaron Allred, Legislative Services



## WEST VIRGINIA CODE

**§22-11-10. Water quality management fund established; permit application fees; annual permit fees; dedication of proceeds; rules.**

(a) The special revenue fund designated the "Water Quality Management Fund" established in the state treasury on the first day of July, one thousand nine hundred eighty-nine is hereby continued.

(b) The permit application fees and annual permit fees established and collected pursuant to this section; any interest or surcharge assessed and collected by the secretary; interest accruing on investments and deposits of the fund; and any other moneys designated by the secretary shall be deposited into the water quality management fund. The secretary shall expend the proceeds of the water quality management fund for the review of initial permit applications, renewal permit applications and permit issuance activities.

(c) The secretary shall propose for promulgation, legislative rules in accordance with the provisions of chapter twenty-nine-a of this code, to establish a schedule of application fees for all applications except for surface coal mining operations as defined in article three of this chapter. The appropriate fee shall be submitted by the applicant to the department with the application filed pursuant to this article for any state water pollution control permit or national pollutant discharge elimination system permit. The schedule of application fees shall be designed to establish reasonable categories of permit application fees based upon the complexity of the permit application review process required by the department pursuant to the provisions of this article and the rules promulgated under this article: *Provided*, That no initial application fee may exceed fifteen thousand dollars for any facility nor may any permit renewal application fee exceed five thousand dollars. The department may not process any permit application pursuant to this article until the required permit application fee has been received.

(d) The secretary shall propose for promulgation legislative rules in accordance with the provisions of chapter twenty-nine-a of this code, to establish a schedule of permit fees to be assessed annually upon each person holding a state water pollution control permit or national pollutant discharge elimination system permit issued pursuant to this article except for permits held by surface coal mining operations as defined in article three of this chapter. Each person holding a permit shall pay the prescribed annual permit fee to the department pursuant to the rules promulgated under this section: *Provided*, That no person holding a permit for a home aerator of six hundred gallons and under shall be required to pay an annual permit fee. The schedule of annual permit fees shall be designed to establish reasonable categories of annual permit fees based upon the relative potential of categories or permits to degrade the waters of the state: *Provided, however*, That no annual permit fee may exceed five thousand dollars. The secretary may declare any permit issued pursuant to this article void when the annual permit fee is more than ninety days past due pursuant to the rules promulgated under this section. Voiding of the permit will only become effective upon the date the secretary mails, by certified mail, written notice to the permittee's last known address notifying the permittee that the permit has been voided.

(e) The secretary shall file a quarterly report with the joint committee on government and finance setting forth the fees established and collected pursuant to this section.

(f) On the first day of July, two thousand two, and each year thereafter, a one thousand dollar fee shall be assessed for permit applications and renewals submitted pursuant to this article for surface coal mining operations, as defined in article three of this chapter. On the first day of July, two thousand two, and each year thereafter, a five hundred dollar fee shall be assessed for application for permit modifications submitted pursuant to this article for surface coal mining operations, as defined in article three of this chapter. Beginning the first day of July, two thousand two and every year thereafter, an annual permit fee shall be assessed on the issuance anniversary dates of all permits issued pursuant to this article for surface coal mining operations as defined in article three of this chapter. The annual permit fee shall be collected as follows: Five hundred dollars for the fiscal year beginning on the first day of July, two thousand two and one thousand dollars for each fiscal year thereafter.

*Note: Code updated with legislation passed through the 2008 2nd Extraordinary Session*

Fund 3327 Water Quality Management FY 2010 2nd Quarter Receipts by Revenue Source

<u>Revenue Source</u>	<b>2nd Quarter</b>	
	Ending 12/31/2009	
210 - FOIA Fees	\$	262.45
249 - In Lieu of Mitigation Fees	\$	-
253 - Permits	\$	848,878.56
282 - Administrative Settlement	\$	-
284 - Cost Recovery Fee	\$	721.10
399 - Miscellaneous	\$	-
523 - Interest on Investments	\$	3,221.35
693 - Sales Other	\$	-
867 - Operating Permit Fees	\$	402,104.00
868 - Fines and Penalties	\$	434,856.25
869 - Well Work Permit Fees	\$	-
<b>Total</b>	<b>\$</b>	<b>1,690,043.71</b>