

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 3030

BY DELEGATES FEHRENBACHER, ANDERSON, AND

ZATEZALO

[Passed April 7, 2025; in effect 90 days from passage

(July 6, 2025)]

1 AN ACT to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended,
2 relating to the administration of the West Virginia Water Pollution Control Act; and
3 eliminating fee caps on permits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. WATER POLLUTION CONTROL ACT.

**§22-11-10. Water Quality Management Fund established; permit application fees; annual
permit fees; dedication of proceeds; rules.**

1 (a) The special revenue fund designated the Water Quality Management Fund established
2 in the State Treasury on July 1, 1989, is continued.

3 (b) The following shall be deposited into the Water Quality Management Fund: (i) permit
4 application fees and annual permit fees established and collected pursuant to this section; (ii) any
5 interest or surcharge assessed and collected by the secretary; (iii) interest accruing on
6 investments and deposits of the fund; and (iv) any other moneys designated by the secretary.
7 The secretary shall expend the proceeds of the Water Quality Management Fund for the review
8 of initial permit applications, renewal permit applications, and permit issuance activities.

9 (c) The secretary shall propose rules for legislative approval in accordance with the
10 provisions of §29A-1-1 *et seq.* of this code, to establish a schedule of application fees for all
11 applications except for surface coal mining operations as defined in §22-3-13 of this code. The
12 applicant shall submit the appropriate fee to the department with the application filed pursuant to
13 this article for any state water pollution control permit or national pollutant discharge elimination
14 system permit. The schedule of application fees shall be designed to establish reasonable
15 categories of permit application fees based upon the complexity of the permit application review
16 process required by the department pursuant to the provisions of this article and the rules
17 promulgated under this article. The department may not process any permit application pursuant
18 to this article until the required permit application fee has been received.

(d) The secretary shall propose rules for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* 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 §22-3-1 *et seq.* of this code. Each person holding a permit shall pay the prescribed annual permit fee to the department. Any person holding a permit for a home aerator of 600 gallons and under is not 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. The secretary may declare any permit issued pursuant to this article void when the annual permit fee is more than 90 days past due. 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 July 1, 2022, and each year thereafter a \$1,000 fee shall be assessed for permit applications and a \$3,000 fee shall be assessed for permit renewals for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Annually on July 1, a \$2,000 fee shall be assessed for any application for major permit modifications and a \$1,000 fee for minor permit modifications for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. On July 1, 2022, and each year thereafter a \$3,000 fee shall be assessed for any application for permit reissuance and a \$2,000 fee for permit transfer for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and every year thereafter, an annual permit fee of \$2,000 shall be assessed on the issuance anniversary dates of all permits issued pursuant to this article for surface coal mining operations as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and each year thereafter, an application for a water quality

45 certification for activities covered by United States Army Corps of Engineers permits issued
46 pursuant to 33 U.S.C. § 1344 and 33 C.F.R. Parts 323 or 330, in accordance with the legislative
47 rules entitled Rules for Individual State Certification of Activities Requiring a Federal Permit, 47
48 C.F.R. 5A, must be accompanied by a \$500 fee. For all other categories of permitting actions
49 pursuant to this article related to surface coal mining operations, the secretary shall propose rules
50 for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code to
51 establish a schedule of permitting fees.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor