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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2744

(By Delegates Douglas, Hunt, Compton, Faircloth,
Linch and Riggs _____)



Passed _____ April 12, _____ 1997

In Effect _____ From _____ Passage

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LEGISLATIVE COUNCIL
STATE OF WEST VIRGINIA

ENROLLED

H. B. 2744

(BY DELEGATES DOUGLAS, HUNT, COMPTON,
FAIRCLOTH, LINCH AND RIGGS)

[Passed April 12, 1997; in effect from passage.]

AN ACT to repeal sections six, seven, eight, nine, ten, eleven and twelve, article eleven, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, two, three, four and five of said article, relating generally to the promulgation of administrative rules by the various executive and administrative agencies; authorizing certain agencies to modify certain legislative rules for the limited purpose of updating and making technical corrections to those legislative rules.

Be it enacted by the Legislature of the West Virginia:

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article eleven, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two, three, four and five of said article be amended and reenacted, all to read as follows:

§64-11-1. West Virginia board of occupational therapy.

1 The legislative rule relating to the West Virginia
2 board of occupational therapy (administrative rules of the
3 board of occupational therapy, 13 CSR 1), effective the
4 ninth day of June, one thousand nine hundred ninety-
5 three, is reauthorized with the following amendments:

6 “On page 1, subsection 2.2, by striking out the
7 words “‘AOTCB” means the American Occupational
8 Therapy Certification Board’,and inserting in lieu thereof
9 the words “‘NBCOT” means the National Board for
10 Certification in Occupational Therapy.’;

11 On page 1, subsection 2.6, by inserting the word ‘is’
12 immediately following the word ‘license’; and

13 Beginning on page 2, subsection 2.18, and continu-
14 ing throughout the text of the rule, by striking out the
15 initials ‘AOTCB’ and inserting in lieu thereof the initials
16 ‘NBCOT’.”

**§64-11-2. Division of environmental protection, office of min-
ing and reclamation and office of abandoned mine
lands and reclamation.**

1 (a) The legislative rule relating to the division of
2 environmental protection, office of mining and reclama-
3 tion (regulations for mining and reclamation of minerals
4 other than coal, 38 CSR 2B), effective the first day of
5 January, one thousand nine hundred eighty-three, is
6 reauthorized with the following amendments:

7 “Beginning on page 1, and continuing throughout
8 the text of the rule, by renumbering the text breakdown as
9 necessary to conform with the rule of the secretary of state
10 relating to format (standard size and format for rules and
11 procedures for publication of the state register or parts of
12 the state register, 153 CSR 6);

13 Beginning on page 1, in the title, and continuing
14 throughout the text of the rule, by striking out the word
15 ‘regulations’ and inserting in lieu thereof the word ‘rule’;

16 Beginning on page 1, in the first sentence of section
17 2, and continuing throughout the text of the rule, by strik-
18 ing out the words ‘these regulations’ and inserting in lieu
19 thereof the words ‘this rule’;

20 Beginning on page 2, subsection 2.16, and continu-
21 ing throughout the text of the rule, by striking out the
22 words ‘Department of Natural Resources’ and inserting in
23 lieu thereof ‘Division of Environmental Protection’, and

24 by striking out the words ‘Division of Reclamation’ and
25 inserting in lieu thereof, ‘Office of Mining and Reclama-
26 tion’;

27 Beginning on page 6, subdivision 5.3.a, and continu-
28 ing throughout the text of the rule, by striking out the
29 words ‘Article six-D (6d), Chapter twenty (20), Code of
30 West Virginia’, and inserting in lieu thereof the words ‘W.
31 Va. Code Chapter 22, Article 4’;

32 Beginning on page 8, subsection 6A.2., and continu-
33 ing throughout the text of the rule, by striking out the
34 words ‘Division of Water Resources’ and inserting in lieu
35 thereof the words ‘Office of Water Resources’;

36 On page 1, in the title of the rule, by inserting the
37 words ‘BUREAU OF ENVIRONMENT’ on the third line,
38 and by striking out the words ‘MINING AND RECLA-
39 MATION’ and inserting in lieu thereof the words ‘OF-
40 FICE OF MINING AND RECLAMATION’ on the fifth
41 line;

42 On page 1, subsection 1.2, by striking out the words
43 ‘W.Va. Code §20-1-7 and §20-6D’ and inserting in lieu
44 thereof the words ‘W. Va. Code § 22-1-3 and § 22-4-1’;

45 On page 1, in the first sentence of section 2, by strik-
46 ing out the words ‘Article Six (6), Chapter twenty (20),
47 Code of West Virginia’ and inserting in lieu thereof the
48 words ‘W. Va. Code Chapter 22, Article 4’;

49 On page 3, subsection 2.45, by striking out the words
50 ‘Water Resources’ and inserting in lieu thereof the words
51 ‘Environmental Protection’;

52 On page 5, subsection 4.1, by striking out the words
53 ‘Section eleven A (11a), Article six d (6d), Chapter twenty
54 (20) of the Code of West Virginia’ and inserting in lieu
55 thereof ‘W. Va. Code § 22-4-11’;

56 On page 6, subdivision 5.5.a., by striking out the
57 words ‘Reclamation Division’ and inserting in lieu thereof
58 the words ‘Office of Mining and Reclamation’;

59 On page 9, subsection 6A.3, after the words 'State
60 Department of Health', by inserting the words 'and Hu-
61 man Resources';

62 On page 9, subsection 6B.2, by striking the words
63 'section six D (6d) or six E (6e)' and inserting in lieu
64 thereof 'section 6D or 6E';

65 On page 15, subparagraph 7B.a.2.B, by deleting
66 'section '7B.1(a)(2)' and inserting in lieu thereof 'para-
67 graph 7B.1.a.2';

68 On page 17, subsection 8.6, in the first sentence, by
69 striking out the words 'Article six (D) (6d), Chapter twen-
70 ty (20), Section nine (9), Code of West Virginia', and
71 inserting in lieu thereof, 'W. Va. Code § 22-4-9';

72 And,

73 On page 17, subdivision 9.2.c, by striking out the
74 words 'Section sixteen (16), Article six D (6d), Chapter
75 twenty (20), Code of West Virginia', and inserting in lieu
76 thereof 'W. Va. Code § 22-4-16'."

77 (b) The legislative rule relating to the division of
78 environmental protection, office of mining and reclama-
79 tion (standards for certification of blasters - surface coal
80 mines, 38 CSR 2C), effective the first day of May, one
81 thousand nine hundred ninety-five, is reauthorized with
82 the following amendments:

83 "Beginning on page 1, and continuing throughout
84 the text of the rule, by renumbering the text breakdown as
85 necessary to conform with the rule of the secretary of state
86 relating to format (standard size and format for rules and
87 procedures for publication of the state register or parts of
88 the state register, 153 CSR 6);

89 On page 1, in the title of the rule, by inserting the
90 words 'BUREAU OF ENVIRONMENT' on the third line,
91 and by inserting the words 'OFFICE OF MINING AND
92 RECLAMATION' on the fifth line;

93 And,

94 On page 3, section 4, in the second sentence, by strik-
95 ing out the first appearance of the words ‘subparagraph a-
96 k, paragraph 1,’ and inserting in lieu thereof the words
97 ‘paragraphs 5.1.a.1 through 5.1.a.11 of’, and by striking
98 out the words ‘subparagraph a-k, paragraph 1,’ and in-
99 serting in lieu thereof the words ‘paragraphs 5.2.a.1
100 through 5.2.a.11 of’.”

101 (c) The legislative rule relating to the division of
102 environmental protection, office of mining and reclama-
103 tion (abandoned mine lands reclamation rule, 38 CSR 2D),
104 effective the twenty-sixth day of June, one thousand nine
105 hundred ninety-five, is reauthorized with the following
106 amendments:

107 “Beginning on page 1, in the title, and continuing
108 throughout the text of rule, by striking out the title refer-
109 ence ‘38’ and inserting in lieu thereof the title reference
110 ‘59’;

111 Beginning on page 1, in the title, and continuing
112 throughout the text of the rule, by striking out the series
113 reference ‘2D’ and inserting in lieu thereof the series
114 reference ‘1’;

115 Beginning on page 1, and continuing throughout the
116 text of the rule, by renumbering the text breakdown as
117 necessary to conform with the rule of the secretary of state
118 relating to format (standard size and format for rules and
119 procedures for publication of the state register or parts of
120 the state register, 153 CSR 6);

121 On page 1, in the title of the rule, by inserting the
122 words ‘BUREAU OF ENVIRONMENT’ on the third line,
123 and by inserting the words ‘OFFICE OF ABANDONED
124 MINE LANDS AND RECLAMATION’ on the fifth line;

125 On page 3, subparagraph 3.3.b.4.E, by striking out
126 the words ‘paragraph (b), (2) of this section’ and inserting
127 in lieu thereof the words ‘paragraph 3.3.b.2 of this sec-
128 tion’;

129 On page 3, paragraph 4.3.b.1, by striking out the
130 words ‘paragraph a of this section’ and inserting in lieu
131 thereof the words ‘subdivision 4.3.a of this section’;

132 On page 6, subparagraph 4.5.a.7.E, by striking out
133 the words 'subsection (b) or (c)' and inserting in lieu
134 thereof the words 'subparagraph 4.5.a.7.B or 4.5.a.7.C';

135 On page 7, in the first sentence of subdivision 4.5.b.,
136 by striking out the words 'subsection (a) of this section'
137 and inserting in lieu thereof the words 'subdivision 4.5.a
138 of this subsection';

139 On page 7, in the second sentence of subdivision
140 4.5.b, by striking out the words 'subsection (a) of this
141 section' and inserting in lieu thereof the words 'subdivi-
142 sion 4.5.a of this subsection';

143 On page 8, subdivision 5.3.e, by striking out the
144 reference '2D-5' and inserting in lieu thereof the refer-
145 ence '5';

146 On page 12, paragraph 6.5.e.2, by striking out the
147 words 'paragraph (e) of this section' and inserting in lieu
148 thereof the words 'subdivision 6.5.e of this subsection';

149 On page 12, paragraph 6.5.e.4, by striking out the
150 words 'paragraph (e) of this section' and adding in lieu
151 thereof the words 'subdivision 6.5.e of this subsection';

152 On page 12, subsection 7.1, by adding the prefix
153 'sub' before the word 'section';

154 On page 12, subdivision 7.2.b, by striking out the
155 words 'paragraph (a) of this section' and inserting in lieu
156 thereof the words 'subdivision 7.2.a of this subsection';

157 On page 13, subdivision 7.2.d, by striking out the
158 words '7.3(a)(1),(2), or (3) of this section' and inserting
159 in lieu thereof the words 'paragraphs 7.3.a.1, 2, or 3 of
160 this section';

161 And,

162 On page 14, subdivision 8.4.c, by striking out the
163 words 'section 8.4(b) of this rule' and inserting in lieu
164 thereof the words 'subdivision 8.4.b of this subsection'."

165 (d) The legislative rule relating to the division of
166 environmental protection, office of mining and reclama-

167 tion (groundwater protection regulations coal mining
168 operations, 38 CSR 2F), effective the first day of June, one
169 thousand nine hundred ninety-four, is reauthorized with
170 the following amendments:

171 “Beginning on page 1, and continuing throughout
172 the text of the rule, by renumbering the text breakdown as
173 necessary to conform with the rule of the secretary of state
174 relating to format (standard size and format for rules and
175 procedures for publication of the state register or parts of
176 the state register, 153 CSR 6);

177 On page 1, in the title of the rule, by inserting the
178 words ‘BUREAU OF ENVIRONMENT’ on the third line,
179 and by striking out the words ‘MINING AND RECLA-
180 MATION’ and inserting in lieu thereof the words ‘OF-
181 FICE OF MINING AND RECLAMATION’ on the fifth
182 line;

183 Beginning on page 1, in the title, and continuing
184 throughout the text of the rule, by striking out the word
185 ‘regulations’ and inserting in lieu thereof the word ‘rule’;

186 Beginning on page 1, subsection 1.1., and continuing
187 throughout the text of the rule, by striking out the words
188 ‘Chapter 22A, Article 3’ and inserting in lieu thereof the
189 words ‘Chapter 22, Article 3’, and by striking out the
190 words ‘Chapter 20, Article 5A’ and inserting in lieu there-
191 of the words ‘Chapter 22, Article 11’;

192 On page 1, subsection 1.1., by striking out the words
193 ‘Chapter 20-5M-1 et seq. of the West Virginia Code’ and
194 inserting in lieu thereof the words ‘W. Va. Code § 22-12-
195 1 et seq.’;

196 On page 1, subsection 1.2., by striking out the code
197 reference ‘20-5M-5’ and inserting in lieu thereof the
198 code reference ‘§ 22-12-5’;

199 On page 1, subsection 2.1., by striking out the code
200 reference ‘20-5M-1’ and inserting in lieu thereof the
201 code reference ‘§ 22-12-1’;

202 On page 1, subsection 2.2, by striking out the words
203 ‘subsection (w), Section (3), Article 3, Chapter 22A (the

204 West Virginia Surface Coal Mining and Reclamation Act)
205 of the Code of West Virginia, 1931' and inserting in lieu
206 thereof the words 'W. Va. Code § 22-3-3(u)';

207 On page 2, subsection 2.12., by striking out the code
208 reference '20-5M-5(h)' and inserting in lieu thereof '22-
209 12-5(h)';

210 On page 2, subsection 3.2., by striking out the code
211 reference '20-5A-1' and inserting in lieu thereof the code
212 reference '22-11-1', and by striking out the code refer-
213 ence '22A-3-1' and inserting in lieu thereof the code
214 reference '22-3-1';

215 And,

216 On page 2, subsection 3.2, by striking out the words
217 'Water Resources Board' and inserting in lieu thereof the
218 words 'Environmental Quality Board'."

**§64-11-3. Division of environmental protection, office of air
quality.**

1 (a) The legislative rule relating to the office of air
2 quality (to prevent and control air pollution from coal
3 refuse disposal areas, 45 CSR 1), effective the first day of
4 January, one thousand nine hundred and sixty-five, is
5 reauthorized with the following amendments:

6 "Beginning on page 1, in the title of the rule, by
7 inserting the words 'OFFICE OF' immediately before the
8 words 'AIR QUALITY';

9 On page 1, subsection 1.2, by striking out the code
10 reference '§16-20-5' and inserting in lieu thereof the
11 code reference '§ 22-5-1 et seq.';

12 On page 1, subsection 2.1, by striking out the words
13 '— The term' and inserting in lieu thereof the word 'or';

14 On page 1, subsection 2.1, and continuing through-
15 out the text of the rule, by striking out the code reference
16 'section two of chapter sixteen, article twenty of the Code
17 of West Virginia, 1931' and inserting in lieu thereof the
18 code reference 'W. Va. Code § 22-5-2';

19 On page 1, subsection 2.2, by striking through the
20 period immediately following the words 'Coal Refuse';

21 On page 1, subsection 2.3, by striking through the
22 period immediately following the words 'Coal Refuse
23 Pile';

24 On page 1, subsection 2.3, by striking through the
25 period immediately following the words 'Coal Refuse
26 Disposal Area';

27 Beginning on page 1, subsection 2.2, and continuing
28 throughout the text of the rule, by striking out the words
29 '— Any', and inserting in lieu thereof the words 'means
30 any';

31 On page 1, subsection 2.5, by striking out the words
32 '— The' and inserting in lieu thereof the words 'means
33 the';

34 Beginning on page 1, subsection 2.6, second para-
35 graph, and continuing throughout the text of the rule, by
36 striking out the word 'regulation' and inserting in lieu
37 thereof the word 'rule';

38 And,

39 Beginning on page 2, subsection 3.1, and continuing
40 throughout the text of the rule, by striking out the word
41 'Commission' and inserting in lieu thereof the word 'Di-
42 rector'."

43 (b) The legislative rule relating to the office of air
44 quality (to prevent and control particulate air pollution
45 from combustion of fuel in indirect heat exchangers, 45
46 CSR 2), effective the first day of May, one thousand nine
47 hundred and ninety-five, is reauthorized with the follow-
48 ing amendments:

49 "Beginning on page 1, and continuing throughout
50 the text of the rule, by renumbering the text breakdown as
51 necessary to conform with the rule of the secretary of state
52 relating to format (standard size and format for rules and
53 procedures for publication of the state register or parts of
54 the state register, 153 CSR 6);

55 On page 1, subsection 2.6, by striking out the code
56 reference 'sections six or eight, article one, chapter twen-
57 ty-two of the West Virginia Code', and inserting in lieu
58 thereof the code reference 'W. Va. Code § 22-1-6 or §
59 22-1-8';

60 On page 2, subdivision 2.12.a, by striking out the
61 apostrophes enclosing the words 'design heat input (dhi)',
62 and inserting in lieu thereof quotation marks;

63 On page 2, subdivision 2.12.b, by striking out the
64 apostrophes enclosing the words 'total design heat input
65 (tdhi)', and inserting in lieu thereof quotation marks,

66 On page 2, subdivision 2.12.c, by striking out the
67 apostrophes enclosing the words 'normal maximum oper-
68 ating load (nmol)', and inserting in lieu thereof quotation
69 marks;

70 On page 2, subsection 2.16, by striking out the word
71 'the' immediately preceding the words '45CSR2';

72 On page 4, subdivision 3.4.g, by striking out the
73 word 'regulations', and inserting in lieu thereof the word
74 'rules';

75 On page 5, subsection 7.1, by striking out the words
76 'Code of West Virginia', and inserting in lieu thereof the
77 words 'West Virginia Code';

78 On page 7, subsection 12.1, by striking through the
79 word 'regulation' and inserting in lieu thereof the word
80 'rule'."

81 And,

82 On page 7, subsection 12.1, by striking out the words
83 'rule or regulation', and inserting in lieu thereof the
84 words 'or rule'."

