

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 371**

BY SENATOR UNGER

[Introduced January 21, 2019; Referred  
to the Committee on Energy, Industry, and Mining; and  
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §64-3-1a of the Code of West Virginia, 1931, as amended, relating  
2 to directing certain amendments to Department of Environmental Protection rules relating  
3 to Air Quality and Water Resources; clarifying when certain notice requirements may be  
4 met; requiring a public hearing to be held for all permits for construction and major  
5 modification of major stationary sources for the prevention of significant deterioration of  
6 air quality; detailing certain requirements for the public hearing; and requiring a public  
7 hearing be held in the community for all permits under the National Pollutant Discharge  
8 Elimination System Program.

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

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

**§64-3-1a. Department of Environmental Protection, Air Quality; Water Resources.**

1 (a) The legislative rule filed in the State Register on May 15, 2017, authorized under the  
2 authority of §22-5-4 of this code, relating to the Department of Environmental Protection, Air  
3 Quality (permits for construction and major modification of major stationary sources for the  
4 prevention of significant deterioration of air quality, 45 [CSR](#) 14), is authorized with the following  
5 amendments set forth below:

6 On page 34, subsection 17.1., after the word “located”, by changing the period to a colon  
7 and inserting the following: *Provided*, That the advertisement may not be published during the  
8 time period that begins seven days prior to an official federal holiday and seven days after the  
9 official federal holiday.;

10 On page 35, subsection 17.4., after the word “relocated”, by changing the period to a colon  
11 and inserting the following: *Provided*, That the advertisement may not be published during the  
12 time period that begins seven days prior to an official federal holiday and seven days after the  
13 official federal holiday.;

14 On page 35, subsection 17.4., by striking out the words “provisions for requesting a public  
15 meeting, details concerning the time and place of such a meeting if one is scheduled” and  
16 inserting in lieu thereof the words “details concerning the time and place of the scheduled public  
17 meeting at a convenient location in the community as near as practicable to the location of the  
18 proposed major source or major modification,”;

19 On page 35, subsection 17.4., after the words “comment at a public meeting” by changing  
20 the comma to a period and striking out the words “if such meeting is to be conducted.”;

21 On page 35, subsection 17.6., after the words “fifteen (15) days after”, by striking out the  
22 word “any” and inserting in lieu thereof the word “the”;

23 And,

24 On page 35, subsection 18.1., after the word “held”, by striking out the remainder of the  
25 subsection and inserting in lieu thereof the words “on all applications.”.

26 (b) The legislative rule filed in the State Register on July 2, 2012, authorized under the  
27 authority of §22-11-4 of this code, relating to the Department of Environmental Protection, Water  
28 Resources (national pollutant discharge elimination system (NPDES) program, 47 [CSR](#) 10), is  
29 authorized with the following amendments set forth below:

30 On page 41, subsection 12.3., by striking out all of subdivision 12.3.a. and inserting in lieu  
31 thereof a new subdivision, designated subdivision 12.3.a., to read as follows:

32 12.3.a. The Director shall hold a public hearing for all draft permits at a convenient place  
33 as near as practicable to the location of the proposed permit location.

NOTE: The purpose of this bill is to require all applications for a proposed major source or major modification to an air quality permit and permit requests in the NPDES program to be required to have a public meeting in the community where the action will take place.

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