

FILED

2008 MAR 28 PM 4:27

WEST VIRGINIA LEGISLATURE

SEVENTY-EIGHTH LEGISLATURE

REGULAR SESSION, 2008

DELORES BROWN
SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

ENROLLED

Senate Bill No. 373

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND FACEMYER, *original sponsors*)

[Passed March 6, 2008; in effect from passage.]

FILED

2008 MAR 28 PM 4:27

CLERK OF SENATE
LEGISLATIVE CENTER
STATE HOUSE
MARTINSBURG, WV

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 373

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND FACEMYER, *original sponsors*)

[Passed March 6, 2008; in effect from passage.]

AN ACT to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate

certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; repealing certain legislative rules; authorizing the Department of Environmental Protection to promulgate legislative rules relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to repeal a legislative rule relating to the ambient air quality standard for nitrogen dioxide; authorizing the Department of Environmental Protection to repeal a legislative rule relating to emission standards for hazardous air pollutants pursuant to 40 CFR Part 61; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to repeal a legislative rule relating to the prevention and control of emissions from hospital/medical/infectious waste incinerators; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of annual nitrogen oxides emissions;

authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of annual sulfur dioxide emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to greenhouse gas emissions inventory program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from combustion of refuse; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to repeal a legislative rule relating to ambient air quality standards for carbon monoxide and ozone; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to surface mining blasting; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to surface mining reclamation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and development; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to environmental excellence program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards for the beneficial use of filtrate from water treatment plants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Recycling Assistance Grant Program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule

relating to underground storage tanks; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the National Pollutant Discharge Elimination System (NPDES) Program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to WV/NPDES rules for coal mining facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to antidegradation implementation procedures; and authorizing the Solid Waste Management Board to promulgate a legislative rule relating to performance measures and review standards for solid waste authorities operating commercial solid waste facilities.

Be it enacted by the Legislature of West Virginia:

That article 3, chapter 64 of the Code of West Virginia, 1931 as amended, be amended and reenacted to read as follows:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENT TO PROMULGATE LEGISLATIVE RULES.

§64-3-1. Department of Environmental Protection.

- 1 (a) The legislative rule filed in the State Register on
- 2 the twenty-fifth day of July, two thousand seven,
- 3 authorized under the authority of section four, article
- 4 five, chapter twenty-two of this code, relating to the
- 5 Department of Environmental Protection (emission
- 6 standards for hazardous air pollutants 45 CSR 34), is
- 7 authorized.

- 8 (b) The legislative rule filed in the State Register on

9 the nineteenth day of December, two thousand seven,
10 authorized under the authority of section four, article
11 five, chapter twenty-two of this code, relating to the
12 Department of Environmental Protection (ambient air
13 quality standard for nitrogen dioxide, 45 CSR 12), is
14 repealed.

15 (c) The legislative rule filed in the State Register on
16 the nineteenth day of December, two thousand seven,
17 authorized under the authority of section four, article
18 five, chapter twenty-two of this code, relating to the
19 Department of Environmental Protection (emission
20 standards for hazardous air pollutants pursuant to 40
21 CFR Part 61, 45 CSR 15), is repealed.

22 (d) The legislative rule filed in the State Register on
23 the twenty-sixth day of July, two thousand seven,
24 authorized under the authority of section four, article
25 five, chapter twenty-two of this code, relating to the
26 Department of Environmental Protection (standards of
27 performance for new stationary sources 45 CSR 16), is
28 authorized.

29 (e) The legislative rule filed in the State Register on
30 the twenty-sixth day of July, two thousand seven,
31 authorized under the authority of section four, article
32 five, chapter twenty-two of this code, relating to the
33 Department of Environmental Protection (control of air
34 pollution from combustion of solid waste, 45 CSR 18), is
35 authorized.

36 (f) The legislative rule filed in the State Register on
37 the nineteenth day of December, two thousand seven,
38 authorized under the authority of section four, article
39 five, chapter twenty-two of this code, relating to the

40 Department of Environmental Protection (to prevent
41 and control emissions from hospital/medical/infectious
42 waste incinerators, 45 CSR 24), is repealed.

43 (g) The legislative rule filed in the State Register on
44 the twenty-sixth day of July, two thousand seven,
45 authorized under the authority of section four, article
46 five, chapter twenty-two of this code, relating to the
47 Department of Environmental Protection (control of air
48 pollution from hazardous waste treatment, storage and
49 disposal facilities, 45 CSR 25), is authorized.

50 (h) The legislative rule filed in the State Register on
51 the twenty-sixth day of July, two thousand seven,
52 authorized under the authority of section four, article
53 five, chapter twenty-two of this code, relating to the
54 Department of Environmental Protection (control of
55 annual nitrogen oxides emissions, 45 CSR 39), is
56 authorized.

57 (i) The legislative rule filed in the State Register on
58 the twenty-sixth day of July, two thousand seven,
59 authorized under the authority of section four, article
60 five, chapter twenty-two of this code, modified by the
61 Department of Environmental Protection to meet the
62 objections of the Legislative Rule-making Review
63 Committee and refiled in the State Register on the
64 fourteenth day of January, two thousand eight, relating
65 to the Department of Environmental Protection (control
66 of ozone season nitrogen oxides emissions, 45 CSR 40),
67 is authorized.

68 (j) The legislative rule filed in the State Register on
69 the twenty-sixth day of July, two thousand seven,
70 authorized under the authority of section four, article

71 five, chapter twenty-two of this code, relating to the
72 Department of Environmental Protection (control of
73 annual sulfur dioxide emissions, 45 CSR 41), is
74 authorized.

75 (k) The legislative rule filed in the State Register on
76 the twenty-sixth day of July, two thousand seven,
77 authorized under the authority of section nineteen,
78 article five, chapter twenty-two of this code, modified
79 by the Department of Environmental Protection to meet
80 the objections of the Legislative Rule-Making Review
81 Committee and refiled in the State Register on the
82 fourteenth day of January, two thousand eight, relating
83 to the Department of Environmental Protection
84 (greenhouse gas emissions inventory program, 45 CSR
85 42), is authorized.

86 (l) The legislative rule filed in the State Register on
87 the twenty-sixth day of July, two thousand seven,
88 authorized under the authority of section four, article
89 five, chapter twenty-two of this code, relating to the
90 Department of Environmental Protection (control of air
91 pollution from combustion of refuse, 45 CSR 6), is
92 authorized.

