

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2603

(By Delegates Mahan, Cann, Kominar and Faircloth)



Passed March 6, 2003

In Effect from Passage

FILED

2003 MAR 17 P 4: 48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2603

(BY DELEGATES MAHAN, CANN, KOMINAR AND FAIRCLOTH)

[Passed March 6, 2003; in effect from passage.]

AN ACT to amend and reenact article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review commit-

tee and as amended by the legislature; authorizing the department of environmental protection to promulgate a legislative rule relating to the NOx budget trading program as a means of control and reduction of nitrogen oxides from nonelectric generating units; authorizing the department of environmental protection to promulgate a legislative rule relating to permits for the construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, administrative updates, temporary permits, general permits and procedures for evaluation; authorizing the department of environmental protection to promulgate a legislative rule relating to standards of performance for new stationary sources pursuant to 40 CFR part 60; authorizing the department of environmental protection to promulgate a legislative rule relating to the prevention and control of air pollution from hazardous waste treatment, storage or disposal facilities; authorizing the department of environmental protection to promulgate a legislative rule relating to the NOx budget trading program as a means of control and reduction of nitrogen oxides from electric generating units; authorizing the department of environmental protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the department of environmental protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants for source categories pursuant to 40 CFR Part 63; authorizing the department of environmental protection to promulgate a legislative rule relating to acid rain provisions and permits; authorizing the department of environmental protection to promulgate a legislative rule relating to surface mining and reclamation; authorizing the department of environmental protection to promulgate a legislative rule relating to coal related dam safety; authorizing the department of environmental protection to promulgate a legislative rule relating to standards for the beneficial use of materials similar to sewage sludge; authorizing the department of environmental protection to promulgate a legislative rule relating to hazardous waste management; autho-

rizing the department of environmental protection to promulgate a legislative rule relating to the hazardous waste management fund certification legislative rule concerning fee assessment; authorizing the department of environmental protection to promulgate a legislative rule relating to water pollution control permit fee schedules; authorizing the environmental quality board to promulgate a legislative rule relating to requirements governing water quality standards; and authorizing the oil and gas conservation commission to promulgate a legislative rule relating to rules of the commission.

Be it enacted by the Legislature of West Virginia:

That article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO PROMULGATE LEGISLATIVE RULES.

§64-3-1. Division of environmental protection.

1 (a) The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand two, authorized under
3 the authority of section four, article five, chapter twenty-two of
4 this code, relating to the department of environmental protec-
5 tion (NOx budget trading program as a means of control and
6 reduction of nitrogen oxides from nonelectric generating units,
7 45 CSR 1), is authorized with the following amendment:

8 On page thirty-four, subsection 54.6, in the first sentence
9 after the words "starting in" by inserting the word "2005 or"
10 and after the word "2006," by inserting the words "if the
11 Secretary determines the Administrator is utilizing this later
12 date for purposes of implementation under 40 CFR Part 96 or
13 40 CFR Part 52 in any state with a compliance date of May 31,
14 2004,"

15 (b) The legislative rule filed in the state register on the
16 twenty-sixth day of July, two thousand two, authorized under
17 the authority of section four, article five, chapter twenty-two of
18 this code, relating to the department of environmental protec-
19 tion (permits for construction, modification, relocation and
20 operation of stationary sources of air pollutants, notification
21 requirements, administrative updates, temporary permits,
22 general permits and procedures for evaluation, 45 CSR 13), is
23 authorized.

24 (c) The legislative rule filed in the state register on the
25 twenty-sixth day of July, two thousand two, authorized under
26 the authority of section four, article five, chapter twenty-two of
27 this code, relating to the department of environmental protec-
28 tion (standards of performance for new stationary sources
29 pursuant to 40 CFR Part 60, 45 CSR 16), is authorized.

30 (d) The legislative rule filed in the state register on the
31 twenty-sixth day of July, two thousand two, authorized under
32 the authority of section four, article five, chapter twenty-two of
33 this code, relating to the department of environmental protec-
34 tion (to prevent and control air pollution from hazardous waste
35 treatment, storage or disposal facilities, 45 CSR 25), is autho-
36 rized.

