WEST VIRGINIA CODE CHAPTER 64 ARTICLE 3

WV Legislature

§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 (alternative emission limitations during startup and shutdown operations, 45 CSR 01), is authorized.

(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 air 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 air 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 air pollution from hazardous waste treatment, storage, and disposal facilities, 45 CSR 25), is authorized.

(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-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide 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”.

WV Legislature

(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 with the following amendment:

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

WV Legislature

§64-3-1a. Department of Environmental Protection, Air Quality.

The legislative rule filed in the State Register on July 24, 2015, authorized under the authority of section four, article five, chapter twenty-two, of this code, relating to the Department of Environmental Protection, Air Quality (standards of performance for new stationary sources, 45 CSR 16), is authorized with the following amendment set forth below:

On page 2, following subdivision 4.1,b., by adding the following new subdivision:

"4.1.c. The following subparts of 40 CFR Part 60 relating to wood-burning heaters and appliances are expressly excluded and are not adopted or incorporated by reference in this rule:

4.1.c.1. The 2015 amendments to subpart AAA; and

4.1.c.2. Subpart QQQQ."

WV Legislature

§64-3-2. Department of Environmental Protection – Secretary's Office.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §22-32-7 of this code, relating to the Department of Environmental Protection – Secretary's Office (reclamation of solar and wind electricity generating facilities, 60 CSR 11), is authorized with the following amendments:

On page 5, subparagraph 4.1.d.iii after the word, 'slabs" by inserting the words "to a minimum depth of 36 inches below the surface";

On page 5, subsection 4.4 after the word "receipt" by adding the following:

"The department shall only deny an alternative decommissioning agreement if they determine that it will not result in the restoration of the property to a condition in which it can be used towards the same or a similar use as its use prior to the onset of the alternative decommissioning agreement.";

And,

On page 7, by striking out subdivision 6.2.a and inserting in lieu thereof subdivision 6.2.a to read as follows:

"6.2.a. Estimated costs of decommissioning and salvage value as submitted by the owner in the decommissioning plan and in accordance with these rules with such costs estimated by the department using current machinery production handbooks and publications or other documented or substantiated cost estimates acceptable to the department."

WV Legislature

§64-3-3. Environmental Quality Board.

(a) The legislative rule effective on June 30, 2005, authorized under the authority of section four, article three, chapter twenty-two-b of this code, relating to the Environmental Quality Board (requirements governing water quality standards, 46 CSR 1), is repealed.

(b) The procedural rule effective on February 19, 1996, authorized under the authority of section three, article three, chapter twenty-nine-a of this code, relating to the Environmental Quality Board (requests for information, 46 CSR 8), is repealed.

(c) The procedural rule effective on July 27, 1984, authorized under the authority of section three, article one, chapter twenty-two-b of this code, relating to the Environmental Quality Board (rules governing the notice of open meetings under the Open Governments Proceedings Act, 46 CSR 5), is repealed.

WV Legislature

§64-3-4. Miner Training, Education and Certification Board.

(a) The legislative rule effective on June 1, 1992, authorized under the authority of section six, article nine, chapter twenty-two of this code, relating to the Miner Training, Education and Certification Board (certification of blasters for surface coal mines and surface areas of underground mines, 48 CSR 5), is repealed.

(b) The legislative rule effective on July 1, 1993, authorized under the authority of section six, article nine, chapter twenty-nine of this code, relating to the Miner Training, Education and Certification Board (standards for certification of blasters for surface coal mines and surface areas of underground mines, 56 CSR 5), is repealed.

(c) The procedural rule effective on September 11, 1983, authorized under the authority of section eight, article three, chapter twenty-nine-a of this code, relating to the Miner Training, Education and Certification Board (temporary suspension of certificates issued to persons pending full hearing before the board of appeals, 48 CSR 16), is repealed.

WV Legislature

§64-3-5 Water Resources Board.

(a) The legislative rule effective on August 25, 1993, authorized under the authority of article five-a, chapter twenty of this code, relating to the Water Resources Board (State National Pollutant Discharge Elimination System Program, 46 CSR 2), is repealed.

(b) The legislative rule effective on July 1, 1987, authorized under the authority of article five-a, chapter twenty of this code, relating to the Water Resources Board (requirements governing the State National Pollutant Discharge Elimination System, 46 CSR 3), is repealed.

WV Legislature

§64-3-6. Air Quality Board.

The procedural rule effective on February 2, 1996, authorized under the authority of section three, article three, chapter twenty-nine-a of this code, relating to the Air Quality Board (requests for information, 52 CSR 2), is repealed.

WV Legislature

§64-3-7. Oil and Gas Inspectors Examining Board.

The procedural rule effective on January 18, 2009, authorized under the authority of section three, article seven, chapter twenty-two-c of this code, relating to the Oil and Gas Inspectors Examining Board (matters pertaining to the rules and regulations dealing with the Oil and Gas Inspectors Examining Board, 40 CSR 1), is repealed.

WV Legislature