85 (c) The legislative rule relating to the office of air
86 quality (to prevent and control air pollution from the
87 operation of hot mix asphalt plants, 45 CSR 3), effective
88 the twenty-seventh day of October, one thousand nine
89 hundred seventy-nine, is reauthorized with the following
90 amendments:

91 “Beginning on page 1, and continuing throughout
92 the text of the rule, by renumbering the text breakdown as
93 necessary to conform with the rule of the secretary of state
94 relating to format (standard size and format for rules and
95 procedures for publication of the state register or parts of
96 the state register, 153 CSR 6);

97 On page 1, in the title of the rule, by inserting the
98 words ‘OFFICE OF’ immediately preceding the words
99 ‘AIR QUALITY’;

100 On page 1, subsection 1.2, by striking out the code
101 reference ‘§16-20-5’, and inserting in lieu thereof the
102 code reference ‘§ 22-5-1 et seq.’;

103 On page 1, subsection 2.1, by striking out the code
104 reference ‘section two of chapter sixteen, article twenty of
105 the Code of West Virginia’, and inserting in lieu thereof the
106 words ‘W. Va. Code § 22-5-2’;

107 On page 1, subsection 2.2, by striking out the words
108 “‘Commission’ shall mean the West Virginia Air Pollu-
109 tion Control Commission.’, and inserting in lieu thereof
110 the words ‘[RESERVED]’;

111 Beginning on page 1, subsection 2.3 and continuing
112 throughout the text of the rule, by striking out the words
113 ‘shall mean’, and inserting in lieu thereof the word
114 ‘means’;

115 On page 1, subsection 2.3, by striking out the words
116 ‘Air Pollution Control Commission’, and inserting in lieu
117 thereof the words ‘Division of Environmental Protection’;

118 On page 2, subsection 2.11, by striking out the words
119 ‘shall be’, and inserting in lieu thereof the word ‘means’;

120 Beginning on page 2, subsection 2.11 and continu-
121 ing throughout the text of the rule, by striking out the
122 word ‘Commission’, and inserting in lieu thereof the word
123 ‘Director’;

124 On page 2, subsection 2.14, by striking out the word
125 ‘is’;

126 Beginning on page 2, subsection 2.14 and continu-
127 ing throughout the text of the rule, by striking out the
128 word 'regulation', and inserting in lieu thereof the word
129 'rule';

130 On page 2, subsection 2.15, by striking out the code
131 reference 'section two of chapter sixteen, article twenty of
132 the Code of West Virginia, 1931', and inserting in lieu
133 thereof the code reference 'W. Va. Code § 22-5-1 et seq';

134 On page 3, subsection 6.3, by striking out the code
135 reference 'chapter sixteen, article twenty, section 11(b) of
136 the Code of West Virginia', and inserting in lieu thereof
137 the code reference 'W. Va. Code § 22-5-11';

138 On page 3, subsection 6.3, by striking out the refer-
139 ence 'Regulation 13', and inserting in lieu thereof the
140 reference '45CSR13';

141 And,

142 On page 3, subsection 8.1, by striking out the code
143 reference 'section five of chapter sixteen, article twenty,
144 paragraph seventeen, of the code of West Virginia', and
145 inserting in lieu thereof the code reference 'W. Va. Code
146 §22-5-4'."

147 (d) The legislative rule relating to the office of air
148 quality (to prevent and control the discharge of air pollut-
149 ants into the open air which causes or contributes to an
150 objectionable odor or odors, 45 CSR 4), effective the first
151 day of October, one thousand nine hundred and sixty-
152 seven, is reauthorized with the following amendments:

153 "Beginning on page 2, and continuing throughout
154 the text of the rule, by renumbering the text breakdown as
155 necessary to conform with the rule of the secretary of state
156 relating to format (standard size and format for rules and
157 procedures for publication of the state register or parts of
158 the state register, 153 CSR 6);

159 On page 1, in the title of the rule, by inserting the
160 words 'OFFICE OF' immediately prior to the words AIR
161 QUALITY';

162 On page 1, subsection 1.2, by striking out the code
163 reference ‘§16-20-5’, and inserting in lieu thereof the
164 code reference ‘§ 22-5-1 et seq’;

165 On page 1, subsection 2.3, by striking out the words
166 “‘Commission’ shall mean the West Virginia Air Pollu-
167 tion Control Commission.’, and inserting in lieu thereof
168 the words ‘[RESERVED]’;

169 On page 1, subsection 2.1, and continuing through-
170 out the text of the rule, by striking out the words ‘shall
171 mean’ and inserting in lieu thereof the word ‘means’;

172 On page 1, subsection 2.6, by striking out the words
173 ‘Air Pollution Control Commission’ and inserting in lieu
174 thereof the word ‘Director’;

175 Beginning on page 1, subsection 2.7, and continuing
176 throughout the text of the rule, by striking out the word
177 ‘Commission’, and inserting in lieu thereof the word ‘Di-
178 rector’;

179 Beginning on page 1, subsection 2.7, and continuing
180 throughout the text of the rule, by striking out the word
181 ‘regulation’, and inserting in lieu thereof the word ‘rule’;

182 And,

183 On page 1, subsection 2.7, by striking out the code
184 reference ‘chapter sixteen, article twenty, section two of
185 the Code of West Virginia, 1931,’ and inserting in lieu
186 thereof the code reference ‘W. Va. Code § 22-5-1 et
187 seq.’.”

188 (e) The legislative rule relating to the office of air
189 quality (to prevent and control air pollution from the
190 operation of coal preparation plants and coal handling
191 operations, 45 CSR 5), effective the first day of May, one
192 thousand nine hundred and ninety-five, is reauthorized
193 with the following amendments:

194 “Beginning on page 1, and continuing throughout
195 the text of the rule, by renumbering the text breakdown as
196 necessary to conform with the rule of the secretary of state
197 relating to format (standard size and format for rules and

198 procedures for publication of the state register or parts of
199 the state register, 153 CSR 6);

200 On page 1, subsection 1.2, by striking out the code
201 reference ‘§§22-1-3, 22-5-4’, and inserting in lieu thereof
202 the code reference ‘§ 22-5-1 et seq’;

203 On page 1, subsection 2.2, by striking out the words
204 “‘Commission’ means the West Virginia Air Pollution
205 Control Commission.’, and inserting in lieu thereof the
206 words ‘[RESERVED]’;

207 On page 2, subsection 2.20, by striking out the words
208 ‘Department of Commerce, Labor, and Environmental
209 Resources’, and by inserting in lieu thereof the words
210 ‘Division of Environmental Protection’;

211 On page 4, subsection 6.3.c.5, by striking out the
212 words ‘Section 6.3.c.A’, and inserting in lieu thereof the
213 words ‘paragraph 6.3.c.1’;

214 On page 8, subsection 11.3, by striking out the word
215 ‘Commission’, and inserting in lieu thereof the words ‘Air
216 Quality Board’;

217 And,

218 On page 8, subdivision 12.1.a, by striking out the
219 word ‘Commission’, and inserting in lieu thereof the word
220 ‘Director’.”

221 (f) The legislative rule relating to the office of air
222 quality (to prevent and control air pollution from combus-
223 tion of refuse, 45 CSR 6), effective the first day of May,
224 one thousand nine hundred and ninety-five, is
225 reauthorized with the following amendments:

226 “Beginning on page 1, and continuing throughout
227 the text of the rule, by renumbering the text breakdown as
228 necessary to conform with the rule of the secretary of state
229 relating to format (standard size and format for rules and
230 procedures for publication of the state register or parts of
231 the state register, 153 CSR 6);

232 On page 1, subsection 2.1, by striking out the code
233 reference ‘section two, article twenty, chapter sixteen of

234 the Code of West Virginia’, and inserting in lieu thereof
235 the code reference ‘W. Va. Code § 22-5-2’;

236 Beginning on page 1, subsection 2.6, and throughout
237 the text of the rule, by striking out the word ‘regulation’,
238 and inserting in lieu thereof the word ‘rule’;

239 And,

240 On page 2, subsection 2.18, by striking out the code
241 reference ‘§22-5-2’, and inserting in lieu thereof the code
242 reference ‘§ 22-5-1 et seq.’.”

243 (g) The legislative rule relating to the office of air
244 quality (to prevent and control particulate air pollution
245 from manufacturing process operations, 45 CSR 7), effec-
246 tive the twenty-seventh day of April, one thousand nine
247 hundred and ninety-four, is reauthorized with the follow-
248 ing amendments:

249 “Beginning on page 1, and continuing throughout
250 the text of the rule, by renumbering the text breakdown as
251 necessary to conform with the rule of the secretary of state
252 relating to format (standard size and format for rules and
253 procedures for publication of the state register or parts of
254 the state register, 153 CSR 6);

255 On page 1, in the title of the rule, by striking out the
256 words ‘AIR POLLUTION CONTROL COMMISSION’,
257 and inserting in lieu thereof the words ‘DIVISION OF
258 ENVIRONMENTAL PROTECTION’ on one line and
259 ‘OFFICE OF AIR QUALITY’ on the next line;

260 On page 1, subsection 1.2, by striking out the code
261 reference ‘§16-20-5’, and inserting in lieu thereof the
262 code reference ‘§ 22-5-1 et seq’;

263 On page 1, subsection 2.1, by striking out the code
264 reference ‘§16-20-2’, and inserting in lieu thereof the
265 code reference ‘§22-5-2’;

266 On page 1, subsection 2.2, by striking out the words
267 “‘Commission’ means the West Virginia Air Pollution
268 Control Commission.’, and inserting in lieu thereof the
269 words ‘[RESERVED]’;

270 On page 1, subsection 2.3, by striking out the words
271 'shall mean', and inserting in lieu thereof the word
272 'means';

273 Beginning on page 1, subsection 2.8, and continuing
274 throughout the text of the rule, by striking out the word
275 'Chief', and inserting in lieu thereof the word 'Director';

276 On page 4, subsection 2.44, by striking out the words
277 "Chief of Air Quality" or "Chief" means the Chief of
278 the Office of Air Quality or his or her designated repre-
279 sentative appointed by the Director of the Division of
280 Environmental Protection pursuant to the provisions of W.
281 Va. Code §22-1-1, et seq., as amended.', and inserting in
282 lieu thereof the words '[RESERVED]';

283 On page 4, subsection 2.45, by striking out the words
284 'Department of Commerce, Labor, and Environmental
285 Resources', and inserting in lieu thereof the words 'Divi-
286 sion of Environmental Protection';

287 On page 5, paragraph 3.3.e.3, by striking out the
288 references '3.3.e.A. or 3.3.e.B' and inserting in lieu
289 thereof the references '3.3.e.1 or 3.3.e.2';

290 On page 6, paragraph 3.4.e.3, by striking out the
291 references '3.4.e.A. and 3.4.e.B', and inserting in lieu
292 thereof the references '3.4.e.1 and 3.4.e.2';

293 On page 11, section 7, by striking through the code
294 reference '§16-20-1, et seq.', and inserting in lieu thereof
295 the code reference '§ 22-5-1, et seq.';

296 And,

297 On page 11, section 7, by striking through the words
298 'this agency', and inserting in lieu thereof the reference
299 'Title 45'."

300 (h) The legislative rule relating to the office of air
301 quality (ambient air quality standards for sulfur oxides
302 and particulate matter, 45 CSR 8), effective the twenty-
303 fifth day of April, one thousand nine hundred and ninety,
304 is reauthorized with the following amendments:

305 “Beginning on page 1, and continuing throughout
306 the text of the rule, by renumbering the text breakdown as
307 necessary to conform with the rule of the secretary of state
308 relating to format (standard size and format for rules and
309 procedures for publication of the state register or parts of
310 the state register, 153 CSR 6);

311 On page 1, subsection 2.3, by striking out the words
312 “Commission” means the West Virginia Air Pollution
313 Control Commission’, and inserting in lieu thereof the
314 words ‘[RESERVED]’;

315 Beginning on page 1, subsection 1.1, and continuing
316 throughout the text of the rule, by striking out the word
317 ‘Commission’, and inserting in lieu thereof the word ‘Di-
318 rector’;

319 On page 1, subsection 1.2, by striking out the code
320 references ‘§§16-20-5 and 16-20-1 through 13’, and
321 inserting in lieu thereof the code reference ‘§ 22-5-1 et
322 seq’;

323 On page 1, subsection 2.2, by striking out the code
324 reference ‘WV Code 16-20-2’, and inserting in lieu there-
325 of the code reference ‘W. Va. Code § 22-5-2’;

326 Beginning on page 2, section 5, and continuing
327 throughout the text of the rule, by striking out the word
328 ‘regulation’, and inserting in lieu thereof the word ‘rule’;

329 And,

330 On page 2, section 5, immediately following the word
331 ‘method’, by striking out the word ‘rule.’”

332 (i) The legislative rule relating to the office of air
333 quality (regulations pertaining to ambient air quality stan-
334 dards for carbon monoxide, nonmethane hydrocarbons,
335 and ozone, 45 CSR 9), effective the twenty-second day of
336 October, one thousand nine hundred and eighty, is
337 reauthorized with the following amendments:

338 “Beginning on page 1, and continuing throughout
339 the text of the rule, by renumbering the text breakdown as
340 necessary to conform with the rule of the secretary of state
341 relating to format (standard size and format for rules and

342 procedures for publication of the state register or parts of
343 the state register, 153 CSR 6);

344 On page 1, in the title of the rule, by inserting the
345 words 'OFFICE OF' immediately preceding the words
346 'AIR QUALITY';

347 On page 1, in the title of the rule, by striking out the
348 word 'REGULATIONS', and by inserting in lieu thereof
349 the word 'RULES';

350 On page 1, subsection 1.2, by striking out the code
351 reference '§16-20-5', and inserting in lieu thereof the
352 code reference '§ 22-5-1 et seq.';

353 On page 1, subsection 3.3, by striking out the words
354 "'Commission" shall mean the West Virginia Air Pollu-
355 tion Control Commission', and by inserting in lieu thereof
356 the words '[RESERVED]';

357 Beginning on page 1, subsection 2.1, and continuing
358 throughout the text of the rule, by striking out the word
359 'Commission', and inserting in lieu thereof the word 'Di-
360 rector';

361 Beginning on page 1, subsection 3.1, and continuing
362 throughout the text of the rule, by striking out the words
363 'shall mean', and inserting in lieu thereof the word
364 'means';

365 On page 1, subsection 3.2, by striking out the code
366 reference 'section two of chapter sixteen, article twenty of
367 the Code of West Virginia', and inserting in lieu thereof
368 the code reference 'W. Va. Code § 22-5-2';

369 On page 2, subsection 3.7, by striking out the word
370 'regulation', and inserting in lieu thereof the word 'rule';

371 And,

372 Beginning on page 2, subsection 5.1, and continuing
373 throughout the text of the rule, by striking out the words
374 'West Virginia Air Pollution Control Commission', and
375 inserting in lieu thereof the word 'Director'."

376 (j) The legislative rule relating to the office of air
377 quality (to prevent and control air pollution from the
378 emission of sulfur oxides, 45 CSR 10), effective the twen-
379 ty-seventh day of April, one thousand nine hundred and
380 ninety-four, is reauthorized with the following amend-
381 ments:

382 “Beginning on page 1, and continuing throughout
383 the text of the rule, by renumbering the text breakdown as
384 necessary to conform with the rule of the secretary of state
385 relating to format (standard size and format for rules and
386 procedures for publication of the state register or parts of
387 the state register, 153 CSR 6);

388 On page 1, in the title of the rule, by inserting the
389 words ‘OFFICE OF’ immediately preceding the words
390 ‘AIR QUALITY’;

391 On page 1, subsection 2.3, by striking out the words
392 “‘Commission’ means the West Virginia Air Pollution
393 Control Commission.”, and inserting in lieu thereof the
394 words ‘[RESERVED]’;

395 Beginning on page 1, subdivision 1.1.b, and continu-
396 ing throughout the text of the rule, by striking out the
397 word ‘Commission’, and inserting in lieu thereof ‘Direc-
398 tor’;

399 On page 1, subsection 1.2, by striking out the code
400 reference ‘§16-20-5’, and inserting in lieu thereof the
401 code reference ‘§ 22-5-1 et seq’;

402 On page 1, subsection 2.1, by striking out the code
403 reference ‘§16-20-2’, and inserting in lieu thereof the
404 code reference ‘§ 22-5-2’;

405 On page 2, subsection 2.17, by striking out the words
406 “‘Chief of Air Quality’ or ‘Chief’ means the Chief of
407 the Office of Air Quality or his or her designated repre-
408 sentative appointed by the Director of the Division of
409 Environmental Protection pursuant to the provisions of W.
410 Va. Code §22-1-1, et seq, as amended.’, and inserting in
411 lieu thereof the words ‘[RESERVED]’;

412 On page 2, subsection 2.18, by striking out the words
413 ‘that Division of the West Virginia Department of Com-
414 merce, Labor, and Environmental Resources’, and insert-
415 ing in lieu thereof the words ‘the Division of Environmen-
416 tal Protection’;

417 Beginning on page 4, subdivision 3.4.b, and continu-
418 ing throughout the text of the rule, by striking out the
419 word ‘Chief’, and inserting in lieu thereof the word ‘Di-
420 rector’;

421 On page 4, subdivision 3.8.a, by striking out the
422 words ‘paragraphs (b), (c), (d), (e), and (f) following’, and
423 inserting in lieu thereof the words ‘subdivisions 3.8.b
424 through 3.8.f’;

425 And,

426 On page 6, subsection 5.1, by striking out the words
427 ‘§16-20-1, et seq., as amended, and Series 13 of this agen-
428 cy’, and inserting in lieu thereof the words ‘§ 22-5-1 et
429 seq., as amended, and 45CSR13’.”

430 (k) The legislative rule relating to the office of air
431 quality (prevention of air pollution emergency episodes,
432 45 CSR 11), effective of the twenty-fifth day of April, one
433 thousand, nine hundred and ninety, is reauthorized with
434 the following amendments:

435 “On page 1, in the title of the rule, by inserting the
436 words ‘OFFICE OF’ immediately preceding the words
437 ‘AIR QUALITY’;

438 On page 1, subsection 1.2, by striking out the code
439 references ‘§§16-20-5 and 16-20-1-13’, and inserting in
440 lieu thereof the code reference ‘§ 22-5-1 et seq.’;

441 On page 1, subsection 2.2, by striking out the words
442 “‘Commission’ means the West Virginia Air Pollution
443 Control Commission.’, and inserting in lieu thereof the
444 words ‘[RESERVED]’;

445 On page 1, subsection 2.3, by striking out the words
446 ‘West Virginia Air Pollution Control Commission’, and
447 inserting in lieu thereof the words ‘Division of Environ-
448 mental Protection’;

449 Beginning on page 1, subsection 2.6, and continuing
450 throughout the text of the rule, by striking out the word
451 'regulation', and inserting in lieu thereof the word 'rule';

452 Beginning on page 1, subsection 3.1, and continuing
453 throughout the text of the rule, by striking out the words
454 'and/or Commission';

455 Beginning on page 2, subdivision 3.1.a, and continu-
456 ing throughout the text of the rule, by striking out the
457 words 'West Virginia Air Pollution Control Commission',
458 and inserting in lieu thereof the word 'Director';

459 Beginning on page 1, subsection 1.1, and continuing
460 throughout the text of the rule, by striking out the word
461 'Commission', and inserting in lieu thereof the word 'Di-
462 rector';

463 On page 3, subsection 3.2, striking out the reference
464 'WV Code §45-11-6', and inserting in lieu thereof the
465 words 'Section 6 of this rule';

466 On page 4, subsection 6.2, and continuing through-
467 out the text of the rule, by striking out the reference 'W.
468 Va. Code §45-11-5', and inserting in lieu thereof the
469 words 'Section 5 of this rule';

470 On page 5, subsection 7.1, by striking out the code
471 reference 'W. Va. Code §16-20-10', and inserting in lieu
472 thereof the code reference 'W. Va. Code §22-5-8';

473 On page 5, section 8, in the heading, by striking out
474 the word 'Regulations', and inserting in lieu thereof the
475 word 'Rules';

476 And,

477 On page 5, subsection 8.1, by striking out the words
478 'rule' immediately preceding the words 'or rule'."

479 (1) The legislative rule relating to the office of air
480 quality (ambient air quality standard for nitrogen dioxide,
481 45 CSR 12), effective the fifteenth day of March, one
482 thousand nine hundred and seventy-two, is reauthorized
483 with the following amendments:

484 “Beginning on page 1, and continuing throughout
485 the text of the rule, by renumbering the text breakdown as
486 necessary to conform with the rule of the secretary of state
487 relating to format (standard size and format for rules and
488 procedures for publication of the state register or parts of
489 the state register, 153 CSR 6);

490 On page 1, in the title of the rule, by inserting the
491 words ‘OFFICE OF’ immediately preceding the words
492 ‘AIR QUALITY’;

493 On page 1, subsection 1.2, by striking out the code
494 reference ‘§16-20-5’, and inserting in lieu thereof the
495 code reference ‘§ 22-5-1 et seq’;

496 On page 1, subsection 3.3, by striking out the words
497 “‘Commission shall mean the West Virginia Air Pollution
498 Control Commission’, and by inserting in lieu thereof the
499 words ‘[RESERVED]’;

500 On page 2, subsection 5.1, by striking out the words
501 ‘West Virginia Air Pollution Control Commission’, and
502 inserting in lieu thereof the word ‘Director’;

503 Beginning on page 1, subsection 2.1, and continuing
504 throughout the text of the rule, by striking out the word
505 “Commission”, and inserting in lieu thereof the word
506 ‘Director’;

507 Beginning on page 1, subsection 3.1, and continuing
508 throughout the text of the rule, by striking out the words
509 ‘shall mean’, and inserting in lieu thereof the word
510 ‘means’;

511 On page 1, subsection 3.2, by striking out the code
512 reference ‘§16-20-2’, and inserting in lieu thereof the
513 code reference ‘§ 22-5-2’;

514 And,

515 On page 1, subsection 3.5, by striking out the word
516 ‘regulation’, and inserting in lieu thereof the word
517 ‘rule’.”

