Committee Substitute
for
Senate Bill 163

Senator Maynard, original sponsor
[Originating in the Committee on the Judiciary;
Reported on February 4, 2019]
A BILL to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating
generally to authorizing agencies under the Department of Environmental Protection to
promulgate rules; authorizing the rules as filed, as modified by the Legislative Rule-Making
Review Committee, and as amended by the Legislature; 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 ambient air quality standards; 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 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 determining conformity of transportation plans, programs, and projects
developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws to
applicable air quality implementation plans (transportation conformity); authorizing the
Department of Environmental Protection to promulgate a legislative rule relating to
provisions for determination of compliance with air quality management rules; authorizing
the Department of Environmental Protection to promulgate a legislative rule relating to
cross-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur
dioxide emissions, and ozone season nitrogen oxides emissions; and authorizing the
Department of Environmental Protection to promulgate a legislative rule relating to
requirements governing water quality standards.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL
PROTECTION TO PROMULGATE LEGISLATIVE RULES.
§64-3-1. Department of Environmental Protection.

(a) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission standards for hazardous air pollutants, 45 CSR 34), is authorized.

(b) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient air quality standards, 45 CSR 8), is authorized.

(c) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (standards of performance for new stationary sources, 45 CSR 16), is authorized.

(d) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control of air pollution from hazardous waste treatment, storage, and disposal facilities, 45 CSR 25), is authorized.

(e) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (requirements for determining conformity of transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws, to applicable air quality implementation plans (transportation conformity), 45 CSR 36), is authorized.

(f) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (provisions for determination of compliance with air quality management rules, 45 CSR 38), is authorized.

(g) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (cross-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide...
emissions, and ozone season nitrogen oxides emissions, 45 CSR 43), is authorized.

(h) The legislative rule filed in the State Register on July 27, 2018, authorized under the
authority of §22-11-4 of this code, modified by the Department of Environmental Protection to
meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
Register on December 10, 2018, relating to the Department of Environmental Protection
(requirements governing water quality standards, 47 CSR 2), is authorized with the following
amendment:

On page 18, after subdivision 8.5.a., by adding a new subdivision 8.6. to read as follows:

“8.6. On or before April 1, 2020, the Secretary shall propose updates to the numeric human
health criteria found in Appendix E., subsection 8.23. Organics and subsection 8.25 Phenolic
Materials to be presented to the 2021 Legislative Session. The Secretary shall allow for
submission of proposed human health criteria until October 1, 2019, and for public comment and
agency review for an appropriate time thereafter.