

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 2

BY SENATOR WOODRUM

[Passed March 8, 2024; in effect from passage]

1 AN ACT to amend and reenact §64-3-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 relating generally to authorizing certain agencies of the Department of Environmental
3 Protection to promulgate legislative rules; authorizing the rules as filed and as modified by
4 the Legislative Rule-Making Review Committee and as amended by the Legislature;
5 authorizing the Department of Environmental Protection to promulgate a legislative rule
6 relating to alternative emission limitations during startup and shutdown operations;
7 authorizing the Department of Environmental Protection to promulgate a legislative rule
8 relating to control of particulate matter air pollution from the combustion of fuel in indirect
9 heat exchangers; authorizing the Department of Environmental Protection to promulgate
10 a legislative rule relating to control of air pollution from the operation of hot mix asphalt
11 plants; authorizing the Department of Environmental Protection to promulgate a legislative
12 rule relating to control of air pollution from the operation of coal preparation plants, coal
13 handling operations, and coal refuse disposal areas; authorizing the Department of
14 Environmental Protection to promulgate a legislative rule relating to control of air pollution
15 from combustion of refuse; authorizing the Department of Environmental Protection to
16 promulgate a legislative rule relating to control of particulate matter air pollution from
17 manufacturing processes and associated operations; authorizing the Department of
18 Environmental Protection to promulgate a legislative rule relating to ambient air quality
19 standards; authorizing the Department of Environmental Protection to promulgate a
20 legislative rule relating to control of air pollution from the emission of sulfur oxides;
21 authorizing the Department of Environmental Protection to promulgate a legislative rule
22 relating to standards of performance for new stationary sources; authorizing the
23 Department of Environmental Protection to promulgate a legislative rule relating to control
24 of air pollution from the emission of volatile organic compounds; authorizing the
25 Department of Environmental Protection to promulgate a legislative rule relating to
26 emission standards for hazardous air pollutants; authorizing the Department of

27 Environmental Protection to promulgate a legislative rule relating to control of greenhouse
28 gas emissions from existing coal-fired electric utility generating units; authorizing the
29 Department of Environmental Protection to promulgate a legislative rule relating to
30 administration of Drinking Water Treatment Revolving Fund and safe drinking water set-
31 asides; authorizing the Department of Environmental Protection to promulgate a legislative
32 rule relating to hazardous waste management system; and authorizing the Department of
33 Environmental Protection to promulgate a legislative rule relating to underground injection
34 control.

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 28, 2023, authorized under the
2 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
4 on September 14, 2023, relating to the Department of Environmental Protection (alternative
5 emission limitations during startup and shutdown operations, 45 CSR 01), is authorized with the
6 following amendments:

7 On page 1, subsection 1.6., by striking the word “The” and inserting in lieu thereof the
8 words “This rule applies to the”;

9 On page 1, subsection 1.6. after the word “limitations” by inserting the words “imposed by
10 those rules”;

11 And,

12 On page 5, section 1, line 69, by striking out “§22-11-7a” and inserting in lieu thereof “§22-
13 11B-7”.

14 (b) The legislative rule filed in the State Register on July 28, 2023, authorized under the
15 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
16 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
17 on September 14, 2023, relating to the Department of Environmental Protection (control of
18 particulate matter air pollution from the combustion of fuel in indirect heat exchangers, 45 CSR
19 02), is authorized.

20 (c) The legislative rule filed in the State Register on July 28, 2023, authorized under the
21 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
22 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
23 on September 14, 2023, relating to the Department of Environmental Protection (control of air
24 pollution from the operation of hot mix asphalt plants, 45 CSR 03), is authorized.

25 (d) The legislative rule filed in the State Register on July 28, 2023, authorized under the
26 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
27 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
28 on September 14, 2023, relating to the Department of Environmental Protection (control of air
29 pollution from the operation of coal preparation plants, coal handling operations and coal refuse
30 disposal areas, 45 CSR 05), is authorized.

31 (e) The legislative rule filed in the State Register on July 28, 2023, authorized under the
32 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
33 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
34 on September 14, 2023, relating to the Department of Environmental Protection (control of air
35 pollution from combustion of refuse, 45 CSR 06), is authorized.

36 (f) The legislative rule filed in the State Register on July 28, 2023, authorized under the
37 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
38 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
39 on September 14, 2023, relating to the Department of Environmental Protection (control of

40 particulate matter air pollution from manufacturing processes and associated operations, 45 CSR
41 07), is authorized.

42 (g) The legislative rule filed in the State Register on July 28, 2023, authorized under the
43 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient
44 air quality standards, 45 CSR 08), is authorized.

45 (h) The legislative rule filed in the State Register on July 28, 2023, authorized under the
46 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
47 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
48 on September 14, 2023, relating to the Department of Environmental Protection (control of air
49 pollution from the emission of sulfur oxides, 45 CSR 10), is authorized.

50 (i) The legislative rule filed in the State Register on July 28, 2023, authorized under the
51 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
52 (standards of performance for new stationary sources, 45 CSR 16), is authorized.

53 (j) The legislative rule filed in the State Register on July 28, 2023, authorized under the
54 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
55 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
56 on September 14, 2023, relating to the Department of Environmental Protection (control of air
57 pollution from the emission of volatile organic compounds, 45 CSR 21), is authorized.

58 (k) The legislative rule filed in the State Register on July 28, 2023, authorized under the
59 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission
60 standards for hazardous air pollutants, 45 CSR 34), is authorized.

61 (l) The legislative rule filed in the State Register on July 28, 2023, authorized under the
62 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control
63 of greenhouse gas emissions from existing coal-fired electric utility generating units, 45 CSR 44),
64 is authorized.

65 (m) The legislative rule filed in the State Register on July 28, 2023, authorized under the
66 authority of §22-36-2 of this code, modified by the Department of Environmental Protection to
67 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
68 Register on September 15, 2023, relating to the Department of Environmental Protection
69 (administration of Drinking Water Treatment Revolving Fund and safe drinking water set-asides,
70 60 CSR 12), is authorized.

71 (n) The legislative rule filed in the State Register on July 24, 2023, authorized under the
72 authority of §22-18-6 of this code, modified by the Department of Environmental Protection to
73 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
74 Register on September 15, 2023 relating to the Department of Environmental Protection
75 (hazardous waste management system, 33 CSR 20), is authorized.

76 (o) The legislative rule filed in the State Register on July 28, 2023, authorized under the
77 authority of §22-11-7a of this code, modified by the Department of Environmental Protection to
78 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
79 Register on September 15, 2023, relating to the Department of Environmental Protection
80 (underground injection control, 47 CSR 13), is authorized.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2024.

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Governor