WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED
Com. Sub. For
HOUSE BILL No. 2134

(By Delegate Gallagher, Douglas, Compton, Lind, Fundal and Riggs)

Passed .............. March 19, 1995
In Effect .............. From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2134
(BY DELEGATES GALLAGHER, DOUGLAS, COMPTON, LINCH, FAIRCLOTH AND RIGGS)

[Passed March 10, 1995; in effect from passage.]

AN ACT to amend and reenact sections one, two and three, article one, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact article three of said chapter, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; the legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the division of environmental protection to promulgate legislative rules relating to the requirements for determining conformity of general federal actions to applicable air quality implementation plans (general conformity), as modified;
authorizing the division of environmental protection to promulgate legislative rules relating to emission standards for hazardous air pollutants pursuant to 40 CFR Part 63, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to standards of performance for new stationary sources, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to requirements for determining conformity of transportation plans, programs and projects developed, funded or approved under title 23 U.S.C. or the federal transit act, to applicable air quality implementation plans, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to the prevention and control of air pollution from the operation of coal preparation plants and coal handling operations, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to the prevention and control of air pollution from hazardous waste treatment, storage or disposal facilities, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to acid rain provisions and permits, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to provisions for determination of compliance with air quality management rules, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to the prevention and control of air pollution from the combustion of refuse, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to dam safety, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to regulations governing environmental laboratories certification and
standards of performance, as modified; authorizing the divi­sion of environmental protection to promulgate legislative rules relating to the state water pollution control revolving fund program, as modified; authorizing the environmental quality board to promulgate legislative rules relating to the requirements governing water quality standards, as modified; authorizing the division of environmental protection to pro­mulgate legislative rules relating to underground storage tanks; authorizing the division of environmental protection to promulgate legislative rules relating to hazardous waste management, as modified; authorizing the division of envi­ronmental protection to promulgate legislative rules relating to the standards for certification of blasters-surface coal mines, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to abandoned mine lands and reclamation, as modified; authorizing the solid waste management board to pro­mulgate legislative rules relating to the disbursement of grants to solid waste authorities; and authorizing the division of environmental protection to promulgate legislative rules relating to the prevention and control of particulate air pollution from combustion of fuel in indirect heat exchangers, as amended; authorizing the division of environmental protection to promulgate legislative rules relating to surface coal mining and reclamation, as amended.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article one, chapter sixty-four of the code of West Virginia, one thousand nine hun­dred thirty-one, as amended, be amended and reenacted; and that article three of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL LEGISLATIVE AUTHORIZATION.

§64-1-1. Legislative authorization.

1 Under the provisions of article three, chapter twenty-nine-a of the code of West Virginia, the Legislature 3 expressly authorizes the promulgation of the rules de-
scribed in articles two through ten of this chapter, subject only to the limitations set forth with respect to each such rule in the section or sections of this chapter authorizing its promulgation. The Legislature declares that all rules now or hereafter authorized under articles two through ten of this chapter are within the legislative intent of the statute which the rule is intended to implement, extend, apply or interpret. Legislative rules promulgated pursuant to the provisions of articles one through ten of this chapter in effect at the effective date of this section shall continue in full force and effect until reauthorized in this chapter by legislative enactment, or until amended by emergency rule pursuant to the provisions of article three, chapter twenty-nine-a of this code.

§64-1-2. Effective date of rules.

The effective date of the legislative rules authorized in articles two through ten of this chapter shall be governed by the provisions of section thirteen, article three, chapter twenty-nine-a, unless the agency promulgating the rules establishes an effective date which is earlier than that provided by section thirteen, article three, chapter twenty-nine-a, in which case the effective date established by the agency shall control, unless the Legislature in the bill authorizing the rules establishes an effective date for such rules in which case the effective date established by the Legislature shall control.

§64-1-3. Technical deficiencies waived.

