

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.

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.

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

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

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

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