

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 536**

BY SENATORS MULLINS, CARMICHAEL, BOSO, MAYNARD,

TRUMP AND PLYMALE

[Introduced February 6, 2016;

Referred to the Committee on Energy, Industry and Mining;

and then to the Committee on the Judiciary.]

1 A BILL to amend chapter 64 of the Code of West Virginia, 1931, as amended, by adding thereto  
 2 a new article, designated article 12, relating to directing the Department of Environmental  
 3 Protection to amend a current legislative rule relating to permits for construction,  
 4 modification, relocation and operation of stationary sources of air pollutants.

*Be it enacted by the Legislature of West Virginia:*

1 That chapter 64 of the Code of West Virginia, 1931, as amended, be amended by adding  
 2 thereto a new article, designated article 12, to read as follows:

**ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENT TO  
 PROMULGATE LEGISLATIVE RULES.**

**§64-12-1 . Direction to Amend Department of Environmental Protection Rule .**

1 The legislature directs the Department of Environmental Protection to promulgate the  
 2 legislative rule filed in the State Register on May 8, 2009, authorized under the authority of section  
 3 four, article five, chapter twenty-two of this code, relating to the Department of Environmental  
 4 Protection (permits for construction, modification, relocation and operation of stationary sources  
 5 of air pollutants), 45 CSR 13, with the amendments set forth below:

6 On page three, subsection 2.17.a., following the words “per hour and”, by striking out the  
 7 words “ten (10)” and inserting in lieu thereof the words “twenty-five (25)”;

8 On page three, subsection 2.17.a., following the words “or more than”, by striking out the  
 9 number “144” and inserting in lieu thereof the number “240”;

10 On page three, subsection 2.17.b., following the words “pounds per hour”, by striking out  
 11 the word “or” and inserting in lieu thereof the words “and two (2) tons per year, or more than”;

12 On page five, subsection 2.24.b., following the words “pounds per hour and”, by striking  
 13 out the words “ten (10)” and inserting in lieu thereof the words “twenty-five”;

14 On page five, subsection 2.24.b., following the words “discharge more than”, by striking  
 15 out the number “144” and inserting in lieu thereof the number “240”;

16 On page five, subsection 2.24.c., following the words “pounds per hour” by striking out the  
17 word “or” and inserting in lieu thereof the words “and two (2) tons per year, or more than”.

18 One page six, subsection 4.1.b., following the words ”not to exceed” by striking out the  
19 word “sixty” and inserting in lieu thereof the words “forty-five (45)”.

20 On page seven, subsection 4.2.a.8., following the words “which results in” by striking the  
21 words “a decrease” and inserting in lieu thereof the words “no increase”.

22 On page nine, subsection 5.1.i., by adding at the end of the subsection “A source may  
23 store on-site any equipment, supplies, emission unit or any support equipment on its permanent  
24 pad or foundation or at any other location at the stationary source.”

25 On page nine, subsection 5.7.a., following the words “not to exceed” by striking the words  
26 “ninety (90)” and inserting in lieu thereof the words “seventy-five (75)”.

27 On page nine, subsection 5.7.a., following the words “calendar days” by striking the words  
28 “to allow for public comment” and inserting in lieu thereof the words “if the Secretary determines  
29 that a public meeting will be held.”

30 On page nine, subsection 5.7.b., following the words “not to exceed” by striking the words  
31 “forty-five (45)” and inserting in lieu thereof the words “thirty five (35)”.

32 On page ten, subsection 5.9., following the words “for completeness within” by striking the  
33 words “thirty (30)” and inserting in lieu thereof the words “ten (10)”.

34 On page ten, subsection 5.9., by inserting the following sentence after the first sentence:  
35 “If no completeness determination has been made by the Secretary and communicated to the  
36 applicant pursuant to this subsection within ten (10) calendar days after receipt of an application,  
37 that application shall be deemed complete and the applicable time period established for the  
38 review and issuance of the permit shall commence.”

39 On page twelve, following subsection 8.3., following the words “an application for a” by  
40 striking out the words “construction, modification, operating permit, Class II administrative  
41 update”.

42           On page twelve, subsection 8.4, following the words “Notice Level B” by striking out the  
43 words “In addition to the notice requirements under subsection 8.3” and beginning that sentence  
44 with the word “For”.

45           On page twelve, subsection 8.5, following the words “Notice Level C” by striking out the  
46 words “In addition to the notice of requirements under subsection 8.3” and beginning that  
47 sentence with the word “For”.

NOTE: The purpose of this bill is to direct the Department of Environmental Protection Division of Air Quality to amend and promulgate a legislative rule relating to air emission permitting by increasing permit thresholds and reduce the time required for air emission permits.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.