

SB 641

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**WEST VIRGINIA LEGISLATURE**

**SEVENTY-EIGHTH LEGISLATURE**

**REGULAR SESSION, 2008**

SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 641**

(BY SENATORS TOMBLIN, MR. PRESIDENT, UNGER,  
FANNING, GREEN, HELMICK, HALL, PREZIOSO,  
KESSLER, MINARD, PLYMALE AND HUNTER)

[Passed March 8, 2008; in effect ninety days from passage.]

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AN ACT to amend and reenact §22-26-1, §22-26-2, §22-26-3, §22-26-5 and §22-26-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §22-26-7, §22-26-8 and §22-26-9, all relating to the Water Resources Protection and Management Act; establishing legislative findings; defining certain terms; continuing the water resources survey; continuing mandatory registration of certain water users; requiring reports to the Legislature; requiring development of a state water resources management plan; authorizing surface and groundwater data collection; setting forth

powers and duties of the Secretary of the Department of Environmental Protection with regard to development of water resources management plans; establishing criteria for a state water resources management plan; and authorizing development of regional and critical area water resources management plans.

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

That §22-26-1, §22-26-2, §22-26-3, §22-26-5 and §22-26-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto three new sections, designated §22-26-7, §22-26-8 and §22-26-9, all to read as follows:

**ARTICLE 26. WATER RESOURCES PROTECTION AND MANAGEMENT ACT.**

**§22-26-1. Short title; legislative findings.**

1       (a) *Short title.* — This article may be known and  
2       cited as the Water Resources Protection and  
3       Management Act.

4       (b) *Legislative findings.* —

5       (1) The West Virginia Legislature finds that it is the  
6       public policy of the State of West Virginia to protect  
7       and conserve the water resources for the state and to  
8       provide for the public welfare. The state's water  
9       resources are vital natural resources of the state that  
10      are essential to maintain, preserve and promote quality  
11      of life and economic vitality of the state.

12      (2) The West Virginia Legislature further finds that  
13      it is the public policy of the state that the water  
14      resources of the state be available for the benefit of the

15 citizens of West Virginia, consistent with and  
16 preserving all other existing rights and remedies  
17 recognized in common law or by statute, while also  
18 preserving the resources within its sovereign powers for  
19 the common good.

20 (3) The West Virginia Legislature further finds that  
21 the water use survey conducted by the Department of  
22 Environmental Protection is a valuable tool for water  
23 resources assessment, protection and management.

24 (4) The West Virginia Legislature further finds that  
25 the water resources of this state have not been fully  
26 measured or assessed and that a program to accurately  
27 measure and assess the state's water resources is  
28 necessary to protect, conserve and better utilize the  
29 water resources of this state.

30 (5) The West Virginia Legislature further finds that  
31 the survey information collected and analyzed by the  
32 Department of Environmental Protection has identified  
33 the need for a statewide water resources management  
34 plan.

35 (6) The West Virginia Legislature further finds that  
36 the development of a state water resources management  
37 plan is in the best interest of the state and its citizens  
38 and will promote the protection of this valuable natural  
39 resource; promote its use for the public good; and  
40 enhance its use and development for tourism, industry  
41 and other economic development for the benefit of the  
42 state and its citizens.

43 (7) The West Virginia Legislature further finds that  
44 incomplete data collection from an inadequate

45 groundwater monitoring system continues to hamper  
46 efforts to study, develop and protect the state's water  
47 resources and will be a major obstacle in the  
48 development of a water resources management plan.

**§22-26-2. Definitions.**

1 For purposes of this article, the following words have  
2 the meanings assigned unless the context indicates  
3 otherwise:

4 (a) "Baseline average" means the average amount of  
5 water withdrawn by a large quantity user over a  
6 representative historical time period as defined by the  
7 secretary.

8 (b) "Beneficial use" means uses that include, but  
9 are not limited to, public or private water supplies,  
10 agriculture, tourism, commercial, industrial, coal, oil  
11 and gas and other mineral extraction, preservation of  
12 fish and wildlife habitat, maintenance of waste  
13 assimilation, recreation, navigation and preservation of  
14 cultural values.

15 (c) "Commercial well" means a well that serves small  
16 businesses and facilities in which water is the prime  
17 ingredient of the service rendered.

18 (d) "Community water system" means a public water  
19 system that pipes water for human consumption to at  
20 least fifteen service connections used by year-round  
21 residents or one that regularly serves at least twenty-  
22 five residents.