93 (m) The legislative rule filed in the State Register on
94 the twenty-sixth day of July, two thousand seven,
95 authorized under the authority of section four, article
96 five, chapter twenty-two of this code, modified by the
97 Department of Environmental Protection to meet the
98 objections of the Legislative Rule-Making Review
99 Committee and refiled in the State Register on the
100 fourteenth day of January, two thousand eight, relating
101 to the Department of Environmental Protection
102 (ambient air quality standards, 45 CSR 8), is authorized.

103 (n) The legislative rule filed in the State Register on
104 the nineteenth day of December, two thousand seven,
105 authorized under the authority of section four, article
106 five, chapter twenty-two of this code, relating to the
107 Department of Environmental Protection (ambient air
108 quality standards for carbon monoxide and ozone, 45
109 CSR 9), is repealed.

110 (o) The legislative rule filed in the State Register on
111 the twenty-sixth day of July, two thousand seven,
112 authorized under the authority of section four, article
113 three-a, chapter twenty-two of this code, modified by
114 the Department of Environmental Protection to meet
115 the objections of the Legislative Rule-Making Review
116 Committee and refiled in the State Register on the
117 nineteenth day of December, two thousand seven,
118 relating to the Department of Environmental Protection
119 (surface mining blasting, 199 CSR 1), is authorized with
120 the following amendments:

121 On page nine, section 3, after “3.8.a.” by inserting the
122 following: At least thirty days prior to commencing
123 blasting, an operator’s designee shall notify in writing
124 all owners and occupants of man-made dwellings or
125 structures that the operator or operator’s designee will
126 perform preblast surveys.

127 (p) The legislative rule filed in the State Register on
128 the twenty-sixth day of July, two thousand seven,
129 authorized under the authority of section four, article
130 three, chapter twenty-two of this code, modified by the
131 Department of Environmental Protection to meet the
132 objections of the Legislative Rule-Making Review
133 Committee and refiled in the State Register on the
134 nineteenth day of December, two thousand seven,

135 relating to the Department of Environmental Protection
136 (surface mining reclamation, 38 CSR 2), is authorized
137 with the following amendments:

138 On pages one hundred twenty-six through one
139 hundred thirty-two, by striking out subsection 11.8. in
140 its entirety.

141 (q) The legislative rule filed in the State Register on
142 the twenty-sixth day of July, two thousand seven,
143 authorized under the authority of section three, article
144 twenty-two, chapter twenty-two of this code, relating to
145 the Department of Environmental Protection (voluntary
146 remediation and development, 60 CSR 3), is authorized.

147 (r) The legislative rule filed in the State Register on
148 the twenty-seventh day of July, two thousand seven,
149 authorized under the authority of section four, article
150 twenty-five, chapter twenty-two of this code, relating to
151 the Department of Environmental Protection
152 (environmental excellence program, 60 CSR 8), is
153 authorized.

154 (s) The legislative rule filed in the State Register on
155 the twenty-fourth day of July, two thousand seven,
156 authorized under the authority of section twenty-three,
157 article fifteen, chapter twenty-two of this code,
158 modified by the Department of Environmental
159 Protection to meet the objections of the Legislative
160 Rule-Making Review Committee and refiled in the State
161 Register on the twentieth day of December, two
162 thousand seven, relating to the Department of
163 Environmental Protection (standards for beneficial use
164 of filtrate from water treatment plants, 33 CSR 9), is
165 authorized.

166 (t) The legislative rule filed in the State Register on
167 the twenty-seventh day of July, two thousand seven,
168 authorized under the authority of section three, article
169 fifteen-a, chapter twenty-two of this code, modified by
170 the Department of Environmental Protection to meet
171 the objections of the Legislative Rule-Making Review
172 Committee and refiled in the State Register on the
173 seventeenth day of October, two thousand seven,
174 relating to the Department of Environmental Protection
175 (recycling assistance grant program, 33 CSR 10), is
176 authorized with the following amendments:

177 On page twelve, subdivision 5.1.10., after the words
178 "telephone costs." by striking out the remainder of the
179 subdivision and by inserting in lieu thereof the
180 following: "Rent or lease charges related to a recycling
181 program for a building, or office space are allowable
182 expenditures. However, to obtain grant funds for rent
183 or lease charges, the applicant shall provide the
184 department with a copy of the written rental or lease
185 agreement which shall exceed twenty years and meet
186 the following criteria:

187 a. The rental or lease agreement shall not
188 contain any cancellation or termination
189 clause,

190 b. The rental or lease agreement shall not be
191 transferrable, and

192 c. The rental or lease agreement shall not allow
193 for subleasing;"

194 On page twelve, by striking out all of subdivision
195 5.1.11. and inserting in lieu thereof the following, to

196 read as follows:

197 “5.1.11 Recycling Facility Construction, Improvement
198 and Repairs — A grant may be used for, but not limited
199 to, new construction or repairs or minor improvements
200 to an existing recycling facility, such as loading docks,
201 sheds, structures, abutment walls, fences, roof repair,
202 gravel or paving, if the land is owned or leased by the
203 grantee. However, to obtain grant funds for
204 construction, improvements and repairs for rental or
205 leased property, the applicant shall provide the
206 department a copy of the written rental or lease
207 agreement which shall exceed twenty years and meet
208 the criteria stated in subdivision 5.1.10. of this rule;”

209 On page thirteen, subdivision 5.2.2., by striking out
210 the words “and buildings”;

211 And,

212 On page thirteen, subdivision 5.2.7 after the words
213 “(planting, mowing, weeding, etc.)” by inserting the
214 words “unless the purpose is to provide natural
215 screening to neighboring properties”.

216 (u) The legislative rule filed in the State Register on
217 the twenty-seventh day of July, two thousand seven,
218 authorized under the authority of section six, article
219 eighteen, chapter twenty-two of this code, relating to
220 the Department of Environmental Protection
221 (hazardous waste management system, 33 CSR 20), is
222 authorized.

223 (v) The legislative rule filed in the State Register on
224 the twenty-sixth day of July, two thousand seven,

225 authorized under the authority of section six, article
226 seventeen, chapter twenty-two of this code, modified by
227 the Department of Environmental Protection to meet
228 the objections of the Legislative Rule-Making Review
229 Committee and refiled in the State Register on the
230 twentieth day of December, two thousand seven,
231 relating to the Department of Environmental Protection
232 (underground storage tanks, 33 CSR 30), is authorized.

