

2 **Senate Bill No. 289**

3 (By Senators Minard, Snyder, Prezioso,  
4 Unger, Boley and K. Facemyer)

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6 [Introduced January 27, 2011; referred to the Committee on  
7 Energy, Industry and Mining; and then to the Committee on the  
8 Judiciary.]  
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11 A BILL to amend and reenact article 3, chapter 64 of the Code of  
12 West Virginia, 1931, as amended, relating to authorizing the  
13 Department of Environmental Protection to promulgate a  
14 legislative rule relating to permits for construction and  
15 major modification of major stationary sources of air  
16 pollution for the prevention of significant deterioration.

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

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

20 **ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL**  
21 **PROTECTION TO PROMULGATE LEGISLATIVE RULES.**

22 **§64-3-1. Department of Environmental Protection.**

1           The legislative rule filed in the state register on the  
2 twenty-eighth day of July, two thousand ten, authorized under the  
3 authority of section four, article five, chapter twenty-two, of  
4 this code, modified by the Department of Environmental Protection  
5 to meet the objections of the Legislative Rule-Making Review  
6 Committee and refiled in the state register on the eleventh day of  
7 January, two thousand eleven, relating to the Department of  
8 Environmental Protection (permits for construction and major  
9 modification of major stationary sources of air pollution for the  
10 prevention of significant deterioration, 45 CSR 14), is authorized.

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12           NOTE: The purpose of this bill is to authorize the Department  
13 of Environmental Protection to promulgate a legislative rule  
14 relating to Permits for Construction and Major Modification of  
15 Major Stationary Sources of Air Pollution for the Prevention of  
16 Significant Deterioration.

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18           This section is new; therefore, strike-throughs and  
19 underscoring have been omitted.