WEST virginia legislature

2022 regular session

Committee Substitute

for

Senate Bill 279

By Senator Sypolt

[Originating in the Committee on the Judiciary; reported on January 26, 2022]

A BILL to amend and reenact §64-3-1 *et. seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements for the management of coal combustion residuals; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the underground injection control rule; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to administrative proceedings and civil penalty assessment.

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.

(a) The legislative rule filed in the State Register on July 16, 2021, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (Ambient Air Quality Standards, [45 CSR 08](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=45-08)), is authorized.

(b) The legislative rule filed in the State Register on July 16, 2021, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (Standards of Performance for New Stationary Sources, [45 CSR 16](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=45-16)), is authorized.

(c) The legislative rule filed in the State Register on July 16, 2021, authorized under the authority of §22-5-4 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 August 26, 2021, relating to the Department of Environmental Protection (Control of Air Pollution from Combustion of Solid Waste, [45 CSR 18](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=45-18)), is authorized.

(d) The legislative rule filed in the State Register on July 16, 2021, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (Emission Standards for Hazardous Air Pollutants, [45 CSR 34](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=45-34)), is authorized.

(e) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §22-15-10 of this code, relating to the Department of Environmental Protection (Requirements for the Management of Coal Combustion Residuals, [33 CSR 01B](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=33-01b)), is authorized.

(f) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §22-11-4 of this code, modified by the Water Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 28, 2021, relating to the Department of Environmental Protection (Requirements Governing Water Quality Standards, [47 CSR 02](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=47-02)), is authorized with the amendments set forth below:

On page 16, subdivision 8.2.c, by striking out the word “Permit” and inserting in lieu thereof the words “Site-specific permit”;

And,

On page 16, subdivision 8.2.c., by striking out the words “by the Legislative Rule-Making Review Committee”.

(g) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §22-11-8 of this code, relating to the Department of Environmental Protection (Underground Injection Control, [47 CSR 13](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=47-13)), is authorized.

(h) The legislative rule filed in the State Register on October 19, 2021, authorized under the authority of §22-11-22a of this code, relating to the Department of Environmental Protection (Administrative Proceedings and Civil Penalty Assessment, [47 CSR 30B](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=47-30B)), is authorized.