The Legislature declares each legislative rule now or hereafter authorized under articles two through ten of this chapter to have been validly promulgated notwithstanding any failure to comply with any requirement of chapter twenty-nine-a for the promulgation of rules at any stage of the promulgation process prior to authorization by the Legislature in articles two through ten of this chapter.

ARTICLE 3. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO PROMULGATE LEGISLATIVE RULES.
§64-3-1. Division of environmental protection.

(a) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of November, one thousand nine hundred ninety-four, relating to the division of environmental protection (requirements for determining conformity of general federal actions to applicable air quality implementation plans (general conformity), 45 CSR 35), are authorized.

(b) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of November, one thousand nine hundred ninety-four, relating to the division of environmental protection (emission standards for hazardous air pollutants pursuant to 40 CFR Part 63, 45 CSR 34), are authorized.

(c) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of November, one thousand nine hundred ninety-four, relating to the division of environmental protection (standards of performance for new stationary sources, 45 CSR 16), are authorized with the amendment set forth below:

"On page two, section 4, subsection 4.1, subdivision 4.1.i, by striking out 'Part 60.195(b)' and inserting in lieu thereof 'Part 60.194(d)';

On page two, section 4, subsection 4.1., subdivision
36 4.1.k, by striking out 'Part 60.335(a)(1)(i)' and inserting
37 in lieu thereof 'Part 60.335(f)(1)';
38
39 And,
40
41 On page two, section 4, after subdivision 'k', by insert-
42 ing a new subdivision to read as follows:
43
44 'I. Part 60.335(f)(1).'
45
46 (d) The legislative rules filed in the state register on
47 the fifteenth day of August, one thousand nine hundred
48 ninety-four, modified by the division of environmental
49 protection to meet the objections of the legislative
50 rule-making review committee and refiled in the state
51 register on the nineteenth day of December, one thousand
52 nine hundred ninety-four, relating to the division of envi-
53 ronmental protection (permits for construction and major
54 modification of major stationary sources of air pollution
55 for the prevention of significant deterioration, 45 CSR 14),
56 are authorized.
57
58 (e) The legislative rules filed in the state register on the
59 twelfth day of August, one thousand nine hundred
60 ninety-four, modified by the division of environmental
61 protection to meet the objections of the legislative
62 rule-making review committee and refiled in the state
63 register on the twenty-third day of November, one thou-
64 sand nine hundred ninety-four, relating to the division of
65 environmental protection (requirements for determining
66 conformity of transportation plans, programs and projects
67 developed, funded or approved under title 23 U.S.C. or
68 the federal transit act, to applicable air quality implemen-
69 tation plans, 45 CSR 36), are authorized.
70
71 (f) The legislative rules filed in the state register on the
72 twelfth day of August, one thousand nine hundred
73 ninety-four, modified by the division of environmental
74 protection to meet the objections of the legislative
75 rule-making review committee and refiled in the state
76 register on the twenty-ninth day of December, one thou-
sand nine hundred ninety-four, relating to the division of environmental protection (to prevent and control air pollution from the operation of coal preparation plants and coal handling operations, 45 CSR 5), are authorized.

(g) The legislative rules filed in the state register on the thirteenth day of September one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twelfth day of January, one thousand nine hundred ninety-five, relating to the division of environmental protection (to prevent and control air pollution from hazardous waste treatment, storage or disposal facilities, 45 CSR 25), are authorized.

(h) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of November, one thousand nine hundred ninety-four, relating to the division of environmental protection (acid rain provisions and permits, 45 CSR 33), are authorized.

(i) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of November, one thousand nine hundred ninety-four, relating to the division of environmental protection (emission standards for hazardous air pollutants pursuant to 40 CFR Part 61, 45 CSR 15), are authorized.

(j) The legislative rules filed in the state register on the twelfth day of August, one thousand nine hundred ninety-four, modified by the division of environmental
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[107] protection to meet the objections of the legislative
[108] rule-making review committee and refiled in the state
[109] register on the twenty-third day of November, one thou-
[110] sand nine hundred ninety-four, relating to the division of
[111] environmental protection (provisions for determination of
[112] compliance with air quality management rules, 45 CSR
[113] 38), are authorized.