518 (m) The legislative rule relating to the office of air
519 quality (permits for construction, modification, relocation
520 and operation of stationary sources of air pollutants, noti-
521 fication requirements, temporary permits, general permits,
522 and procedures for evaluation, 45 CSR 13), effective the
523 twenty-seventh day of April, one thousand nine hundred
524 and ninety-four, is reauthorized with the following amend-
525 ments:

526 “Beginning on page 1, and continuing throughout
527 the text of the rule, by renumbering the text breakdown as
528 necessary to conform with the rule of the secretary of state
529 relating to format (standard size and format for rules and
530 procedures for publication of the state register or parts of
531 the state register, 153 CSR 6);

532 On page 1, in the title of the rule, by inserting the
533 words ‘OFFICE OF’ immediately prior to the words ‘AIR
534 QUALITY’;

535 On page 1, subsection 1.2, by striking out the code
536 reference ‘§ 16-20-5’, and inserting in lieu thereof the
537 code reference ‘§ 22-5-1 et seq’;

538 On page 2, subsection 2.4, by striking out the words
539 “‘Chief of Air Quality’ or ‘Chief’ means the Chief of
540 the Office of Air Quality or his or her designated repre-
541 sentative appointed by the Director of the Division of
542 Environmental Protection pursuant to the provisions of W.
543 Va. Code §22-1-1, et seq.’, and by inserting in lieu there-
544 of the words ‘[RESERVED]’;

545 Beginning on page 1, subdivision 2.1.a, and continu-
546 ing throughout the text of the rule, by striking out the
547 word ‘Chief’, and inserting in lieu thereof the word ‘Di-
548 rector’;

549 On page 1, subsection 2.3, by striking out the code
550 reference ‘article twenty, chapter sixteen of the W. Va.
551 Code’, and inserting in lieu thereof the code reference ‘W.
552 Va. Code § 22-5-2’;

553 On page 2, subsection 2.7, by striking out the words
554 “‘Commission’ means the West Virginia Air Pollution

555 Control Commission', and inserting in lieu thereof the
556 words '[RESERVED]';

557 On page 2, subsection 2.10, by striking out the words
558 'that division of the Department of Commerce, Labor and
559 Environmental Resources', and inserting in lieu thereof
560 the words 'the Division of Environmental Protection';

561 On page 3, paragraph 2.17.b.2, by striking out the
562 words 'subparagraph 2.13.b.A', and inserting in lieu
563 thereof the words 'paragraph 2.17.b.1';

564 On page 3, subdivision 2.17.c, by striking out the
565 words 'subparagraph 2.13.b.A', and inserting in lieu
566 thereof the words 'paragraph 2.17.b.1';

567 On page 10, subsection 11.2, by striking out the
568 words 'Commission rules', and inserting in lieu thereof
569 the words 'rules of the Director';

570 Beginning on page 4, subdivision 2.21.d, and con-
571 tinuing throughout the text of the rule, by striking out the
572 word 'Commission', and inserting in lieu thereof the word
573 'Director';

574 On page 5, subsection 2.28, by striking out the code
575 reference 'chapter sixteen, article twenty, section two of
576 the Code of West Virginia, 1931', and inserting in lieu
577 thereof the code reference 'W. Va. Code § 22-5-1 et
578 seq.';

579 And,

580 Beginning on page 6, subsection 4.4, and continuing
581 throughout the text of the rule, by striking out the code
582 reference '§16-20-1', and inserting in lieu thereof the
583 code reference '§ 22-5-1'."

584 (n) The legislative rule relating to the office of air
585 quality (permits for construction and major modification
586 of major stationary sources of air pollution for the preven-
587 tion of significant deterioration, 45 CSR 14), effective the
588 first day of May, one thousand nine hundred and ninety-
589 five, is reauthorized with the following amendment:

590 “Beginning on page 1, and continuing throughout
591 the text of the rule, by renumbering the text breakdown as
592 necessary to conform with the rule of the secretary of state
593 relating to format (standard size and format for rules and
594 procedures for publication of the state register or parts of
595 the state register, 153 CSR 6);

596 On page 3, subsection 2.11, by striking out the words
597 “‘Chief of the Office of Air Quality’” or “‘Chief’” means
598 the principal administrative officer of the Office of Air
599 Quality or other designated representative appointed by
600 the Director of the Division of Environmental Protection
601 pursuant to the provisions of W. Va. Code §22-1-1 et
602 seq.’, and inserting in lieu thereof the words ‘[RE-
603 SERVED]’.”

604 (o) The legislative rule relating to the office of air
605 quality (emission standards for hazardous air pollutants
606 pursuant to 40 CFR part 61, 45 CSR 15), effective the first
607 day of May, one thousand nine hundred and ninety-five,
608 is reauthorized with the following amendment:

609 “Beginning on page 1, and continuing throughout
610 the text of the rule, by renumbering the text breakdown as
611 necessary to conform with the rule of the secretary of state
612 relating to format (standard size and format for rules and
613 procedures for publication of the state register or parts of
614 the state register, 153 CSR 6).”

615 (p) The legislative rule relating to the office of air
616 quality (to prevent and control particulate air pollution
617 from materials handling, preparation, storage and sources
618 of fugitive particulate matter, 45 CSR 17), effective the
619 first day of May, 1979, is reauthorized with the following
620 amendments:

621 “On page 1, in the title of the rule, by inserting the
622 words ‘OFFICE OF’ immediately preceding the words
623 ‘AIR QUALITY’;

624 On page 1, subsection 3.2, by striking out the words
625 “‘Commission’ shall mean the West Virginia Air Pollu-
626 tion Control Commission.’; and inserting in lieu thereof
627 the words ‘[RESERVED]’;

628 On page 1, subsection 3.3, by striking out the words
629 'Air Pollution Control Commission', and inserting in lieu
630 thereof the words 'Division of Environmental Protection';

631 Beginning on page 1, subsection 1.1, and continuing
632 throughout the text of the rule, by striking out the word
633 'Commission', and inserting in lieu thereof the word 'Di-
634 rector';

635 On page 3, section 12, by striking out the words 'or
636 regulation';

637 Beginning on page 1, subsection 1.1, and continuing
638 throughout the text of the rule, by striking out the word
639 'regulation', and inserting in lieu thereof the word 'rule';

640 On page 1, subsection 1.2, by striking out the code
641 reference 'W.V. Code §16-20-5', and inserting in lieu
642 thereof the code reference 'W. Va. Code § 22-5-1 et seq';

643 On page 1, subsection 3.1, by striking out the code
644 reference 'section two of chapter sixteen, article twenty of
645 the Code of West Virginia', and inserting in lieu thereof
646 the code reference 'W. Va. Code § 22-5-2';

647 Beginning on page 1, subsection 3.4, and continuing
648 throughout the text of the rule, by striking out the words
649 'shall mean', and inserting in lieu thereof the word
650 'means';

651 On page 2, subsection 3.11, by striking out the words
652 'shall include, but not be', and inserting in lieu thereof the
653 words 'includes, but is not';

654 On page 2, subsection 3.12, by striking out the code
655 reference 'section two of chapter sixteen, article twenty of
656 the Code of West Virginia', and inserting in lieu thereof
657 the code reference 'W. Va. Code § 22-5-1 et seq';

658 And,

659 On page 3, subsection 9.1, by striking out the code
660 reference 'chapter sixteen, article twenty, section five,
661 subsection seventeen of the Code of West Virginia', and
662 inserting in lieu thereof the code reference 'W. Va. Code
663 § 22-5-4'."

664 (q) The legislative rule relating to the office of air
665 quality (to prevent and control particulate air pollution
666 from direct meat-firing devices, 45 CSR 18), effective the
667 first day of May, one thousand nine hundred and seventy-
668 nine, is reauthorized with the following amendments:

669 “On page 1, in the title of the rule, by inserting the
670 words ‘OFFICE OF’ immediately preceding the words
671 ‘AIR QUALITY’;

672 On page 1, subsection 1.2, by striking out the code
673 reference ‘§16-20-5’, and inserting in lieu thereof the
674 code reference ‘§ 22-5-1 et seq’;

675 On page 1, subsection 2.1, by striking out the code
676 reference ‘Section Two of Chapter Sixteen, Article Twenty
677 of the Code of West Virginia’, and inserting in lieu thereof
678 the code reference ‘W. Va. Code § 22-5-2’;

679 On page 1, subsection 2.3, by striking out the words
680 “‘Commission’ shall mean the West Virginia Air Pollu-
681 tion Control Commission.’, and inserting in lieu thereof
682 the words ‘[RESERVED]’;

683 Beginning on page 1, subsection 2.2, and continuing
684 throughout the text of the rule, by striking out the words
685 ‘shall mean’, and inserting in lieu thereof the word
686 ‘means’;

687 On page 1, subsection 2.4, by striking out the words
688 ‘Air Pollution Control Commission’, and inserting in lieu
689 thereof the words ‘Division of Environmental Protection’;

690 On page 1, subsection 2.8, by striking out the words
691 ‘shall be’, and inserting in lieu thereof the word ‘means’;

692 Beginning on page 1, subsection 2.8, and continuing
693 throughout the text of the rule, by striking out the word
694 ‘Commission’, and inserting in lieu thereof the word ‘Di-
695 rector’;

696 Beginning on page 2, subsection 2.15, and continu-
697 ing throughout the text of the rule, by striking out the
698 word ‘regulation’, and inserting in lieu thereof the word
699 ‘rule’;

700 On page 2, subsection 2.15, by striking out the code
701 reference 'Chapter Sixteen, Article Twenty, Section Two
702 of the Code of West Virginia', and inserting in lieu thereof
703 the code reference 'W. Va. Code § 22-5-1 et seq';

704 On page 2, subsection 5.1, by striking out the code
705 reference 'Section Five of Chapter Sixteen, Article Twen-
706 ty, Paragraph Seventeen of the Code of West Virginia',
707 and inserting in lieu thereof the code reference 'W. Va.
708 Code § 22-5-4';

709 On page 2, section 6, by striking out the code refer-
710 ence 'Section Two of Chapter Sixteen, Article Twenty,
711 Paragraph 11b of the Code of West Virginia', and insert-
712 ing in lieu thereof the code reference 'W. Va. Code § 22-
713 5-11';

714 And,

715 On page 2, section 6, by striking out the word 'Regu-
716 lation 13 of this agency', and inserting in lieu thereof the
717 reference '45CSR13'."

718 (r) The legislative rule relating to the office of air
719 quality (requirements for pre-construction review, deter-
720 mination of emission offsets for proposed new or modi-
721 fied stationary sources of air pollutants and emission trad-
722 ing for intrasource pollutants, 45 CSR 19), effective the
723 seventh day of July, one thousand nine hundred and nine-
724 ty-three, is reauthorized with the following amendments:

725 "Beginning on page 1, and continuing throughout
726 the text of the rule, by renumbering the text breakdown as
727 necessary to conform with the rule of the secretary of state
728 relating to format (standard size and format for rules and
729 procedures for publication of the state register or parts of
730 the state register, 153 CSR 6);

731 On page 1, in the title of the rule, by inserting the
732 words 'OFFICE OF' immediately preceding the words
733 'AIR QUALITY';

734 On page 2, subsection 2.9, by striking out the words
735 "Chief of Air Quality" or "Chief" means the Chief of
736 the Office of Air Quality or his or her designated repre-

737 tentative appointed by the Director of the Division of
738 Environmental Protection pursuant to the provisions of
739 §22-1-1, et seq., of the West Virginia Code.’, and inserting
740 in lieu thereof the words ‘[RESERVED]’;

741 On page 2, subsection 2.11, by striking out the words
742 “‘Commission” means the West Virginia Air Pollution
743 Control Commission.’, and inserting in lieu thereof the
744 words ‘[RESERVED]’;

745 On page 2, subsection 2.2, by striking out the words
746 ‘Commission or Chief’, and inserting in lieu thereof the
747 word ‘Director’;

748 Beginning on page 1, subsection 1.1, and continuing
749 throughout the text of the rule, by striking out the word
750 ‘Commission’, and inserting in lieu thereof the word ‘Di-
751 rector’;

752 Beginning on page 1, subsection 1.1, and continuing
753 throughout the text of the rule, by striking out the word
754 ‘regulation’, and inserting in lieu thereof the word ‘rule’;

755 On page 1, subsection 1.1, by striking out the code
756 reference ‘Chapter 16, Article 20, of the code of West
757 Virginia, of 1931, as amended, (the Code)’, and inserting
758 in lieu thereof the code reference ‘W. Va. Code § 22-5-1
759 et seq., as amended’;

760 On page 1, subsection 1.2, by striking out the code
761 reference ‘§16-20-5’, and inserting in lieu thereof the
762 code reference ‘§ 22-5-1 et seq.’;

763 On page 1, subsection 1.5, by striking out the words
764 ‘1.5 Type. This regulation is a legislative rule as defined
765 in West Virginia Code, Chapter 29A, Article 2’;

766 Beginning on page 1, subdivision 2.1.a, and continu-
767 ing throughout the text of the rule, by striking out the
768 word ‘Chief’, and inserting in lieu thereof the word ‘Di-
769 rector’;

770 On page 2, subsection 2.3, by striking out the words
771 ‘the West Virginia Administrative Regulations of the Air
772 Pollution Control Commission’, and inserting in lieu
773 thereof the words ‘rules of the Director’;

774 On page 2, subsection 2.3, by striking out the words
775 'the Code of West Virginia, of 1931', and inserting in lieu
776 thereof the code reference 'W. Va. Code § 22-5-1 et
777 seq.';

778 On page 2, subsection 2.6, by striking out the code
779 reference 'Section Two of the West Virginia Code 16-20,
780 as amended', and inserting in lieu thereof the code refer-
781 ence 'W. Va. Code § 22-5-2';

782 On page 2, subsection 2.10, by striking out the code
783 reference 'Chapter 16, Article 20, of the Code of West
784 Virginia of 1931', and inserting in lieu thereof the code
785 reference 'W. Va. Code § 22-5-1 et seq.';

786 On page 2, subsection 2.10, by striking out the code
787 reference 'Chapter 20, Article 5E of the Code of West
788 Virginia of 1931', and inserting in lieu thereof the code
789 reference 'W. Va. Code § 22-18-1 et seq.';

790 On page 3, subsection 2.15, by striking out the words
791 'that Division of the Department of Commerce, Labor and
792 Environmental Resources', and inserting in lieu thereof
793 the words 'the Division of Environmental Protection';

794 On page 8, subsection 2.47, by striking out the code
795 reference 'Chapter 16, Article 20, Section 2, of the Code
796 of West Virginia, 1931', and inserting in lieu thereof the
797 code reference 'W. Va. Code § 22-5-1 et seq.';

798 On page 9, paragraph 4.1.a.2, by striking out the
799 code reference 'Chapter 16, Article 20, of the Code of
800 West Virginia, 1931', and inserting in lieu thereof the
801 code reference 'W. Va. Code § 22-5-1 et seq.';

802 On page 9, paragraph 4.1.a.4, by striking out the
803 words 'Subparagraph 4.1.a.C', and inserting in lieu there-
804 of the words 'paragraph 4.1.a.3';

805 On page 10, subdivision 6.1.a, by striking out the
806 words 'Subparagraphs 4.1.a.C and D', and inserting in
807 lieu thereof the words 'paragraphs 4.1.a.3 and 4.1.a.4';

808 On page 10, paragraph 6.1.b.1, by striking out the
809 words 'Subparagraphs 4.1.a.C and D', and inserting in
810 lieu thereof the words 'paragraphs 4.1.a.3 and 4.1.a.4';

811 On page 12, paragraph 8.2.d.1, by striking out the
812 words 'Subparagraph 4.1.a.D', and inserting in lieu there-
813 of the words 'paragraph 4.1.a.4';

814 On page 12, paragraph 8.2.d.2, by striking out the
815 words 'Subparagraphs 4.1.a.C and 8.2.a.A', and inserting
816 in lieu thereof the words 'paragraphs 4.1.a.3 and 8.2.a.1';

817 And,

818 Beginning on page 13, subsection 9.3, and continu-
819 ing throughout the text of the rule, by striking out the
820 code reference 'Chapter 16, Article 20, Section 5 (17) of
821 the Code', and inserting in lieu thereof the code reference
822 'W. Va. Code § 22-5-4'."

823 (s) The legislative rule relating to the office of air
824 quality (good engineering practice as applicable to stack
825 heights, 45 CSR 20), effective the fourteenth day of July,
826 one thousand nine hundred and eighty-nine, is
827 reauthorized with the following amendments:

828 "Beginning on page 1, and continuing throughout
829 the text of the rule, by renumbering the text breakdown as
830 necessary to conform with the rule of the secretary of state
831 relating to format (standard size and format for rules and
832 procedures for publication of the state register or parts of
833 the state register, 153 CSR 6);

834 On page 1, in the title of the rule, by inserting the
835 words 'OFFICE OF' immediately preceding the words
836 'AIR QUALITY';

837 Beginning on page 1, subsection 1.1, and continuing
838 throughout the text of the rule, by striking out the word
839 'regulation', and inserting in lieu thereof the word 'rule';

840 On page 1, subsection 1.2, by striking out the code
841 reference '§16-20-5', and inserting in lieu thereof the
842 code reference '§ 22-5-1 et seq';

843 On page 3, subdivision 2.6.a, by striking out the
844 words 'APCC Regulation XIV', and inserting in lieu
845 thereof the words '45CSR14';

846 On page 3, subdivision 2.6.a, by striking out the
847 words 'Regulation XVI', and inserting in lieu thereof the
848 words '45CSR16';

849 On page 4, subsection 2.8, by striking out the words
850 'West Virginia Air Pollution Control Commission', and
851 inserting in lieu thereof the words 'Division of Environ-
852 mental Protection';

853 On page 4, subsection 2.12, by striking out the words
854 "'Commission" means the West Virginia Air Pollution
855 Control Commission.', and inserting in lieu thereof the
856 words '[RESERVED]';

857 Beginning on page 3, paragraph 2.6.b.1, and contin-
858 uing throughout the text of the rule, by striking out the
859 word 'Commission', and inserting in lieu thereof the word
860 'Director';

861 On page 3, subdivision 2.7.a, by striking out the
862 words 'APCC Regulation XV', and inserting in lieu there-
863 of the words '45CSR15';

864 On page 4, subdivision 2.7.a, by striking out the
865 words 'APCC Regulation XVI', and inserting in lieu
866 thereof the words '45CSR16';

867 On page 4, subsection 2.11, by striking out the code
868 reference '§16-20-2, 1931', and inserting in lieu thereof
869 the code reference '§ 22-5-2';

870 On page 4, subsection 2.14, by striking out the code
871 reference '§16-20-2, 1931', and inserting in lieu thereof
872 the code reference '§ 22-5-1, et seq';

873 On page 4, subdivision 3.2.b, by striking out the
874 words 'APCC Regulation XIV', and inserting in lieu
875 thereof the words '45CSR14';

876 On page 4, subsection 4.1, by striking out the words
877 'Sub-section 2.4.c.', and inserting in lieu thereof the
878 words 'subdivision 2.4.c.';

879 On page 4, subsection 4.1, by striking out the words
880 'Section 2.4.b.A and B', and inserting in lieu thereof the
881 words 'paragraphs 2.4.b.1 and 2.4.b.2';

882 On page 5, section 5, in the heading of the section,
883 by striking out the word 'Regulations', and inserting in
884 lieu thereof the word 'Rules';

885 And,

886 On page 5, subsection 5.1, by striking out the word
887 'rule' immediately following the words 'provision, term,
888 condition, method,'."

