

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

Senate Bill 584

BY SENATORS TRUMP, MAYNARD, FERNS, CARMICHAEL,
CLINE, KARNES, GAUNCH, LEONHARDT, ASHLEY, SNYDER,
PALUMBO, BEACH, MILLER, KIRKENDOLL, ROMANO,
WOELFEL AND WILLIAMS

[Originating in the Committee on the Judiciary;

Reported on February 11, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6 and §64-12-7,
3 all relating generally to repealing certain legislative, procedural or interpretive rules
4 promulgated by certain agencies, boards and commissions which are no longer authorized
5 or are obsolete; repealing certain legislative, procedural and interpretive rules
6 promulgated by certain agencies and boards under the Department of Environmental
7 Protection; repealing the Department of Environmental Protection legislative rule relating
8 to requiring the submission of emission statements for volatile organic compound
9 emissions and oxides; repealing the Department of Environmental Protection legislative
10 rule relating to bona fide future use; repealing the Department of Environmental Protection
11 legislative rule relating to abandoned wells; repealing the Department of Environmental
12 Protection legislative rule relating to the Environmental Excellence Program; repealing the
13 Department of Environmental Protection legislative rule relating to oil and gas operations
14 – solid waste; repealing the Department of Environmental Protection legislative rule
15 relating to the Recycling Assistance Fund Grant Program; repealing the Department of
16 Environmental Protection legislative rule relating to commercial hazardous waste
17 management facility siting fees; repealing the Department of Environmental Protection
18 legislative rule relating to groundwater protection standards; repealing the Department of
19 Environmental Protection legislative rule relating to Underground Storage Tank Insurance
20 Trust Fund; repealing the Department of Environmental Protection legislative rule relating
21 to hazardous waste management; repealing the Department of Environmental Protection
22 legislative rule relating to solid waste management; repealing the Department of
23 Environmental Protection legislative rule relating to waste tire management; repealing the
24 Department of Environmental Protection legislative rule relating to sewage sludge
25 management; repealing the Department of Environmental Protection legislative rule
26 relating to Hazardous Waste Emergency Response Fund regulations; repealing the

27 Department of Environmental Protection interpretive rule relating to initial inspection,
28 certification and spill prevention response plan requirements; repealing the Department of
29 Environmental Protection legislative rule relating to the Office of the Environmental
30 Advocate; repealing the Department of Environmental Protection legislative rule relating
31 to coal refuse; repealing the Department of Environmental Protection procedural rule
32 relating to administrative procedures and civil administrative penalty assessment – Water
33 Resources Protection Act; repealing the Department of Environmental Protection
34 procedural rule relating to procedures and practice before the Department of Energy;
35 repealing the Commercial Hazardous Waste Management Facility Siting Board legislative
36 rule relating to certification requirements; repealing the Environmental Quality Board
37 legislative rule relating to requirements governing water quality standards; repealing the
38 Environmental Quality Board procedural rule relating to requests for information; repealing
39 the Environmental Quality Board procedural rule relating to rules governing the notice of
40 open meetings under the Open Governments Proceedings Act; repealing the Miner
41 Training, Education and Certification Board legislative rule relating to certification of
42 blasters for surface coal mines and surface areas of underground mines; repealing the
43 Miner Training, Education and Certification Board legislative rule relating to standards for
44 certification of blasters for surface coal mines and surface areas of underground mines;
45 repealing the Water Resources Board legislative rule relating to the State National
46 Pollutant Discharge Elimination System Program; repealing the Water Resources Board
47 legislative rule relating to requirements governing the State National Pollutant Discharge
48 Elimination System; repealing the Air Quality Board procedural rule relating to requests
49 for information; repealing the Oil and Gas Inspectors Examining Board procedural rule
50 relating to matters pertaining to the rules and regulations dealing with the Oil and Gas
51 Inspectors Examining Board; and repealing the Board of Miner Training, Education and

52 Certification procedural rule relating to temporary suspension of certificates issued to
53 persons pending full hearing before the board of appeals.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6 and §64-12-7, all
3 to read as follows:

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE LEGISLATIVE RULES
BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

§64-12-1. Department of Environmental Protection.