233 (w) The legislative rule filed in the State Register on
234 the twenty-seventh day of July, two thousand seven,
235 authorized under the authority of section four, article
236 eleven, chapter twenty-two of this code, relating to the
237 Department of Environmental Protection (National
238 Pollutant Discharge Elimination System (NPDES)
239 program, 47 CSR 10), is authorized.

240 (x) The legislative rule filed in the State Register on
241 the twenty-sixth day of July, two thousand seven,
242 authorized under the authority of section four, article
243 eleven, chapter twenty-two of this code, modified by the
244 Department of Environmental Protection to meet the
245 objections of the Legislative Rule-Making Review
246 Committee and refiled in the State Register on the
247 nineteenth day of December, two thousand seven,
248 relating to the Department of Environmental Protection
249 (WV/NPDES rules for coal mining facilities, 47 CSR 30),
250 is authorized with the following amendments:

251 On page one, subsection 1.8., by striking out the word
252 "Secretary" and inserting in lieu thereof the word
253 "Director";

254 On page two, subsection 2.6., by striking out the word
255 "Secretary's" and inserting in lieu thereof the word

256 “Director’s”;

257 On page two, subsection 2.6., by striking out the word
258 “Secretary” and inserting in lieu thereof the word
259 “Director”;

260 On page three, after subsection 2.14. by inserting a
261 new subsection 2.15., to read as follows:

262 2.15. “Director” means the director of the Division of
263 Water and Waste Management.;

264 And renumbering the remaining subsections;

265 On page three, subsection 2.17., by striking out the
266 word “Secretary” and inserting in lieu thereof the word
267 “Director”;

268 On page three, subsection 2.18., by striking out the
269 word “Secretary’s” and inserting in lieu thereof the
270 word “Director’s”;

271 On page four, subsection 2.28., after the words “by
272 the” by striking out the word “Secretary” and inserting
273 in lieu thereof the word “Director”;

274 On page four, subsection 2.28., after the words “with
275 the” by striking out the word “Secretary” and inserting
276 in lieu thereof the word “Director”;

277 On page four, subdivision 2.31.a., by striking out the
278 word “Secretary” and inserting in lieu thereof the word
279 “Director”;

280 On page five, subsection 2.37., by striking out the

281 word "Secretary" and inserting in lieu thereof the word
282 "Director";

283 On page six, subsection 2.50., by striking out the word
284 "Secretary" and inserting in lieu thereof the word
285 "Director";

286 On page six, subsection 2.51., by striking out the word
287 "Secretary" and inserting in lieu thereof the word
288 "Director";

289 On page six, subparagraph 3.1.a.6.D, by striking out
290 the word "Secretary" and inserting in lieu thereof the
291 word "Director";

292 On page seven, subparagraph 3.1.a.6.G, after the word
293 "The" by striking out the word "Secretary" and
294 inserting in lieu thereof the word "Director";

295 On page seven, subparagraph 3.1.a.6.G, after the
296 words "when the" by striking out the word "Secretary"
297 and inserting in lieu thereof the word "Director";

298 On page seven, subdivision 3.2.a., by striking out the
299 word "Secretary" and inserting in lieu thereof the word
300 "Director";

301 On page eight, subdivision 3.5.a., by striking out the
302 word "Secretary" and inserting in lieu thereof the word
303 "Director";

304 On page eight, subdivision 3.5.b., by striking out the
305 word "Secretary" and inserting in lieu thereof the word
306 "Director";

307 On page eight, paragraph 3.5.b.1., after the words “to
308 the” by striking out the word “Secretary” and inserting
309 in lieu thereof the word “Director”;

310 On page eight, paragraph 3.5.b.1., after the words
311 “application the” by striking out the word “Secretary”
312 and inserting in lieu thereof the word “Director”;

313 On page eight, paragraph 3.5.b.1., after the words “if
314 the” by striking out the word “Secretary” and inserting
315 in lieu thereof the word “Director”;

316 On page eight, paragraph 3.5.b.2., by striking out the
317 word “Secretary” and inserting in lieu thereof the word
318 “Director”;

319 On page eight, paragraph 3.5.c.1., by striking out the
320 word “Secretary” and inserting in lieu thereof the word
321 “Director”;

322 On page eight, paragraph 3.5.d.1., by striking out the
323 word “Secretary” and inserting in lieu thereof the word
324 “Director”;

325 On page eight, paragraph 3.5.d.3., by striking out the
326 word “Secretary” and inserting in lieu thereof the word
327 “Director”;

328 On page nine, subsection 3.6., by striking out the word
329 “Secretary” and inserting in lieu thereof the words
330 “Director of the Division of Water and Waste
331 Management”;

332 On page nine, subdivision 3.6.a., by striking out the
333 word “Secretary” and inserting in lieu thereof the word

334 “Director”;

335 On page nine, subdivision 3.6.b., after the words
336 “adopted by the” by striking out the word “Secretary”
337 and inserting in lieu thereof the word “Director”;

338 On page nine, subdivision 3.6.b., after the words
339 “enforced by the” by striking out the word “Secretary”
340 and inserting in lieu thereof the word “Director”;

341 On page nine, subdivision 3.6.c., after the word “The”
342 by striking out the word “Secretary” and inserting in
343 lieu thereof the word “Director”;

344 On page nine, subdivision 3.6.c., after the words “by
345 the” by striking out the word “Secretary” and inserting
346 in lieu thereof the word “Director”;

347 On page nine, subdivision 3.6.d., by striking out the
348 word “Secretary” and inserting in lieu thereof the word
349 “Director”;

350 On page nine, subsection 4.1., by striking out the word
351 “Secretary” and inserting in lieu thereof the word
352 “Director”;

353 On page nine, subsection 4.2., after the word “The” by
354 striking out the word “Secretary” and inserting in lieu
355 thereof the word “Director”;

356 On page nine, subsection 4.2., after the words “or the”
357 by striking out the word “Secretary” and inserting in
358 lieu thereof the word “Director”;

359 On page nine, subsection 4.3., by striking out the word

360 “Secretary” and inserting in lieu thereof the word
361 “Director”;

362 On page ten, subsection 4.3., after the words “when
363 the” by striking out the word “Secretary” and inserting
364 in lieu thereof the word “Director”;

365 On page ten, subsection 4.3., after the words “to the”
366 by striking out the word “Secretary” and inserting in
367 lieu thereof the word “Director”;

368 On page ten, subsection 4.3., after the word “The” by
369 striking out the word “Secretary” and inserting in lieu
370 thereof the word “Director”;

