

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2382

[Originating in the Committee on the Judiciary;

reported on January 15, 2021]

1 A BILL to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating
2 generally to authorizing certain agencies of the Department of Environmental Protection
3 to promulgate legislative rules; authorizing the rules as filed and as modified by the
4 Legislative Rule-Making Review Committee; authorizing the Department of Environmental
5 Protection to promulgate a legislative rule relating to ambient air quality standards;
6 authorizing the Department of Environmental Protection to promulgate a legislative rule
7 relating to standards of performance for new stationary sources; authorizing the
8 Department of Environmental Protection to promulgate a legislative rule relating to control
9 of air pollution from combustion of solid waste; authorizing the Department of
10 Environmental Protection to promulgate a legislative rule relating to control of air pollution
11 from municipal solid waste landfills; authorizing the Department of Environmental
12 Protection to promulgate a legislative rule relating to acid rain provisions and permits;
13 authorizing the Department of Environmental Protection to promulgate a legislative rule
14 relating to emission standards for hazardous air pollutants; authorizing the Department of
15 Environmental Protection to promulgate a legislative rule relating to control of greenhouse
16 gas emissions from existing coal-fired electric utility generating units; authorizing the
17 Department of Environmental Protection to promulgate a legislative rule relating to
18 requirements governing water quality standards; authorizing the Department of
19 Environmental Protection to promulgate a legislative rule relating to hazardous waste
20 management system; and authorizing the Department of Environmental Protection to
21 promulgate a legislative rule relating to voluntary remediation and redevelopment rule.

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.

1 (a) The legislative rule filed in the State Register on August 26, 2020, authorized under the
2 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient
3 air quality standards, [45 CSR 08](#)), is authorized.

4 (b) The legislative rule filed in the State Register on August 26, 2020, authorized under the
5 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
6 (standards of performance for new stationary sources, [45 CSR 16](#)), is authorized.

7 (c) The legislative rule filed in the State Register on August 26, 2020, authorized under the
8 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control
9 of air pollution from combustion of solid waste, [45 CSR 18](#)), is authorized.

10 (d) The legislative rule filed in the State Register on August 26, 2020, authorized under the
11 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control
12 of air pollution from municipal solid waste landfills, [45 CSR 23](#)), is authorized.

13 (e) The legislative rule filed in the State Register on August 26, 2020, authorized under the
14 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (acid rain
15 provisions and permits, [45 CSR 33](#)), is authorized.

16 (f) The legislative rule filed in the State Register on August 26, 2020, authorized under the
17 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission
18 standards for hazardous air pollutants, [45 CSR 34](#)), is authorized.

19 (g) The legislative rule filed in the State Register on August 26, 2020, authorized under the
20 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
21 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
22 on September 28, 2020, relating to the Department of Environmental Protection (control of
23 greenhouse gas emissions from existing coal-fired electric utility generating units, [45 CSR 44](#)), is
24 authorized.

25 (h) The legislative rule filed in the State Register on August 17, 2020, authorized under the
26 authority of §22-11-4 of this code, modified by the Department of Environmental Protection to
27 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
28 Register on December 22, 2020, relating to the Department of Environmental Protection
29 (requirements governing water quality standards, 47 CSR 02), is authorized.

30 (i) The legislative rule filed in the State Register on August 25, 2020, authorized under the
31 authority of §22-18-6 of this code, relating to the Department of Environmental Protection
32 (hazardous waste management system, 33 CSR 20), is authorized.

33 (j) The legislative rule filed in the State Register on August 25, 2020, authorized under the
34 authority of §22-22-3 of this code, modified by the Department of Environmental Protection to
35 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
36 Register on December 11, 2020, relating to the Department of Environmental Protection
37 (voluntary remediation and redevelopment rule, 60 CSR 03), is authorized.

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

This section is new; therefore, strike-throughs and underscoring have been omitted.