(k) The legislative rules filed in the state register on
[114] the twelfth day of August, one thousand nine hundred
[115] ninety-four, modified by the division of environmental
[116] protection to meet the objections of the legislative
[117] rule-making review committee and refiled in the state
[118] register on the twenty-third day of November, one thou-
[119] sand nine hundred ninety-four, relating to the division of
[120] environmental protection (to prevent and control air pol-
[121] lution from combustion of refuse, 45 CSR 6), are autho-
[122] rized.

(l) The legislative rules filed in the state register on the
[123] fifteenth day of August, one thousand nine hundred
[124] ninety-four, modified by the division of environmental
[125] protection to meet the objections of the legislative
[126] rule-making review committee and refiled in the state
[127] register on the fourth day of January, one thousand nine
[128] hundred ninety-five, relating to the division of environ-
[129] mental protection (dam safety, 47 CSR 34), are authorized
[130] with the amendments set forth below:

On page 9, section §47-34-3, by striking out 3.5.2.
[131] c.a., and substituting therefor the following:

"3.5.2.c.A. An impoundment exceeding forty (40)
[132] feet in height or four hundred (400) acre-feet storage
[133] volume shall not be classified as a Class 3 dam."

On pages 17 and 18, section §47-34-7, at the end of
[134] section 7.1.1.b.C. by adding the following:

"The design precipitation for a Class 3 dam may be
[135] reduced based on Risk Assessment pursuant to paragraph
3.5.4 of this rule, but in no case to less than a $P_{100}$ rainfall of six (6) hours in duration."

On page 40, section §47-34-13, by striking out section 13.2 and substituting therefor the following:

"Performance Requirements - All dams completed before July 1, 1973 shall meet the applicable design requirements of Section 7 of this rule. Those dams which do not meet the applicable design requirement of Section 7 of this rule shall be modified, breached, removed, or properly abandoned pursuant to the provisions of this rule. In developing the required plans, specifications, and documentation necessary to bring the structure into conformity with section 7 of this rule, the design engineer may consider in his submitted analyses, peculiarities and local conditions for each impounding structure with recognition of the many factors involved, some of which may not be precisely known. Existing construction documentation and the historical performance of the structure including documented storms and spillway flows may be considered by the engineer as part of the evaluation of the structure. Upon approval by the Director of the plans, specifications, and documentation submitted by the engineer, the director may issue a certificate of approval."

(m) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the eleventh day of January, one thousand nine hundred ninety-five, relating to the division of environmental laboratories certification and standards of performance, 47 CSR 32, are authorized.

(n) The legislative rules filed in the state register on the twenty-eighth day of February, one thousand nine hundred ninety-four, modified by the division of environ-
mental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of July, one thousand nine hundred ninety-four, relating to the division of environmental protection (state water pollution control revolving fund program, 47 CSR 31), are authorized.

(o) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, relating to the division of environmental protection (underground storage tanks, 47 CSR 36), are authorized.

(p) The legislative rules filed in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirteenth day of January, one thousand nine hundred ninety-five, relating to the division of environmental protection (hazardous waste management regulations, 47 CSR 35), are authorized.

(q) The legislative rules filed in the state register on the twenty-second day of July, one thousand nine hundred ninety-four, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-ninth day of August, one thousand nine hundred ninety-four, relating to the division of environmental protection (standards for certification of blasters-surface coal mines, 38 CSR 2C), are authorized with the amendments set forth below:

On page 4, section 38.2C.4, after the words "Form MR-30-TR." by inserting a second paragraph to read as follows:

"In lieu of completing the training program, the applicant for certification or re-certification may complete a self-study course using the study guide and other materi-
als available from the Division of Environmental Protec-
tion."