889 (t) The legislative rule relating to the office of air
890 quality (air quality management fee program, 45 CSR 22),
891 effective the sixth day of May, one thousand nine hundred
892 and ninety-one, is reauthorized with the following amend-
893 ments:

894 "Beginning on page 2, and continuing throughout
895 the text of the rule, by renumbering the text breakdown as
896 necessary to conform with the rule of the secretary of state
897 relating to format (standard size and format for rules and
898 procedures for publication of the state register or parts of
899 the state register, 153 CSR 6);

900 On page 1, in the title of the rule, by inserting the
901 words 'OFFICE OF' immediately preceding the words
902 'AIR QUALITY';

903 Beginning on page 1, subsection 1.1, and continuing
904 throughout the text of the rule, by striking out the word
905 'regulation', and inserting in lieu thereof the word 'rule';

906 On page 1, subsection 1.1, by striking out the words
907 'Air Pollution Control Commission's', and inserting in
908 lieu thereof the word 'Director's';

909 On page 1, subsection 1.2, by striking out the code
910 reference '§16-20-5', and inserting in lieu thereof the
911 code reference '§ 22-5-1, et seq';

912 On page 1, subsection 2.1, by striking out the code
913 reference '§16-20', and inserting in lieu thereof the code
914 reference '§ 22-5-2';

915 On page 1, subsection 2.3, by striking out the words
916 "Commission" means the West Virginia Air Pollution

917 Control Commission.’, and inserting in lieu thereof the
918 words ‘[RESERVED]’;

919 On page 1, subsection 2.5, by striking out the words
920 ‘West Virginia Air Pollution Control Commission’, and
921 inserting in lieu thereof the words ‘Division of Environ-
922 mental Protection’;

923 Beginning on page 2, subdivision 3.3.a, and continu-
924 ing throughout the text of the rule, by striking out the
925 words ‘West Virginia Air Pollution Control Commission’,
926 and inserting in lieu thereof the words ‘Air Pollution Con-
927 trol’;

928 On page 3, subdivision 4.2.a, by striking out the
929 words ‘or Commission’;

930 On page 3, subdivision 4.2.b, by striking out the
931 words ‘or Commission’;

932 Beginning on page 1, subsection 2.4, and throughout
933 the text of the rule, by striking out the word ‘Commis-
934 sion’, and inserting in lieu thereof the word ‘Director’;

935 On page 2, subsection 3.1, by striking out the words
936 ‘Permits for Construction, Modification or Relocation of
937 Stationary Sources of Air Pollution and Procedures for
938 Registration and Evaluation’, and insert in lieu thereof the
939 words ‘Permits for Construction, Modification, Relocation
940 and Operation of Stationary Sources of Air Pollutants,
941 Notification Requirements, Temporary Permits, General
942 Permits, and Procedures for Evaluation’;

943 And,

944 On page 6, subsection 4.6, by striking out the code
945 reference ‘§16-20-8’, and inserting in lieu thereof the
946 code reference ‘§ 22-5-6’.”

947 (u) The legislative rule relating to the office of air
948 quality (to prevent and control the emissions of toxic air
949 pollutants, 45 CSR 27), effective the thirtieth day of June,
950 one thousand nine hundred and ninety, is reauthorized
951 with the following amendments:

952 “Beginning on page 1, and continuing throughout
953 the text of the rule, by renumbering the text breakdown as
954 necessary to conform with the rule of the secretary of state
955 relating to format (standard size and format for rules and
956 procedures for publication of the state register or parts of
957 the state register, 153 CSR 6);

958 On page 1, in the title of the rule, by inserting the
959 words ‘OFFICE OF’ immediately prior to the words ‘AIR
960 QUALITY’;

961 On page 1, subsection 1.1, by striking out the word
962 ‘Regulation 27’, and inserting in lieu thereof the refer-
963 ence ‘45CSR27’;

964 On page 1, subsection 1.2, by striking out the code
965 reference ‘§16-20-5’, and inserting in lieu thereof the
966 code reference ‘§ 22-5-1 et seq.’;

967 On page 1, subsection 1.5, by striking out the words
968 ‘1.5.Type. This regulation is a legislative rule as defined
969 in West Virginia code, Chapter 29A, Article 2.’;

970 On page 1, subsection 2.1, by striking out the code
971 reference ‘Section 2, of Chapter 16, Article 20 of the
972 Code of West Virginia, as amended’, and inserting in lieu
973 thereof the code reference ‘W. Va. Code §22-5-2’;

974 Beginning on page 1, subsection 2.3, and continuing
975 throughout the text of the rule, by striking out the word
976 ‘regulation’, and inserting in lieu thereof the word ‘rule’;

977 On page 2, subsection 2.5, by striking out the words
978 “‘Commission” means the West Virginia Air Pollution
979 Control Commission.’; and inserting in lieu thereof the
980 words ‘[RESERVED]’;

981 On page 2, subsection 2.6, by striking out the words
982 ‘West Virginia Air Pollution Control Commission’, and
983 inserting in lieu thereof the words ‘Division of Environ-
984 mental Protection’;

985 On page 2, subsection 2.6, by inserting the word ‘or’
986 between the words ‘Plant’ and ‘facility’;

987 Beginning on page 4, subsection 8.1, and continuing
988 throughout the text of the rule, by striking out the word
989 'Commission', and inserting in lieu thereof the word 'Di-
990 rector';

991 On page 4, subsection 9.1, by striking out the code
992 reference 'WV Code §16-20-11b, as amended' and insert-
993 ing in lieu thereof the code reference 'W. Va. Code § 22-
994 5-11';

995 And,

996 On page 5, subsection 13.1, by striking out the words
997 'rule or' immediately following the words 'provision,
998 term, condition, method,'."

999 (v) The legislative rule relating to the office of air
1000 quality (rule requiring the submission of emission state-
1001 ments for volatile organic compound emissions and ox-
1002 ides of nitrogen emissions, 45 CSR 29), effective the sev-
1003 enth day of July, one thousand nine hundred and ninety-
1004 three, is reauthorized with the following amendments:

1005 "Beginning on page 2, and continuing throughout
1006 the text of the rule, by renumbering the text breakdown as
1007 necessary to conform with the rule of the secretary of state
1008 relating to format (standard size and format for rules and
1009 procedures for publication of the state register or parts of
1010 the state register, 153 CSR 6);

1011 On page 1, in the title of the rule, by inserting the
1012 words 'OFFICE OF' immediately prior to the words 'AIR
1013 QUALITY';

1014 On page 1, subsection 1.1, by striking out the words
1015 'Chief of Air Quality's', and inserting in lieu thereof the
1016 word 'Director's';

1017 On page 1, subsection 1.2, by striking out the code
1018 reference '§16-20-5', and inserting in lieu thereof the
1019 code reference '§ 22-5-1 et seq';

1020 On page 1, subsection 2.7, by striking out the words
1021 "Chief of Air Quality" or "Chief" means the chief of
1022 the Office of Air Quality or his or her designated repre-
1023 sentative appointed by the director of the Division of En-

1024 vironmental Protection pursuant to the provisions of W.
1025 Va. Code §22-1-1, et seq.’, and inserting in lieu thereof
1026 the words ‘[RESERVED]’;

1027 On page 1, subsection 2.8, by striking out the words
1028 “‘Commission” means the West Virginia Air Pollution
1029 Control Commission.’, and inserting in lieu thereof the
1030 words ‘[RESERVED]’;

1031 On page 2, subsection 2.12, by striking out the words
1032 ‘Department of Commerce, Labor and Environmental
1033 Resources’, and inserting in lieu thereof the words ‘Divi-
1034 sion of Environmental Protection’;

1035 On page 4, section 6, by striking out the words ‘com-
1036 mission, director, or chief’, and inserting in lieu thereof
1037 the word ‘Director’;

1038 Beginning on page 2, subsection 2.25, and continu-
1039 ing throughout the text of the rule, by striking out the
1040 word ‘commission’, and inserting in lieu thereof the word
1041 ‘Director’;

1042 Beginning on page 3, subsection 2.28, and continu-
1043 ing throughout the text of the rule, by striking out the
1044 word ‘chief’, and inserting in lieu thereof the word ‘Di-
1045 rector’;

1046 On page 3, subsection 3.2, by striking out the words
1047 ‘of Air Quality’;

1048 And,

1049 On page 4, subsection 5.4, by striking out the code
1050 reference ‘§16-20-12’, and inserting in lieu thereof the
1051 code reference ‘§ 22-5-10.’”

1052 (w) The legislative rule relating to the office of air
1053 quality (requirements for operating permits, 45 CSR 30),
1054 effective the twenty-seventh day of April, one thousand,
1055 nine hundred and ninety-four, is reauthorized with the
1056 following amendments:

1057 “Beginning on page 1, and continuing throughout
1058 the text of the rule, by renumbering the text breakdown as
1059 necessary to conform with the rule of the secretary of state

1060 relating to format (standard size and format for rules and
1061 procedures for publication of the state register or parts of
1062 the state register, 153 CSR 6);

1063 On page 1, in the title of the rule, by inserting the
1064 words 'OFFICE OF' immediately preceding the words
1065 'AIR QUALITY';

1066 On page 1, subsection 1.2, by striking out the code
1067 reference '§16-20-5', and inserting in lieu thereof the
1068 code reference '§ 22-5-1 et seq';

1069 On page 1, subsection 2.5, by striking out the code
1070 reference 'article twenty, chapter sixteen, of the W. Va.
1071 Code , as amended', and inserting in lieu thereof the code
1072 reference 'W. Va. Code § 22-5-2';

1073 On page 2, subsection 2.8, by striking out the words
1074 "“Chief of Air Quality” or “Chief” means the chief of
1075 the Office of Air Quality or his or her designated repre-
1076 sentative appointed by the director of the Division of En-
1077 vironmental Protection pursuant to the provisions of W.
1078 Va. Code §22-1-1, et seq.', and inserting in lieu thereof
1079 the words '[RESERVED]';

1080 On page 2, subsection 2.10, by striking out the words
1081 "“Commission” means the West Virginia Air Pollution
1082 Control Commission.', and inserting in lieu thereof the
1083 words '[RESERVED]';

1084 On page 24, subdivision 6.4.a.6, by striking out the
1085 words 'Commission rules', and inserting in lieu thereof
1086 the words 'rules of the Director';

1087 Beginning on page 2, subdivision 2.6.j, and through-
1088 out the text of the rule, by striking out the word 'Commis-
1089 sion', and inserting in lieu thereof the word 'Director';

1090 Beginning on page 2, subsection 2.6.1, and continu-
1091 ing throughout the text of the rule, by striking through the
1092 word 'Chief', and inserting in lieu thereof the word 'Di-
1093 rector';

1094 On page 2, subsection 2.13, by striking out the words
1095 'Department of Commerce, Labor, and Environmental

- 1096 Resources', and inserting in lieu thereof the words 'Divi-
1097 sion of Environmental Protection';
- 1098 On page 7, subdivision 2.34.a, by striking out the
1099 reference '2.25.c.C', and inserting in lieu thereof the
1100 reference '2.26.c.3';
- 1101 On page 8, subsection 2.44, by striking out the word
1102 'trichloromethane', and inserting in lieu thereof the word
1103 'trichloroethane';
- 1104 On page 8, subdivision 2.44.d by striking out the
1105 code reference '16-20-1', and inserting in lieu thereof the
1106 code reference '22-5-1';
- 1107 On page 12, subdivision 4.1.c, by striking out the
1108 code reference '16-20-12', and inserting in lieu thereof
1109 the code reference '22-5-10';
- 1110 On page 12, paragraph 4.3.c.2, by striking out the
1111 words 'subparagraph 4.3.c.A. and inserting in lieu thereof
1112 the words 'paragraph 4.3.c.1', and by striking out the
1113 code reference '16-20-1', and inserting in lieu thereof the
1114 code reference '22-5-1';
- 1115 On page 13, paragraph 4.3.c.8, by striking out the
1116 words 'subparagraphs 4.3.c.A through G', and inserting
1117 in lieu thereof the reference 'paragraphs 4.3.c.1 through
1118 4.3.c.7';
- 1119 On page 13, subdivision 4.3.e, by striking out the
1120 code reference '16-20-1', and inserting in lieu thereof the
1121 code reference '22-5-1';
- 1122 On page 13, subdivision 4.3.e, by striking out the
1123 code reference '20-5E-1', and inserting the code refer-
1124 ence '22-18-1';
- 1125 On page 13, subdivision 4.3.g, by striking out the
1126 word 'paragraph' in two places and inserting in lieu there-
1127 of the word 'subdivision', and by striking out the refer-
1128 ence '5.1.a.C', and inserting in lieu thereof the reference
1129 'paragraph 5.1.a.3';

- 1130 On page 15, subparagraph 5.1.c.1.B, by striking out
1131 the reference '5.1.c.C', and inserting in lieu thereof the
1132 reference '5.1.c.3';
- 1133 On page 15, subparagraph 5.1.c.1.B, by striking out
1134 the reference '5.1.c.A', and inserting in lieu thereof the
1135 reference '5.1.c.1';
- 1136 On page 16, subparagraph 5.1.c.3.E, by striking out
1137 the code reference '16-20-12', and inserting in lieu there-
1138 of the code reference '22-5-10';
- 1139 On page 21, paragraph 5.7.c.4, by striking out the
1140 words 'subpart 5.1.c.C.(c)(B)', and inserting in lieu there-
1141 of the words 'part 5.1.c.3.C.2';
- 1142 On page 21, paragraph 5.7.c.4, by striking out the
1143 words 'part 5.1.c.D.(b)', and inserting in lieu thereof the
1144 reference 'subparagraph 5.1.c.3.B';
- 1145 On page 25, subparagraph 6.5.a.1.B, by striking out
1146 the words 'part 6.5.a.A.(a)', and inserting in lieu thereof
1147 the words 'subparagraph 6.5.a.1.A';
- 1148 On page 26, subparagraph 6.5.a.4.D, by striking out
1149 the reference '6.5.a.D', and inserting in lieu thereof the
1150 reference '6.5.a.4';
- 1151 On page 26, paragraph 6.5.a.5, by striking out the
1152 reference '6.5.a.D(a)', and inserting in lieu thereof the
1153 reference '6.5.a.4.A';
- 1154 On page 26, paragraph 6.5.a.5, by striking out the
1155 reference '6.5.a.D.(c)', and inserting in lieu thereof the
1156 reference '6.5.a.4.C';
- 1157 On page 28, paragraph 6.8.a.3, by striking out the
1158 words 'subpart of 6.8.a.C.(a)', and inserting in lieu there-
1159 of the words 'part 6.8.a.3.A.3';
- 1160 On page 28, paragraph 6.8.a.3, by striking out the
1161 reference 'part 6.8.a.C.(b)', and inserting in lieu thereof
1162 the reference 'subparagraph 6.8.a.3.B';

1163 On page 29, part 6.8.a.4.A.5, by striking out the
1164 word 'paragraph' and inserting in lieu thereof the word
1165 'subdivisions';

1166 On page 29, subparagraph 6.8.a.4.B, by striking out
1167 the reference 'part 6.8.a.D.(a)', and inserting in lieu
1168 thereof the reference 'subparagraph 6.8.a.4.A';

1169 On page 30, part 6.8.a.4.B.4, by striking out the
1170 words 'part 6.8.a.D.(a)', and inserting in lieu thereof the
1171 reference 'subparagraph 6.8.a.4.A';

1172 On page 30, part 6.8.a.4.B.4, by striking out the
1173 words 'subparagraph 6.8.a.C', and inserting in lieu there-
1174 of the reference 'paragraph 6.8.a.3';

1175 On page 30, subdivision 6.8.b, by striking out the
1176 words 'subparagraph 6.8.c.A', and inserting in lieu there-
1177 of the words 'paragraph 6.8.c.1';

1178 On page 30, paragraph 6.8.c.2, by striking out the
1179 reference 'subparagraph 6.8.a.B', and inserting in lieu
1180 thereof the words 'paragraph 6.8.a.2';

1181 On page 31, subdivision 6.9.a, by striking out the
1182 words 'subparagraph 6.8.a.C', and inserting in lieu there-
1183 of the words 'paragraph 6.8.a.3';

1184 Beginning on page 34, subsection 8.6, and continu-
1185 ing throughout the text of the rule, by striking out the
1186 code reference 'article twenty, chapter sixteen of the Code
1187 of West Virginia', and inserting in lieu thereof the code
1188 reference 'W. Va. Code § 22-5-1 et seq.';

1189 On page 35, subsection 10.2, by striking out the
1190 words 'order of the chief or, any';

1191 On page 35, subsection 10.2, by striking out the code
1192 reference '16-20-8', and inserting in lieu thereof the code
1193 reference '22-5-6';

1194 And,

1195 On page 35, subsection 12.4, by striking out the
1196 words 'this subparagraph 4.1.a.E.' and inserting in lieu
1197 thereof the words 'paragraph 4.1.a.5'."