37 (e) The legislative rule filed in the state register on the
38 twenty-sixth day of July, two thousand two, authorized under
39 the authority of section four, article five, chapter twenty-two of
40 this code, relating to the department of environmental protec-
41 tion (NOx budget trading program as a means of control and
42 reduction of nitrogen oxides from electric generating units, 45
43 CSR 26), is authorized with the following amendment:

44 On page thirty-two, subsection 54.6, in the first sentence
45 after the words "starting in" by inserting the word "2005 or"
46 and after the word "2006," by inserting the words "if the

47 Secretary determines the Administrator has approved or
48 promulgated this later date for purposes of implementation
49 under 40 CFR Part 96 or 40 CFR Part 52 in any state with a
50 compliance date of May 31, 2004,”

51 (f) The legislative rule filed in the state register on the
52 twenty-sixth day of July, two thousand two, authorized under
53 the authority of section four, article five, chapter twenty-two of
54 this code, relating to the department of environmental protec-
55 tion (requirements for operating permits, 45 CSR 30), is
56 authorized.

57 (g) The legislative rule filed in the state register on the
58 twenty-sixth day of July, two thousand two, authorized under
59 the authority of section four, article five, chapter twenty-two of
60 this code, relating to the department of environmental protec-
61 tion (emission standards for hazardous air pollutants for source
62 categories pursuant to 40 CFR Part 63, 45 CSR 34), is autho-
63 rized.

64 (h) The legislative rule filed in the state register on the
65 twenty-sixth day of July, two thousand two, authorized under
66 the authority of section four, article five, chapter twenty-two of
67 this code, modified by the department of environmental
68 protection to meet the objections of the legislative rule-making
69 review committee and refiled in the state register on the fourth
70 day of November, two thousand two, relating to the department
71 of environmental protection (acid rain provisions and permits,
72 45 CSR 33), is authorized.

73 (i) The legislative rule filed in the state register on the
74 twenty-sixth day of July, two thousand two, authorized under
75 the authority of sections four and twelve, article three, chapter
76 twenty-two of this code, modified by the department of
77 environmental protection to meet the objections of the legisla-
78 tive rule-making review committee and refiled in the state

79 register on the thirteenth day of January, two thousand three,
80 relating to the department of environmental protection (surface
81 mining and reclamation rule, 38 CSR 2), is authorized with the
82 following amendments:

83 On page twenty-two, following paragraph 3.7.c.2. by
84 inserting a new division 3.7.d to read as follows:

85 “3.7.d. A survey of the watershed identifying all man made
86 structures and residents in proximity to the disposal area to
87 determine potential storm runoff impacts. At least thirty (30)
88 days prior to any beginning of placement of material, the
89 accuracy of the survey shall be field verified. Any changes shall
90 be documented and brought to the attention of the Secretary to
91 determine if there is a need to revise the permit.”

92 On page twenty-five, subdivision 3.12.a.6. by following the
93 words “to surface lands, structures,” by striking the remainder
94 of the paragraph and inserting in lieu thereof “or facilities, due
95 to subsidence;”;

96 On page twenty-five, subdivision 3.12.a.7. by striking in
97 both places they appear in the paragraph the words “perennial
98 streams or wetlands”;

99 On page twenty-six, paragraph 3.12.a.8.D. by striking the
100 words “lands, perennial streams or wetlands.”;

101 On page thirty-five, subparagraph 3.22.f.5.A.2. by striking
102 the words “been dedicated” and inserting in lieu thereof, the
103 words “are available”;

104 On page fifty-eight, at the end of subdivision 5.4.b.4. by
105 adding the following: “All sediment control systems for valley
106 fills, including durable rock fills, shall be designed for the
107 entire disturbed acreage of the fill and shall include a schedule

108 indicating timing and sequence of construction over the life of
109 the fill.”;

110 On page fifty-eight, at the end of subdivision 5.4.b.11. by
111 adding the following: “The location of discharge points and the
112 volume to be released shall not cause a net increase in peak
113 runoff from the proposed permit area when compared to pre-
114 mining conditions and shall be compatible with the post-mining
115 configuration and adequately address watershed transfer.”

