

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 2

By Senator Woodrum

[Originating in the Committee on the Judiciary;

reported January 11, 2024]

1 A BILL to amend and reenact §64-3-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 relating generally to authorizing certain agencies of the Department of Environmental
3 Protection to promulgate legislative rules; authorizing the rules as filed and as modified by
4 the Legislative Rule-Making Review Committee; authorizing the Department of
5 Environmental Protection to promulgate a legislative rule relating to alternative emission
6 limitations during startup and shutdown operations; authorizing the Department of
7 Environmental Protection to promulgate a legislative rule relating to control of particulate
8 matter air pollution from the combustion of fuel in indirect heat exchangers; authorizing the
9 Department of Environmental Protection to promulgate a legislative rule relating to control
10 of air pollution from the operation of hot mix asphalt plants; authorizing the Department of
11 Environmental Protection to promulgate a legislative rule relating to control of air pollution
12 from the operation of coal preparation plants, coal handling operations and coal refuse
13 disposal areas; authorizing the Department of Environmental Protection to promulgate a
14 legislative rule relating to control of air pollution from combustion of refuse; authorizing the
15 Department of Environmental Protection to promulgate a legislative rule relating to control
16 of particulate matter air pollution from manufacturing processes and associated
17 operations; authorizing the Department of Environmental Protection to promulgate a
18 legislative rule relating to ambient air quality standards; authorizing the Department of
19 Environmental Protection to promulgate a legislative rule relating to control of air pollution
20 from the emission of sulfur oxides; authorizing the Department of Environmental Protection
21 to promulgate a legislative rule relating to standards of performance for new stationary
22 sources; authorizing the Department of Environmental Protection to promulgate a
23 legislative rule relating to control of air pollution from the emission of volatile organic
24 compounds; authorizing the Department of Environmental Protection to promulgate a
25 legislative rule relating to emission standards for hazardous air pollutants; authorizing the
26 Department of Environmental Protection to promulgate a legislative rule relating to control

27 of greenhouse gas emissions from existing coal-fired electric utility generating units;
28 authorizing the Department of Environmental Protection to promulgate a legislative rule
29 relating to administration of Drinking Water Treatment Revolving Fund and safe drinking
30 water set-asides; authorizing the Department of Environmental Protection to promulgate a
31 legislative rule relating to hazardous waste management system; and authorizing the
32 Department of Environmental Protection to promulgate a legislative rule relating to
33 underground injection control.

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 July 28, 2023, 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 September 14, 2023, relating to the Department of Environmental Protection (alternative
5 emission limitations during startup and shutdown operations, 45 CSR 01), is authorized.

6 (b) The legislative rule filed in the State Register on July 28, 2023, authorized under the
7 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
8 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
9 on September 14, 2023, relating to the Department of Environmental Protection (control of
10 particulate matter air pollution from the combustion of fuel in indirect heat exchangers, 45 CSR
11 02), is authorized.

12 (c) The legislative rule filed in the State Register on July 28, 2023, authorized under the
13 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
14 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register

15 on September 14, 2023, relating to the Department of Environmental Protection (control of air
16 pollution from the operation of hot mix asphalt plants, 45 CSR 03), is authorized.

17 (d) The legislative rule filed in the State Register on July 28, 2023, authorized under the
18 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
19 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
20 on September 14, 2023, relating to the Department of Environmental Protection (control of air
21 pollution from the operation of coal preparation plants, coal handling operations and coal refuse
22 disposal areas, 45 CSR 05), is authorized.

23 (e) The legislative rule filed in the State Register on July 28, 2023, authorized under the
24 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
25 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
26 on September 14, 2023, relating to the Department of Environmental Protection (control of air
27 pollution from combustion of refuse, 45 CSR 06), is authorized.

28 (f) The legislative rule filed in the State Register on July 28, 2023, authorized under the
29 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
30 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
31 on September 14, 2023, relating to the Department of Environmental Protection (control of
32 particulate matter air pollution from manufacturing processes and associated operations, 45 CSR
33 07), is authorized.

34 (g) The legislative rule filed in the State Register on July 28, 2023, authorized under the
35 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient
36 air quality standards, 45 CSR 08), is authorized.

37 (h) The legislative rule filed in the State Register on July 28, 2023, authorized under the
38 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
39 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
40 on September 14, 2023, relating to the Department of Environmental Protection (control of air

41 pollution from the emission of sulfur oxides, 45 CSR 10), is authorized.

42 (i) The legislative rule filed in the State Register on July 28, 2023, authorized under the
43 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
44 (standards of performance for new stationary sources, 45 CSR 16), is authorized.

45 (j) The legislative rule filed in the State Register on July 28, 2023, authorized under the
46 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
47 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
48 on September 14, 2023, relating to the Department of Environmental Protection (control of air
49 pollution from the emission of volatile organic compounds, 45 CSR 21), is authorized.

50 (k) The legislative rule filed in the State Register on July 28, 2023, authorized under the
51 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission
52 standards for hazardous air pollutants, 45 CSR 34), is authorized.

53 (l) The legislative rule filed in the State Register on July 28, 2023, authorized under the
54 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control of
55 greenhouse gas emissions from existing coal-fired electric utility generating units, 45 CSR 44), is
56 authorized.

57 (m) The legislative rule filed in the State Register on July 28, 2023, authorized under the
58 authority of §22-36-2 of this code, modified by the Department of Environmental Protection to
59 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
60 Register on September 15, 2023, relating to the Department of Environmental Protection
61 (administration of Drinking Water Treatment Revolving Fund and safe drinking water set-asides,
62 60 CSR 12), is authorized.

63 (n) The legislative rule filed in the State Register on July 24, 2023, authorized under the
64 authority of §22-18-6 of this code, modified by the Department of Environmental Protection to
65 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
66 Register on September 15, 2023 relating to the Department of Environmental Protection

67 (hazardous waste management system, 33 CSR 20), is authorized.

68 (o) The legislative rule filed in the State Register on July 28, 2023, authorized under the
69 authority of §22-11-7a of this code, modified by the Department of Environmental Protection to
70 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
71 Register on September 15, 2023, relating to the Department of Environmental Protection
72 (underground injection control, 47 CSR 13), is authorized.