

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

House Bill 118

BY FAST, SUMMERS, OVERINGTON, FOLK, SHOTT,
MCCLUSKEY, IRELAND, KESSINGER, SOBONYA, DEEM, AND
FOSTER

[Originating in the Committee on the Judiciary;

Reported on June 2, 2016]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §64-3-1a, relating to authorizing the Department of Environmental Protection,
3 Air Quality to promulgate a legislative rule relating to standards of performance for new
4 stationary sources.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §64-3-1a to read as follows:

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

§64-3-1a. Department of Environmental Protection, Air Quality.

1 The legislative rule filed in the State Register on July 24, 2015, authorized under the
2 authority of section four, article five, chapter twenty-two, of this code, relating to the Department
3 of Environmental Protection, Air Quality (standards of performance for new stationary sources,
4 45 CSR 16), is authorized with the following amendment set forth below:

5 On page 2, following subdivision 4.1.b., by adding the following new subdivision:

6 “4.1.c. The following subparts of 40 CFR Part 60 relating to wood-burning heaters and
7 appliances are expressly excluded and are not adopted or incorporated by reference in this rule:

8 4.1.c.1. The 2015 amendments to subpart AAA; and

9 4.1.c.2. Subpart QQQQ.”

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection, Air Quality to promulgate a legislative rule relating to Standards of Performance for New Stationary Sources.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.