371 On page ten, subdivision 4.5.a., after the words
372 “provide the” by striking out the word “Secretary” and
373 inserting in lieu thereof the word “Director”;

374 On page ten, subdivision 4.5.a., after the words “by
375 the” by striking out the word “Secretary” and inserting
376 in lieu thereof the word “Director”;

377 On page twelve, paragraph 4.5.a.17., after the word
378 “The” by striking out the word “Secretary” and
379 inserting in lieu thereof the word “Director”;

380 On page twelve, paragraph 4.5.a.17., after the words
381 “and the” by striking out the word “Secretary” and
382 inserting in lieu thereof the word “Director”;

383 On page twelve, subdivision 4.5.b., by striking out the
384 word “Secretary” and inserting in lieu thereof the word
385 “Director”;

386 On page twelve, paragraph 4.5.b.1., after the words
387 “addition, the” by striking out the word “Secretary”
388 and inserting in lieu thereof the word “Director”;

389 On page twelve, paragraph 4.5.b.1., after the words
390 “effluents, the” by striking out the word “Secretary”
391 and inserting in lieu thereof the word “Director”;

392 On page twelve, part 4.5.b.1.A.2., by striking out the
393 word “Secretary” and inserting in lieu thereof the word
394 “Director”;

395 On page fourteen, paragraph 4.5.c.1., after the words
396 “to the” by striking out the comma and the word
397 “Secretary” and inserting in lieu thereof the word
398 “Director”;

399 On page fourteen, paragraph 4.5.c.1., after the words
400 “as the” by striking out the word “Secretary” and
401 inserting in lieu thereof the word “Director”;

402 On page fourteen, paragraph 4.5.d.1., by striking out
403 the word “Secretary” and inserting in lieu thereof the
404 word “Director”;

405 On page fifteen, subparagraph 4.5.d.1.F., by striking
406 out the word “Secretary” and inserting in lieu thereof
407 the word “Director”;

408 On page fifteen, paragraph 4.5.d.3., by striking out the
409 word “Secretary” and inserting in lieu thereof the word
410 “Director”;

411 On page sixteen, paragraph 4.5.e.3., by striking out the
412 word “Secretary” and inserting in lieu thereof the word

413 “Director”;

414 On page sixteen, subparagraph 4.5.f.2.A., by striking
415 out the word “Secretary” and inserting in lieu thereof
416 the word “Director”;

417 On page seventeen, paragraph 4.5.g.1., after the words
418 “rule, the” by striking out the word “Secretary” and
419 inserting in lieu thereof the word “Director”;

420 On page seventeen, paragraph 4.5.g.1., after the words
421 “notice, the” by striking out the word “Secretary” and
422 inserting in lieu thereof the word “Director”;

423 On page seventeen, paragraph 4.5.g.2., by striking out
424 the word “Secretary” and inserting in lieu thereof the
425 word “Director”;

426 On page seventeen, subdivision 4.7.b., by striking out
427 the word “Secretary” and inserting in lieu thereof the
428 word “Director”;

429 On page eighteen, paragraph 4.7.b.3., by striking out
430 the word “Secretary” and inserting in lieu thereof the
431 word “Director”;

432 On page eighteen, subdivision 4.7.c., by striking out
433 the word “Secretary” and inserting in lieu thereof the
434 word “Director”;

435 On page nineteen, subdivision 5.1.g., by striking out
436 the word “secretary” and inserting in lieu thereof the
437 words “Secretary or Director”;

438 On page nineteen, subsection 5.7., by striking out the

439 word "Secretary" and inserting in lieu thereof the word
440 "Director";

441 On page nineteen, subsection 5.9., after the words
442 "shall furnish to the" by striking out the word
443 "Secretary" and inserting in lieu thereof the word
444 "Director";

445 On page nineteen, subsection 5.9., after the words
446 "which the" by striking out the word "Secretary" and
447 inserting in lieu thereof the word "Director";

448 On page nineteen, subsection 5.9., after the words
449 "shall also furnish to the" by striking out the word
450 "Secretary" and inserting in lieu thereof the word
451 "Director";

452 On page nineteen, subsection 5.10., by striking out the
453 word "Secretary" and inserting in lieu thereof the word
454 "Director";

455 On page twenty, subdivision 5.11.c., by striking out
456 the word "Secretary" and inserting in lieu thereof the
457 word "Director";

458 On page twenty, paragraph 5.11.d.7., by striking out
459 the word "Secretary" and inserting in lieu thereof the
460 word "Director";

461 On page twenty, subdivision 5.11.g., by striking out
462 the word "Secretary" and inserting in lieu thereof the
463 word "Director";

464 On page twenty, subsection 5.12., by striking out the
465 word "Secretary" and inserting in lieu thereof the word

466 “Director”;

467 On page twenty-one, subdivision 5.13.a., by striking
468 out the word “Secretary” and inserting in lieu thereof
469 the word “Director”;

470 On page twenty-one, subdivision 5.13.b., by striking
471 out the word “Secretary” and inserting in lieu thereof
472 the word “Director”;

473 On page twenty-one, subparagraph 5.13.d.2.B., by
474 striking out the word “Secretary” and inserting in lieu
475 thereof the word “Director”;

476 On page twenty-one, subparagraph 5.13.d.2.C., by
477 striking out the word “Secretary” and inserting in lieu
478 thereof the word “Director”;

479 On page twenty-one, paragraph 5.13.d.3., by striking
480 out the word “Secretary” and inserting in lieu thereof
481 the word “Director”;

482 On page twenty-one, paragraph 5.13.d.4., by striking
483 out the word “Secretary” and inserting in lieu thereof
484 the word “Director”;

485 On page twenty-two, part 5.13.d.4.A.4., by striking out
486 the word “Secretary” and inserting in lieu thereof the
487 word “Director”;

488 On page twenty-two, part 5.13.d.4.B.4., by striking out
489 the word “Secretary” and inserting in lieu thereof the
490 word “Director”;

491 On page twenty-two, subdivision 5.13.f., by striking

492 out the word "Secretary" and inserting in lieu thereof
493 the word "Director";

494 On page twenty-two, subdivision 5.13.g., by striking
495 out the word "Secretary" and inserting in lieu thereof
496 the word "Director";

497 On page twenty-three, paragraph 5.14.d.1., by striking
498 out the word "Secretary" and inserting in lieu thereof
499 the word "Director";

500 On page twenty-three, subdivision 5.14.e., after the
501 word "The" by striking out the word "Secretary" and
502 inserting in lieu thereof the word "Director";