1198 (x) The legislative rule relating to the office of air
1199 quality (serious and minor violations of applicable rules,
1200 45 CSR 32), effective the seventh day of July, one thou-
1201 sand nine hundred and ninety-three, is reauthorized with
1202 the following amendments:

1203 “Beginning on page 1, and continuing throughout
1204 the text of the rule, by renumbering the text breakdown as
1205 necessary to conform with the rule of the secretary of state
1206 relating to format (standard size and format for rules and
1207 procedures for publication of the state register or parts of
1208 the state register, 153 CSR 6);

1209 On page 1, in the title of the rule, by inserting the
1210 words ‘OFFICE OF’ immediately preceding the words
1211 ‘AIR QUALITY’;

1212 On page 1, subsection 1.1, by striking out the words
1213 ‘West Virginia Air Pollution Control Commission’, and
1214 inserting in lieu thereof the words ‘Director’;

1215 On page 1, subsection 1.2, by striking out the code
1216 reference ‘§16-20-5’, and inserting in lieu thereof the
1217 code reference ‘§ 22-5-1 et seq’;

1218 On page 1, subsection 2.1, by striking out the code
1219 reference ‘§16-20-1, et seq.’, and inserting in lieu thereof
1220 the code reference ‘§ 22-5-1, et seq’;

1221 On page 1, subsection 2.2, by striking out the words
1222 ‘chief or the commission’, and inserting in lieu thereof
1223 the word ‘Director’;

1224 On page 1, subsection 2.3, by striking out the words
1225 “‘Chief of Air Quality’ or ‘Chief’ means the chief of
1226 the office of Air Quality or his or her designated represen-
1227 tative appointed by the director of the Division of Envi-
1228 ronmental Protection pursuant to the provisions of W. Va.
1229 Code §22-1-1, et seq.’, and inserting in lieu thereof the
1230 words ‘[RESERVED]’;

1231 On page 1, subsection 2.4, by striking out the words
1232 “‘Commission’ means the West Virginia Air Pollution
1233 Control Commission.’, and inserting in lieu thereof the
1234 words ‘[RESERVED]’;

1235 On page 1, subsection 2.6, by striking out the words
 1236 ‘that Division of the Department of Commerce, Labor,
 1237 and Environmental Resources as’, and inserting in lieu
 1238 thereof the words ‘the Division of Environmental Protec-
 1239 tion’;

1240 On page 1, subsection 2.7, by striking the words ‘or
 1241 regulation’;

1242 Beginning on page 2, subdivision 3.1.a, and continu-
 1243 ing throughout the text of the rule, by striking out the
 1244 word ‘chief’, and inserting in lieu thereof the word ‘Di-
 1245 rector’;

1246 And,

1247 Beginning on page 2, subdivision 3.1.b, and continu-
 1248 ing throughout the text of the rule, by striking out the
 1249 word ‘commission’, and inserting in lieu thereof the word
 1250 ‘Director’.”

1251 (y) The legislative rule relating to the office of air
 1252 quality (provisions for determination of compliance with
 1253 air quality management rules, 45 CSR 38), effective the
 1254 first day of May, one thousand nine hundred ninety-five,
 1255 is reauthorized with the following amendment:

1256 “Beginning on page 1, and continuing throughout
 1257 the text of the rule, by renumbering the text breakdown as
 1258 necessary to conform with the rule of the secretary of state
 1259 relating to format (standard size and format for rules and
 1260 procedures for publication of the state register or parts of
 1261 the state register, 153 CSR 6).”

**§64-11-4. Division of environmental protection, office of water
 resources.**

1 (a) The legislative rule relating to the division of
 2 environmental protection, office of water resources (un-
 3 derground injection control fee schedule, 47 CSR 9), ef-
 4 fective the first day of June, one thousand nine hundred
 5 ninety-four, is reauthorized with the following amend-
 6 ments:

7 “Beginning on page 1, and continuing throughout
8 the text of the rule, by renumbering the text breakdown as
9 necessary to conform with the rule of the secretary of state
10 relating to format (standard size and format for rules and
11 procedures for publication of the state register or parts of
12 the state register, 153 CSR 6);

13 On page 1, in the title of the rule, by inserting the
14 words ‘BUREAU OF ENVIRONMENT’ on the third line,
15 by striking out the word ‘DEPARTMENT OF COM-
16 MERCE, LABOR AND ENVIRONMENTAL RESOURC-
17 ES’, and by striking out the words ‘WATER RESOURCES
18 - WASTE MANAGEMENT’ and inserting in lieu thereof
19 the words ‘OFFICE OF WATER RESOURCES’;

20 Beginning on page 1, and continuing throughout the
21 text of the rule, by striking out the code reference ‘§20-
22 5A-5’, and inserting in lieu thereof ‘§ 22-11-8’;

23 Beginning on page 1, and continuing throughout the
24 text of the rule, by striking out the code reference ‘§22B-
25 1-6’, and inserting in lieu thereof ‘§ 22-6-6’;

26 On page 1, subsection 1.2, by striking out the code
27 reference ‘§20-5A-6a’, and inserting in lieu thereof the
28 code reference ‘§ 22-11-10’;

29 On page 1, subsection 2.2, by striking out the words
30 ‘Department of Commerce, Labor and Environmental
31 Resource’ and inserting in lieu thereof the words ‘Bureau
32 of Environment’;

33 Beginning on page 1, subsection 2.3, and continuing
34 throughout the text of the rule, by striking out the words
35 ‘46 C.S.R.9’ and inserting in lieu thereof the words
36 ‘47CSR13’;

37 On page 1, subsections 2.3, 2.4, 2.5, 2.6 and 2.7, by
38 striking out the word ‘paragraphs’ and inserting in lieu
39 thereof the word ‘subdivisions’;

40 On page 3, subdivision 3.4.a., by striking out the
41 words ‘46 C.S.R. 2’ and inserting in lieu thereof the
42 words ‘46CSR10’;

43 Beginning on page 3, subsection 4.2 and continuing
44 throughout the text of the rule, by striking out the code
45 reference ‘§22B-1-1’, and inserting in lieu thereof the
46 code reference ‘§ 22-6-1’;

47 On page 5, subdivisions 8.5.a. and 8.5.e., by striking
48 out the word ‘Section’ and inserting in lieu thereof the
49 word ‘subsection’;

50 On page 5, subdivision 8.5.a., by striking out the
51 reference ‘4.5.3. and inserting in lieu thereof the words
52 ‘subdivision 4.5.c.’;

53 On page 5, subdivision 8.5.b., by striking out the
54 words ‘Subsection 8.5.1’ and insert in lieu thereof the
55 words ‘subdivision 8.5.a.’;

56 On page 5, subdivision 8.5.c., by striking out the
57 words ‘Subsection 8.5.1’ and insert in lieu thereof the
58 words ‘subdivision 8.5.a.’;

59 And,

60 On page 5, subdivision 8.5.e., by striking out the
61 reference ‘7.5.3’ and inserting in lieu thereof the words
62 ‘subdivision 7.5.c.’;”

63 (b) The legislative rule relating to the division of
64 environmental protection, office of water resources (na-
65 tional pollutant discharge elimination system (NPDES)
66 program, 47 CSR 10), effective the twenty-fifth day of
67 August, one thousand nine hundred ninety-three, is
68 reauthorized with the following amendments:

69 “Beginning on page 1, and continuing throughout
70 the text of the rule, by renumbering the text breakdown as
71 necessary to conform with the rule of the secretary of state
72 relating to format (standard size and format for rules and
73 procedures for publication of the state register or parts of
74 the state register, 153 CSR 6);

75 On page 1, in the title of the rule, by inserting the
76 words ‘BUREAU OF ENVIRONMENT’ on the third line,
77 and by striking out the words ‘WATER RESOURCES -
78 WASTE MANAGEMENT’ and inserting in lieu thereof

79 the words 'OFFICE OF WATER RESOURCES' on the
80 fifth line;

81 On page 1, in the title of the rule, by striking out the
82 word 'ELIMIATION' and inserting in lieu thereof the
83 word 'ELIMINATION';

84 Beginning on page 1, subsection 1.2, and continuing
85 throughout the rule where applicable, by striking the code
86 reference '\$20-5A' and inserting in lieu thereof '\$22-
87 11';

88 Beginning on page 1, subsection 1.5, and continuing
89 throughout the text of the rule, by striking out the word
90 'regulations' and inserting in lieu thereof the word 'rule';

91 Beginning on page 1, first sentence in section 2, and
92 continuing throughout the text of rule, by striking out the
93 words 'Chapter 20, Article 5A, Section 2 of the Code of
94 West Virginia' and inserting in lieu thereof the words 'W.
95 Va. Code § 22-11-3';

96 On page 2, subdivision 2.12.b, by striking out the
97 word 'worker' and inserting in lieu thereof the word
98 'work';

99 Beginning on page 5, subdivision 2.51, and continu-
100 ing throughout the text of the rule, by striking out the
101 words 'West Virginia Code, Chapter 20, Article 5A, Sec-
102 tion 1', and inserting in lieu thereof the words 'W. Va.
103 Code § 22-11-1';

104 On page 6, paragraph 3.2.D, by striking out the word
105 'operatings' and inserting in lieu thereof the word 'opera-
106 tions';

107 Beginning on page 7, subdivision 3.5.b, and continu-
108 ing throughout the text of the rule, by striking out the
109 words 'these rules' and inserting in lieu thereof the words
110 'this rule';

111 On page 7, subdivision 3.5.b, by striking out the
112 word 'filing' in the third sentence, and inserting in lieu
113 thereof the words 'permit application';

114 On page 7, subdivision 3.5.b, by striking out the
115 words 'West Virginia legislative rules, State Water Resourc-
116 es Board Series 3, Section 7,' and inserting in lieu thereof
117 '47CSR26';

118 On page 8, subdivision 4.1.a, by striking out the
119 words 'Series 3, Section 7' and inserting in lieu thereof
120 the words '47CSR26';

121 Beginning on page 9, subsection 4.3, by striking out
122 the code reference 'Chapter 20-5A-5(b)(6) of the State
123 Act' and inserting in lieu thereof 'W. Va. Code § 22-11-
124 8(b)(6)';

125 On page 9, paragraph 4.4.b.2, by striking out the
126 word 'operatings' in the first sentence and inserting in
127 lieu thereof the word 'operations';

128 On page 11, part 4.4.b.7.B.1., by striking out the
129 words 'chromotography/mass' and inserting in lieu there-
130 of the words 'chromatography/mass';

131 On page 11, part 4.4.b.7.C.2., by striking out the
132 word 'quantitatives' and inserting in lieu thereof the
133 word 'quantitative';

134 On page 13, subsection 4.7, by striking out the words
135 'Series III, Section 8' and inserting in lieu thereof the
136 words '47CSR26';

137 On page 16, subsection 5.5, by striking out the words
138 'State Health Department Regulations' and inserting in
139 lieu thereof the words 'State Division of Health Rules';

140 On page 17, subdivision 5.10.a., by striking out the
141 word 'conduced' and inserting in lieu thereof the word
142 'conducted';

143 Beginning on page 18, paragraph 5.12.e.1, and con-
144 tinuing throughout the text of the rule, by striking out the
145 words 'Division of Water Resources' and inserting in lieu
146 thereof the words 'Office of Water Resources';

147 On page 18, paragraph 5.12.e.4, by striking out the
148 words 'Series 3, Section 1 of the Board's rules' and in-
149 serting in lieu thereof the words '47CSR11-1';

150 On page 24, subdivision 7.2.b (previously 7.2.c), by
151 striking 'Section 2 and 3 of Series 3 of the Legislative
152 Rules' and inserting in lieu thereof 'the Division of Envi-
153 ronmental Protection's legislative rule, 47CSR10, sections
154 3 and 4';

155 On page 24, subsection 7.3, by striking out the words
156 'Series 1' and inserting in lieu thereof the words
157 '46CSR1';

158 On page 28, part 9.2.b.3.A.2, by striking out the
159 word 'withdraw' and inserting in lieu thereof the word
160 'withdrawn';

161 On page 29, paragraph 9.2.b.13, by striking out the
162 word 'being' on first line and inserting in lieu thereof the
163 word 'begin';

164 On page 30, paragraph 9.4.a.4, by striking out the
165 word 'required' and inserting in lieu thereof the word
166 'requires';

167 Beginning on page 30, subdivision 9.4.b., and con-
168 tinuing throughout the text of the rule, by striking out the
169 words 'Section 8', and inserting in lieu thereof the words
170 'Section 12';

171 On page 32, subdivision 11.3.b, by striking out the
172 word 'They' and inserting in lieu thereof the word 'The';

173 On page 33, paragraph 12.1.a.2., by striking out the
174 word 'section' and inserting in lieu thereof the word 'ac-
175 tion';

176 On page 34, subparagraph 12.1.c.1.C, by striking out
177 the word 'Department' and inserting in lieu thereof the
178 word 'Division';

179 On page 35, subsection 12.2, in the first sentence, by
180 striking out the word 'not' and inserting in lieu thereof
181 the word 'no';

182 On page 36, subdivision 12.5.a, by striking out the
183 word 'permits' and inserting in lieu thereof the word
184 'permit';

185 On page 43, paragraph 14.1.a.1, by striking out the
186 word 'Farrenheit' and inserting in lieu thereof the word
187 'Fahrenheit';

188 On page 44, subsection 14.5, after the word 'Chief',
189 by striking out the word 'to' and inserting in lieu thereof
190 the word 'for';

191 On page 45, subdivision 16.1.a., by striking out the
192 words '7, 8, 10 and 12a' and inserting in lieu thereof the
193 words '11, 12, 15, and 19';

194 On Page 45, subdivision 16.1.b., after the word 'Sec-
195 tion', by striking out the number '17' and inserting in
196 lieu thereof the number '22';

197 On Page 45, subdivision 16.1.c., after the word 'Sec-
198 tion', by striking out the number '19' and inserting in lieu
199 thereof the number '24';

200 On page 45, subsection 17.1, by striking out the
201 words 'Chapter 20, Article 5, Section 3(b)' and inserting
202 in lieu thereof the words 'Chapter 22B, Article 1';

203 And,

204 On page 45, section 18, by striking out the words
205 'Series 3' and inserting in lieu thereof the words
206 '47CSR11'."

207 (c) The legislative rule relating to the division of
208 environmental protection, office of water resources (spe-
209 cial rules, 47 CSR 11), effective the first day of July, one
210 thousand nine hundred eighty-seven, is reauthorized with
211 the following amendments:

212 "Beginning on page 1, and continuing throughout
213 the text of the rule, by renumbering the text breakdown as
214 necessary to conform with the rule of the secretary of state
215 relating to format (standard size and format for rules and
216 procedures for publication of the state register or parts of
217 the state register, 153 CSR 6);

218 On page 1, in the title of the rule, by inserting the
219 words 'BUREAU OF ENVIRONMENT' on the third line,
220 and by striking out the words 'WATER RESOURCES -

221 WASTE MANAGEMENT' on the fifth line and inserting
222 in lieu thereof the words 'OFFICE OF WATER RE-
223 SOURCES';

224 On page 1, subsection 1.1, by striking out the words
225 'Series 1 and 2 of the State Water Resources Board's Leg-
226 islative Rules' and inserting in lieu thereof the words
227 '46CSR1 and 47CSR10';

228 Beginning on page 1, subsection 1.2, and continuing
229 throughout the text of the rule, by striking out the code
230 reference '§20-5A' and inserting in lieu thereof the code
231 reference '§ 22-11 et seq';

232 Beginning on page 1, subsection 2.2, and continuing
233 throughout the text of the rule, by striking out the words
234 'State Water Resources' and inserting in lieu thereof the
235 words 'Environmental Quality';

236 Beginning on page 1, subdivision 2.2.a, and continu-
237 ing throughout the text of the rule, by striking out the
238 words 'Division of Water Resources' and inserting in lieu
239 thereof the words 'Office of Water Resources';

240 On page 2, subsection 2.4, by striking out the words
241 'section nine, article five A, chapter twenty of the West
242 Virginia Code shall be punishable under section nine,
243 article five-A, chapter twenty of the West Virginia Code'
244 and inserting in lieu thereof the words 'W. Va. Code § 22-
245 11-14 shall be punishable under W. Va. Code § 22-11-
246 24';

247 On page 3, subdivision 3.3.c, by striking out the
248 words 'see Section 8, Series 2' and inserting in lieu there-
249 of the words 'See 46CSR1, section 8';

250 On page 3, section 4, by striking out the word 'care'
251 and inserting in lieu thereof the word 'car';

252 On page 5, subsection 6.6, by striking out the word
253 'of' and inserting in lieu thereof the word 'or';

254 And,

255 On page 6, by striking out section 8 in its entirety,
256 and inserting in lieu thereof the words '(THIS SECTION

257 IS SUPERSEDED BY 47CSR26)', and by renumbering
258 the following section 9 as section 8.”

259 (d) The legislative rule relating to the division of
260 environmental protection, office of water resources (un-
261 derground injection control, 47 CSR 13), effective the
262 twenty-fifth day of August, one thousand nine hundred
263 ninety-three, is reauthorized with the following amend-
264 ments:

265 “Beginning on page 1, and continuing throughout
266 the text of the rule, by renumbering the text breakdown as
267 necessary to conform with the rule of the secretary of state
268 relating to format (standard size and format for rules and
269 procedures for publication of the state register or parts of
270 the state register, 153 CSR 6);

271 On page 1, in the title of the rule, by inserting the
272 words ‘BUREAU OF ENVIRONMENT’ on the third line,
273 and by striking out the words ‘- WASTE MANAGE-
274 MENT’ on the fifth line;

275 Beginning on page 1, in the Editor’s Note, and con-
276 tinuing throughout the text of the rule, by striking out the
277 words ‘Water Resources Board’ and inserting in lieu
278 thereof the words ‘Environmental Quality Board’;

279 Beginning on page 1, subsection 1.1, and continuing
280 throughout the text of the rule, by striking out the words
281 ‘these regulations’ and inserting in lieu thereof the words
282 ‘this rule’;

283 Beginning on page 1, subdivision 1.1.a., and contin-
284 uing throughout the text of the rule, by striking out the
285 word ‘regulations’ and inserting in lieu thereof the word
286 ‘rule’;

287 Beginning on page 1, paragraph 1.1.e.4., and contin-
288 uing throughout the text of the rule, by striking out the
289 words used to describe the cross-references to sections,
290 subsections, subdivisions, paragraphs, subparagraphs, parts,
291 subparts, items or subitems, and inserting in lieu thereof
292 the corresponding reference as necessary to conform with
293 the rule of the secretary of state relating to format (stan-
294 dard size and format for rules and procedures for publica-

295 tion of the state register or parts of the state register, 153
296 CSR 6);

297 On page 1, subsection 1.2, by striking the code refer-
298 ence ‘§20-5A-3(b)(2)’ and inserting in lieu thereof
299 ‘§22-11-4(a)(16)’;

300 On page 1, section 2, by striking out the code refer-
301 ence ‘§20-5A-2’ and inserting in lieu thereof the code
302 reference ‘§ 22-11-3’;

303 On page 3, subsection 2.24, by striking out the word
304 ‘orifc’ and inserting in lieu thereof the word ‘orifice’;

305 On page 3, subsection 2.28, by striking out the words
306 ‘Title 47, Legislative Rules, Division of Natural Resources,
307 Series 35’ and inserting in lieu thereof the words
308 ‘33CSR20’;

309 On page 3, subsection 2.30, by striking out the words
310 ‘Title 47, Legislative Rules, Division of Natural Resources,
311 Series 35, Hazardous Waste Management Regulations,
312 Section 47-35-2.68’ and inserting in lieu thereof the
313 words ‘the Hazardous Waste Management Rule, 33CSR20-
314 2.68’;

315 On page 4, subsection 2.51, by striking out the code
316 reference ‘§20-5A-1’ and inserting in lieu thereof the
317 code reference ‘§ 22-11-1’;

318 On page 5, subdivision 2.58.c. , by striking out the
319 word ‘aquifier’ and inserting in lieu thereof the word
320 ‘aquifer’;

321 On page 7, subdivision 5.3.b., in the second para-
322 graph, by striking out the word ‘multiplied’ and inserting
323 in lieu thereof the word ‘multiplied’;

324 On page 7, subdivision 5.3.b., in the second para-
325 graph, by striking out the word ‘muliplred’ and inserting
326 in lieu thereof the word ‘multiplied’;

327 On page 7, subdivision 5.3.b., after the last sentence
328 in the subdivision, by inserting the words ‘(See Table
329 13.5-A at end of this rule)’;

