

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 256

BY SENATOR RUCKER

[Passed February 23, 2026; 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 relating to authorizing certain agencies of the Department of Environmental Protection to
3 promulgate legislative rules; authorizing the rules as filed and as modified by the
4 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 alternative emission limitations during startup and shutdown operations;
7 authorizing the Department of Environmental Protection to promulgate a legislative rule
8 relating to ambient air quality standards; authorizing the Department of Environmental
9 Protection to promulgate a legislative rule relating to standards of performance for new
10 stationary sources; authorizing the Department of Environmental Protection to promulgate
11 a legislative rule relating to control of air pollution from combustion of solid waste;
12 authorizing the Department of Environmental Protection to promulgate a legislative rule
13 relating to control of air pollution from hazardous waste treatment, storage, and disposal
14 facilities; authorizing the Department of Environmental Protection to promulgate a
15 legislative rule relating to emission standards for hazardous air pollutants; authorizing the
16 Department of Environmental Protection to promulgate a legislative rule relating to cross-
17 state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide
18 emissions, and ozone season nitrogen oxides emissions; authorizing the Department of
19 Environmental Protection to promulgate a legislative rule relating to hazardous waste
20 management system; authorizing the Department of Environmental Protection to
21 promulgate a legislative rule relating to requirements governing water quality standards;
22 and authorizing the Department of Environmental Protection to promulgate a legislative
23 rule relating to carbon dioxide sequestration fee schedule.

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 22, 2025, authorized under the
2 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
3 (alternative emission limitations during startup and shutdown operations, 45 CSR 01), is
4 authorized.

5 (b) The legislative rule filed in the State Register on July 23, 2025, authorized under the
6 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient
7 air quality standards, 45 CSR 08), is authorized.

8 (c) The legislative rule filed in the State Register on July 23, 2025, authorized under the
9 authority of §22-5-4 of this code, relating to the Department of Environmental Protection
10 (standards of performance for new stationary sources, 45 CSR 16), is authorized.

11 (d) The legislative rule filed in the State Register on July 23, 2025, authorized under the
12 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control
13 of air pollution from combustion of solid waste, 45 CSR 18), is authorized.

14 (e) The legislative rule filed in the State Register on July 23, 2025, authorized under the
15 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control
16 of air pollution from hazardous waste treatment, storage, and disposal facilities, 45 CSR 25), is
17 authorized.

18 (f) The legislative rule filed in the State Register on July 23, 2025, authorized under the
19 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission
20 standards for hazardous air pollutants, 45 CSR 34), is authorized.

21 (g) The legislative rule filed in the State Register on July 23, 2025, authorized under the
22 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (cross-
23 state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide
24 emissions, and ozone season nitrogen oxides emissions, 45 CSR 43), is authorized.

25 (h) The legislative rule filed in the State Register on July 23, 2025, authorized under the
26 authority of §22-18-6 of this code, relating to the Division of Water and Waste Management
27 (hazardous waste management system, 33 CSR 20), is authorized.

28 (i) The legislative rule filed in the State Register on July 24, 2025, authorized under the
29 authority of §22-11-4 of this code, modified by the Department of Environmental Protection to
30 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
31 Register on January 8, 2026, relating to the Division of Water and Waste Management
32 (requirements governing water quality standards, 47 CSR 02), is authorized with the following
33 amendment:

34 On page 42, subsection 8.23. by striking the number “20” and inserting in lieu thereof the
35 number “120”.

36 (j) The legislative rule filed in the State Register on July 24, 2025, authorized under the
37 authority of §22-11-10 of this code, modified by the Department of Environmental Protection to
38 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
39 Register on January 8, 2026, relating to the Department of Environmental Protection (carbon
40 dioxide sequestration fee schedule, 47 CSR 09B), is authorized with the following amendment:

41 On page 5, section 4.7.1, after the word “paid” and before the semicolon by inserting the
42 words “and other relevant evidence of the fair market value requested by the Commission”.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

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Governor