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H. B. 2363

(By Delegates Sobonya and Frich)

[Introduced January 26, 2015; referred to the

Committee on Industry and Labor then the Judiciary.]

10 A BILL to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended,
11 relating to authorizing the Department of Environmental Protection to promulgate a
12 legislative rule relating to waste management.

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

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

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

18 **§64-3-1. Department of Environmental Protection.**

19 The legislative rule filed in the State Register on August 12, 2014, authorized under the
20 authority of section eight, article fifteen, chapter twenty-two, of this code, modified by the
21 Department of Environmental Protection to meet the objections of the Legislative Rule-making
22 Review Committee and refiled in the State Register on October 22, 2014, relating to the Department

1 of Environmental Protection (waste management, [33 CSR 1](#)), is authorized with the following
2 amendments:

3 On page 145, by adding the following new subparagraph:

4 **5.6.b.3.C. Any facility permitted to accept drilling wastes that does not transfer leachate off-**
5 **site for additional treatment, must sample and analyze the output fluid from on-site leachate**
6 **treatment systems to include the sampling parameters in Appendix V of this rule on a quarterly basis;**

7 And,

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

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to Waste Management.

This section is new; therefore, it has been completely underscored.