330 On page 8 subparagraph 5.3.b.2.D., by striking out
331 the word ‘infintesimal’ and inserting in lieu thereof the
332 word ‘infinitesimal’;

333 On page 9, subdivision 7.3.a., by striking out the
334 words ‘Title 47, Legislative Rules, Division of Natural
335 Resources, Series 35, Hazardous Waste Management Regu-
336 lations, Section 47-35-4.(Chapter 20-5E)’ and inserting in
337 lieu thereof the words ‘the Hazardous Waste Management
338 Rule, 33CSR20-4 (W. Va. Code Chapter 22, Article 18)’;

339 On page 9, subdivision 7.3.b., by striking out the
340 words ‘Title 47, Legislative Rules, Division of Natural
341 Resources, Series 35, Hazardous Waste Management Regu-
342 lations, Section 47-35-8.2.2.(Chapter 20-5E)’ and insert-
343 ing in lieu thereof the words ‘the Hazardous Waste Man-
344 agement Rule, 33CSR20-8.22 (W. Va. Code Chapter 22,
345 Article 18)’;

346 On page 9, subdivision 7.3.c., by striking out the
347 words ‘Title 47, Legislative Rules, Division of Natural
348 Resources, Series 35, Hazardous Waste Management Regu-
349 lations, Section 47-35-8.5. (Chapter 20-5E)’ and inserting
350 in lieu thereof the words ‘the Hazardous Waste Manage-
351 ment Rule, 33CSR20-8.5 (W. Va. Code Chapter 22, Article
352 18)’;

353 On page 9, subdivision 7.3.d., by striking out the
354 words ‘Title 47, Legislative Rules, Division of Natural
355 Resources, Series 35, Hazardous Waste Management Regu-
356 lations, Section 47-35-8.5.3. (Chapter 20-5E)’ and insert-
357 ing in lieu thereof the words ‘the Hazardous Waste Man-
358 agement Rule, 33CSR20-8.5.3 (W. Va. Code Chapter 22,
359 Article 18)’;

360 On page 9, subdivision 7.3.e., by striking out the
361 words ‘Title 47, Legislative Rules, Division of Natural
362 Resources, Series 35, Hazardous Waste Management Regu-
363 lations, Section 47-35-8.54.(Chapter 20-5E)’ and insert-
364 ing in lieu thereof the words ‘the Hazardous Waste Man-
365 agement Rule, 33CSR20-8.5.4 (W. Va. Code Chapter 22,
366 Article 18)’;

367 On page 9, subdivision 7.3.f., by striking out the
368 words ‘Title 47, Legislative Rules, Division of Natural
369 Resources, Series 35, Hazardous Waste Management Regu-
370 lations, Section 47-35-8.5.6. (Chapter 20-5E)’ and insert-
371 ing in lieu thereof the words ‘the Hazardous Waste Man-
372 agement Rule, 33CSR20-8.5.6 (W. Va. Code Chapter 22,
373 Article 18)’;

374 On page 9, subdivision 7.3.g., by striking out the
375 words ‘Title 47, Legislative Rules, Division of Natural
376 Resources, Series 35, Hazardous Waste Management Regu-
377 lations, Section 47-35-8.5.6. (Chapter 20-5E)’ and insert-
378 ing in lieu thereof the words ‘the Hazardous Waste Man-
379 agement Rule, 33CSR20-8.5.6 (W. Va. Code Chapter 22,
380 Article 18)’;

381 On page 9, subdivision 7.3.h., by striking out the
382 words ‘Title 47, Legislative Rules, Division of Natural
383 Resources, Series 35, Hazardous Waste Management Regu-
384 lations, Section 47-35-8.2.7. (Chapter 20-5E)’ and insert-
385 ing in lieu thereof the words ‘the Hazardous Waste Man-
386 agement Rule, 33CSR20-8.2.7 (W. Va. Code Chapter 22,
387 Article 18)’;

388 On page 19, subparagraph 10.5.a.6.B., by striking
389 out the word ‘Qualitive’ and inserting in lieu thereof the
390 word ‘Qualitative’;

391 On page 20, subsection 11.2 and subdivisions 11.2.a.
392 and 11.2.b., by striking out the second occurrence of
393 subsection 11.2 and subdivisions 11.2.a. and 11.2.b., so as
394 to the duplicated language;

395 On page 20, paragraph 11.4.a.1., and on page 22,
396 paragraph 13.2.d.3, by striking out the words ‘Chapter
397 20-5E of the West Virginia Code’ and inserting in lieu
398 thereof the words ‘W. Va. Code Chapter 22, Article 18’;

399 On page 22, subdivision 13.1.f., by striking out the
400 words ‘Section 12a of the State Act’ and inserting in lieu
401 thereof the words ‘W. Va. Code § 22-11-19’;

402 On page 22, subparagraph 13.10.d.5.A., by striking
403 out the words ‘§20-5E-1’ and inserting in lieu thereof the
404 words ‘§ 22-18-1’;

405 On page 32, paragraph 13.13.1.6., by striking out the
 406 word 'reoccurrence' and inserting in lieu thereof the word
 407 'reoccurrence';

408 On page 37, paragraph 13.22.e.1., by striking out the
 409 word 'ocured' and inserting in lieu thereof the word
 410 'occurred',"

411 And,

412 At the end of the rule, by inserting a table, as follows:

413 TABLE 13-5A
 414 Zone of Endangering Influence

$$415 \quad r = \sqrt{\frac{2.25KHt}{S10^x}}$$

416 where:

$$x = \frac{4\pi KH(h_w - h_{bo})S_p G_b}{2.3Q}$$

417 (e) The legislative rule relating to the division of
 418 environmental protection, office of water resources (water
 419 pollution control permit fee schedules, 47 CSR 26), effective
 420 the first day of July, one thousand nine hundred ninety-
 421 three, is reauthorized with the following amendments:

422 "Beginning on page 1, and continuing throughout
 423 the text of the rule, by renumbering the text breakdown as
 424 necessary to conform with the rule of the secretary of state
 425 relating to format (standard size and format for rules and
 426 procedures for publication of the state register or parts of
 427 the state register, 153 CSR 6);

428 On page 1, in the title of the rule, by inserting the
 429 words 'BUREAU OF ENVIRONMENT' on the third line,
 430 and by striking out the words 'WATER RESOURCES -
 431 WASTE MANAGEMENT' on the fifth line and inserting
 432 in lieu thereof the words 'OFFICE OF WATER RE-
 433 SOURCES';

434 On page 1, subsection 1.1, by striking out the word
 435 'Section' and inserting in lieu thereof the word 'Office';

439 Beginning on page 1, subsection 1.1, and continuing
440 throughout the text of the rule, by striking out the code
441 reference '20-5A-5' and inserting in lieu thereof the code
442 reference '22-11-8';

443 On page 1, subsection 1.2, by striking the code refer-
444 ence '§20-5A-6a' and inserting in lieu thereof '§22-11-
445 10';

446 Beginning on page 1, subsection 1.5, and continuing
447 throughout the text of the rule, by striking out the words
448 'these regulations' and inserting in lieu thereof the words
449 'this rule';

450 On page 1, subdivision 2.2.b, by striking out the
451 words '46 C.S.R. 2 §4.4.b.3' and inserting in lieu thereof
452 the words '47CSR10, paragraph 4.4.b.3.';

453 On page 1, subsection 2.3, by striking out the words
454 'Section of Water Resources of the Division of Natural
455 Resources of the West Virginia Department of Commerce,
456 Labor and Environmental Resources' and inserting in lieu
457 thereof the words 'Office of Water Resources of the Divi-
458 sion of Environmental Protection of the West Virginia
459 Bureau of Environment';

460 Beginning on page 2, subsection 2.5, and continuing
461 throughout the text of the rule, by striking out the code
462 reference '20-5A' and inserting in lieu thereof the code
463 reference '22-11';

464 On page 2, subsection 2.10, by striking out the words
465 '46 C.S.R.2 §9.2.b' and inserting in lieu thereof the
466 words '47CSR10, subdivision 9.2.b';

467 On page 2, subsection 2.11, by striking out the words
468 '46 C.S.R. 2 §9.2.a' and inserting in lieu thereof the
469 words '47CSR10, subdivision 9.2.a';

470 On page 3, subdivision 2.23.a and 2.23b, by striking
471 out the words '47 C.S.R. 35' in both instances and insert-
472 ing in lieu thereof the words '33CSR20';

473 On page 3, subsection 3.3, by striking out the words
474 'West Virginia Division of Natural Resources' and insert-

475 ing in lieu thereof ‘West Virginia Division of Environ-
476 mental Protection, Office of Water Resources’;

477 On page 3, subdivision 3.4.a, by striking out the
478 words ‘46 C.S.R. 2 §4.3’ and inserting in lieu thereof the
479 words ‘47CSR10, subsection 4.3’;

480 And,

481 Beginning on page 6, subsection 4.4, and continuing
482 throughout the text of the rule, by striking out the words
483 ‘47 C.S.R. 38’ and inserting in lieu thereof the words
484 ‘33CSR1’.”

485 (f) The legislative rule relating to the division of
486 environmental protection, office of water resources (dam
487 safety rules, 47 CSR 34), effective the first day of May,
488 one thousand nine hundred ninety-five, is reauthorized
489 with the following amendments:

490 “Beginning on page 1, and continuing throughout
491 the text of the rule, by renumbering the text breakdown as
492 necessary to conform with the rule of the secretary of state
493 relating to format (standard size and format for rules and
494 procedures for publication of the state register or parts of
495 the state register, 153 CSR 6);

496 On page 13, subparagraph 6.4.e.2.D., by striking out
497 the words ‘Building 9’, and inserting in lieu thereof the
498 words ‘Cultural Center’;

499 On page 13, subparagraph 6.4.e.2.D., by inserting
500 the word ‘East’ immediately following the words
501 ‘Kanawha Boulevard’;

502 On page 14, part 7.1.b.1.A.1., by striking out the
503 words ‘Class 3 dams must be designed with either an open
504 channel spillway only or a combination of principal and
505 emergency spillways. A Class 3 dam shall be capable of
506 passing that portion of the design storm that cannot be
507 safely stored in the impoundment. The design of a Class 3
508 dam must assure that ninety percent (90%) of the stored
509 volume of the design storm will be discharged within ten
510 (10) days after the storm event.’ and inserting in lieu
511 thereof the words ‘Class 1 dams designed with either an

512 open channel spillway only or with an emergency spillway
513 and a principal spillway together must be capable of dis-
514 charging that portion of the design storm that cannot be
515 safely stored in the impoundment. Class 1 dams designed
516 with a decant or principal spillway only must be capable
517 of storing the volume of water generated by a PMP rain-
518 fall event of six (6) hours in duration. The design of a
519 Class 1 dam must assure that ninety percent (90%) of the
520 stored volume of the design storm will be discharged with-
521 in ten (10) days after the storm event.’;

522 On page 14, part 7.1.b.1.A.3., by striking out the
523 words ‘Class 1 dams designed with either an open channel
524 spillway only or with an emergency spillway and a princi-
525 pal spillway together must be capable of discharging that
526 portion of the design storm that cannot be safely stored in
527 the impoundment. Class 1 dams designed with a decant or
528 principal spillway only must be capable of storing the
529 volume of water generated by a PMP rainfall event of six
530 (6) hours in duration. The design of a Class 1 dam must
531 assure that ninety percent (90%) of the stored volume of
532 the design storm will be discharged within ten (10) days
533 after the storm event.’ and inserting in lieu thereof the
534 words ‘Class 3 dams must be designed with either an open
535 channel spillway only or a combination of principal and
536 emergency spillways. A Class 3 dam shall be capable of
537 passing that portion of the design storm that cannot be
538 safely stored in the impoundment. The design of a Class 3
539 dam must assure that ninety percent (90%) of the stored
540 volume of the design storm will be discharged within ten
541 (10) days after the storm event.’;

542 On page 15, part 7.1.b.1.C.1., by striking out the
543 words ‘Class 3 and Class 4 Dams - Once in twenty-five
544 (25) years.’ and inserting in lieu thereof the words ‘Class
545 1 Dams - Once in one hundred (100) years.’;

546 On page 15, part 7.1.b.1.C.3., by striking out the
547 words ‘Class 1 Dams - Once in one hundred (100) years.’
548 and inserting in lieu thereof the words ‘Class 3 and Class 4
549 Dams - Once in twenty-five (25) years.’;

550 On page 33, subsection 13.2., by inserting the words
551 ‘or her’ immediately following the word ‘his’;

552 On page 38, subsection 18.3., by striking out the
553 words 'W. Va. Code §22-14-17' and inserting in lieu
554 thereof the words 'W. Va. Code § 22-14-7';

555 And,

556 On page 41, subdivision 19.5.a., by inserting the
557 words 'Calculation -' immediately following the citation
558 '19.5.a.'."

559 (g) The legislative rule relating to the division of
560 environmental protection, office of water resources
561 (groundwater protection act fee schedule, 47 CSR 55),
562 effective the first day of June, one thousand nine hundred
563 ninety-four, is reauthorized with the following amend-
564 ments:

565 "Beginning on page 1, and continuing throughout
566 the text of the rule, by renumbering the text breakdown as
567 necessary to conform with the rule of the secretary of state
568 relating to format (standard size and format for rules and
569 procedures for publication of the state register or parts of
570 the state register, 153 CSR 6);

571 On page 1, in the title of the rule, by striking out the
572 words 'DEPARTMENT OF COMMERCE, LABOR AND
573 ENVIRONMENTAL RESOURCES' and inserting in lieu
574 thereof the words 'BUREAU OF ENVIRONMENT', and
575 by striking out the words 'WATER RESOURCES -
576 WASTE MANAGEMENT' and inserting in lieu thereof
577 the words 'OFFICE OF WATER RESOURCES';

578 Beginning on page 1, and continuing throughout the
579 text of the rule, by striking out the code reference '§20-
580 5M-1 et seq.', and inserting in lieu thereof the code refer-
581 ence '§ 22-12-1 et seq.';

582 Beginning on page 1, and continuing throughout the
583 text of the rule, by striking out the code reference '§20-
584 5M-9 subsection (a)' and inserting in lieu thereof the
585 code reference '§ 22-12-9(a)';

586 On page 1, subsection 1.5, by striking out the word
587 'Section' and inserting in lieu thereof the word 'subsec-
588 tion';

589 On page 1, subsection 2.3, by striking out the words
590 'Solid Waste Management Regulation 47 C.S.R. 38' and
591 inserting in lieu thereof the words 'Solid Waste Manage-
592 ment Rule 33CSR1';

593 On page 1, subsection 2.4, by striking out the words
594 'division of environmental protection of the department
595 of commerce, labor and environmental resources' and
596 inserting in lieu thereof the words 'Division of Environ-
597 mental Protection of the Bureau of Environment';

598 On page 1, subsection 2.5, by striking out the code
599 reference '§20-5G-1 et seq.', and inserting in lieu thereof
600 the words '§ 22-19-1 et seq.';

601 On page 1, subsection 2.8, by striking out the code
602 reference '§20-5M-9(c)(1)' and inserting in lieu thereof
603 the code reference '§ 22-12-9(c)(1)';

604 On page 1, subsection 2.9, by striking out the words
605 'section 3.1.3' and inserting in lieu thereof the words
606 'subdivision 3.1.c', and by striking out the word 'regula-
607 tions' and inserting in lieu thereof the word 'rule', and by
608 striking out the words '47 C.S.R.35' and inserting in lieu
609 thereof the words '33CSR20';

610 On page 2, subsection 2.11, by striking out the words
611 'Section 2.22' and inserting in lieu thereof the words
612 'subsection 2.24', and by striking out the code reference
613 '46 C.S.R. 2' and inserting in lieu thereof the words
614 '47CSR10';

615 On page 2, subsection 2.17, by striking the code
616 reference '§20-5F-2(k)' and inserting in lieu thereof
617 '§22-15-2(27)';

618 On page 2, subdivision 3.3.a., by striking out the
619 code reference '§20-5M-10' and inserting in lieu thereof
620 the code reference '§ 22-12-10';

621 On page 3, paragraph 3.3.a.2., by striking out the
622 words 'subsection 3.4.1' and inserting in lieu thereof the
623 words 'subdivision 3.4.a.';

627 On page 3, subdivision 3.3.b., by striking out the
628 words ‘§20-5M-8(c) et seq.’ and inserting in lieu thereof
629 the words ‘§22-12-8(c) et seq.’;

630 On page 3, subsection 3.5., by striking out the words
631 ‘paragraph 3.5.3’ and inserting in lieu thereof the words
632 ‘subdivision 3.5.c.’;

633 On page 3, subdivision 3.5.f., by striking out the
634 words ‘§20-5F-5a’ and inserting in lieu thereof the words
635 ‘§22-15-11’;

636 On page 3, subdivision 3.5.h., by striking out the
637 code reference ‘§22A-3-1 et seq.’ and inserting in lieu
638 thereof the code reference ‘§22-3-1 et seq.’, by striking
639 out the code reference ‘§20-5A-5(b)(6)’ and inserting in
640 lieu thereof the code reference ‘§22-11-8(b)(6)’, and by
641 striking out the code reference ‘§22A-4-1 et seq’ and
642 inserting in lieu thereof the code reference ‘§22-4-1 et
643 seq.’;

644 On page 3, subdivision 3.5.i., by striking out the
645 code reference ‘§20-5A-5(b) (1 through 6)’ and inserting
646 in lieu thereof the code reference ‘§22-11-8(b) (1
647 through 6)’;

648 On page 3, subdivision 3.5.j., by striking out the
649 code reference ‘§20-5A-5(b) (1 through 6)’ and inserting
650 in lieu thereof the code reference ‘§22-11-8(b) (1
651 through 6)’, and by striking out the words ‘paragraphs
652 3.5.11, 3.5.12 or 3.5.13’ and inserting in lieu thereof the
653 words ‘subdivisions 3.5.k, 3.5.l, or 3.5.m’;

654 And,

655 On page 4, subdivision 3.5.t., by striking out the
656 words ‘paragraphs 3.5.1 through 3.5.19’ and inserting in
657 lieu thereof the words ‘subdivisions 3.5.a. through
658 3.5.s.’.”

659 (h) The legislative rule relating to the division of
660 environmental protection, office of water resources (as-
661 sessment of civil administrative penalties, 47 CSR 56),
662 effective the first day of June, one thousand nine hundred

660 ninety-four, is reauthorized with the following amendments:

661 “Beginning on page 1, and continuing throughout
662 the text of the rule, by renumbering the text breakdown as
663 necessary to conform with the rule of the secretary of state
664 relating to format (standard size and format for rules and
665 procedures for publication of the state register or parts of
666 the state register, 153 CSR 6);

667 On page 1, in the title of the rule, by striking out the
668 words ‘DEPARTMENT OF COMMERCE, LABOR AND
669 ENVIRONMENTAL RESOURCES’ and inserting in lieu
670 thereof the words ‘BUREAU OF ENVIRONMENT’, and
671 by striking out the words ‘WATER RESOURCES -
672 WASTE MANAGEMENT’ and inserting in lieu thereof
673 the words ‘OFFICE OF WATER RESOURCES’;

674 Beginning on page 1, subsection 1.2, and continuing
675 throughout the text of the rule, by striking out the code
676 reference ‘§20-5M-10 et seq.’, and inserting in lieu there-
677 of the code reference ‘§ 22-12-10 et seq.’;

678 On page 1, subsection 2.1, by striking out the code
679 reference ‘§20-5M-1 et seq.’ and inserting in lieu thereof
680 the code reference ‘§ 22-12-1 et seq.’;

681 On page 3, subsection 5.5, by striking out the words
682 ‘State Water Resources Board’, and inserting in lieu there-
683 of the words ‘Environmental Quality Board’;

684 And,

685 On page 3, subsection 6.3, by striking out the word
686 ‘Section’ and inserting in lieu thereof the word ‘subsec-
687 tion’.”