1 (a) The legislative rule effective on July 7, 1993, authorized under the authority of section
2 five, article twenty, chapter sixteen of this code, relating to the Department of Environmental
3 Protection (requiring the submission of emission statements for volatile organic compound
4 emissions and oxides, 45 CSR 29), is repealed.

5 (b) The legislative rule effective on July 1, 1993, authorized under the authority of section
6 one, article one, chapter twenty-two-b of this code, relating to the Department of Environmental
7 Protection (bona-fide future use, 38 CSR 21), is repealed.

8 (c) The legislative rule effective on July 1, 1993, authorized under the authority of section
9 thirteen, article one, chapter twenty-two of this code, relating to the Department of Environmental
10 Protection (abandoned wells, 38 CSR 22), is repealed.

11 (d) The legislative rule effective on July 1, 2008, authorized under the authority of section
12 four, article twenty-five, chapter twenty-two of this code, relating to the Department of
13 Environmental Protection (Environmental Excellence Program, 60 CSR 8), is repealed.

14 (e) The legislative rule effective on June 12, 1987, authorized under the authority of
15 section three, article one, chapter twenty-two of this code, relating to the Department of
16 Environmental Protection (oil and gas operations – solid waste, 35 CSR 2), is repealed.

17 (f) The legislative rule effective on May 1, 2000, authorized under the authority of section
18 five-a, article eleven, chapter twenty of this code, relating to the Department of Environmental
19 Protection (Recycling Assistance Fund Grant Program, 58 CSR 5), is repealed.

20 (g) The legislative rule effective on June 1, 1994, authorized under the authority of section
21 six, article five, chapter twenty-two-c of this code, relating to the Department of Environmental
22 Protection (commercial hazardous waste management facility siting fees, 33 CSR 21), is
23 repealed.

24 (h) The legislative rule effective on April 25, 1984, authorized under the authority of article
25 eighteen, chapter twenty-two of this code, relating to the Department of Environmental Protection
26 (groundwater protection standards, 33 CSR 23), is repealed.

27 (i) The legislative rule effective on July 1, 1999, authorized under the authority of section
28 six, article seventeen, chapter twenty-two of this code, relating to the Department of
29 Environmental Protection (Underground Storage Tank Insurance Trust Fund, 33 CSR 32), is
30 repealed.

31 (j) The legislative rule effective on June 1, 1996, authorized under the authority of section
32 one, article eighteen, chapter twenty-two of this code, relating to the Department of Environmental
33 Protection (hazardous waste management, 47 CSR 35), is repealed.

34 (k) The legislative rule effective on June 2, 1996, authorized under the authority of section
35 five, article fifteen, chapter twenty-two of this code, relating to the Department of Environmental
36 Protection (solid waste management, 47 CSR 38), is repealed.

37 (l) The legislative rule effective on June 2, 1996, authorized under the authority of section
38 three, article one, chapter twenty-two of this code, relating to the Department of Environmental
39 Protection (waste tire management, 47 CSR 38G), is repealed.

40 (m) The legislative rule effective on May 1, 1996, authorized under the authority of section
41 twenty, article fifteen, chapter twenty-two of this code, relating to the Department of Environmental
42 Protection (sewage sludge management, 47 CSR 38D), is repealed.

43 (n) The legislative rule effective on April 14, 1997, authorized under the authority of section
44 five, article five-g, chapter twenty of this code, relating to the Department of Environmental
45 Protection (Hazardous Waste Emergency Response Fund regulations, 47 CSR 40B), is repealed.

46 (o) The interpretive rule effective on November 20, 2014, authorized under the authority
47 of section twenty-three, article thirty, chapter twenty-two of this code, relating to the Department
48 of Environmental Protection (initial inspection, certification and spill prevention response plan
49 requirements, 47 CSR 62), is repealed.

50 (p) The legislative rule effective on July 1, 1997, authorized under the authority of section
51 three, article one, chapter twenty-two of this code, relating to the Department of Environmental
52 Protection (Office of the Environmental Advocate, 60 CSR 1), is repealed.

