

**WEST VIRGINIA LEGISLATURE**  
**2016 FIRST EXTRAORDINARY SESSION**

**ENROLLED**

**House Bill 118**

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

[Passed June 2, 2016; in effect from passage.]

1 AN ACT 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.”