

SB 461

FILED

2009 MAY 14 AM 10:38

OFFICE OF THE CLERK OF THE WEST VIRGINIA STATE SENATE

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 461

(SENATORS CARUTH, CHAFIN, TOMBLIN,
(MR. PRESIDENT), BROWNING, EDGELL, GREEN,
HELMICK, PLYMALE, STOLLINGS, JENKINS, LAIRD,
MINARD, YOST, BARNES, HALL, DEEM, OLIVERIO,
WILLIAMS AND FANNING, *original sponsors*)

[Passed April 11, 2009; in effect ninety days from passage.]

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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(SENATORS CARUTH, CHAFIN, TOMBLIN (MR. PRESIDENT), BROWNING, EDGELL,
GREEN, HELMICK, PLYMALE, STOLLINGS, JENKINS, LAIRD, MINARD, YOST,
BARNES, HALL, DEEM, OLIVERIO, WILLIAMS AND FANNING, *original sponsors*)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to extending the time for compliance with selenium effluent limits; requiring a certain comprehensive study; and filing a report with Joint Committee on Government and Finance.

Be it enacted by the Legislature of West Virginia:

That §22-11-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

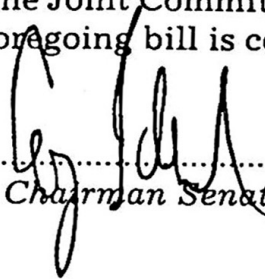
ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-6. Requirement to comply with standards of water quality and effluent limitations.

1 All persons affected by rules establishing water quality
2 standards and effluent limitations shall promptly comply
3 therewith: *Provided*, That where necessary and proper, the
4 chief may specify a reasonable time for persons not
5 complying with such standards and limitations to comply
6 therewith, and upon the expiration of any such period of
7 time, the chief shall revoke or modify any permit previ-
8 ously issued which authorized the discharge of treated or
9 untreated sewage, industrial wastes or other wastes into
10 the waters of this state which result in reduction of the
11 quality of such waters below the standards and limitations
12 established therefor by rules of the board or director. The
13 Legislature finds that there are concerns within West
14 Virginia regarding the applicability of the research
15 underlying the federal selenium criteria to a state such as
16 West Virginia which has high precipitation rates and free-
17 flowing streams and that the alleged environmental
18 impacts that were documented in applicable federal
19 research have not been observed in West Virginia and,
20 further, that considerable research is required to deter-
21 mine if selenium is having an impact on West Virginia
22 streams, to validate or determine the proper testing
23 methods for selenium and to better understand the chemi-
24 cal reactions related to selenium mobilization in water.
25 For existing NPDES permits, the department may extend
26 the time period for achieving water quality-based effluent
27 limits for selenium discharges into waters supporting
28 aquatic life uses to July 1, 2012, upon compliance with all
29 federally required public notice requirements for such
30 modifications, upon a finding that the permittee cannot
31 comply with its existing compliance schedule and that an
32 extension is not in violation of any state or federal laws,
33 rules or regulations. The West Virginia Department of
34 Environmental Protection is hereby directed to undertake
35 a comprehensive study relating to selenium and prepare a
36 report detailing such findings and submitting the report to
37 the Joint Committee on Government and Finance no later

38 than January 1, 2010. In conducting such study, the West
39 Virginia Department of Environmental Protection shall
40 consult with, among others, West Virginia University and
41 the West Virginia Water Research Institute.

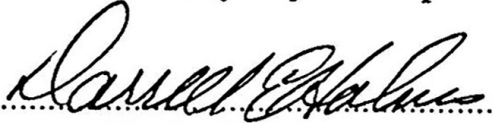
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 13th
Day of May, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 7 2009

Time 11:15 AM