

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 279**

BY SENATOR SYPOLT

[Originating in the Committee on the Judiciary;

reported on January 26, 2022]



1 A BILL 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.