

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2283**

5
6 (By Delegate Sobonya)

7 [Passed March 12, 2015; in effect from passage.]
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12 AN ACT to amend and reenact article three, chapter sixty-four of the Code of West Virginia, 1931,
13 as amended, relating generally to the promulgation of administrative rules by the Department
14 of Environmental Protection; legislative mandate or authorization for the promulgation of
15 certain legislative rules by various executive or administrative agencies of the state;
16 authorizing certain of the agencies to promulgate certain legislative rules in the form that the
17 rules were filed in the State Register; authorizing certain of the agencies to promulgate
18 certain legislative rules with various modifications presented to and recommended by the
19 Legislative Rule-Making Review Committee; authorizing the Department of Environmental
20 Protection to promulgate a legislative rule relating to permits for construction and major
21 modification of major stationary sources for the prevention of significant deterioration of air
22 quality; authorizing the Department of Environmental Protection to promulgate a legislative

1 rule relating to standards of performance for new stationary sources; authorizing the
2 Department of Environmental Protection to promulgate a legislative rule relating to the
3 control of air pollution from hazardous waste treatment, storage and disposal facilities;
4 authorizing the Department of Environmental Protection to promulgate a legislative rule
5 relating to requirements for operating permits; authorizing the Department of Environmental
6 Protection to promulgate a legislative rule relating to emission standards for hazardous air
7 pollutants; authorizing the Department of Environmental Protection to promulgate a
8 legislative rule relating to the awarding of WV Stream Partners Program Grants; authorizing
9 the Department of Environmental Protection to promulgate a legislative rule relating to the
10 hazardous waste management system; authorizing the Department of Environmental
11 Protection to promulgate a legislative rule relating to requirements governing water quality
12 standards; authorizing the Department of Environmental Protection to promulgate a
13 legislative rule relating to the WV/NPDES rule for coal mining facilities; and, authorizing
14 the Department of Environmental Protection to promulgate a legislative rule relating to waste
15 management.

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

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

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

21 **§64-3-1. Department of Environmental Protection.**

22 (a) The legislative rule filed in the State Register on July 23, 2014, authorized under the

1 authority of section four, article five, chapter twenty-two, of this code, relating to the Department
2 of Environmental Protection (permits for construction and major modification of major stationary
3 sources for the prevention of significant deterioration of air quality, [45 CSR 14](#)), is authorized.

4 (b) The legislative rule filed in the State Register on July 23, 2014, authorized under the
5 authority of section four, article five, chapter twenty-two of this code, relating to the Department of
6 Environmental Protection (standards of performance for new stationary sources, [45 CSR 16](#)), is
7 authorized.

8 (c) The legislative rule filed in the State Register on July 23, 2014, authorized under the
9 authority of section four, article five, chapter twenty-two of this code, relating to the Department of
10 Environmental Protection (control of air pollution from hazardous waste treatment, storage or
disposal facilities, [45 CSR 25](#)), is authorized.

(d) The legislative rule filed in the State Register on July 23, 2014, authorized under the
authority of section four, article five, chapter twenty-two of this code, relating to the Department of
Environmental Protection (requirements for operating permits, [45 CSR 30](#)), is authorized.

(e) The legislative rule filed in the State Register on July 25, 2014, authorized under the
authority of section four, article five, chapter twenty-two of this code, relating to the Department of
Environmental Protection (emission standards for hazardous air pollutants, [45 CSR 34](#)), is
authorized.

(f) The legislative rule filed in the State Register on July 29, 2014, authorized under the
authority of section four, article thirteen, chapter twenty of this code, relating to the Department of
Environmental Protection (awarding of WV Stream Partners Program Grants, [60 CSR 4](#)), is
authorized with the amendment set forth below:

On page two, subsection 4.2, line twenty-two, following the words “furnished by”, by striking out the words “watershed association” and inserting in lieu thereof the word “organization”;

On page two, subsection 4.2, line twenty-five, following the words “in which the”, by striking out the word “entity” and inserting in lieu thereof the word “organization”;

On page three, subdivision 5.2.f, line sixteen, following the words “expenses for”, by striking out the words “watershed association” and inserting in lieu thereof the word “organization”;

And,

On page three, subdivision 5.2.g, line seventeen, following the words “support the”, by striking out the words “watershed association’s” and inserting in lieu thereof the word “organization’s”.

(g) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section six, article eighteen, chapter twenty-two of this code, relating to the Department of Environmental Protection (hazardous waste management system, [33 CSR 20](#)), is authorized.

(h) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article eleven, chapter twenty-two of this code, relating to the Department of Environmental Protection (requirements governing water quality standards, [47 CSR 2](#)), is authorized.; *Provided*; that the Secretary of the Department of Environmental Protection shall consider, for the 2017 triennial review, potential alternative applications for the Category A drinking water use designation to the waters of the state, taking into consideration stream flow, depth, and distance to a public water intake.

(i) The legislative rule filed in the State Register on July 28, 2014, authorized under the authority of section three, article one, chapter twenty-two, of this code, relating to the Department

of Environmental Protection (WV/NPDES rule for coal mining facilities, [47 CSR 30](#)), is authorized

(j) The legislative rule filed in the State Register on August 12, 2014, authorized under the authority of section eight, article fifteen, chapter twenty-two, of this code, modified by the Department of Environmental Protection to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on October 22, 2014, relating to the Department of Environmental Protection (waste management, [33 CSR 1](#)), is authorized with the following amendments:

On page 145, by adding the following new subparagraph:

5.6.b.3.C. Any facility permitted to accept drilling wastes that does not transfer leachate off-site for additional treatment, must sample and analyze the output fluid from on-site leachate treatment systems to include the sampling parameters in Appendix V of this rule on a quarterly basis;

And,

On page 176, by adding two compounds, toluene and xylene, to Appendix V.