688 (i) The legislative rule relating to the division of
689 environmental protection, office of water resources
690 (groundwater quality standard variances, 47 CSR 57),
691 effective the first day of June, one thousand nine hundred
692 ninety-four, is reauthorized with the following amend-
693 ments:

694 “Beginning on page 1, and continuing throughout
695 the text of the rule, by renumbering the text breakdown as
696 necessary to conform with the rule of the secretary of state

697 relating to format (standard size and format for rules and
698 procedures for publication of the state register or parts of
699 the state register, 153 CSR 6);

700 On page 1, in the title of the rule, by striking out the
701 words 'DIVISION OF NATURAL RESOURCES' and
702 inserting in lieu thereof the words 'BUREAU OF ENVI-
703 RONMENT', by striking out the words 'DEPARTMENT
704 OF COMMERCE, LABOR AND ENVIRONMENTAL
705 RESOURCES' and inserting in lieu thereof the words
706 'DIVISION OF ENVIRONMENTAL PROTECTION',
707 and by striking out the words 'WATER RESOURCES -
708 WASTE MANAGEMENT' and inserting in lieu thereof
709 the words 'OFFICE OF WATER RESOURCES';

710 Beginning on page 1, subsection 1.2, and continuing
711 throughout the text of the rule, by striking out the code
712 reference '§20-5M-1 et seq.', and inserting in lieu thereof
713 the code reference '§ 22-12-1 et seq.';

714 On page 1, subsection 1.2, by striking out the code
715 reference '§20-5M-1 through 6', and inserting in lieu
716 thereof the code reference '§ 22-12-1 through 6';

717 On page 1, section 2.0, by striking out the code ref-
718 erence '§20-5M-3' and inserting in lieu thereof the code
719 reference '§ 22-12-3';

720 Beginning on page 1, subsection 2.7, and continuing
721 throughout the text of the rule, by striking out the words
722 'Department of Commerce, Labor and Environmental
723 Resources' and inserting in lieu thereof the words 'Bureau
724 of Environment';

725 On page 2, subsection 2.10, by striking out the words
726 'State Water Resources Board' and inserting in lieu there-
727 of the words 'Environmental Quality Board';

728 On page 2, subsection 3.1, by striking out the words
729 'Article 3, Chapter 22A of the W. Va. Code or Article 5A,
730 Chapter 20 of the W. Va. Code', and inserting in lieu
731 thereof the words 'W. Va. Code §§ 22-3-1 et seq. or 22-
732 11-1 et seq.';

733 On page 2, subsection 3.2, by striking out the words
734 'Chapter 22B of the W. Va. Code', and inserting in lieu
735 thereof 'W. Va. Code § 22-6-1 et seq.';

736 On page 2, subsection 3.3, by striking out the words
737 'Article 4, Chapter 22A of the W. Va. Code', and inserting
738 in lieu thereof the words 'W. Va. Code § 22-4-1 et seq.';

739 On page 2, subsection 4.2, by striking out the code
740 reference '§20-5M-4(b)' and inserting in lieu thereof the
741 code reference '§ 22-12-4(b)';

742 On page 3, subdivisions 5.2.a. through 5.2.g., on
743 page 4, subdivisions 6.2.a. through 6.2.k. and subdivisions
744 6.3.a. through 6.3.b., and on page 5, subdivisions 6.3.c.
745 through 6.3.d. and subdivisions 6.7.a. through 6.7.d., by
746 striking the first letter of the beginning word in these sub-
747 divisions, and inserting the appropriate capital letter for
748 the word;

749 On page 5, subsection 6.6, and continuing through-
750 out the text of the rule, by striking out the words 'Water
751 Resources Board' and inserting in lieu thereof the words
752 'Environmental Quality Board';

753 And,

754 On page 5, subdivision 6.7.a., by striking out the
755 code reference '§20-5M-5(g)' and inserting in lieu there-
756 of '§ 22-12-5(g)'."

757 (j) The legislative rule relating to the division of
758 environmental protection, office of water resources
759 (groundwater protection rules, 47 CSR 58), effective the
760 first day of June, one thousand nine hundred ninety-four,
761 is reauthorized with the following amendments:

762 "Beginning on page 1, and continuing throughout
763 the text of the rule, by renumbering the text breakdown as
764 necessary to conform with the rule of the secretary of state
765 relating to format (standard size and format for rules and
766 procedures for publication of the state register or parts of
767 the state register, 153 CSR 6);

768 On page 1, in the title of the rule, by striking out the
769 words 'DEPARTMENT OF COMMERCE, LABOR AND

770 ENVIRONMENTAL RESOURCES' and inserting in lieu
771 thereof the words 'BUREAU OF ENVIRONMENT', and
772 by striking out the words 'WATER RESOURCES -
773 WASTE MANAGEMENT' and inserting in lieu thereof
774 the words 'OFFICE OF WATER RESOURCES';

775 Beginning on page 1, in the title, and continuing
776 throughout the text of the rule, by striking out the word
777 'regulations' and inserting in lieu thereof the word 'rule';

778 On page 1, subsection 1.1, by striking out the words
779 'chapter 20-5M-1 et seq. of the West Virginia Code' and
780 inserting in lieu thereof the words 'W. Va. Code § 22-12-
781 1 et seq.';

782 On page 1, subsection 1.2, by striking out the words
783 'West Virginia Code 20-5M-5(d)' and inserting in lieu
784 thereof the words 'W. Va. Code § 22-12-5(d)';

785 On page 1, subsection 2.3, by striking out the words
786 'Department of Commerce, Labor and Environmental
787 Resources' and inserting in lieu thereof the words 'Bureau
788 of Environment', and by inserting the words 'or her'
789 immediately following the word 'him';

790 On page 2, in the note immediately following subdivi-
791 sion 4.3.b., by striking out the words '46 C.S.R. 3', and
792 inserting in lieu thereof the words '47CSR11';

793 On page 3, paragraph 4.6.c.1., by striking out the
794 words '20-5D-1' and inserting in lieu thereof the words
795 '22-14-1', and by striking out the words 'Articles (Chap-
796 ter 20-5M and 20-5D)' and inserting in lieu thereof the
797 words 'Chapter 22, Article 12 and Chapter 22, Article 14';

798 On page 6, subsection 5.1, in two occurrences, by
799 striking out the words 'Chapter 20, Article 5M', and in-
800 sserting in lieu thereof the words 'Chapter 22, Article 12';

801 On page 6, subsection 7.2, by striking out the words
802 'sections(s) 20-5M-5 (f) through (l) of the W. Va. Code',
803 and inserting in lieu thereof the words 'W. Va. Code § 22-
804 12-5 (f) through (l)';

805 And,

809 On page 7, subsections 12.1 and 12.2, by striking out
810 the words 'Water Resources Board', and inserting in lieu
811 thereof the words 'Environmental Quality Board', and by
812 striking out the words '\$20-5M-11' and inserting in lieu
813 thereof the words '§ 22-12-11'."

814 (k) The legislative rule relating to the division of
815 environmental protection, office of water resources (moni-
816 toring well rules, 47 CSR 59), effective the first day of
817 June, one thousand nine hundred ninety-four, is
818 reauthorized with the following amendments:

819 "Beginning on page 1, and continuing throughout
820 the text of the rule, by renumbering the text breakdown as
821 necessary to conform with the rule of the secretary of state
822 relating to format (standard size and format for rules and
823 procedures for publication of the state register or parts of
824 the state register, 153 CSR 6);

825 On page 1, in the title of the rule, by striking out the
826 words 'DEPARTMENT OF COMMERCE, LABOR AND
827 ENVIRONMENTAL RESOURCES' and inserting in lieu
828 thereof the words 'BUREAU OF ENVIRONMENT', and
829 by striking out the words 'WATER RESOURCES -
830 WASTE MANAGEMENT' and inserting in lieu thereof
831 the words 'OFFICE OF WATER RESOURCES';

832 On page 1, in the title, by striking out the word 'reg-
833 ulations' and inserting in lieu thereof the word 'rule';

834 On page 3, subsection 1.2, by striking out the code
835 reference '\$20-5M-5(d)', and inserting in lieu thereof the
836 code reference '§ 22-12-5(d)';

837 And,

838 On page 3, subsection 7.5 and section 8, by striking
839 out the code reference '\$20-5M-11' and inserting in lieu
840 thereof the code reference '§ 22-12-11'."

§64-11-5. Division of environmental protection, office of waste management.

1 (a) The legislative rule relating to the division of
2 environmental protection, office of waste management

3 (assessment of civil administrative penalties, 47 CSR 4),
4 effective the twenty-second day of April, one thousand
5 nine hundred ninety-one, is reauthorized with the follow-
6 ing amendments:

7 “Beginning on page 1, and continuing throughout
8 the text of the rule, by renumbering the text breakdown as
9 necessary to conform with the rule of the secretary of state
10 relating to format (standard size and format for rules and
11 procedures for publication of the state register or parts of
12 the state register, 153 CSR 6);

13 Beginning on page 1, in the title, and continuing
14 throughout the text of the rule, by striking out the title
15 number ‘47’ and inserting in lieu thereof the title number
16 ‘33’;

17 Beginning on page 1, in the title, and continuing
18 throughout the text of the rule, by striking out the series
19 number ‘4’ and inserting in lieu thereof the series number
20 ‘22’;

21 On page 1, in the title, by striking out the words
22 ‘WATER RESOURCES-WASTE MANAGEMENT’ and
23 inserting in lieu thereof the words ‘OFFICE OF WASTE
24 MANAGEMENT’;

25 Beginning on page 1, subsection 1.1., and continuing
26 throughout the text of the rule, by striking out the code
27 reference ‘§20-5E-16’, and inserting in lieu thereof the
28 code reference ‘§ 22-18-17’, and by striking out the code
29 reference ‘§20-5F-6’, and inserting in lieu thereof the
30 code reference ‘§ 22-15-15’;

31 On page 1, subsection 2.1., by striking out the code
32 reference ‘§20-5E-1’, and inserting in lieu thereof the
33 code reference ‘§ 22-18-1’, and by striking out the code
34 reference ‘§20-5F-1’ and inserting in lieu thereof the
35 code reference ‘§ 22-15-1’;

36 On page 1, subsection 2.4., by striking out the words
37 ‘Natural Resources’ and inserting in lieu thereof the
38 words ‘environmental protection’;

39 On page 1, subsection 2.4., by inserting the words
40 'or her' immediately following the word 'his';

41 Beginning on page 1, and continuing throughout the
42 text of the rule, by renumbering the text breakdown as
43 necessary to conform with the rule of the secretary of state
44 relating to format (standard size and format for rules and
45 procedures for publication of the state register or parts of
46 the state register, 153 CSR 6);

47 On page 3, subsection 5.5., by striking out the words
48 'State Water Resources Board', and inserting in lieu there-
49 of the words 'environmental quality board';

50 Beginning on page 3, subsection 6.2., and continuing
51 throughout the text of the rule, by striking out the words
52 'these regulations', and inserting in lieu thereof 'this
53 rule';

54 And,

55 On page 4, subsections 6.5, 7.3. and 7.5, by striking
56 out the word 'Section', and inserting in lieu thereof the
57 word 'subsection'."

58 (b) The legislative rule relating to the division of
59 environmental protection, office of waste management
60 (groundwater protection standard, 47 CSR 12), effective
61 the twenty-fifth day of April, one thousand nine hundred
62 eighty-four, is reauthorized with the following amend-
63 ments:

64 "Beginning on page 1, in the title, and continuing
65 throughout the text of the rule, by striking out the title
66 number '47', and inserting in lieu thereof the title number
67 '33';

68 Beginning on page 1, in the title, and continuing
69 throughout the text of the rule, by striking out the series
70 number '12', and inserting in lieu thereof the series num-
71 ber '23';

72 On page 1, in the title, by striking out the words
73 'WATER RESOURCES-WASTE MANAGEMENT', and
74 inserting in lieu thereof the words 'OFFICE OF WASTE
75 MANAGEMENT';

76 On page 1, subsection 1.1., by striking out the words
77 'these regulations', and inserting in lieu thereof the words
78 'this rule';

79 On page 1, subsection 1.1., by striking out the words
80 'Section 2, Series 35, Department of Natural Resources
81 Administrative Regulations', and inserting in lieu thereof
82 the words '33CSR20, Section 2';

83 And,

84 On page 1, subsection 1.2., by striking out the code
85 references '20-5E and 5A' and inserting in lieu thereof
86 the code references 'Chapter 22, Articles 18 and 11'."

87 (c) The legislative rule relating to the division of
88 environmental protection, office of waste management
89 (commercial hazardous waste management facility siting
90 fees, 47 CSR 35A), effective the first day of June, one
91 thousand nine hundred ninety-four, is reauthorized with
92 the following amendments:

93 "Beginning on page 1, in the title, and continuing
94 throughout the text of the rule, by striking out the title
95 number '47', and inserting in lieu thereof the title number
96 '33';

97 Beginning on page 1, in the title, and continuing
98 throughout the text of the rule, by striking out the series
99 number '35A', and inserting in lieu thereof the series
100 number '21';

101 On page 1, in the title, by striking out the words
102 'WATER RESOURCES-WASTE MANAGEMENT', and
103 inserting in lieu thereof the words 'OFFICE OF WASTE
104 MANAGEMENT';

105 On page 1, subsection 1.1., by striking out the code
106 reference '§20-10-1', and inserting in lieu thereof the
107 code reference '§ 22C-5-1';

108 On page 1, subsection 1.2., by striking out the code
109 reference '§20-10-5(b)', and inserting in lieu thereof the
110 code reference '§22C-5-6(b)';

111 On page 1, subsection 2.1., by striking out the code
112 reference '§20-10-3', and inserting in lieu thereof the
113 code reference '§ 22C-5-4';

114 Beginning on page 1, subsection 2.2., and continuing
115 throughout the text of the rule, by striking out the rule
116 reference '47 C.S.R. 35', and inserting in lieu thereof the
117 rule reference '33CSR20';

118 Beginning on page 1, subsection 2.2., and continuing
119 throughout the text of the rule, by striking out the word
120 'regulations', and inserting in lieu thereof the word
121 'rule';

122 And,

123 On page 1, subsection 3.1., by striking out the code
124 reference '§20-10-5', and inserting in lieu thereof the
125 code reference '§22C-5-6'."

126 On page 1, subsection 3.3., by striking out the word
127 'regulations' and inserting in lieu thereof the word
128 'rule'."

129 (d) The legislative rule relating to the division of
130 environmental protection, office of waste management
131 (underground storage tanks, 47 CSR 36), effective the first
132 day of July, one thousand nine hundred ninety-six, is
133 reauthorized with the following amendments:

134 "Beginning on page 1, in the title, and continuing
135 throughout the text of the rule, by striking out the title
136 number '47', and inserting in lieu thereof the title number
137 '33';

138 Beginning on page 1, in the title, and continuing
139 throughout the text of the rule, by striking out the series
140 number '36', and inserting in lieu thereof the series num-
141 ber '30';

142 On page 1, in the title, by striking out the words
143 'WATER RESOURCES-WASTE MANAGEMENT', and
144 inserting in lieu thereof the words 'OFFICE OF WASTE
145 MANAGEMENT';

146 On page 5, subsection 4.6., by striking out the rule
147 reference '(46 C.S.R. 30)', and inserting in lieu thereof
148 the rule reference '(33CSR30)';

149 And,

150 On page 5, subsection 5.1., by striking out the rule
151 reference '(47 C.S.R. 37)', and inserting in lieu thereof
152 the rule reference '(33CSR31)', by striking out the rule
153 reference '(47 C.S.R. 36 Section 4)', and inserting in lieu
154 thereof the rule reference '(33CSR30 §4)', and by strik-
155 ing out the rule reference '(47 C.S.R. 37A Section 5)',
156 and inserting in lieu thereof the rule reference '(33CSR32
157 §5)'."

158 (e) The legislative rule relating to the division of
159 environmental protection, office of waste management
160 (underground storage tank fee assessments, 47 CSR 37),
161 effective the fourteenth day of June, one thousand nine
162 hundred ninety-three, is reauthorized with the following
163 amendments:

164 "Beginning on page 1, in the title, and continuing
165 throughout the text of the rule, by striking out the title
166 number '47', and inserting in lieu thereof the title number
167 '33';

168 Beginning on page 1, in the title, and continuing
169 throughout the text of the rule, by striking out the series
170 number '37', and inserting in lieu thereof the series num-
171 ber '31';

172 On page 1, in the title, by striking out the words
173 'WATER RESOURCES-WASTE MANAGEMENT', and
174 inserting in lieu thereof the words 'OFFICE OF WASTE
175 MANAGEMENT';

176 On page 1, subsection 1.1, by striking out the code
177 reference 'W. Va. Code §§20-5H-20 and 20-5H-21' and
178 inserting in lieu thereof the code reference 'W. Va. Code
179 §§ 22-17-20 and 22-17-21';

180 On page 1, subsection 1.2., by striking out the code
181 reference 'W. Va. Code §20-5H-6', and inserting in lieu
182 thereof the code reference 'W. Va. Code § 22-17-6';

183 Beginning on page 1, subsection 1.5., and continuing
184 throughout the text of the rule, by striking out the words
185 'these regulations', and inserting in lieu thereof the words
186 'this rule';

187 Beginning on page 1, and continuing throughout the
188 text of the rule, by renumbering the text breakdown as
189 necessary to conform with the rule of the secretary of state
190 relating to format (standard size and format for rules and
191 procedures for publication of the state register or parts of
192 the state register, 153 CSR 6);

193 On page 1, subsection 2.1., by striking out the code
194 reference '§20-5H', and inserting in lieu thereof the code
195 reference '§ 22-17-1';

196 On page 1, subsection 2.1., before the word means,
197 by inserting the word 'Act' in the definition;

198 On page 1, subsection 2.2., before the word means,
199 by inserting the word 'Change-In-Service' in the defini-
200 tion;

201 On page 1, subsection 2.3., before the word means,
202 by inserting the word 'Division' in the definition;

203 On page 1, subsection 2.4., before the word means,
204 by inserting the word 'Owner' in the definition;

205 On page 2, subsection 2.5., before the word means,
206 by inserting the word 'Person' in the definition;

207 On page 2, subsection 2.6., before the word means,
208 by inserting the word 'Permanent Closure' in the defini-
209 tion;

210 On page 2, subsection 2.7., before the word means,
211 by inserting the word 'Regulated Substance' in the defini-
212 tion;

213 On page 2, subsection 2.8., before the word means,
214 by inserting the word 'Underground Storage Tank or
215 UST' in the definition;

216 On page 2, subdivision 2.8.a., by striking out the
217 word 'Farms', and inserting in lieu thereof the word
218 'Farm';

219 On page 2, subdivision 2.8.j., by striking out the
220 words 'Section 2.8.1. through 2.8.9.' and inserting in lieu
221 thereof the words 'subdivisions 2.8.a. through 2.8.i.';