116 On page sixty-two, following division 5.5.1. by inserting a
117 new subsection 5.6, to read as follows:

118 “5.6 Storm Water Runoff. 5.6.a. Each application for a
119 permit shall contain a storm water runoff analysis which
120 includes the following:

121 5.6.a.1. An analysis showing the changes in storm runoff
122 caused by the proposed operation(s) using standard engineering
123 and hydrologic practices and assumptions.

124 5.6.a.2. The analysis will evaluate pre-mining, worst case
125 during mining, and post-mining (Phase III standards) condi-
126 tions. The storm used for the analysis will be the largest
127 required design storm for any sediment control or other water
128 retention structure proposed in the application. The analysis
129 must take into account all allowable operational clearing and
130 grubbing activities. The applicant will establish evaluation
131 points on a case-by case basis depending on site specific
132 conditions including, but not limited to, type of operation and
133 proximity of man-made structures.

134 5.6.a.3. The worst case during mining and post-mining
135 evaluations must show no net increase in peak runoff compared
136 to the pre-mining evaluation.

137 5.6.b. Each application for a permit shall contain a runoff-
138 monitoring plan which shall include, but is not limited to, the
139 installation and maintenance of rain gauges. The plan shall be
140 specific to local conditions. All operations must record daily
141 precipitation and report monitoring results on a monthly basis
142 and any one (1) year, twenty-four (24) storm event or greater
143 must be reported to the Secretary within twenty-four (24) hours
144 and shall include the results of a permit wide drainage system
145 inspection.

146 5.6.c. Each application for a permit shall contain a sediment
147 retention plan to minimize downstream sediment deposition
148 within the watershed resulting from precipitation events.
149 Sediment retention plans may include, but are not limited to
150 decant ponds, secondary control structures, increased frequency
151 for cleaning out sediment control structures, or other methods
152 approved by the Secretary.

153 5.6.d. After the first day of January, two thousand four, all
154 active mining operations must be consistent with the require-
155 ments of this subdivision. The permittee must demonstrate in
156 writing that the operation is in compliance or a revision shall be
157 prepared and submitted to the Secretary for approval within the
158 schedule described in 5.6.d.1. Full compliance with the permit
159 revision shall be accomplished within 180 days from the date
160 of Secretary approval. Active mining operations for the purpose
161 of this subsection exclude permits that have obtained at least a
162 Phase I release and are vegetated. *Provided, however,* permits
163 or portions of permits that meet at least Phase I standards and
164 are vegetated will be considered on a case by case basis.

165 5.6.d.1. Schedule of Submittal.

166 5.6.d.1.a. Within 180 days from the first day of January,
167 two thousand four, all active mining operations with permitted
168 acreage greater than 400 acres must demonstrate in writing that

169 the operation is in compliance or a revision shall be prepared
170 and submitted to the Secretary for approval.

171 5.6.d.1.b. Within 360 days from the first day of January,
172 two thousand four, all active mining operations with permitted
173 acreage between 200 and 400 acres must demonstrate in writing
174 that the operation is in compliance or a revision shall be
175 prepared and submitted to the Secretary for approval.

176 5.6.d.1.c. Within 540 days from the first day of January,
177 two thousand four, all active mining operations with permitted
178 acreage between 100 and less than 200 acres must demonstrate
179 in writing that the operation is in compliance or a revision shall
180 be prepared and submitted to the Secretary for approval.

181 5.6.d.1.d. Within 720 days from the first day of January,
182 two thousand four, all active mining operations with permitted
183 acreage between 50 and less than 100 acres must demonstrate
184 in writing that the operation is in compliance or a revision shall
185 be prepared and submitted to the Secretary for approval.