23 (e) "Consumptive withdrawal" means any  
24 withdrawal of water which returns less water to the

25 water body than is withdrawn.

26 (f) "Farm use" means irrigation of any land used  
27 for general farming, forage, aquaculture, pasture,  
28 orchards, nurseries, the provision of water supply for  
29 farm animals, poultry farming or any other activity  
30 conducted in the course of a farming operation.

31 (g) "Industrial well" means a well used in industrial  
32 processing, fire protection, washing, packing or  
33 manufacturing of a product excluding food and  
34 beverages or similar nonpotable uses.

35 (h) "Interbasin transfer" means the permanent  
36 removal of water from the watershed from which it is  
37 withdrawn.

38 (i) "Large quantity user" means any person who  
39 withdraws over seven hundred fifty thousand gallons of  
40 water in a calendar month from the state's waters and  
41 any person who bottles water for resale regardless of  
42 quantity withdrawn.

43 (j) "Maximum potential" means the maximum  
44 designed capacity of a facility to withdraw water under  
45 its physical and operational design.

46 (k) "Noncommunity nontransient water system"  
47 means a public water system that serves at least  
48 twenty-five of the same persons over six months per  
49 year.

50 (l) "Nonconsumptive withdrawal" means any  
51 withdrawal of water which is not a consumptive  
52 withdrawal as defined in this section.

53 (m) "Person", "persons" or "people" means an  
54 individual, public and private business or industry,  
55 public or private water service and governmental  
56 entity.

57 (n) "Secretary" means the Secretary of the  
58 Department of Environmental Protection or his or her  
59 designee.

60 (o) "Transient water system" means a public water  
61 system that serves at least twenty-five transient people  
62 at least sixty days a year.

63 (p) "Test well" means a well that is used to obtain  
64 information on groundwater quantity, quality, aquifer  
65 characteristics and availability of production water  
66 supply for manufacturing, commercial and industrial  
67 facilities.

68 (q) "Water resources", "water" or "waters" means  
69 any and all water on or beneath the surface of the  
70 ground, whether percolating, standing, diffused or  
71 flowing, wholly or partially within this state, or  
72 bordering this state and within its jurisdiction and  
73 includes, without limiting the generality of the  
74 foregoing, natural or artificial lakes, rivers, streams,  
75 creeks, branches, brooks, ponds, impounding reservoirs,  
76 springs, wells, watercourses and wetlands: *Provided,*  
77 That farm ponds, industrial settling basins and ponds  
78 and waste treatment facilities are excluded from the  
79 waters of the state.

80 (r) "Watershed" means a hydrologic unit utilized by  
81 the United States Department of Interior's geological  
82 survey, adopted in one thousand nine hundred seventy-  
83 four, as a framework for detailed water and related

84 land-resources planning.

85 (s) "Withdrawal" means the removal or capture of  
86 water from water resources of the state regardless of  
87 whether it is consumptive or nonconsumptive:  
88 *Provided*, That water encountered during coal, oil, gas,  
89 water well drilling and initial testing of water wells, or  
90 other mineral extraction and diverted, but not used for  
91 any purpose and not a factor in low-flow conditions for  
92 any surface water or groundwater, is not deemed a  
93 withdrawal.

**§22-26-3. Waters claimed by state; water resources protection  
survey; registration requirements; agency  
cooperation; information gathering.**

1 (a) The waters of the State of West Virginia are  
2 hereby claimed as valuable public natural resources  
3 held by the state for the use and benefit of its citizens.  
4 The state shall manage the quantity of its waters  
5 effectively for present and future use and enjoyment  
6 and for the protection of the environment. Therefore,  
7 it is necessary for the state to determine the nature and  
8 extent of its water resources, the quantity of water  
9 being withdrawn or otherwise used and the nature of  
10 the withdrawals or other uses: *Provided*, That no  
11 provisions of this article may be construed to amend or  
12 limit any other rights and remedies created by statute  
13 or common law in existence on the date of the  
14 enactment of this article.

15 (b) The secretary shall conduct an ongoing water  
16 resources survey of consumptive and nonconsumptive  
17 surface water and groundwater withdrawals by large  
18 quantity users in this state. The secretary shall  
19 determine the form and format of the information



20 submitted, including the use of electronic submissions.  
21 The secretary shall establish and maintain a statewide  
22 registration program to monitor large quantity users of  
23 water resources of this state beginning in two thousand  
24 six.