On page 8, subsection 8.2, after the words "refresher
training course" by inserting the phrase "or complete the
self-study course."

On page 8 at subsection 10.1 by striking out the
phrase "a cessation order and/or take other action as pro-
vided in West Virginia Code 22-3-16 and 17" and the
phrase "the provisions of West Virginia Code 22-3-1 et
seq., rules promulgated under that article, or".

On page 9, subsection 11.1, by striking out the subsec-
tion and inserting in lieu thereof a new subsection to read
as follows: "11.1. Suspension - Upon service of a written
notice of violation by the Director to a certified blaster, the
Director may suspend his or her certification. Prior to the
issuance of such an order, the certified blaster shall be
granted a hearing before the Director to show cause why
his or her certification should not be suspended."

On page 9, subsection 11.2, by striking out the phrase
"or cessation order" in the first sentence.

On page 9, Section 12, by striking out the phrase
"cessation order".

(r) The legislative rules filed in the state register on the
fifteenth day of August, one thousand nine hundred
ninety-four, modified by the division of environmental
protection to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the sixth day of January, one thousand nine
hundred ninety-five, relating to the division of environ-
mental protection (rules and regulations relating to aban-
doned mine lands and reclamation, 38 CSR 2D), are au-
thorized.

(s) The Legislature hereby authorizes and directs the
division of environmental protection to promulgate the
legislative rules filed in the state register on February,
seventh, one thousand nine hundred ninety-five, relating
to the prevention and control of particulate air pollution
from combustion of fuel in indirect heat exchangers, 45
CSR 2, effective the * day of *, one thousand nine hun-
dred ninety-five, with the amendments set forth below:

On page eight, section 3.4(e) after the word "operated" by
adding the words "at normal operating loads";

And,

On page thirteen, section 9.4 by striking the words
"monthly or", and, following the words "quarterly basis"
by striking the word "as"; and by inserting the words "un-
less otherwise" following the words "quarterly basis".

And,

On page thirteen, by creating a new section, designated
section "45.2.10. Variances.

10.1. In the event of an unavoidable shortage of fuel
having characteristics or specifications necessary for a fuel
burning unit to comply with the opacity standards set
forth in section 3 or any emergency situation or condition
creating a threat to public safety or welfare, the Director
may grant an exception to the otherwise applicable visible
emission standards for a period not to exceed fifteen (15)
days, provided that visible emissions during the exception
period do not exceed a maximum six (6) minute average
of thirty (30) percent and that a reasonable demonstration
is made by the owner or operator that the emission stan-
dards under section 4 of this rule will not be exceeded
during the exemption period.;

10.2. In the event a fuel burning unit employing a
flue gas desulphurization system must by-pass such sys-
tem because of necessary planned or unplanned mainte-
nance, visible emissions may not exceed twenty percent
(20%) opacity during such period of maintenance. The
Director may require advance notice of necessary planned
maintenance, including a description of the necessity of
the maintenance activity and its expected duration and
may limit the duration of the variance or the amount of
the excess opacity exception herein allowed. The Director
shall be notified of unplanned maintenance and may limit
the duration of the variance or the amount of excess opac-
ity exception allowed during unplanned maintenance.

And, by renumbering subsequent sections.

(t) The legislative rules filed in the state register on the
nineteenth day of August, one thousand nine hundred
ninety-four, relating to the division of environmental pro-
tection (surface mining and reclamation regulations, 38
CSR 2), are authorized "with the amendments set forth
below"

On pages 2 and 3, by striking out subsections 1.6, 1.7
and 1.8 in their entirety;

On page 6, by inserting a new subsection 2.20, to read
as follows, and renumbering subsequent subsections;

"Chemical Treatment means - the treatment of water
from a surface coal mining operation using chemical
reagents such as but not limited to sodium hydroxide,
calcium carbonate, or anhydrous ammonia for purposes
of meeting applicable state and federal effluent limita-
tions. Chemical treatment does not include passive treat-
ment systems such as but not limited to limestone drains,
wetlands, alkaline addition, application of flyash, agricul-
tural lime, or injection of flyash, limestone, or other min-
erals into underground coal operations."

