

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 163

SENATOR MAYNARD, *original sponsor*

[Passed March 5, 2019; in effect from passage]

1 AN ACT to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating
2 generally to authorizing agencies under the Department of Environmental Protection to
3 promulgate rules; authorizing the rules as filed, as modified by the Legislative Rule-Making
4 Review Committee, and as amended by the Legislature; authorizing the Department of
5 Environmental Protection to promulgate a legislative rule relating to emission standards
6 for hazardous air pollutants; authorizing the Department of Environmental Protection to
7 promulgate a legislative rule relating to ambient air quality standards; authorizing the
8 Department of Environmental Protection to promulgate a legislative rule relating to
9 standards of performance for new stationary sources; authorizing the Department of
10 Environmental Protection to promulgate a legislative rule relating to control of air pollution
11 from hazardous waste treatment, storage, and disposal facilities; authorizing the
12 Department of Environmental Protection to promulgate a legislative rule relating to
13 requirements for determining conformity of transportation plans, programs, and projects
14 developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws to
15 applicable air quality implementation plans (transportation conformity); authorizing the
16 Department of Environmental Protection to promulgate a legislative rule relating to
17 provisions for determination of compliance with air quality management rules; authorizing
18 the Department of Environmental Protection to promulgate a legislative rule relating to
19 cross-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur
20 dioxide emissions, and ozone season nitrogen oxides emissions; and authorizing the
21 Department of Environmental Protection to promulgate a legislative rule relating to
22 requirements governing water quality standards.

Be it enacted by the Legislature of West Virginia:

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

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

1 (a) The legislative rule filed in the State Register on July 24, 2018, authorized under the
2 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission
3 standards for hazardous air pollutants, 45 CSR 34), is authorized.

4 (b) The legislative rule filed in the State Register on July 24, 2018, authorized under the
5 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient
6 air quality standards, 45 CSR 8), is authorized.

7 (c) The legislative rule filed in the State Register on July 24, 2018, authorized under the
8 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
9 (standards of performance for new stationary sources, 45 CSR 16), is authorized.

10 (d) The legislative rule filed in the State Register on July 24, 2018, authorized under the
11 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control
12 of air pollution from hazardous waste treatment, storage, and disposal facilities, 45 CSR 25), is
13 authorized.

14 (e) The legislative rule filed in the State Register on July 24, 2018, authorized under the
15 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
16 (requirements for determining conformity of transportation plans, programs, and projects
17 developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws, to applicable
18 air quality implementation plans (transportation conformity), 45 CSR 36), is authorized.

19 (f) The legislative rule filed in the State Register on July 24, 2018, authorized under the
20 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
21 (provisions for determination of compliance with air quality management rules, 45 CSR 38), is
22 authorized.

23 (g) The legislative rule filed in the State Register on July 24, 2018, authorized under the
24 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (cross-

25 state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide
26 emissions, and ozone season nitrogen oxides emissions, 45 CSR 43), is authorized.

27 (h) The legislative rule filed in the State Register on July 27, 2018, authorized under the
28 authority of §22-11-4 of this code, modified by the Department of Environmental Protection to
29 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
30 Register on December 10, 2018, relating to the Department of Environmental Protection
31 (requirements governing water quality standards, 47 CSR 2), is authorized with the following
32 amendment:

33 On page 18, after subdivision 8.5.a., by adding a new subdivision 8.6. to read as follows:

34 "8.6. On or before April 1, 2020, the Secretary shall propose updates to the numeric human
35 health criteria found in Appendix E., subsection 8.23. Organics and subsection 8.25 Phenolic
36 Materials to be presented to the 2021 Legislative Session. The Secretary shall allow for
37 submission of proposed human health criteria until October 1, 2019, and for public comment and
38 agency review for an appropriate time thereafter.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2019.

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Governor