25 (c) Large quantity users, except those who purchase  
26 water from a public or private water utility or other  
27 service that is reporting its total withdrawal, shall  
28 register with the Department of Environmental  
29 Protection and provide all requested survey  
30 information regarding withdrawals of the water  
31 resources. Multiple withdrawals from state water  
32 resources that are made or controlled by a single person  
33 and used at one facility or location shall be considered  
34 a single withdrawal of water. Water withdrawals for  
35 self-supplied farm use and private households will be  
36 estimated. Water utilities regulated by the Public  
37 Service Commission pursuant to article two, chapter  
38 twenty-four of this code are exempted from providing  
39 information on interbasin transfers to the extent those  
40 transfers are necessary to provide water utility services  
41 within the state.

42 (d) Except as provided in subsection (f) of this section,  
43 large quantity users who withdraw water from a West  
44 Virginia water resource shall comply with the survey  
45 and registration requirements of this article.  
46 Registration shall be maintained by every large  
47 quantity user by certifying, on forms and in a manner  
48 prescribed by the secretary, that the amount withdrawn  
49 in the previous calendar year varies by no more than  
50 ten percent from the users' baseline average or by  
51 certifying the change in usage.

52 (e) The secretary shall maintain a listing of all large

53 quantity users and each such user's baseline average  
54 water withdrawal.

55 (f) The secretary shall make a good faith effort to  
56 obtain survey and registration information from  
57 persons who are withdrawing water from in-state water  
58 resources, but who are located outside the state borders.

59 (g) All state agencies and local governmental  
60 entities that have a regulatory, research, planning or  
61 other function relating to water resources, including,  
62 but not limited to, the State Geological and Economic  
63 Survey, the Division of Natural Resources, the Public  
64 Service Commission, the Bureau for Public Health, the  
65 Commissioner of the Department of Agriculture, the  
66 Division of Homeland Security and Emergency  
67 Management, Marshall University, West Virginia  
68 University and regional, county and municipal  
69 planning authorities may enter into interagency  
70 agreements with the secretary and shall cooperate by:  
71 (i) Providing information relating to the water resources  
72 of the state; (ii) providing any necessary assistance to  
73 the secretary in effectuating the purposes of this article;  
74 and (iii) assisting in the development of a state water  
75 resources management plan. The secretary shall  
76 determine the form and format of the information  
77 submitted by these agencies.

78 (h) Persons required to participate in the survey and  
79 registration shall provide any reasonably available  
80 information on stream flow conditions that impact  
81 withdrawal rates.

82 (i) Persons required to participate in the survey and  
83 registration shall provide the most accurate information  
84 available on water withdrawal during seasonal

85 conditions and future potential maximum withdrawals  
86 or other information that the secretary determines is  
87 necessary for the completion of the survey or  
88 registration: *Provided*, That a coal-fired electric  
89 generating facility shall also report the nominal design  
90 capacity of the facility, which is the quantity of water  
91 withdrawn by the facility's intake pumps necessary to  
92 operate the facility during a calendar day.

93 (j) The secretary shall, to the extent reliable water  
94 withdrawal data is reasonably available from sources  
95 other than persons required to provide data and  
96 participate in the survey and registration, utilize that  
97 data to fulfill the requirements of this section. If the  
98 data is not reasonably available to the secretary,  
99 persons required to participate in the survey and  
100 registration are required to provide the data. Altering  
101 locations of intakes and discharge points that result in  
102 an impact to the withdrawal of the water resources by  
103 an amount of ten percent or more from the consecutive  
104 baseline average shall also be reported.

105 (k) The secretary shall report annually to the Joint  
106 Legislative Oversight Commission on State Water  
107 Resources on the survey results. The secretary shall  
108 make a progress report every three years on the  
109 development of the state water resources management  
110 plan and any significant changes that may have  
111 occurred since the survey report was submitted in two  
112 thousand six.

113 (l) In addition to any requirements for completion  
114 of the survey established by the secretary, the survey  
115 must accurately reflect both actual and maximum  
116 potential water withdrawal. Actual withdrawal shall  
117 be established through metering, measuring or

118 alternative accepted scientific methods to obtain a  
119 reasonable estimate or indirect calculation of actual  
120 use.

