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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

Com. Sub. for House Bill No. 4136

(By Delegates Hunt, Linch, Compton,
Jenkins, Faircloth and Riggs)



Passed March 14, 1998

In Effect from Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 4136

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

[Passed March 14, 1998; in effect from passage.]

AN ACT to amend and reenact section one, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section two, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing division of environmental protection to promulgate legislative rules relating to acid rain provisions and permits; authorizing division of environmental protection to

promulgate legislative rules relating to emission standards for hazardous air pollutants pursuant to 40 CFR Part 63; authorizing division of environmental protection to promulgate legislative rules relating to hazardous waste management; authorizing division of environmental protection to promulgate legislative rules relating to requirements governing water quality standards; authorizing division of environmental protection to promulgate legislative rules relating to prevention and control particulate air pollution from manufacturing process operations; authorizing division of environmental protection to promulgate legislative rules relating to prevention and control of emissions from municipal solid waste landfills; authorizing division of environmental protection to promulgate legislative rules relating to emission standards for hazardous air pollutants pursuant to 40 CFR Part 63; authorizing division of environmental protection to promulgate legislative rules relating to surface mining and reclamation regulations; authorizing environmental quality board to promulgate legislative rules relating to water quality standards; and authorizing environmental quality board to promulgate legislative rules relating to groundwater standards.

Be it enacted by the Legislature of West Virginia:

That section one, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section two, all to read as follows:

ARTICLE 3. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO PROMULGATE LEGISLATIVE RULES.

1 (a) The legislative rule filed in the state register on the
2 first day of August, one thousand nine hundred
3 ninety-seven, authorized under the authority of section
4 seven, article five, chapter twenty-two, of this code, relating
5 to the division of environmental protection (acid rain
6 provisions and permits, 45 CSR 33), is authorized.

7 (b) The legislative rule filed in the state register on the

8 first day of August, one thousand nine hundred ninety-
9 seven, authorized under the authority of section seven,
10 article five, chapter twenty-two of this code, relating to the
11 division of environmental protection (emission standards
12 for hazardous air pollutants pursuant to 40 CFR Part 63,
13 45 CSR 34), is authorized.

14 (c) The legislative rule filed in the state register on the
15 first day of August, one thousand nine hundred ninety-
16 seven, authorized under the authority of section six, article
17 eighteen, chapter twenty-two of this code, relating to the
18 division of environmental protection (hazardous waste
19 management, 33 CSR 20), is authorized.

20 (d) The legislative rule filed in the state register on the
21 fourteenth day of August, one thousand nine hundred
22 ninety-seven, authorized under the authority of section
23 four, article five, chapter twenty-two, of this code, relating
24 to the division of environmental protection (to prevent and
25 control particulate air pollution from manufacturing
26 process operations, 45 CSR 7) is authorized.

27 (e) The legislative rule filed in the state register on the
28 first day of August, one thousand nine hundred
29 ninety-seven, authorized under the authority of section
30 four, article five, chapter twenty-two, of this code,
31 modified by the division of environmental protection to
32 meet the objections of the legislative rule-making review
33 committee and refiled in the state register on the seventh
34 day of January, one thousand nine hundred ninety-eight,
35 relating to the division of environmental protection (to
36 prevent and control of emissions from municipal solid
37 waste landfills, 45 CSR 23), is authorized.

38 (f) The legislative rule filed in the state register on the
39 first day of August, one thousand nine hundred ninety-
40 seven, authorized under the authority of section seven,
41 article one, chapter twenty-two of this code, modified by
42 the division of environmental protection to meet the
43 objections of the legislative rule-making review committee
44 and refiled in the state register on the second day of
45 December, one thousand nine hundred ninety-seven,
46 relating to the division of environmental protection (to
47 prevent and control air pollution from hazardous waste

48 treatment, storage or disposal facilities, 45 CSR 25), is
49 authorized.

