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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

## House Bill No. 4551

(By Mr. Speaker, Mr. Kiss and Delegates  
Amores and Michael)



Passed March 6, 2002

In Effect Ninety Days from Passage

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**E N R O L L E D**

## **H. B. 4551**

(BY MR. SPEAKER, MR. KISS AND DELEGATES  
AMORES AND MICHAEL)

[Passed March 6, 2002; in effect ninety days from passage.]

AN ACT to amend article fifteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to beneficial use of sludge and requiring promulgation of emergency and legislative rules.

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

That article fifteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, to read as follows:

### **ARTICLE 15. SOLID WASTE MANAGEMENT ACT.**

#### **§22-15-22. Sludge management.**

- 1 (a) Any sludge or other material determined by the secre-
- 2 tary to have beneficial properties similar to sewage sludge may
- 3 be beneficially used in accordance with the applicable require-

4 ments governing sewage sludge, and any other requirements  
5 determined to be necessary by the secretary to protect human  
6 health and the environment. Persons seeking to beneficially use  
7 sludge must meet the requirements of this article and the rules  
8 promulgated thereunder.

9 (b) In order to enhance the resource recovery and recycling  
10 goals of this act and to encourage the beneficial use of sludge  
11 or other materials, the secretary shall propose for promulgation  
12 in accordance with the provisions of article three, chapter  
13 twenty-nine-a of this code, emergency and legislative rules to  
14 effectuate the purposes of this section. The secretary shall at a  
15 minimum include the following in the proposed rules:

16 (1) A mechanism to determine beneficial use characteris-  
17 tics;

18 (2) A method to determine pollutant content of the material  
19 proposed for beneficial use;

20 (3) A method to determine that the beneficial properties of  
21 the material are derived from the raw material rather than  
22 additives;

23 (4) Buffer zones or other criteria necessary to adequately  
24 protect ground and surface water;

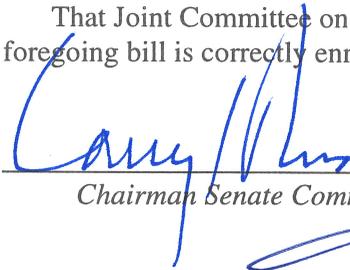
25 (5) Necessary restrictions of pollutant levels in the material;

26 (6) Analytical methods, loading rates and storage require-  
27 ments for the material;

28 (7) Permit requirements; and

29 (8) Appropriate fees.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman Senate Committee

  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

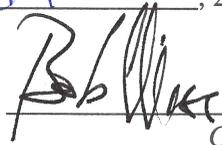
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 15<sup>th</sup>  
day of March, 2002.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date: 3/11/02

Time: 4:05p