121 (m) The secretary shall make recommendations to  
122 the joint legislative oversight commission created in  
123 section five of this article relating to the  
124 implementation of a water quantity management  
125 strategy for the state or regions of the state where the  
126 quantity of water resources are found to be currently  
127 stressed or likely to be stressed due to emerging  
128 beneficial or other uses, ecological conditions or other  
129 factors requiring the development of a strategy for  
130 management of these water resources.

131 (n) The secretary may propose rules pursuant to  
132 article three, chapter twenty-nine-a of this code as  
133 necessary to implement the survey registration or plan  
134 requirements of this article.

135 (o) The secretary is authorized to enter into  
136 cooperative agreements with local, state and federal  
137 agencies and private policy or research groups to obtain  
138 federal matching funds, conduct research and analyze  
139 survey and registration data and other agreements as  
140 may be necessary to carry out his or her duties under  
141 this article.

**§22-26-5. Joint Legislative Oversight Commission on State  
Water Resources.**

1 (a) The President of the Senate and the Speaker of  
2 the House of Delegates shall each designate five  
3 members of their respective houses, at least one of  
4 whom shall be a member of the minority party, to serve  
5 on a joint legislative oversight commission charged with  
6 immediate and ongoing oversight of the water resources

7 survey, registration and development of a state water  
8 resources management plan. This commission shall be  
9 known as the Joint Legislative Oversight Commission  
10 on State Water Resources and shall regularly  
11 investigate and monitor all matters relating to the  
12 water resources survey and plan.

13 (b) The expenses of the commission, including the  
14 cost of conducting the survey and monitoring any  
15 subsequent strategy and those incurred in the  
16 employment of legal, technical, investigative, clerical,  
17 stenographic, advisory and other personnel, are to be  
18 approved by the Joint Committee on Government and  
19 Finance and paid from legislative appropriations.

**§22-26-6. Mandatory survey and registration compliance.**

1 (a) The water resources survey and subsequent  
2 registry will provide critical information for protection  
3 of the state's water resources and, thus, mandatory  
4 compliance with the survey and registry is necessary.

5 (b) All large quantity users who withdraw water  
6 from a West Virginia water resource shall complete the  
7 survey and register such use with the Department of  
8 Environmental Protection. Any person who fails to  
9 complete the survey or register, provides false or  
10 misleading information on the survey or registration, or  
11 fails to provide other information as required by this  
12 article may be subject to a civil administrative penalty  
13 not to exceed five thousand dollars to be collected by  
14 the secretary consistent with the secretary's authority  
15 pursuant to this chapter. Every thirty days after the  
16 initial imposition of the civil administrative penalty,  
17 another penalty may be assessed if the information is  
18 not provided. The secretary shall provide written  
19 notice of failure to comply with this section thirty days

20 prior to assessing the first administrative penalty.

**§22-26-7. Secretary authorized to log wells; collect data.**

1 In order to obtain important information about the  
2 state's surface and groundwater, the secretary is  
3 authorized to collect scientific data on surface and  
4 groundwater and to enter into agreements with local  
5 and state agencies, the federal government and private  
6 entities to obtain this information.

7 (1) Any person who installs a community water  
8 system, noncommunity nontransient water system,  
9 transient water system, commercial well, industrial or  
10 test well, shall notify the secretary of his or her intent  
11 to drill a water well no less than ten days prior to  
12 commencement of drilling. The ten-day notice is the  
13 responsibility of the owner, but may be given by the  
14 drilling contractor.

15 (2) The secretary has the authority to gather data,  
16 including driller and geologist logs, run electric and  
17 other remote-sensing logs and devices and perform  
18 physical characteristics tests on nonresidential and  
19 multifamily water wells.

20 (3) The drilling contractor shall submit to the  
21 secretary a copy of the well completion forms submitted  
22 to the Division of Health for a community water system,  
23 noncommunity nontransient water system, transient  
24 water system, commercial well, industrial or test well.  
25 The drilling contractor shall provide the well GPS  
26 location on the well report.

27 (4) Any person who fails to notify the secretary prior  
28 to drilling a well or impedes collection of information

29 by the secretary under this section is in violation of the  
30 Water Resources Protection and Management Act and  
31 is subject to the civil administrative penalty authorized  
32 by section six of this article.

33 (5) Any well contracted for construction by the  
34 secretary for groundwater or geological testing must be  
35 constructed at a minimum to well design standards as  
36 promulgated by the Division of Health. Any wells  
37 contracted for construction by the secretary for  
38 groundwater or geological testing that would at a later  
39 date be converted to a public use water well must be  
40 constructed to comport to state public water design  
41 standards.

