

US EPA ARCHIVE DOCUMENT

APPENDIX IX  
WEST VIRGINIA CODE  
§20-5-3

**§ 20-5-3**

## NATURAL RESOURCES

(e) "Water resources," "water" or "waters" shall mean any and all water on or beneath the surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within this State, or bordering this State and within its jurisdiction, and shall include, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds (except farm ponds, industrial settling basins and ponds and waste treatment facilities), impounding reservoirs, springs, wells and watercourses;

(f) "Code" shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended. (1929, c. 14, § 1; 1933, c. 6, § 1; 1947, c. 126; 1953, c. 145; 1959, c. 79; 1961, c. 133; 1964, c. 20.)

**§ 20-5-3. Water resources board created; composition and organization; appointment, qualifications, terms, oaths, removal, compensation and expenses of members; others to assist board and division; vacancies; quorum; meetings; records.**

(a) The state water resources board heretofore created and established as successor to the state water commission and the state water resources commission is hereby abolished. A new state water resources board is hereby created and established as a public corporation. As such the board may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have and use a common seal.

(b) The board shall be composed of five members who shall be appointed by the governor with the advice and consent of the Senate. Not more than three members of the board shall be of the same political party. Individuals appointed to the board shall be persons who by reasons of previous training and experience are knowledgeable in the husbandry of the state's water resources and with at least one member with experience in industrial pollution control: Provided, that no member of the board shall receive, or during the two years next preceding his appointment, shall have received a "significant portion of his income" directly or indirectly from a permit holder or an applicant for a permit issued under any of the provisions of this chapter. For the purposes of this subsection: (1) The term "significant portion of his income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement, a pension or similar arrangement; (2) the term "income" includes retirement benefits, consultant fees and stock dividends; (3) income is not received "directly or indirectly" from "permit holders" or "applicants for a permit" where it is derived from mutual-fund payments or from other diversified investments with respect to which the recipient does not know the identity of the primary sources of income; and (4) the terms "permit holders" and "applicants for a permit" shall not include any university or college operated by this State.