53 (q) The legislative rule effective on June 13, 1985, authorized under the authority of article
54 six, chapter twenty of this code, relating to the Department of Environmental Protection (coal
55 refuse, 38 CSR 2B), is repealed.

56 (r) The procedural rule effective on May 16, 2005, authorized under the authority of section
57 six, article one, chapter twenty-two of this code, relating to the Department of Environmental
58 Protection (administrative procedures and civil administrative penalty assessment – Water
59 Resources Protection Act, 60 CSR 6), is repealed.

60 (s) The procedural rule effective on January 30, 1983, authorized under the authority of
61 section one, article three, chapter twenty-two-a of this code, relating to the Department of
62 Environmental Protection (procedures and practice before the Department of Energy, 38 CSR 1),
63 is repealed.

§64-12-2. Commercial Hazardous Waste Management Facility Siting Board.

1 The legislative rule effective on May 19, 1994, authorized under the authority of section
2 three, article ten, chapter twenty of this code, relating to the Commercial Hazardous Waste
3 Management Facility Siting Board (certification requirements, 57 CSR 1), is repealed.

§64-12-3. Environmental Quality Board.

1 (a) The legislative rule effective on June 30, 2005, authorized under the authority of
2 section four, article three, chapter twenty-two-b of this code, relating to the Environmental Quality
3 Board (requirements governing water quality standards, 46 CSR 1), is repealed.

4 (b) The procedural rule effective on February 19, 1996, authorized under the authority of
5 section three, article three, chapter twenty-nine-a of this code, relating to the Environmental
6 Quality Board (requests for information, 46 CSR 8), is repealed.

7 (c) The procedural rule effective on July 27, 1984, authorized under the authority of section
8 three, article one, chapter twenty-two-b of this code, relating to the Environmental Quality Board
9 (rules governing the notice of open meetings under the Open Governments Proceedings Act, 46
10 CSR 5), is repealed.

§64-12-4. Miner Training, Education and Certification Board.

1 (a) The legislative rule effective on June 1, 1992, authorized under the authority of section
2 six, article nine, chapter twenty-two of this code, relating to the Miner Training, Education and
3 Certification Board (certification of blasters for surface coal mines and surface areas of
4 underground mines, 48 CSR 5), is repealed.

5 (b) The legislative rule effective on July 1, 1993, authorized under the authority of section
6 six, article nine, chapter twenty-nine of this code, relating to the Miner Training, Education and
7 Certification Board (standards for certification of blasters for surface coal mines and surface areas
8 of underground mines, 56 CSR 5), is repealed.

9 (c) The procedural rule effective on September 11, 1983, authorized under the authority
10 of section eight, article three, chapter twenty-nine-a of this code, relating to the Board of Miner
11 Training, Education and Certification (temporary suspension of certificates issued to persons
12 pending full hearing before the board of appeals, 48 CSR 16), is repealed.

§64-12-5. Water Resources Board.

1 (a) The legislative rule effective on August 25, 1993, authorized under the authority of
2 article five-a, chapter twenty of this code, relating to the Water Resources Board (State National
3 Pollutant Discharge Elimination System Program, 46 CSR 2), is repealed.

4 (b) The legislative rule effective on July 1, 1987, authorized under the authority of article
5 five-a, chapter twenty of this code, relating to the Water Resources Board (requirements
6 governing the State National Pollutant Discharge Elimination System, 46 CSR 3), is repealed.

§64-12-6. Air Quality Board.

1 The procedural rule effective on February 2, 1996, authorized under the authority of
2 section three, article three, chapter twenty-nine-a of this code, relating to the Air Quality Board
3 (requests for information, 52 CSR 2), is repealed.

§64-12-7. Oil and Gas Inspectors Examining Board.

1 The procedural rule effective on January 18, 2009, authorized under the authority of
2 section three, article seven, chapter twenty-two-c of this code, relating to the Oil and Gas
3 Inspectors Examining Board (matters pertaining to the rules and regulations dealing with the Oil
4 and Gas Inspectors Examining Board, 40 CSR 1), is repealed.