**§22-26-8. State Water Resources Management Plan; powers  
and duty of secretary.**

1 (a) The Secretary of the Department of Environmental  
2 Protection shall oversee the development of a State  
3 Water Resources Management Plan to be completed no  
4 later than the thirtieth day of November, two thousand  
5 thirteen. The plan shall be reviewed and revised as  
6 needed after its initial adoption. The plan shall be  
7 developed with the cooperation and involvement of  
8 local and state agencies with regulatory, research or  
9 other functions relating to water resources including,  
10 but not limited to, those agencies and institutions of  
11 higher education set forth in section three of this article  
12 and a representative of large quantity users. The State  
13 Water Resources Management Plan shall be developed  
14 utilizing the information obtained pursuant to said  
15 section and any other relevant information available to  
16 the secretary.

17 (b) The secretary shall develop definitions for use in

18 the State Water Resources Management Plan for terms  
19 that are defined differently by various state and federal  
20 governmental entities as well as other terms necessary  
21 for implementation of this article.

22 (c) The secretary shall continue to develop and  
23 obtain the following:

24 (1) An inventory of the surface water resources of  
25 each region of this state, including an identification of  
26 the boundaries of significant watersheds and an  
27 estimate of the safe yield of such sources for  
28 consumptive and nonconsumptive uses during periods  
29 of normal conditions and drought.

30 (2) A listing of each consumptive or  
31 nonconsumptive withdrawal by a large quantity user,  
32 including the amount of water used, location of the  
33 water resources, the nature of the use, location of each  
34 intake and discharge point by longitude and latitude  
35 where available and, if the use involves more than one  
36 watershed or basin, the watersheds or basins involved  
37 and the amount transferred.

38 (3) A plan for the development of the infrastructure  
39 necessary to identify the groundwater resources of each  
40 region of this state, including an identification of  
41 aquifers and groundwater basins and an assessment of  
42 their safe yield, prime recharge areas, recharge  
43 capacity, consumptive limits and relationship to stream  
44 base flows.

45 (4) After consulting with the appropriate state and  
46 federal agencies, assess and project the existing and  
47 future nonconsumptive use needs of the water resources  
48 required to serve areas with important or unique  
49 natural, scenic, environmental or recreational values of



50 national, regional, local or statewide significance,  
51 including national and state parks; designated wild,  
52 scenic and recreational rivers; national and state  
53 wildlife refuges; and the habitats of federal and state  
54 endangered or threatened species.

55 (5) Assessment and projection of existing and future  
56 consumptive use demands.

57 (6) Identification of potential problems with water  
58 availability or conflicts among water uses and users  
59 including, but not limited to, the following:

60 (A) A discussion of any area of concern regarding  
61 historical or current conditions that indicate a low-flow  
62 condition or where a drought or flood has occurred or  
63 is likely to occur that threatens the beneficial use of the  
64 surface water or groundwater in the area; and

65 (B) Current or potential in-stream or off-stream  
66 uses that contribute to or are likely to exacerbate  
67 natural low-flow conditions to the detriment of the  
68 water resources.

69 (7) Establish criteria for designation of critical  
70 water planning areas comprising any significant  
71 hydrologic unit where existing or future demands  
72 exceed or threaten to exceed the safe yield of available  
73 water resources.

74 (8) An assessment of the current and future  
75 capabilities of public water supply agencies and private  
76 water supply companies to provide an adequate  
77 quantity and quality of water to their service areas.

78 (9) An assessment of flood plain and stormwater

79 management problems.

80 (10) Efforts to improve data collection, reporting and  
81 water monitoring where prior reports have found  
82 deficiencies.

83 (11) A process for identifying projects and practices  
84 that are being, or have been, implemented by water  
85 users that reduce the amount of consumptive use,  
86 improve efficiency in water use, provide for reuse and  
87 recycling of water, increase the supply or storage of  
88 water or preserve or increase groundwater recharge and  
89 a recommended process for providing appropriate  
90 positive recognition of such projects or practices in  
91 actions, programs, policies, projects or management  
92 activities.

93 (12) An assessment of both structural and  
94 nonstructural alternatives to address identified water  
95 availability problems, adverse impacts on water uses or  
96 conflicts between water users, including potential  
97 actions to develop additional or alternative supplies,  
98 conservation measures and management techniques.