186 5.6.d.1.e. Within 900 days from the first day of January,
187 two thousand four, all active mining operations with permitted
188 acreage less than 50 acres must demonstrate in writing that the
189 operation is in compliance or a revision shall be prepared and
190 submitted to the Secretary for approval. *Provided, however*, an
191 exemption may be considered on a case by case basis. Further-
192 more, haulroads, loadouts, and ventilation facilities are ex-
193 cluded from this requirement.”

194 On page ninety-five, subsection 8.2.e., following the words
195 “not to Impound water or” by inserting the following: “and
196 shall not be placed in such manner or location to”;

197 On page ninety-five, subsection 9.1.a., at the end of the
198 sentence, by adding the following: Reforestation opportunities
199 must be maximized for all areas not directly associated with the

200 primary approved post mining land use. All revegetation plans
201 must include a map identifying areas to be reforested, planting
202 schedule and stocking rates.”;

203 On page one hundred fifty-eight, by revising the first
204 sentence in subdivision 14.14.g.1 to read as follows: “14.14.g.1.
205 For fills proposed after January 1, 2004, Secretary may only
206 approve the design, construction, and use of a single lift fill
207 with an erosion protection zone or a durable rock fill designed
208 to be reclaimed from the toe upward, both consisting of at least
209 eighty (80) percent durable rock if it can be determined, based
210 on information provided by the operator, that the following
211 conditions exist:”;

212 On page one hundred fifty-eight, following paragraph
213 14.14.g.1.b. by inserting new 14.14.g.2. and 14.14.g.3. to read
214 as follows:

215 “14.14.g.2. Design Specifications and Requirements of
216 Single Lift Fills with an Erosion Protection Zone. In addition to
217 the requirements of this subdivision, the design, specifications
218 and requirements of single lift fills with an erosion protection
219 zone shall be in accordance with the following:

220 14.14.g.2.A. Erosion Protection Zone.

221 The erosion protection zone is a designed structure con-
222 structed to provide energy dissipation to minimize erosion
223 vulnerability and may extend beyond the designed toe of the
224 fill.

225 14.14.g.2.A.1. The effective length of the erosion protection
226 zone shall be at least one half the height of the fill measured to
227 the target fill elevation or fill design elevation as defined in the
228 approximate original contour procedures and shall be designed
229 to provide a continuous underdrain extension from the fill
230 through and beneath the erosion protection zone.

231 14.14.g.2.A.2. The height of the erosion protection zone
232 shall be sufficient to accommodate designed flow from the
233 underdrain of the fill and shall comply with 14.14.e.1. of this
234 rule.

235 14.14.g.2.A.3. The erosion protection zone shall be con-
236 structed of durable rock as defined in 14.14.g.1. originating
237 from a permit area and shall be of sufficient gradation to satisfy
238 the underdrain function of the fill.

239 14.14.g.2.A.4. The outer slope or face of the erosion
240 protection zone shall be no steeper than two (2) horizontal or
241 one (1) vertical (2:1). The top of the erosion protection zone
242 shall slope toward the fill at a three (3) to five (5) percent grade
243 and slope laterally from the center toward the sides at one (1)
244 percent grade to discharge channels capable of passing the peak
245 runoff of a one-hundred (100) year, twenty-four (24) hour
246 precipitation event.

247 14.14.g.2.A.5. Prior to commencement of single lift
248 construction of the durable rock fill, the erosion protection zone
249 must be seeded and certified by a registered professional
250 engineer as a critical phase of fill construction. The erosion
251 protection zone shall be maintained until completion of
252 reclamation of the fill.

253 14.14.g.2.A.6. Unless otherwise approved in the reclama-
254 tion plan, the erosion protection zone shall be removed and the
255 area upon which it was located shall be regraded and
256 revegetated in accordance with the reclamation plan.

257 14.14.g.2.B. Single Lift Construction Requirements.

258 14.14.g.2.B.1 Excess spoil disposal shall commence at the
259 head of the hollow and proceed downstream to the final toe.
260 Unless required for construction of the underdrain, there shall
261 be no material placed in the fill from the sides of the valley

262 more than 300 feet ahead of the advancing toe. Exceptions
263 from side placement of material limits may be approved by the
264 Secretary if requested and the applicant can demonstrate
265 through sound engineering that it is necessary to facilitate
266 access to isolated coal seams, the head of the hollow or other-
267 wise facilitates fill stability, erosion, or drainage control.