On page 16, section 2, by striking out subsection 2.92
and renumbering the subsequent subsections.

On page 25, by striking the second paragraph of sub-
section 3.1 (o) and inserting in lieu thereof a new second
paragraph 3.1 of subsection 3.1 (o), to read as follows:
"Any permit application which references an approved
centralized ownership and control file may be determined
to be complete and accurate for the purposes of this sub-
section. Each centralized ownership and control file shall at a minimum:

On page 63, by striking out subsection 3.25 (e); .

On page 63, by striking out the first sentence in subsection 3.26, and inserting in lieu thereof the following:

"(a) All changes including name changes, replacements, and additions to the ownership or control data relative to a permittee or assignee who will function as an operator pursuant to the provisions of paragraph (c) of subsection 3.25 of this rule shall be reported to the Director."

On page 64, after subsection 3.26 (a) (5) by inserting a new subsection 3.26 (a) (5) to read as follows:

"(6) In the event that a permittee or operator has incurred no changes in its ownership and control information and therefore has not been obligated to file a report within any consecutive twelve-month period, that permittee or operator is required to notify the Director in writing that no changes to the information required by paragraphs (b), (c), (d), and (i) of subsection 3.1 of this rule have occurred."

On page 64, by striking out subsection 3.27 (a) and inserting in lieu thereof the following:

"(a) All active surface mining operations shall be subject to the renewal requirements and provisions for issuance of a renewal discussed in Section 19 of the Act: Provided, That the Director may waive the requirement for renewal if the permittee certifies in writing that all coal extraction is completed, that all backfilling and regrading will be completed within sixty (60) days prior to the expiration date of the permit, and that an application for Phase I bond release will be filed prior to the expiration date of the permit. Failure of the permittee complete backfilling and regrading within sixty (60) days prior to the expiration date of the permit will nullify the waiver."
Those operations which have been granted inactive status in accordance with subsection 14.11 of this rule shall also be subject to the renewal requirements of Section 19 of the Act.

Applications for renewal shall be filed on forms provided by the Director and shall contain at a minimum the following information:

On page 79, by striking out subsection 3.32 (i) and renumbering the remaining subsections.

On page 80, subsection 3.34 (b) after the word "criteria" by inserting the words "paragraph (b) of subsection 3.32 of this section";

On page 80, by striking out subsection 3.34 (b) (3) and substituting therefor a new subsection 3.34 (b) (3), to read as follows: "(3) The permittee was linked to a violation, penalty or fee through ownership or control, under the violation review criteria, paragraph (b) of subsection 3.32 of this section at the time the permit was issued and an ownership or control link between the permittee and the person responsible for the violation, penalty or fee still exists, or when the link was severed the permittee continues to be responsible for the violation, penalty or fee."

On page 82, by striking out subsection 3.34 (g) and substituting therefor a new subparagraph (g) to read as follows:

"(g) For purposes of this subsection, a permit is issued when it is originally approved, as well as when a transfer, assignment, or sale of permit rights is approved pursuant to paragraphs (a) or (c), subsection 3.25 of this rule, or where a permit is revised pursuant to subsection 3.26 of this rule."

On page 86, at the end of subsection 4.4, by adding the following sentence: "Prospecting roads are to be designed, constructed, maintained, and reclaimed in accordance with the provisions of subsection 13.6 of this rule."
389 On page 88, by inserting a new subsection 4.7 (a) (1) to read as follows: (1) minimize downstream sedimentation and flooding and renumbering the remaining subsections.

393 On page 92, subsection 4.12, by inserting a new sentence between the second and third sentence which reads as follows:

396 "Where the certification statement indicates a change from the design standards or construction requirements approved in the permit, such changes will be documented in as-built plans and submitted for approval to the Director as a permit revision."