503 On page twenty-three, subdivision 5.14.e., after the
504 words "if the" by striking out the word "Secretary" and
505 inserting in lieu thereof the word "Director";

506 On page twenty-three, subsection 5.16., by striking out
507 the word "Secretary" and inserting in lieu thereof the
508 word "Director";

509 On page twenty-five, subsection 6.1., by striking out
510 the word "Secretary" and inserting in lieu thereof the
511 word "Director";

512 On page twenty-five, subdivision 6.1.a., by striking
513 out the word "Secretary" and inserting in lieu thereof
514 the word "Director";

515 On page twenty-five, subdivision 6.2.b., by striking
516 out the word "Secretary" and inserting in lieu thereof
517 the word "Director";

518 On page twenty-five, paragraph 6.2.d.2., by striking
519 out the word “Secretary” and inserting in lieu thereof
520 the word “Director”;

521 On page twenty-six, paragraph 6.2.d.3., after the
522 words “Subpart G, the” by striking out the word
523 “Secretary” and inserting in lieu thereof the word
524 “Director”;

525 On page twenty-six, subparagraph 6.2.h.1.A., by
526 striking out the word “Secretary” and inserting in lieu
527 thereof the word “Director”;

528 On page twenty-six, subparagraph 6.2.h.2.B., by
529 striking out the word “Secretary” and inserting in lieu
530 thereof the word “Director”;

531 On page twenty-six, subdivision 6.2.i., by striking out
532 the word “Secretary’s” and inserting in lieu thereof the
533 word “Director’s”;

534 On page twenty-eight, paragraph 6.2.o.5., by striking
535 out the word “Secretary” and inserting in lieu thereof
536 the word “Director”;

537 On page twenty-nine, subdivision 7.7.d., by striking
538 out the word “Secretary” and inserting in lieu thereof
539 the word “Director”;

540 On page thirty, subdivision 7.9.a., by striking out the
541 word “Secretary” and inserting in lieu thereof the word
542 “Director”;

543 On page thirty, subdivision 8.1.a., by striking out the
544 word “Secretary’s” and inserting in lieu thereof the

545 word "Director's";

546 On page thirty, subdivision 8.1.a., after the words "to
547 the" by striking out the word "Secretary" and inserting
548 in lieu thereof the word "Director";

549 On page thirty, subdivision 8.1.a., after the word
550 "The" by striking out the word "Secretary" and
551 inserting in lieu thereof the word "Director";

552 On page thirty, subdivision 8.1.b., by striking out the
553 word "Secretary" and inserting in lieu thereof the word
554 "Director";

555 On page thirty, subdivision 8.2.a., after the words "to
556 the" by striking out the word "Secretary" and inserting
557 in lieu thereof the word "Director";

558 On page thirty, subdivision 8.2.a., after the word
559 "The" by striking out the word "Secretary" and
560 inserting in lieu thereof the word "Director";

561 On page thirty-one, subdivision 8.2.b., by striking out
562 the word "Secretary" and inserting in lieu thereof the
563 word "Director";

564 On page thirty-one, paragraph 8.2.c.1., by striking out
565 the word "Secretary" and inserting in lieu thereof the
566 word "Director";

567 On page thirty-one, subparagraph 8.2.c.1.D., after the
568 words "where the" by striking out the word "Secretary"
569 and inserting in lieu thereof the word "Director";

570 On page thirty-one, subparagraph 8.2.c.1.D., after the

571 words “by the” by striking out the word “Secretary”
572 and inserting in lieu thereof the word “Director”;

573 On page thirty-one, subparagraph 8.2.c.1.D., after the
574 words “to the” by striking out the word “Secretary” and
575 inserting in lieu thereof the word “Director”;

576 On page thirty-two, subparagraph 8.2.c.2.B., by
577 striking out the word “Secretary” and inserting in lieu
578 thereof the word “Director”;

579 On page thirty-two, subparagraph 8.2.c.2.D., by
580 striking out the word “Secretary” and inserting in lieu
581 thereof the word “Director”;

582 On page thirty-three, subparagraph 8.2.c.2.L., by
583 striking out the word “Secretary” and inserting in lieu
584 thereof the word “Director”;

585 On page thirty-three, paragraph 8.3.a.1., after the
586 word “The” by striking out the word “Secretary” and
587 inserting in lieu thereof the word “Director”;

588 On page thirty-three, paragraph 8.3.a.1., after the
589 words “and the” by striking out the word “Secretary”
590 and inserting in lieu thereof the word “Director”;

591 On page thirty-three, paragraph 8.3.c.1., by striking
592 out the word “Secretary” and inserting in lieu thereof
593 the word “Director”;

594 On page thirty-four, subdivision 9.1.a., by striking out
595 the word “Secretary” and inserting in lieu thereof the
596 word “Director”;

597 On page thirty-four, subdivision 9.2.a., by striking out
598 the word "Secretary" and inserting in lieu thereof the
599 word "Director";

600 On page thirty-four, paragraph 9.2.a.2., by striking
601 out the word "Secretary" and inserting in lieu thereof
602 the word "Director";

603 On page thirty-four, subdivision 9.2.b., by striking out
604 the word "Secretary" and inserting in lieu thereof the
605 word "Director";

606 On page thirty-five, subdivision 10.1.a., by striking
607 out the word "Secretary" and inserting in lieu thereof
608 the word "Director";

609 On page thirty-five, subdivision 10.1.b., by striking
610 out the word "Secretary" and inserting in lieu thereof
611 the word "Director";

612 On page thirty-five, subdivision 10.2.b., after the word
613 "the" by striking out the word "Secretary" and
614 inserting in lieu thereof the word "Director";

615 On page thirty-five, subdivision 10.2.b., after the word
616 "The" by striking out the word "Secretary" and
617 inserting in lieu thereof the word "Director";

618 On page thirty-five, subdivision 10.2.c., by striking out
619 the word "Secretary" and inserting in lieu thereof the
620 word "Director";

621 On page thirty-six, subparagraph 10.2.d.1.B., by
622 striking out the word "Secretary" and inserting in lieu
623 thereof the word "Director";

624 On page thirty-six, paragraph 10.2.d.2, by striking out
625 the word “Secretary” and inserting in lieu thereof the
626 word “Director”;

627 On page thirty-seven, subparagraph 10.2.e.1.G., by
628 striking out the word “Secretary” and inserting in lieu
629 thereof the word “Director”;

