

1 **COMMITTEE SUBSTITUTE**

2 **FOR**

3 **H. B. 2283**

4
5 (By Delegate Sobonya)

6 [February 20, 2015; originating in the Committee on the Judiciary.]

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11 A BILL to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended,
12 relating generally to the promulgation of administrative rules by the Department of
13 Environmental Protection; legislative mandate or authorization for the promulgation of
14 certain legislative rules by various executive or administrative agencies of the state;
15 authorizing certain of the agencies to promulgate certain legislative rules in the form that the
16 rules were filed in the State Register; authorizing certain of the agencies to promulgate
17 certain legislative rules with various modifications presented to and recommended by the
18 Legislative Rule-Making Review Committee; authorizing the Department of Environmental
19 Protection to promulgate a legislative rule relating to standards of performance for new
20 stationary sources; authorizing the Department of Environmental Protection to promulgate
21 a legislative rule relating to permits for construction and major modification of major
22 stationary sources for the prevention of significant deterioration of air quality; authorizing

1 the Department of Environmental Protection to promulgate a legislative rule relating to the
2 control of air pollution from hazardous waste treatment, storage and disposal facilities;
3 authorizing the Department of Environmental Protection to promulgate a legislative rule
4 relating to the control of air pollution from hazardous waste treatment, storage and disposal
5 facilities; authorizing the Department of Environmental Protection to promulgate a
6 legislative rule relating to requirements for operating permits; authorizing the Department
7 of Environmental Protection to promulgate a legislative rule relating to emission standards
8 for hazardous air pollutants; authorizing the Department of Environmental Protection to
9 promulgate a legislative rule relating to the awarding of WV Stream Partners Program
10 Grants; authorizing the Department of Environmental Protection to promulgate a legislative
11 rule relating to the hazardous waste management system; authorizing the Department of
12 Environmental Protection to promulgate a legislative rule relating to requirements governing
13 water quality standards; authorizing the Department of Environmental Protection to
14 promulgate a legislative rule relating to the WV/NPDES rule for coal mining facilities; and,
15 authorizing the Department of Environmental Protection to promulgate a legislative rule
16 relating to waste management.

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

18 That article 3, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and
19 reenacted to read as follows:

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

22 **§64-3-1. Department of Environmental Protection.**

1 (a) The legislative rule filed in the State Register on July 23, 2014, authorized under the
2 authority of section four, article five, chapter twenty-two, of this code, relating to the Department
3 of Environmental Protection (permits for construction and major modification of major stationary
4 sources for the prevention of significant deterioration of air quality, [45 CSR 14](#)), is authorized.

5 (b) The legislative rule filed in the State Register on July 23, 2014, authorized under the
6 authority of section four, article five, chapter twenty-two of this code, relating to the Department of
7 Environmental Protection (standards of performance for new stationary sources, [45 CSR 16](#)), is
8 authorized.

9 (c) The legislative rule filed in the State Register on July 23, 2014, authorized under the
10 authority of section four, article five, chapter twenty-two of this code, relating to the Department of
11 Environmental Protection (control of air pollution from hazardous waste treatment, storage or
disposal facilities, [45 CSR 25](#)), is authorized.

(d) The legislative rule filed in the State Register on July 23, 2014, authorized under the
authority of section four, article five, chapter twenty-two of this code, relating to the Department of
Environmental Protection (requirements for operating permits, [45 CSR 30](#)), is authorized.

(e) The legislative rule filed in the State Register on July 25, 2014, authorized under the
authority of section four, article five, chapter twenty-two of this code, relating to the Department of
Environmental Protection (emission standards for hazardous air pollutants, [45 CSR 34](#)), is
authorized.

(f) The legislative rule filed in the State Register on July 29, 2014, authorized under the
authority of section four, article thirteen, chapter twenty of this code, relating to the Department of
Environmental Protection (awarding of WV Stream Partners Program Grants, [60 CSR 4](#)), is

authorized with the amendment set forth below:

On page two, subsection 4.2, line twenty-two, following the words “furnished by”, by striking out the words “watershed association” and inserting in lieu thereof the word “organization”;

On page two, subsection 4.2, line twenty-five, following the words “in which the”, by striking out the word “entity” and inserting in lieu thereof the word “organization”;

On page three, subdivision 5.2.f, line sixteen, following the words “expenses for”, by striking out the words “watershed association” and inserting in lieu thereof the word “organization”;

And,

On page three, subdivision 5.2.g, line seventeen, following the words “support the”, by striking out the words “watershed association’s” and inserting in lieu thereof the word “organization’s”.

(g) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section six, article eighteen, chapter twenty-two of this code, relating to the Department of Environmental Protection (hazardous waste management system, [33 CSR 20](#)), is authorized.

(h) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article eleven, chapter twenty-two of this code, relating to the Department of Environmental Protection (requirements governing water quality standards, [47 CSR 2](#)), is authorized.; *Provided*; that the Secretary of the Department of Environmental Protection shall consider, for the 2017 triennial review, potential alternative applications for the Category A drinking water use designation to the waters of the state, taking into consideration stream flow, depth, and distance to a public water intake.

(i) The legislative rule filed in the State Register on July 28, 2014, authorized under the

authority of section three, article one, chapter twenty-two, of this code, relating to the Department of Environmental Protection (WV/NPDES rule for coal mining facilities, [47 CSR 30](#)), is authorized

(j) The legislative rule filed in the State Register on August 12, 2014, authorized under the authority of section eight, article fifteen, chapter twenty-two, 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 October 22, 2014, relating to the Department of Environmental Protection (waste management, [33 CSR 1](#)), is authorized with the following amendments:

On page 145, by adding the following new subparagraph:

5.6.b.3.C. Any facility permitted to accept drilling wastes that does not transfer leachate off-site for additional treatment, must sample and analyze the output fluid from on-site leachate treatment systems to include the sampling parameters in Appendix V of this rule on a quarterly basis;

And,

On page 176, by adding two compounds, toluene and xylene, to Appendix V.