

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 279

BY SENATOR SYPOLT

[Passed February 11, 2022; in effect from passage]

1 AN ACT to amend and reenact §64-3-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 all 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, and as amended by the Legislature;
5 authorizing the Department of Environmental Protection to promulgate a legislative rule
6 relating to ambient air quality standards; authorizing the Department of Environmental
7 Protection to promulgate a legislative rule relating to standards of performance for new
8 stationary sources; authorizing the Department of Environmental Protection to promulgate
9 a legislative rule relating to control of air pollution from combustion of solid waste;
10 authorizing the Department of Environmental Protection to promulgate a legislative rule
11 relating to emission standards for hazardous air pollutants; authorizing the Department of
12 Environmental Protection to promulgate a legislative rule relating to the requirements for
13 the management of coal combustion residuals; authorizing the Department of
14 Environmental Protection to promulgate a legislative rule relating to the requirements
15 governing water quality standards; authorizing the Department of Environmental
16 Protection to promulgate a legislative rule relating to the underground injection control
17 rule; and authorizing the Department of Environmental Protection to promulgate a
18 legislative rule relating to administrative proceedings and civil penalty assessment.

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 16, 2021, 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 July 16, 2021, 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 July 16, 2021, authorized under the
8 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet
9 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
10 on August 26, 2021, relating to the Department of Environmental Protection (Control of Air
11 Pollution from Combustion of Solid Waste, 45 CSR 18), is authorized.

12 (d) The legislative rule filed in the State Register on July 16, 2021, authorized under the
13 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
14 (Emission Standards for Hazardous Air Pollutants, 45 CSR 34), is authorized.

15 (e) The legislative rule filed in the State Register on July 30, 2021, authorized under the
16 authority of §22-15-10 of this code, relating to the Department of Environmental Protection
17 (Requirements for the Management of Coal Combustion Residuals, 33 CSR 01B), is authorized.

18 (f) The legislative rule filed in the State Register on July 30, 2021, authorized under the
19 authority of §22-11-4 of this code, modified by the Water Resources to meet the objections of the
20 Legislative Rule-Making Review Committee and refiled in the State Register on December 28,
21 2021, relating to the Department of Environmental Protection (Requirements Governing Water
22 Quality Standards, 47 CSR 02), is authorized with the amendments set forth below:

23 On page 16, subdivision 8.2.c, by striking out the word “Permit” and inserting in lieu
24 thereof the words “Site-specific permit”;

25 And,

26 On page 16, subdivision 8.2.c., by striking out the words “by the Legislative Rule-Making
27 Review Committee”.

28 (g) The legislative rule filed in the State Register on July 30, 2021, authorized under the
29 authority of §22-11-8 of this code, relating to the Department of Environmental Protection
30 (Underground Injection Control, 47 CSR 13), is authorized.

31 (h) The legislative rule filed in the State Register on October 19, 2021, authorized under
32 the authority of §22-11-22a of this code, relating to the Department of Environmental Protection
33 (Administrative Proceedings and Civil Penalty Assessment, 47 CSR 30B), is authorized.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2022.

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Governor