630 On page thirty-seven, subdivision 10.3.a., after the
631 word “the” by striking out the word “Secretary” and
632 inserting in lieu thereof the word “Director”;

633 On page thirty-seven, subdivision 10.3.a., after the
634 word “The” by striking out the word “Secretary” and
635 inserting in lieu thereof the word “Director”;

636 On page thirty-seven, subdivision 10.4.a., by striking
637 out the word “Secretary” and inserting in lieu thereof
638 the word “Director”;

639 On page thirty-seven, subdivision 10.5.a., by striking
640 out the word “Secretary” and inserting in lieu thereof
641 the word “Director”;

642 On page thirty-eight, subdivision 10.5.a., after the
643 words “advises the” by striking out the word
644 “Secretary” and inserting in lieu thereof the word
645 “Director”;

646 On page thirty-eight, subdivision 10.5.a., after the
647 words “then the” by striking out the word “Secretary”
648 and inserting in lieu thereof the word “Director”;

649 On page thirty-eight, subdivision 10.5.b., after the
650 words “advises the” by striking out the word

651 “Secretary” and inserting in lieu thereof the word
652 “Director”;

653 On page thirty-eight, subdivision 10.5.b., after the
654 words “resources, the” by striking out the word
655 “Secretary” and inserting in lieu thereof the word
656 “Director”;

657 On page thirty-eight, subdivision 10.5.c., by striking
658 out the word “Secretary” and inserting in lieu thereof
659 the word “Director”;

660 On page thirty-eight, subdivision 11.1.d., by striking
661 out the word “Secretary” and inserting in lieu thereof
662 the word “Director”;

663 On page thirty-eight, subdivision 11.1.e., by striking
664 out the word “Secretary” and inserting in lieu thereof
665 the word “Director”;

666 On page forty, paragraph 12.3.a.3., by striking out the
667 word “Secretary” and inserting in lieu thereof the word
668 “Director”;

669 On page forty-one, subsection 13.1., by striking out
670 the word “Secretary” and inserting in lieu thereof the
671 word “Director”;

672 On page forty-one, paragraph 13.1.b.5. by striking out
673 the word “Secretary” and inserting in lieu thereof the
674 word “Director”;

675 On page forty-one, subdivision 13.1.c., by striking out
676 the word “Secretary” and inserting in lieu thereof the
677 word “Director”;

678 On page forty-one, subdivision 13.2.b., after the word
679 “The” by striking out the word “Secretary” and
680 inserting in lieu thereof the word “Director”;

681 On page forty-one, subdivision 13.2.b., after the word
682 “the” by striking out the word “Secretary” and
683 inserting in lieu thereof the word “Director”;

684 On page forty-two, subsection 14.1., by striking out
685 the word “Secretary” and inserting in lieu thereof the
686 word “Director”;

687 On page forty-two, subdivision 14.1.a., by striking out
688 the word “Secretary” and inserting in lieu thereof the
689 word “Director”;

690 On page forty-two, subdivision 14.1.b., by striking out
691 the word “Secretary” and inserting in lieu thereof the
692 word “Director”;

693 On page forty-two, subdivision 14.1.c., by striking out
694 the word “Secretary” and inserting in lieu thereof the
695 word “Director”;

696 On page forty-two, subdivision 14.2.a., by striking out
697 the word “Secretary” and inserting in lieu thereof the
698 word “Director”;

699 On page forty-two, subdivision 14.2.b., by striking out
700 the word “Secretary” and inserting in lieu thereof the
701 word “Director”;

702 On page forty-two, subdivision 14.2.c., after the words
703 “by the” by striking out the word “Secretary” and
704 inserting in lieu thereof the word “Director”;

705 On page forty-two, subdivision 14.2.c., after the words
706 “variance, the” by striking out the word “Secretary”
707 and inserting in lieu thereof the word “Director”;

708 On page forty-two, subdivision 15.1.a., by striking out
709 the word “Secretary” and inserting in lieu thereof the
710 word “Director”;

711 On page forty-three, subsection 15.2., by striking out
712 the word “Secretary” and inserting in lieu thereof the
713 word “Director”;

714 And,

715 On page forty-three, subdivision 15.2.c., by striking
716 out the word “Secretary” and inserting in lieu thereof
717 the word “Director”.

718 (y) The legislative rule filed in the State Register on
719 the twenty-seventh day of July, two thousand seven,
720 authorized under the authority of section seven-b,
721 article eleven, chapter twenty-two of this code, relating
722 to the Department of Environmental Protection
723 (requirements governing water quality standards, 47
724 CSR 2), is authorized with the following amendments:

725 On page two, by striking out subsection 2.20. “Waters
726 of special concern” in its entirety and renumbering the
727 remaining subsections;

728 On page four, by striking out subdivision 4.1.c. in its
729 entirety and renumbering the remaining subdivisions;

730 And,

731 On page four, newly designated 4.1.c. after the word
732 "State", by changing the period to a comma and adding
733 the following: all Federally designated rivers under the
734 "Wild and Scenic Rivers Act", 16 U.S.C. §1271 et seq.;
735 all streams and other bodies of water in state parks
736 which are high quality waters or naturally reproducing
737 trout streams; waters in national parks and forests
738 which are high quality waters or naturally reproducing
739 trout streams; waters designated under the "National
740 Parks and Recreation Act of 1978", as amended; and
741 pursuant to subsection 7.1. of 60CSR5, those waters
742 whose unique character, ecological or recreational
743 value, or pristine nature constitutes a valuable national
744 or state resource.;

745 And,

746 On pages sixteen through twenty-six by striking
747 Appendix A and inserting in lieu thereof the following:

748 APPENDIX A

749 **CATEGORY B-2 - TROUT WATERS**

750 This list contains known trout waters and is not
751 intended to exclude any waters which meet the
752 definition in Section 2.19.