222 Beginning on page 3, subdivision 3.3.b., and contin-
223 uing to subdivisions 3.3.c. and 5.1.a., and paragraphs
224 4.4.c.1, 5.1.b.1. and 5.1.c.1, by striking out the word
225 'Sections' and inserting in lieu thereof the word 'subsec-
226 tions';

227 On page 3, subdivision 4.4.c., by striking out the
228 words '47 C.S.R. 36 § 4', and inserting in lieu thereof the
229 words '33CSR30 §4', and by striking out the words 'W.
230 Va. Code §20-5H-8', and inserting in lieu thereof the
231 words 'W. Va. Code § 22-17-8';

232 On page 4, subsection 4.5., by striking out the code
233 references '§§20-5H-15 and 20-5H-16', and inserting in
234 lieu thereof the code references '§§ 22-17-15 and 22-17-
235 16';

236 On page 4, subsection 5.1., by striking out the code
237 references '§§20-5H-20 and 20-5H-21', and inserting in
238 lieu thereof the code references '§§ 22-17-20 and 22-17-
239 21';

240 And,

241 On page 4, paragraph 5.1.c.2., by striking out the
242 code reference '§20-5H-20(a)', and inserting in lieu
243 thereof the code reference '§ 22-17-20(a)'. "

244 (f) The legislative rule relating to the division of
245 environmental protection, office of waste management
246 (solid waste management rule, 47 CSR 38), effective the
247 second day of June, one thousand nine hundred ninety-
248 six, is reauthorized with the following amendments:

249 "Beginning on page 1, in the title, and continuing
250 throughout the text of the rule, by striking out the title
251 number '47', and inserting in lieu thereof the title number
252 '33';

253 On page 1, in the title, by striking out the words
254 'WATER RESOURCES - WASTE MANAGEMENT', and
255 inserting in lieu thereof the words 'OFFICE OF WASTE
256 MANAGEMENT';

257 Beginning on page 1, in the title, and continuing
258 throughout the text of the rule, by striking out the series
259 number '38', and inserting in lieu thereof the series num-
260 ber '1';

261 Beginning on page 1, and continuing throughout the
262 text of the rule, by renumbering the text breakdown as
263 necessary to conform with the rule of the secretary of state
264 relating to format (standard size and format for rules and
265 procedures for publication of the state register or parts of
266 the state register, 153 CSR 6);

267 Beginning on page 1, paragraph 1.1.a.4., and contin-
268 uing throughout the text of the rule, by striking out the
269 words used to describe the cross-references to sections,
270 subsections, subdivisions, paragraphs, subparagraphs, parts,
271 subparts, items or subitems, and inserting in lieu thereof
272 the corresponding reference as necessary to conform with
273 the rule of the secretary of state relating to format (stan-
274 dard size and format for rules and procedures for publica-
275 tion of the state register or parts of the state register, 153
276 CSR 6);

277 Beginning on page 1, subsection 1.5, and continuing
278 throughout the text of the rule, by striking out the rule
279 reference '47CSR38', and inserting in lieu thereof the
280 rule reference '33CSR1';

281 Beginning on page 1, subsection 1.5, and continuing
282 throughout the rule, by striking out the words 'these regu-
283 lations', and inserting in lieu thereof the words 'this rule';

284 Beginning on page 9, subsection 2.88, and continu-
285 ing throughout section 2 of the rule, by correctly renum-
286 bering all misnumbered subsections and subdivisions;

287 On page 50, subparagraph 3.13.k.1.F, by striking out
288 the word 'data', and inserting in lieu thereof the word
289 'date';

290 Beginning on page 72, subsection 4.1, and continu-
291 ing throughout the text of the rule, by striking out the
292 word 'sec.', and inserting in lieu thereof the word 'seq.';

293 Beginning on page 111, paragraph 4.11.b.2., and
294 continuing throughout the text of the rule, by striking out
295 the word 'chief', and inserting in lieu thereof the word
296 'director';

297 Beginning on page 117, subsection 4.11.e, and con-
298 tinuing throughout the text of the rule, by striking out the
299 abbreviation 'WV', and inserting in lieu thereof the abbrevi-
300 ation 'W. Va.'

301 (g) The legislative rule relating to the division of
302 environmental protection, office of waste management
303 (commercial solid waste landfill closure assistance pro-
304 gram, 47 CSR 38C), effective the first day of June, one
305 thousand nine hundred ninety-four, is reauthorized with
306 the following amendments:

307 "Beginning on page 1, in the title, and continuing
308 throughout the text of the rule, by striking out the title
309 number '47', and inserting in lieu thereof the title number
310 '33';

311 On page 1, in the title, by striking out the words
312 'WATER RESOURCES - WASTE MANAGEMENT', and
313 inserting in lieu thereof the words 'OFFICE OF WASTE
314 MANAGEMENT';

315 Beginning on page 1, in the title, and continuing
316 throughout the text of the rule, by striking out the series
317 number '38C', and inserting in lieu thereof the series
318 number '40';

319 On page 1, subsection 1.1, by striking out the code
320 reference '§20-5N-1 et seq.', and inserting in lieu thereof
321 the code reference '§ 22-16-1 et seq.';

322 On page 1, subsection 1.1, by striking out the words
323 'Article 5N' and inserting in lieu thereof the words 'Arti-
324 cle 16.';

325 On page 1, subsection 1.2, by striking out the code
326 reference '§20-5N-8', and inserting in lieu thereof the
327 code reference '§ 22-16-13.';

328 Beginning on page 1, subsection 1.6, and continuing
329 throughout the text of the rule, by striking out the words
330 'these regulations', and inserting in lieu thereof the words
331 'this rule', and by striking out the word 'regulation' and
332 inserting in lieu thereof the word 'rule';

333 On page 1, subsection 2.2, by striking out the code
334 references '§20-5N-3 and 10', and inserting in lieu there-
335 of the code references '§§ 22-16-3 and 15';

336 On page 2, subsection 2.3, by striking out the words
337 'of the Department of Commerce, Labor and Environ-
338 mental Protection'; On page 2, subsection 2.7, by insert-
339 ing the subsection heading 'Incorporation of § 22-15-2
340 Definitions.';

341 On page 2, subsection 2.7, by striking out the code
342 reference '§20-5F-2' and inserting in lieu thereof the
343 code reference '§ 22-15-2';

344 On page 2, subsection 3.1, by inserting the subsec-
345 tion heading 'Application Form.';

346 On page 2, subsection 3.2, by inserting the subsec-
347 tion heading 'Application Information.';

348 Beginning on page 2, subsection 3.2, and continuing
349 throughout the text of the rule, by renumbering the text
350 breakdown as necessary to conform with the rule of the
351 secretary of state relating to format (standard size and
352 format for rules and procedures for publication of the
353 state register or parts of the state register, 153 CSR 6);

354 Beginning on page 3, paragraph 3.2.h.2., and contin-
355 uing throughout the text of the rule, by striking out the
356 words used to describe the cross-references to sections,
357 subsections, subdivisions, paragraphs, subparagraphs, parts,
358 subparts, items or subitems, and inserting in lieu thereof
359 the corresponding reference as necessary to conform with
360 the rule of the secretary of state relating to format (stan-
361 dard size and format for rules and procedures for publica-

362 tion of the state register or parts of the state register, 153
363 CSR 6);

364 On page 3, subparagraphs 3.2.e. and 3.2.f., by strik-
365 ing out the abbreviation 'No.' and by inserting the word
366 'Number';

367 On page 4, paragraph 3.2.h.5., by striking out the
368 code reference '§20-5F-4(k)', and inserting in lieu there-
369 of the code reference '§ 22-15-5(j)';

370 On page 4, subsection 3.3, by inserting the subsec-
371 tion heading 'Application Review and Decision.';

372 On page 4, subsection 3.4, by inserting the subsec-
373 tion heading 'Application Resubmittal.';

374 On page 4, subsection 3.5, by inserting the subsec-
375 tion heading 'Application Deadlines.';

376 On page 4, subsection 3.5, by striking out the code
377 reference '§20-5F-6', and inserting in lieu thereof the
378 code reference '§ 22-16-11';

379 On page 5, subsection 4.1, by inserting the subsec-
380 tion heading 'Valid Landfill Facility Permit Required.';

381 Beginning on page 5, subsection 4.1, and continuing
382 throughout the text of the rule, by striking out the code
383 reference '§20-5F-1' and inserting in lieu thereof the
384 code reference '§ 22-15-1';

385 On page 5, subdivision 4.1.b, by striking out the
386 code reference '§20-5A-1', and inserting in lieu thereof
387 the code reference '§ 22-11-1';

388 On page 5, subdivision 4.2.b., by striking out the
389 code reference '§20-5F-1', and inserting in lieu thereof
390 the code reference '§ 22-15-1';

391 Beginning on page 5, subsection 4.2.b., and continu-
392 ing throughout the text of the rule, by striking out the rule
393 reference '47 CSR 38', and inserting in lieu thereof the
394 rule reference '33CSR1';

395 On page 6, subdivision 4.4.a., by striking out the
396 words 'Water Resources Board', and inserting in lieu
397 thereof the words 'Environmental Quality Board';

398 On page 6, subdivision 4.5, by striking out the code
399 reference '§20-5N-4(a)', and inserting in lieu thereof the
400 code reference '§22-16-4';

401 Beginning on page 6, in paragraph 4.6.a.3., and
402 continuing throughout the text of the rule, by striking out
403 the word 'Chief', and inserting in lieu thereof the word
404 'director';

405 On page 7, subsection 4.7, by inserting the subsec-
406 tion heading 'Authority of the Director to Modify Per-
407 mit.';

408 On page 7, subsection 4.8, by inserting the subsec-
409 tion heading 'Granting of Access to Facility To Direc-
410 tor.';

411 On page 7, subsection 5.1, by inserting the subsec-
412 tion heading 'Authority of the Director to Establish Main-
413 tenance Contracts.';

414 On page 8, subsection 6.1, by inserting the subsec-
415 tion heading 'Performance of Post-Closure Activities.';

416 On page 8, subsection 7.1, by inserting the subsec-
417 tion heading 'Expenditure of Funds from the Closure
418 Assistance Fund.';

419 On page 8, subsection 7.2, by inserting the subsec-
420 tion heading 'Assistance Contingent upon the Availability
421 of Revenues.';

422 On page 8, subsection 8.1, by inserting the subsec-
423 tion heading 'Priority for Final Assistance.'."

424 (h) The legislative rule relating to the division of
425 environmental protection, office of waste management
426 (sewage sludge management rules, 47 CSR 38D), effective
427 the first day of May, one thousand nine hundred ninety-
428 six, is reauthorized with the following amendments:

429 “Beginning on page 1, in the title, and continuing
430 throughout the text of the rule, by striking out the title
431 number ‘47’, and inserting in lieu thereof the title number
432 ‘33’;

433 On page 1, in the title, on the line following the
434 words ‘DIVISION OF ENVIRONMENTAL PROTEC-
435 TION’, by inserting the words ‘OFFICE OF WASTE
436 MANAGEMENT’;

437 Beginning on page 1, in the title, and continuing
438 throughout the text of the rule, by striking out the series
439 number ‘38D’, and inserting in lieu thereof the series
440 number ‘2’;

441 Beginning on page 1, in the title, and continuing
442 throughout the text of the rule, by striking out the word
443 ‘regulations’, and inserting in lieu thereof the word
444 ‘rule’;

445 Beginning on page 5, subdivision 3.2.a., and contin-
446 uing throughout the text of the rule, by renumbering the
447 text breakdown as necessary to conform with the rule of
448 the secretary of state relating to format (standard size and
449 format for rules and procedures for publication of the
450 state register or parts of the state register, 153 CSR 6);

451 Beginning on page 6, subdivision 3.2.b., and contin-
452 uing throughout the text of the rule, by striking out the
453 words used to describe the cross-references to sections,
454 subsections, subdivisions, paragraphs, subparagraphs, parts,
455 subparts, items or subitems, and inserting in lieu thereof
456 the corresponding reference as necessary to conform with
457 the rule of the secretary of state relating to format (stan-
458 dard size and format for rules and procedures for publica-
459 tion of the state register or parts of the state register, 153
460 CSR 6);

461 On page 8, subdivision 4.1.e., and continuing
462 throughout the text of the rule, by striking out the rule
463 reference ‘47 CSR 38’, and inserting in lieu thereof the
464 rule reference ‘33CSR1’.”

465 (i) The legislative rule relating to the division of
466 environmental protection, office of waste management

467 (yard waste composting rule, 47 CSR 38E), effective the
468 first day of June, one thousand nine hundred ninety-four,
469 is reauthorized with the following amendments:

470 “Beginning on page 1, in the title, and continuing
471 throughout the text of the rule, by striking out the title
472 number ‘47’, and inserting in lieu thereof the title number
473 ‘33’;

474 On page 1, in the title, by striking out the words
475 ‘WATER RESOURCES - WASTE MANAGEMENT’, and
476 by inserting in lieu thereof the words ‘OFFICE OF
477 WASTE MANAGEMENT’;

478 Beginning on page 1, in the title, and continuing
479 throughout the text of the rule, by striking out the series
480 number ‘38E’, and inserting in lieu thereof the series
481 number ‘E’;

482 On page 1, §33-3-2, by striking out the code refer-
483 ence ‘§20-5F-2’, and inserting in lieu thereof the code
484 reference ‘22-15-2’, and by striking out the rule refer-
485 ence ‘§47CSR38D’ and inserting in lieu thereof the rule
486 reference ‘33CSR2’;

487 Beginning on page 2, subsection 2.3, and continuing
488 throughout the text of the rule, by striking out the word
489 ‘Chief’, and inserting in lieu thereof the word ‘director’;

490 Beginning on page 3, subdivision 3.1.a., and contin-
491 uing throughout the text of the rule, by renumbering the
492 text breakdown as necessary to conform with the rule of
493 the secretary of state relating to format (standard size and
494 format for rules and procedures for publication of the
495 state register or parts of the state register, 153 CSR 6);

496 Beginning on page 6, paragraph 3.1.a.2., and contin-
497 uing throughout the text of the rule, by striking out the
498 words used to describe the cross-references to sections,
499 subsections, subdivisions, paragraphs, subparagraphs, parts,
500 subparts, items or subitems, and inserting in lieu thereof
501 the corresponding reference as necessary to conform with
502 the rule of the secretary of state relating to format (stan-
503 dard size and format for rules and procedures for publica-

504 tion of the state register or parts of the state register, 153
505 CSR 6);

506 Beginning on page 3, paragraph 3.1.a.2., and contin-
507 uing throughout the text of the rule, by striking out the
508 rule reference '47 CSR 38', and inserting in lieu thereof
509 the rule reference '33CSR1.';

510 Beginning on page 3, paragraph 3.1.a.2., and contin-
511 uing throughout the text of the rule, by striking out the
512 word 'regulations', and inserting in lieu thereof the word
513 'rule';

514 On page 6, paragraph 3.4.c.3., after the semicolon,
515 by inserting word 'and';

516 And,

517 Beginning on page 7, subparagraph 3.4.c.4.C, and
518 continuing throughout the text of the rule, by striking out
519 the word 'Division', and inserting in lieu thereof the
520 words 'Division of Environmental Protection'."

521 (j) The legislative rule relating to the division of
522 environmental protection, office of waste management
523 (office of waste management, 47 CSR 38F), effective the
524 first day of June, one thousand nine hundred ninety-four,
525 is reauthorized with the following amendments:

526 "Beginning on page 1, in the title, and continuing
527 throughout the text of the rule, by striking out the title
528 number '47', and inserting in lieu thereof the title number
529 '33';

530 Beginning on page 1, in the title, and continuing
531 throughout the text of the rule, by striking out the series
532 number '38F', and inserting in lieu thereof the series
533 number '4';

534 On page 1, in the title, by striking out the words
535 'WATER RESOURCES - WASTE MANAGEMENT', and
536 inserting in lieu thereof the words 'OFFICE OF WASTE
537 MANAGEMENT';

538 And,

539 Beginning on page 2, subdivision 3.3.a., and contin-
540 uing throughout the text of the rule, by renumbering the
541 text breakdown as necessary to conform with the rule of
542 the secretary of state relating to format (standard size and
543 format for rules and procedures for publication of the
544 state register or parts of the state register, 153 CSR 6).”

545 (k) The legislative rule relating to the division of
546 environmental protection, office of waste management
547 (waste tire management rule, 47 CSR 38G), effective the
548 second day of June, one thousand nine hundred ninety-
549 six, is reauthorized with the following amendments:

550 “Beginning on page 1, in the title, and continuing
551 throughout the text of the rule, by striking out the title
552 number ‘47’, and inserting in lieu thereof the title number
553 ‘33’;

554 On page 1, in the title, by striking out the words
555 ‘WATER RESOURCES - WASTE MANAGEMENT’, and
556 inserting in lieu thereof the words ‘OFFICE OF WASTE
557 MANAGEMENT’;

558 Beginning on page 1, in the title, and continuing
559 throughout the text of the rule, by striking out the series
560 number ‘38G’, and inserting in lieu thereof the series
561 number ‘5’;

562 Beginning on page 1, subdivision 1.1.a., and contin-
563 uing throughout the text of the rule, by renumbering the
564 text breakdown as necessary to conform with the rule of
565 the secretary of state relating to format (standard size and
566 format for rules and procedures for publication of the
567 state register or parts of the state register, 153 CSR 6);

568 Beginning on page 1, subdivision 1.1.c., and contin-
569 uing throughout the text of the rule, by striking out the
570 words used to describe the cross-references to sections,
571 subsections, subdivisions, paragraphs, subparagraphs, parts,
572 subparts, items or subitems, and inserting in lieu thereof
573 the corresponding reference as necessary to conform with
574 the rule of the secretary of state relating to format (stan-
575 dard size and format for rules and procedures for publica-

576 tion of the state register or parts of the state register, 153
577 CSR 6);

578 On page 1, §33-5-2 (former §47-38G-2), and con-
579 tinuing throughout the text of the rule, by striking out the
580 rule reference '47 CSR 38', and inserting in lieu thereof
581 the rule reference '33CSR1';

582 Beginning on page 1, subsection 2.3, and continuing
583 throughout the text of the rule, by striking out the word
584 'regulations', and inserting in lieu thereof the word
585 'rule';

586 Beginning on page 2, subsection 2.17, and continu-
587 ing throughout the text of the rule, by striking out the
588 abbreviation 'WV', and inserting in lieu thereof the abbrevi-
589 ation 'W. Va.';

590 Beginning on page 3, subdivision 3.1.b., and contin-
591 uing throughout the text of the rule, by striking out the
592 rule reference '47 CSR 38G', and inserting in lieu thereof
593 the words 'this rule';

594 And,

595 Beginning on page 3, subdivision 3.2.a., and contin-
596 uing throughout the text of the rule, by striking out the
597 word 'chief', and inserting in lieu thereof the word 'direc-
598 tor'."

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Hoover
Chairman Senate Committee

Nick Fantasia
Chairman House Committee

Originating in the House.

Takes effect from passage.

Russell Bellmas
Clerk of the Senate

Suzanne M. Gray
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

R. Kei
Speaker of the House of Delegates

The within *is approved* this the *7th*
day of *May*, 1997.

Jeff D. Anderson
Governor

PRESENTED TO THE

GOVERNOR

Date 5/1/97

Time 3:01 PM