

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 256**

BY SENATOR RUCKER

[Reported January 29, 2026, from the Committee on  
the Judiciary]



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

(a) The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection narrative emission limitations during startup and shutdown operations, 45 CSR 01), is finalized.

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

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

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

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

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

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