

COMMITTEE SUBSTITUTE

for

**H. B. 2283**

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(BY DELEGATE(S) SOBONYA)

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

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A BILL to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Environmental Protection; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making

Review Committee; 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 permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; 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 awarding of WV Stream Partners Program Grants; authorizing the Department of Environmental Protection to

promulgate a legislative rule relating to the hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES rule for coal mining facilities; and, 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.**

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

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

12       (c) The legislative rule filed in the State Register on July 23,  
13       2014, authorized under the authority of section four, article five,  
14       chapter twenty-two of this code, relating to the Department of  
15       Environmental Protection (control of air pollution from hazard-  
16       ous waste treatment, storage or disposal facilities, 45 CSR 25),  
17       is authorized.

18       (d) The legislative rule filed in the State Register on July 23,  
19       2014, authorized under the authority of section four, article five,  
20       chapter twenty-two of this code, relating to the Department of  
21       Environmental Protection (requirements for operating permits,  
22       45 CSR 30), is authorized.

23       (e) The legislative rule filed in the State Register on July 25,  
24       2014, authorized under the authority of section four, article five,  
25       chapter twenty-two of this code, relating to the Department of

26 Environmental Protection (emission standards for hazardous air  
27 pollutants, 45 CSR 34), is authorized.

28 (f) The legislative rule filed in the State Register on July 29,  
29 2014, authorized under the authority of section four, article  
30 thirteen, chapter twenty of this code, relating to the Department  
31 of Environmental Protection (awarding of WV Stream Partners  
32 Program Grants, 60 CSR 4), is authorized with the amendment  
33 set forth below:

34 On page two, subsection 4.2, line twenty-two, following the  
35 words “furnished by”, by striking out the words “watershed  
36 association” and inserting in lieu thereof the word “organiza-  
37 tion”;

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

41 On page three, subdivision 5.2.f, line sixteen, following the  
42 words “expenses for”, by striking out the words “watershed  
43 association” and inserting in lieu thereof the word “organiza-  
44 tion”;

45 And,

46 On page three, subdivision 5.2.g, line seventeen, following  
47 the words “support the”, by striking out the words “watershed  
48 association’s” and inserting in lieu thereof the word “organiza-  
49 tion’s”.

50 (g) The legislative rule filed in the State Register on July 30,  
51 2014, authorized under the authority of section six, article  
52 eighteen, chapter twenty-two of this code, relating to the  
53 Department of Environmental Protection (hazardous waste  
54 management system, 33 CSR 20), is authorized.

55 (h) The legislative rule filed in the State Register on August  
56 1, 2014, authorized under the authority of section four, article  
57 eleven, chapter twenty-two of this code, relating to the Depart-  
58 ment of Environmental Protection (requirements governing  
59 water quality standards, 47 CSR 2), is authorized.; *Provided*; that  
60 the Secretary of the Department of Environmental Protection  
61 shall consider, for the 2017 triennial review, potential alternative  
62 applications for the Category A drinking water use designation  
63 to the waters of the state, taking into consideration stream flow,  
64 depth, and distance to a public water intake.

65 (i) The legislative rule filed in the State Register on July 28,  
66 2014, authorized under the authority of section three, article one,  
67 chapter twenty-two, of this code, relating to the Department of  
68 Environmental Protection (WV/NPDES rule for coal mining  
69 facilities, 47 CSR 30), is authorized

70 (j) The legislative rule filed in the State Register on August  
71 12, 2014, authorized under the authority of section eight, article  
72 fifteen, chapter twenty-two, of this code, modified by the  
73 Department of Environmental Protection to meet the objections  
74 of the Legislative Rule-making Review Committee and refiled  
75 in the State Register on October 22, 2014, relating to the  
76 Department of Environmental Protection (waste management, 33  
77 CSR 1), is authorized with the following amendments:

78 On page 145, by adding the following new subparagraph:  
79 **5.6.b.3.C. Any facility permitted to accept drilling wastes**  
80 that does not transfer leachate off-site for additional treatment,  
81 must sample and analyze the output fluid from on-site leachate  
82 treatment systems to include the sampling parameters in  
83 Appendix V of this rule on a quarterly basis;

84 And,

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85 On page 176, by adding two compounds, toluene and xylene,

86 to Appendix V.