268 14.14.g.2.B.2. During construction, the fill shall be de-
269 signed and maintained in such a manner as to prevent water
270 from discharging over the face of the fill.

271 14.14.g.2.B.2.(a) The top of the fill shall be configured to
272 prevent water from discharging over the face of the fill and to
273 direct water to the sides of the fill.

274 14.14.g.2.B.2.(b) Water discharging along the edges of the
275 fill shall be conveyed in such a manner to minimize erosion
276 along the edges of the fill.

277 14.14.g.2.B.3. Reclamation of the fill shall be initiated from
278 the top of the fill and progress to the toe with concurrent
279 construction of terraces and permanent drainage.

280 14.14.g.3. Design Specifications and Requirements for
281 Durable Rock Fills designed to be reclaimed from the toe
282 upward. Durable rock fills that are designed to be reclaimed
283 from the toe upward shall comply with all requirements of this
284 subdivision including the following:

285 14.14.g.3.A. Transportation of Material to toe of fill.
286 The method of transporting material to the toe of the fill shall
287 be specified in the application and shall include a plan for
288 inclement weather dumping. The means of transporting material
289 to the toe may be by any method authorized by the Act and this
290 rule and is not limited to the use of roads.

291 14.14.g.3.A.1. Constructed roads shall be graded and
292 sloped in such a manner that water does not discharge over the
293 face. Sumps shall be constructed along the road in switchback
294 areas and shall be located at least 15 feet from the outslope.

295 14.14.g.3.A.2. The constructed road shall be in compli-
296 ance with all applicable State and Federal safety requirements.
297 The design criteria to comply with all applicable State and
298 Federal safety requirements shall be included the permit.

299 14.14.g.3.B. Once the necessary volume of material has
300 been transported to the toe of the fill, face construction and
301 installation of terraces and permanent drainage shall com-
302 mence. The face construction and reclamation of the fill shall
303 be from the bottom up with progressive construction of terraces
304 and permanent drainage in dumping increments not to exceed
305 100 feet.”;

306 On page one hundred fifty eight, by renumbering existing
307 subdivision 14.14.g.2 as 14.14.g.4 and renumbering the
308 subsequent subdivisions accordingly.;

309 On page one hundred sixty, subdivision 14.15.a.2., follow-
310 ing the words “unreclaimed area” by inserting the following:
311 “minimize surface water runoff, comply with the storm water
312 runoff plan and to quickly establish and maintain a specified
313 ratio of disturbed versus reclaimed area throughout the life of
314 the operation.;

315 On page one hundred sixty-two, division 14.15.c., follow-
316 ing the words “meets Phase I standards” by inserting the words
317 “and seeding has occurred.”;

318 On page one hundred sixty three, division 14.15.g., follow-
319 ing the words “or economically feasible” by inserting the words
320 “and demonstrate that the variance being sought will comply
321 with section 5.6 of this rule”;

322 On page one hundred eighty-seven division 20.6.d. follow-
323 ing the term “Notice of Informal Assessment Conference.” by
324 striking the subsequent sentence and insert in lieu thereof, the
325 following: “The Secretary shall arrange for a conference to
326 review the proposed assessment or reassessment, upon written
327 request of the person to whom the notice or order was issued,
328 if the request is received within fifteen (15) days from the date
329 the proposed assessment or reassessment is received. *Provided,*
330 *however,* the operator shall forward the amount of proposed
331 penalty assessment to the secretary for placement in an interest
332 bearing escrow account.”;

333 On page one hundred eighty-eight, division 20.6.j., in the
334 first sentence, following the words “persons request” by
335 inserting the words “an informal conference or”, striking the
336 words “continue to be” and following the words “completion of
337 the” by inserting the words “conference or”;

