

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4484**

BY DELEGATES ANDERSON, J. KELLY, HANSEN, MILEY,

EVANS, PETHTEL, WESTFALL, AZINGER, CADLE,

PORTERFIELD AND PYLES

[Originating in the Committee on Energy, January 28,

2020.]



1 A BILL to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating  
2 to the Hazardous Waste Management Fund; extending the termination date from June 30,  
3 2020, to June 30, 2025, thereby allowing the continuance of the annual certification fees  
4 for facilities that manage hazardous waste and allowing the continuance of the fund into  
5 which the fees are deposited.

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

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

11 (b) Effective on July 1, 2003, there is imposed an annual certification fee for facilities that  
12 manage hazardous waste, as defined by the federal Resource Conservation and Recovery Act,  
13 as amended. The secretary shall propose a rule for legislative approval in accordance with the  
14 provisions of §29A-3-1 *et seq.* of this code to establish the certification fee. The rule shall be a  
15 product of a negotiated rule-making process with the facilities subject to the rule. The rule shall,  
16 at a minimum, establish different fee rates for facilities based on criteria established in the rule.  
17 The total amount of fees generated raise no more funds than are necessary and adequate to

18 meet the matching requirements for all federal grants which support the hazardous waste  
19 management program, but shall not exceed \$700,000 per year.

20 (c) The revenues collected from the annual certification fee shall be deposited in the State  
21 Treasury to the credit of the Hazardous Waste Management Fee Fund, which is continued.  
22 Moneys of the fund, together with any interest or other return earned on the fund, shall be  
23 expended to meet the matching requirements of federal grant programs which support the  
24 hazardous waste management program. Expenditures from the fund are for the purposes set  
25 forth in this article and are not authorized from collections, but are to be made only in accordance  
26 with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of  
27 this code and upon the fulfillment of the provisions set forth in §5A-2-1 *et seq.* of this code.  
28 Amounts collected which are found, from time to time, to exceed the funds needed for purposes  
29 set forth in this article may be transferred to other accounts by appropriation of the Legislature.

30 (d) The fee provided in subsection (b) of this section and the fund established in subsection  
31 (c) of this section shall terminate on June 30, ~~2020~~ 2025. The department shall, by December 31  
32 of each year, report to the Joint Committee on Government and Finance regarding moneys  
33 collected into the Hazardous Waste Management Fee Fund and expenditures by the agency,  
34 including any federal matching moneys received and providing an accounting on the collection of  
35 the fee by type of permit activity, funds being expended and current and future projected balances  
36 of the fund.

NOTE: The purpose of this bill is to permit the annual certification fee for facilities that manage hazardous waste that is set to expire June 30, 2020 to continue until June 30, 2025.

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