753	River Basin	County	Stream
754	James River		
755	J	Monroe	South Fork Potts
756			Creek

757 Potomac River

758	P	Jefferson	Town Run
759	P	"	Rocky Marsh Run
760	P	Berkeley	Opequon Creek
761	P	"	Tuscarora Creek
762			(Above
763			Martinsburg)
764	P	"	Middle Creek
765			(Above Route 30
766			Bridge)
767	P	"	Mill Creek
768	P	"	Hartland Run
769	P	"	Mill Run
770	P	"	Tillance Creek
771	P	Morgan	Meadow Branch
772	PS	Jefferson	Flowing Springs
773			Run (Above
774			Halltown)
775	PS	"	Cattail Run
776	PS	"	Evitt's Run
777	PS	"	Big Bullskin Run

33 [Enr. Com. Sub. for S. B. No. 373

778	PS	“	Long Marsh Run
779	PC	Hampshire	Cold Stream
780 781	PC	“	Edwards Run and Impoundment
782	PC	“	Dillons Run
783	PC	Hardy	Lost River
784	PC	“	Camp Branch
785	PC	“	Lower Cove Run
786	PC	“	Moores Run
787 788	PC	“	North River (Above Rio)
789	PC	“	Waites Run
790	PC	“	Trout Run
791 792	PC	“	Trout Pond (Impoundment)
793 794	PC	“	Warden Lake (Impoundment)
795 796	PC	“	Rock Cliff Lake (Impoundment)
797	River Basin	County	Stream

798	PSB	Hampshire	Mill Creek
799	PSB	"	Mill Run
800	PSB	Hardy	Dumpling Creek
801	PSB	Grant-	North Fork South
802		Pendleton	Branch
803	PSB	Grant	North Fork
804			Lunice Creek
805	PSB	"	South Fork
806			Lunice Creek
807	PSB	"	South Mill Creek
808			(Above Hiser)
809	PSB	"	Spring Run
810	PSB	Pendleton	Hawes Run
811			(Impoundment)
812	PSB	"	Little Fork
813	PSB	"	South Branch
814			(Above North
815			Fork)
816	PSB	"	Senena Creek
817	PSB	"	Laurel Fork
818	PSB	"	Big Run
819	Potomac River		

35 [Enr. Com. Sub. for S. B. No. 373]

820	PNB	Mineral	North Fork
821			Patterson Creek
822	PNB	“	Fort Ashby
823			(Impoundment)
824	PNB	“	New Creek
825	PNB	“	New Creek Dam
826			14 (Impound-
827			ment)
828	PNB	“	Mill Creek (Above
829			Markwood)
830	Monongahela River		
831	M	Monongalia-	Whiteday Creek
832		Marion	(Above
833			Smithtown)
834	MC	Monongalia	Morgan Run
835	MC	“	Coopers Rock
836			(Impoundment)
837	MC	“	Blaney Hollow
838	MC	Preston	Laurel Run
839	MC	“	Elsey Run
840	MC	“	Saltlick Creek
841	MC	“	Buffalo Creek

842	MC	“	Wolf Creek
843	MC	Tucker	Clover Run
844	MC	“	Elklick Run
845	MC	“	Horseshoe Run
846	MC	“	Maxwell Run
847	MC	“	Red Creek
848	MC	“	Slip Hill Mill
849			Branch
850	MC	“	Thomas Park
851			(Impoundment)
852	MC	“	Blackwater River
853			(Above Davis)
854	MC	“	Blackwater River
855			(Below Davis)
856	MC	Randolph	Camp Five Run
857	MC	“	Dry Fork (Above
858			Otter Creek)
859	MC	“	Glady Fork
860	MC	“	Laurel Fork
861	MC	“	Gandy Creek
862			(Above Whitmer)

37 [Enr. Com. Sub. for S. B. No. 373

863	MC	“	East Fork Glady
864			Fork (Above C &
865			P Compressor
866			Station)
867	River Basin	County	<u>Stream</u>
868	MC	Randolph	Shavers Fork
869			(Above Little
870			Black Fork)
871	MC	“	Three Spring Run
872	MC	“	Spruce Knob
873			Lake
874			(Impoundment)
875	MW	Harrison	Dog Run (Pond)
876	MW	Lewis	Stonecoal
877	MT	Barbour	Brushy Fork
878			(Above Valley
879			Furnace)
880	MT	“	Teter Creek Lake
881			(Impoundment)
882	MT	“	Mill Run
883	MT	Taylor-	Tygart Lake
884		Barbour	Tailwaters
885			(Above Route 119
886			Bridge)
887	MT	Preston	Roaring Creek

888			(Above Little
889			Lick Branch)
890	MT	Randolph	Tygart River
891			(Above
892			Huttonsville)
893	MT	"	Elkwater Fork
894	MT	"	Big Run
895	MTB	Upshur-	Right Fork
896		Randolph-	Buckhannon
897		Lewis	River
898	MTB	Upshur	Buckhannon
899			River (Above
900			Beans Mill)
901	MTB	Upshur	French Creek
902	Monongahela River		
903	MTB	Upshur-	Left Fork Right
904		Randolph	Fork
905	MTN	Upshur	Right Fork
906			Middle Fork
907			River
908	MTM	Randolph	Middle Fork
909			River (Above
910			Cassity)

39 [Enr. Com. Sub. for S. B. No. 373

911	MY	Preston	Rhine Creek
912	Little Kanawha River		
913	LK	Upshur	Left Fork-Right
914			Fork (Little
915			Kanawha River)
916	LK	Upshur-	Little Kanawha
917		Lewis	River (Above
918			Wildcat)
919	Kanawha River		
920	KE	Braxton	Sutton Reservoir
921	KE	“	Sutton Lake
922			Tailwaters (Above
923			Route 38/5
924			Bridge)
925	KE	Webster	Back Fork
926	KE	“	Desert Fork
927	KE	“	Fall Run
928	KE	“	Laurel Fork
929	River Basin	County	Stream
930	KE	“	Left Fork Holly
931			River

932	KE	“	Sugar Creek
933	KE	“	Elk River (Above
934			Webster Springs)
935	KC	Raleigh	Stephens Lake
936			(Impoundment)
937	KC	“	Marsh Fork
938			(Above Sundial)
939	KG	Nicholas	Summersville
940			Reservoir
941			(Impoundment)
942	KG	“	Summersville
943			Tailwaters (Above
944			Collison Creek)
945	KG	Nicholas	Deer Creek
946	KG	Randolph-	Gauley River
947		Webster	(Above Moust
948			Coal Tipple)
949	KG	Fayette	Glade Creek
950	KG	Nicholas	Hominy Creek
951	KG	“	Anglins Creek
952	KG	Greenbrier	Big Clear Creek
953	KG	“	Little Clear Creek
954			and Laurel Run

