

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Introduced**

### **House Bill 2641**

BY Delegate Foster

[Introduced January 17, 2023; Referred to the  
Committee on Energy and Manufacturing then the  
Judiciary]

1 A BILL to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to  
 2 authorizing the Department of Environmental Protection to promulgate a legislative rule  
 3 relating to requirements for operating permits.

*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 The legislative rule filed in the State Register on July 21, 2022, authorized under the  
 2 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet  
 3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
 4 on December 20, 2022, relating to the Department of Environmental Protection (requirements for  
 5 operating permits , [45 CSR 30](#)), is authorized with the amendments set forth below:

6 The Legislative Rule Making Review Committee moved to amend the rule as modified  
 7 on page 41, section 8, subsection 8.4, by striking "150%" and inserting in lieu thereof "110%"

8 AND

9 On page 41, section 8, by striking out the text of section 8.6 in its entirety and inserting in lieu  
 10 thereof the following text:

11 "8.6. The Secretary shall transition the base fee components under subdivision 8.1.a in  
 12 accordance with the following, which shall apply when the rule becomes effective.

13 8.6.a. The Permitted Source Base Fee (PSBF) is \$ 5000.

14 8.6.b. The Deferred Source Base Fee (DSBF) is \$ 0.

15 8.6.c. These base fee components shall remain in effect until revised or superseded."

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits.

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