338 On page one hundred ninety-eight, paragraph 22.4.g.3.A.,
339 at the end of the paragraph by inserting the following sentence:
340 For existing structures exceeding the minimum 2 PMP volume
341 requirement, the dewatering system shall be installed when the
342 containment volume is reduced to 2 PMPs.”;

343 On page one hundred ninety-eight, subdivision 22.4.i.6., in
344 the first sentence following the words “used or new” by
345 inserting the words: “or unconstructed refuse”, and by follow-
346 ing the word “impoundments” by inserting the words “or slurry
347 cells”;

348 On page two hundred six, subsection 24.3., at the end
349 subsection by striking the period and inserting the following:
350 “or a coal remining operation as defined in 40 CFR Part 434 as
351 amended may qualify for the water quality exemptions set forth
352 in 40 CFR Part 434 as amended.”;

353 And,

354 On page two hundred seven, subsection 24.4., following the
355 words “subsection 12.2 of this rule” by striking the period and
356 inserting the following: “and the terms and conditions set forth
357 in the NPDES Permit in accordance with subsection (p), section
358 301 of the Federal Clean Water Act, as amended or 40 CFR
359 Part 434 as amended.”

360 (j) The legislative rule filed in the state register on the
361 twenty-sixth day of July, two thousand two, authorized under
362 the authority of section four, article fourteen, chapter twenty-
363 two of this code, modified by the department of environmental
364 protection to meet the objections of the legislative rule-making
365 review committee and refiled in the state register on the
366 thirteenth day of January, two thousand three, relating to the
367 department of environmental protection (coal related dam
368 safety, 38 CSR 4), is authorized with the following amend-
369 ments:

370 On page eleven, paragraph 7.1.f.3.A., following the words
371 “also be met.” by inserting the following sentence: “For
372 existing structures exceeding the minimum 2 PMP volume
373 requirement, the dewatering system shall be installed when the
374 containment volume is reduced to 2 PMPs.”;

375 On page twelve, division 7.1.n. in the first sentence
376 following the words “be used in new” by inserting the words
377 “or unconstructed refuse” and following the word “impound-
378 ments” by inserting the words “or slurry cells.”, in the second
379 sentence by following the words “be either” by inserting the
380 words “repaired or” and following the word “replaced” by
381 inserting a colon, striking the remainder of the sentence and
382 inserting the proviso: “*Provided*, That sediment control or other
383 water retention structures used for the treatment of effluent and
384 designated as Class A Dams under 3.4.b. of this rule are exempt
385 from this prohibition.”;

386 On page thirteen, subsection 8.1, in the second sentence
387 following the words “demonstrated that” by inserting the word
388 “the” and following the words “coal pillars” by inserting a
389 comma and the words “roofs and”;

390 On page thirteen, division 8.2.a., in the third sentence
391 following the words “by providing” by striking the words “a
392 combination of”, following the words “construction barriers”
393 striking the word “and”, following the word “grouting” insert-
394 ing the words “or other means”, and following the words
395 “establish equivalent” striking the word “distances” and
396 inserting in lieu thereof the word “protection.” and in the last
397 sentence following the word “secretary” by inserting the word
398 “may”;

399 On page thirteen, division 8.2.b., in the third sentence
400 following the words “by grouting,” by striking the word “or”
401 and following the words “related voids” by striking the word
402 “completely” and inserting in lieu thereof the words “or
403 providing comparable protection.”;

404 On page thirteen, division 8.2.c., in the first sentence by
405 striking the words “analyzed for all types of potential failures”
406 and inserting in lieu thereof the words “3.4.c. of this rule.”;

407 On page fourteen, subsection 8.3., following the words
408 “Major design” by striking the word “Components” and
409 inserting in lieu thereof the word “considerations.”;

410 And,

411 On page twenty five, subsection 25.14, following the words
412 “practical pool level” by inserting the words “based upon the
413 design requirements and the AHCF”, by striking the sentence
414 “The lowest practical pool level is obtained by removing all
415 available clear water from the pool surface to the extent
416 practical without violating effluent limits.” and, in the last

417 sentence following the word “The” by inserting the words
418 “mechanical storm”.