99 (13) A review and evaluation of statutes, rules,  
100 policies and institutional arrangements for the  
101 development, conservation, distribution and emergency  
102 management of water resources.

103 (14) A review and evaluation of water resources  
104 management alternatives and recommended programs,  
105 policies, institutional arrangements, projects and other  
106 provisions to meet the water resources needs of each  
107 region and of this state.

108 (15) Proposed methods of implementing various

109 recommended actions, programs, policies, projects or  
110 management activities.

111 (d) The State Water Resources Management Plan  
112 shall consider:

113 (1) The interconnections and relationships between  
114 groundwater and surface water as components of a  
115 single hydrologic resource.

116 (2) Regional or watershed water resources needs,  
117 objectives and priorities.

118 (3) Federal, state and interstate water resource  
119 policies, plans, objectives and priorities, including those  
120 identified in statutes, rules, regulations, compacts,  
121 interstate agreements or comprehensive plans adopted  
122 by federal and state agencies and compact basin  
123 commissions.

124 (4) The needs and priorities reflected in  
125 comprehensive plans and zoning ordinances adopted by  
126 a county or municipal government.

127 (5) The water quantity and quality necessary to  
128 support reasonable and beneficial uses.

129 (6) A balancing and encouragement of multiple uses  
130 of water resources, recognizing that all water resources  
131 of this state are capable of serving multiple uses and  
132 human needs, including multiple uses of water  
133 resources for reasonable and beneficial uses.

134 (7) The distinctions between short-term and long-  
135 term conditions, impacts, needs and solutions to ensure  
136 appropriate and cost-effective responses to water

137 resources issues.

138 (8) Application of the principle of equal and  
139 uniform treatment of all water users that are similarly  
140 situated without regard to established political  
141 boundaries.

142 (e) In November of each year, the secretary shall  
143 report to the Joint Legislative Oversight Commission on  
144 State Water Resources on the State water Resources  
145 Management Plan. The report on the water resources  
146 plan shall include benchmarks for achieving the plan's  
147 goals and time frames for meeting them.

148 (f) Upon adoption of the State Water Resources  
149 Management Plan by the Legislature, the report  
150 requirements of this article shall be superceded by the  
151 plan and subsequent reports shall be on the survey  
152 results and the water resources plan. If the plan is not  
153 adopted a detailed report discussing the provisions of  
154 this section as well as progress reports on the  
155 development of the plan shall be submitted every three  
156 years.

**§22-26-9. Regional water resources management plans;  
critical planning areas.**

1 (a) As part of the State Water Resources Management  
2 Plan, the secretary may designate areas of the state as  
3 regional or critical water planning areas for the  
4 development of regional or critical area water resources  
5 management plans.

6 (b) The secretary shall establish a timetable for  
7 completion of regional and critical area plans which  
8 may be developed.

9 (c) The secretary shall identify all federal and state  
10 agencies, county commissions, municipal governments  
11 and watershed associations that should be involved in  
12 the planning process and any compacts or interstate  
13 agreements that may be applicable to the development  
14 of a regional or critical area water resource  
15 management plan.

16 (d) The secretary shall establish the minimum  
17 requirements for any issues to be addressed by regional  
18 and critical area plans within twelve months of the  
19 amendment and reenactment of this article during the  
20 two thousand eight regular session of the Legislature.  
21 The plan requirements and issues to be addressed by  
22 regional and critical area plans shall be consistent with  
23 the state plan requirements of this article.

24 (e) The secretary shall establish timetables for the  
25 completion of tasks or phases in the development of  
26 regional and critical area plans. County commissions  
27 and municipal governments may recommend changes in  
28 the order in which the tasks and phases must be  
29 completed. The secretary shall have final authority to  
30 determine the schedule for development of a plan.

31 (f) Any county or municipal government may enter  
32 into an agreement with the secretary to designate a  
33 local planning area and develop a local plan which may  
34 include all or part of a region. The secretary shall assist  
35 in development of any such plan to the extent  
36 practicable with existing staff and funding.

37 (g) Plans developed by a county or municipal  
38 government shall comply with the secretary's  
39 requirements and shall be filed as part of the State  
40 Water Resources Management Plan.

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

*Randy White*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Barrett Holmes*  
.....  
Clerk of the Senate

*Lucy H. Lee*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *1st* Day of *April* ....., 2008.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 26 2008

Time 10:05 AM