

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4414

BY DELEGATES FOSTER, HANSHAW, HARSHBARGER AND

ZATEZALO

[Introduced February 2, 2018; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §22-5-12 of the Code of West Virginia, 1931, as amended; relating
 2 to requiring the Director of Environmental Resources to bill the holder of a permit to
 3 operate a source of air pollutants for the renewal of that permit 30 days before the permit
 4 is set to expire.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. AIR POLLUTION CONTROL.

§22-5-12. Operating permits required for stationary sources of air pollution.

1 (a) No person may operate a stationary source of air pollutants without first obtaining an
 2 operating permit as provided in this section. The director shall promulgate legislative rules, in
 3 accordance with chapter 29A of this code, which specify classes or categories of stationary
 4 sources which are required to obtain an operating permit. The legislative rule shall provide for the
 5 form and content of the application procedure including time limitations for obtaining the required
 6 permits. Any person who has filed a timely and complete application for a permit or renewal
 7 thereof required by this section, and who is abiding by the requirements of this article and the
 8 rules promulgated pursuant thereto is in compliance with the requirements of this article and any
 9 rule promulgated thereunder until a permit is issued or denied. Any legislative rule promulgated
 10 pursuant to the authority granted by this section shall be equivalent to and consistent with rules
 11 and regulations adopted by the administrator of United States Environmental Protection Agency
 12 pursuant to Title IV and Title V of the Clean Air Act Amendments of 1990, 42 U.S.C. §7651 *et*
 13 *seq.* and 42 U.S.C. §7661 *et seq.*, respectively: *Provided*, That such legislative rule may deviate
 14 from the federal rules and regulations where a deviation is appropriate to implement the policy
 15 and purpose of this article taking into account such factors unique to West Virginia.

16 (b) The director shall bill the permit holder for the renewal of an operating permit issued
 17 pursuant to this section 30 days before the permit is set to expire.

NOTE: The purpose of this bill is to require the Director of Environmental Resources to bill

the holder of a permit to operate a source of air pollutants for the renewal of that permit 30 days before the permit is set to expire.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.