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Senate Bill No. 165
(By Senator Snyder)

[Introduced January 14, 2015; referred to the Committee on Natural Resources; and then to the
Committee on the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

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

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

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

1 Review Committee and refiled in the State Register on October 22, 2014, relating to the Department
2 of Environmental Protection (waste management, [33 CSR 1](#)), is authorized with the following
3 amendments:

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

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

8 And,

9 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, strike-throughs and underscoring have been omitted.