401 On Page 148, section 11.6 (a) in the underscored language, after the word, "completed" by inserting the words "or nearly completed"

404 On Page 223, by striking out subsection 14.14 (g) (8) and inserting in lieu thereof a new subsection 14.14 (g) (8), to read as follows: "(8) Surface water runoff from areas above and adjacent to the fill shall be diverted into properly designed and constructed stabilized diversion channels which have been designed using best current technology to safely pass the peak runoff from a 100 year, 24-hour precipitation event. The channel shall be designed and constructed to ensure stability of the fill, control erosion, and minimize water infiltration into the fill."

415 On Page 232, by inserting a new subsection, designated subsection 14.19 (d) to read as follows: "(d) Timber from clearing and grubbing operations may be wind-rowed below the projected toe of the outslope in a manner that will provide shelter and habitat for game and non-game wildlife and provide for enhanced sediment control. These materials may not be placed in natural water courses or where they will be covered by spoil material at the toe of the outslope. The wind-rows must be of relatively uniform height and width and must be more or less evenly..."
distributed along the lower reaches and within the permit area."

On Page 240, subsection 17.1, in the first sentence, after the words "mining and reclamation," by striking out the remainder of the paragraph and substituting therefor the following: "required by the Act and these Rules, including the engineering analyses and designs; the development of cross-section maps and plans; the geologic drilling and statement of results of test borings and core samplings; preblast surveys; the collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values; and the collection of archaeological and historical information; and any other archaeological and historical information required by the federal department of the interior and the preparation of plans that may be necessitated thereby; and the director shall provide or assume the cost of training coal operators that meet the qualifications concerning the preparation of permit applications and compliance with the regulatory program, and shall ensure that qualified coal operators are aware of the assistance available under this section.

On Page 240, subsection 17.1, after the first paragraph by inserting a new paragraph, to read as follows: "The Director will develop a procedure for the interstate coordination and exchange of information collected under the Small Operators Assistance Program."

On Page 241, by striking out subsection 17.4 in its entirety and substituting therefor the following: "17.4 Request for Assistance. Each applicant requesting assistance shall provide information on forms provided by the director in an application that shall be clear and concise and shall be provided in a format prescribed by the Director and/or a format required by the Federal Office of Surface Mining Reclamation and Enforcement."

On Page 249, subsection 17.7 (a) (4), after the words
"twelve (12) month period" by striking the remainder of the sentence and inserting in lieu thereof the words "immediately following permit issuance."

On page 273, subsection 20.6 (a), after the word "first" the words "thirty (30)" by striking out and inserting in lieu thereof the words "fifteen"

On page 273, subsection 20.6 (c), after the words "date of the" by striking out, the words "Assessment Officer receiving the finding specified in paragraph (a) of this subsection." and inserting in lieu thereof the words "issuance of a notice or order";

On page 274, subsection 20.6 (d), by striking out the first sentence, and inserting in lieu thereof the following: "The time and place of an informal assessment conference shall be posted at the Department of Environmental Protection Office nearest to the operation.

§64-3-2. Environmental boards.

(a) The legislative rules filed by the environmental quality board in the state register on the fifteenth day of August, one thousand nine hundred ninety-four, under the authority of section four, article three, chapter twenty-two-b of this code, modified by the environmental quality board to meet the objections of the legislative rule-making committee and refiled in the state register on the twelfth day of January, one thousand nine hundred ninety-five, relating to the division of environmental protection (requirements governing water quality standards, 46 CSR 1), are authorized.

(b) The legislative rules filed by the solid waste management board in the state register on the fourth day of August, one thousand nine hundred ninety-four, under the authority of section six, article three, chapter twenty-two-c of this code, relating to the solid waste management board (regulating for the disbursement of grants to solid waste authorities, 54 CSR 5), are authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 24th day of March, 1995.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/23/95
Time 11:57 am