50 (g) The legislative rule filed in the state register on the
51 first day of August, one thousand nine hundred ninety-
52 seven, authorized under the authority of section three,
53 article one, chapter twenty-two of this code, modified by
54 the division of environmental protection to meet the
55 objections of the legislative rule-making review committee
56 and refiled in the state register on the fifth day of January,
57 one thousand nine hundred ninety- eight, relating to the
58 division of environmental protection (surface mining and
59 reclamation regulations, 38 CSR 2), is authorized.

§64-3-2. Environmental Quality Board.

1 (a) The legislative rule filed in the state register on the
2 first day of August, one thousand nine hundred
3 ninety-seven, authorized under the authority of section
4 four, article three, chapter twenty-two-b, of this code,
5 modified by the environmental quality board to meet the
6 objections of the legislative rule-making review committee
7 and refiled in the state register on the twenty-second day
8 of January, one thousand nine hundred ninety-eight,
9 relating to the environmental quality board (requirements
10 governing water quality standards, 46 CSR 1), is
11 authorized until the thirtieth day of October, 1999:
12 *Provided*, That the environmental quality board shall
13 review, revise and propose, within this statutory deadline,
14 and in accordance with the provisions of chapter twenty-
15 nine-a of this code, emergency and legislative rules to
16 address the interpretive differences regarding the
17 designation of category A waters and analyze the need for
18 distance prohibitors for the policies of public drinking
19 water intake, with the following amendments:

20 By deleting the strike-throughs in subdivisions 8.22.1
21 and 8.22.2;

22 And,

23 On page fourteen, subsection 7.2.b after the word
24 'NOTE:' by inserting the following:

25 'With the exception of section 7.2.c.5 listed herein

26 exceptions do not apply to trout waters nor the
27 requirements of section 3.'

28 And on page fourteen, after paragraph 7.2.c.4 by
29 inserting a new paragraph 7.2.c.5, to read as follows:

30 'For the upper Blackwater River from the mouth of
31 Yellow Creek to a point 5.1 miles upstream, when flow is
32 less than 7Q10, naturally occurring values for Dissolved
33 Oxygen as established by data collected by the dischargers
34 within this reach and reviewed by the Board and Division
35 of Environmental Protection shall be the applicable
36 criteria.'

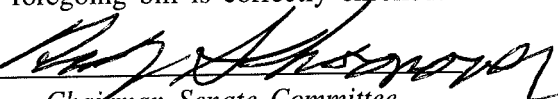
37 And,

38 On page forty-four, by striking out subsection 8.17.1
39 in its entirety and inserting in lieu thereof a new subsection
40 8.17.1 to read as follows:

41 "Effluent limitations regarding Mn shall not apply
42 where the applicant certifies the stream or stream segment
43 is not category A water.

44 (b) The legislative rule filed in the state register on the
45 first day of August, one thousand nine hundred
46 ninety-seven, authorized under the authority of section
47 four, article three, chapter twenty-two-b, of this code,
48 modified by the environmental quality board to meet the
49 objections of the legislative rule-making review committee
50 and refiled in the state register on the twenty-third day of
51 January, one thousand nine hundred ninety-eight, relating
52 to the environmental quality board (requirements
53 governing groundwater standards, 46 CSR 12), is
54 authorized.


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

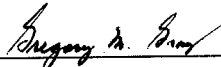

Chairman Senate Committee


Chairman House Committee

Originating in the House.

Takes effect from passage.

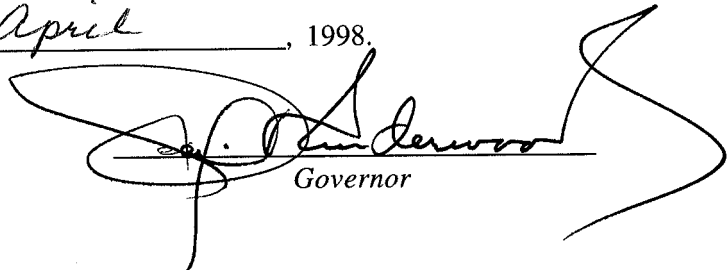

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 2nd
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date. 3/31/98

Time. 2:38 pm