419 (k) The legislative rule filed in the state register on the
420 twenty-third day of July, two thousand two, authorized under
421 the authority of section twenty-two-b, article fifteen, chapter
422 twenty-two of this code, modified by the department of
423 environmental protection to meet the objections of the legisla-
424 tive rule-making review committee and refiled in the state
425 register on the fifth day of December, two thousand two,
426 relating to the department of environmental protection (stan-
427 dards for beneficial use of materials similar to sewage sludge,
428 33 CSR 8), is authorized.

429 (l) The legislative rule filed in the state register on the
430 twenty-fifth day of July, two thousand two, authorized under
431 the authority of section six, article eighteen, chapter twenty-two
432 of this code, modified by the department of environmental
433 protection to meet the objections of the legislative rule-making
434 review committee and refiled in the state register on the sixth
435 day of December, two thousand two, relating to the department
436 of environmental protection (hazardous waste management, 33
437 CSR 20), is authorized.

438 (m) The legislative rule filed in the state register on the
439 twenty-fifth day of October, two thousand two, authorized
440 under the authority of section twenty-two, article eighteen,
441 chapter twenty-two of this code, modified by the department of
442 environmental protection to meet the objections of the legisla-
443 tive rule-making review committee and refiled in the state
444 register on the tenth day of January, two thousand three,
445 relating to the department of environmental protection (hazard-
446 ous waste management fund certification legislative rule
447 concerning fee assessment, 33 CSR 24), is authorized.

448 (n) The legislative rule filed in the state register on the
449 twenty-sixth day of July, two thousand two, authorized under
450 the authority of section four, article eleven, chapter twenty-two
451 of this code, modified by the department of environmental
452 protection to meet the objections of the legislative rule-making
453 review committee and refiled in the state register on the twenty-
454 first day of January, two thousand three, relating to the depart-
455 ment of environmental protection (water pollution control
456 permit fee schedules, 47 CSR 26), is authorized with the
457 following amendments:

458 “On page one, subsection 2.3, line two, following the words
459 “of the”, by striking out remainder of the subsection and
460 inserting in lieu thereof the words “Department of Environmen-
461 tal Protection”;

462 And,

463 On page two, subsection 2.11, line two, following the words
464 “equal to”, by inserting the words “or greater than”.

§64-3-2. Environmental quality board.

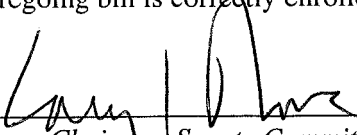
1 The legislative rule filed in the state register on the second
2 day of January, two thousand three, authorized under the
3 authority of section four, article three, chapter twenty-two-b of
4 this code, relating to the environmental quality board (require-
5 ments governing water quality standards, 46 CSR 1), is autho-
6 rized.

§64-3-3. Oil and Gas Conservation Commission.

1 The legislative rule filed in the state register on the twenty-
2 fourth day of July, two thousand two, authorized under the
3 authority of section five, article nine, chapter twenty-two-c of
4 this code, modified by the oil and gas conservation commission
5 to meet the objections of the legislative rule-making review

6 committee and refiled in the state register on the fifteenth day
7 of January, two thousand three, relating to the department of
8 environmental protection (oil and gas conservation commission,
9 39 CSR 1), is authorized.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



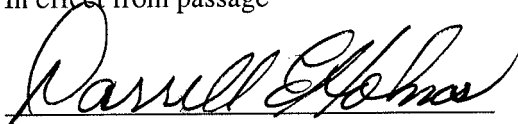
Chairman Senate Committee



Chairman House Committee

Originating in the House.

In effect from passage



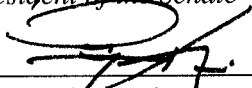
Clerk of the Senate



Clerk of the House of Delegates

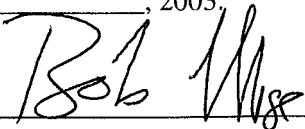


President of the Senate



Speaker of the House of Delegates

The within is approved this the 17th
day of March, 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/11/09

Time 11:00am