955	KG	“	Meadow Creek
956	KG	Fayette	Wolf Creek
957	KG	Nicholas	Cherry River
958	KG	Greenbrier-	Laurel Creek
959		Nicholas	
960	KG	“	North Fork
961			Cherry River
962	KG	Greenbrier	Summit Lake
963			(Impoundment)
964	KG	Greenbrier-	South Fork
965		Nicholas	Cherry River
966	Kanawha River		
967	KGC	Pocahontas-	Cranberry River
968		Webster-	
969		Nicholas	
970	KGC	Pocahontas	South Fork
971			Cranberry River
972	KGW	Pocahontas	Tea Creek
973	KGW	Pocahontas-	Williams River
974		Webster	(Above Dyer)
975	KN	Raleigh	Glade Creek

Enr. Com. Sub. for S. B. No. 373] 42

976	KN	Summers	Meadow Creek
977	KN	Fayette	Mill Creek
978	KN	“	Laurel Creek
979			(Above Cotton
980			Hill)
981	KN	Raleigh	Pinch Creek
982	KN	Monroe	Rich Creek
983	KN	“	Turkey Creek
984	KN	Fayette	Dunloup Creek
985			(Downstream
986			from Harvey
987			Sewage
988			Treatment Plant)
989	KN	Mercer	East River (Above
990			Kelleysville)
991	KN	“	Pigeon Creek
992	KN	Monroe	Laurel Creek
993	KNG	Monroe	Kitchen Creek
994			(Above Gap Mills)
995	KNG	Greenbrier	Culverson Creek
996	KNG	“	Milligan Creek
997	River Basin	County	Stream

43 [Enr. Com. Sub. for S. B. No. 373

998	KNG	Greenbrier-	Second Creek
999		Monroe	(Rt. 219 Bridge to
1000			Nickell's Mill)
1001	KNG	Greenbrier	North Fork
1002			Anthony Creek
1003	KNG	"	Spring Creek
1004	KNG	"	Anthony Creek
1005			(Above Big Draft)
1006	KNG	Pocahontas	Watoga Lake
1007	KNG	"	Beaver Creek
1008	KNG	"	Knapp's Creek
1009	KNG	"	Hills Creek
1010	KNG	"	North Fork Deer
1011			Creek (Above
1012			Route 28/5)
1013	KNG	"	Deer Creek
1014	KNG	"	Sitlington Creek
1015	KNG	"	Stoney Creek
1016	KNG	"	Swago Creek
1017	KNG	"	Buffalo Fork
1018			(Impoundment)
1019	KNG	"	Seneca
1020			(Impoundment)

1021	KNG	“	Greenbrier River
1022			(Above
1023			Hosterman)
1024	KNG	“	West Fork-
1025			Greenbrier River
1026			(Above the
1027			impoundment at
1028			the tannery)
1029	KNG	“	Little River-East
1030			Fork
1031	KNG	“	Little River-West
1032			Fork
1033	KNG	“	Five Mile Run
1034	KNG	“	Mullenax Run
1035	KNG	“	Abes Run
1036	KNB	Mercer	Marsh Fork
1037	KNB	“	Camp Creek
1038	OG	Wyoming	Pinnacle Creek
1039	BST	McDowell	Dry Fork (Above
1040			Canebrake)

1041 (z) The legislative rule filed in the State Register on
1042 the twenty-seventh day of July, two thousand seven,
1043 authorized under the authority of section seven-b,
1044 article eleven, chapter twenty-two of this code, relating
1045 to the Department of Environmental Protection
1046 (antidegradation implementation procedures, 60 CSR 5),

1047 is authorized with the amendment set forth below:

1048 On page two, subsection 3.2. by striking out the words
1049 “Tier 2.5 or”;

1050 On page three, by striking out subdivision 3.5.a. in its
1051 entirety and by renumbering the remaining
1052 subdivisions;

1053 On page three, new subdivision 3.5.a., after the words
1054 “Wilderness Area” by inserting the words “or otherwise
1055 included in 47CSR2-4.1.c.”;

1056 On page three, new subdivision 3.5.b., after the words
1057 “Wilderness Area” by striking out the words “not listed
1058 pursuant to subsection 8.2. and not listed in Appendix
1059 A of this rule” and inserting in lieu thereof, the words
1060 “or otherwise included in 47CSR2-4.1.c. or listed
1061 pursuant to subsection 7.1. of this rule”;

1062 On page three, new subdivision 3.5.d. by striking out
1063 the words “Tier 2.5 or”;

1064 On page three, subsection 3.7. by striking out the
1065 words “Tier 2.5 or”;

1066 On page four, subsection 3.8., by striking out the
1067 words “Tier 2.5 or”;

1068 On pages nine through eleven, by striking out section
1069 six in its entirety and renumbering the remaining
1070 sections;

1071 On page eleven, subsection 7.2., by striking out
1072 “47CSR2-4.1.d.” and inserting in lieu thereof the words
1073 “47CSR2-4.1.c.”;

1074 On page thirteen, by striking out the section caption
1075 and inserting in lieu thereof a new section caption to
1076 read as follows:

§60-5-7. Designation of Tier 3 Waters.;

1 On pages thirteen and fourteen, by striking out section
2 8.1. in its entirety and renumbering the remaining
3 subsection;

4 On page fourteen, new subsection 7.2.a.1., following
5 the words “nominated segment.” by striking out the
6 word “Where” and inserting in lieu thereof, the
7 following: When a good faith effort to notify individual
8 property owners has failed, and”.

9 On page fifteen, subsection 9.3. by striking out the
10 words “2.5.”;

11 On page fifteen, subsection 9.6, after the word
12 “Board”, by striking out the colon and the remainder of
13 the subsection;

14 On pages sixteen through twenty-one by striking out
15 Appendix A in its entirety;

16 And,

17 On page twenty-two by striking out the caption and
18 inserting in lieu thereof the caption “**APPENDIX A**”.

§64-3-2. Solid Waste Management Board.

1 The legislative rule filed in the State Register on the
2 twenty-fifth day of July, two thousand seven,
3 authorized under the authority of section nine-a, article
4 four, chapter twenty-two-c of this code, modified by the

5 Solid Waste Management Board to meet the objections
6 of the Legislative Rule-Making Review Committee and
7 refiled in the State Register on the fifth day of
8 December, two thousand seven, relating to the Solid
9 Waste Management Board (performance measures and
10 review standards for solid waste authorities operating
11 commercial solid waste facilities, 54 CSR 6), is
12 authorized.



Enr. Com. Sub for S. B. No. 373] 48

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

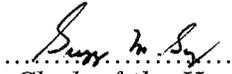

.....
Chairman Senate Committee


.....
Chairman House Committee

Originated in the Senate.

In effect from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved this
the 28th Day of March, 2008.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 21 2008

Time *G. J. S. W.*