WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2533

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

Passed March 13, 1999

In Effect from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2533
(BY DELEGATES HUNT, COMPTON, JENKINS, LINCH, FAIRCLOTH AND RIGGS)

[Passed March 13, 1999; in effect from passage.]

AN ACT to amend and reenact sections one and two, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 or administrative agencies; authorizing various executive or administrative agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing the various executive or administrative agencies to promulgate legislative rules as amended by the Legislature; authorizing various executive or administrative agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the division of environmental protection to promulgate a legislative rule relating to carbon monoxide & ozone; authorizing the
division of environmental protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the division of environmental protection to promulgate a legislative rule relating to the prevention and control of emissions from hospital, medical, and infectious waste incinerators; authorizing the division of environmental protection to promulgate a legislative rule relating to the prevention and control of air pollution from hazardous waste treatment, storage or disposal facilities; authorizing the division of environmental protection to promulgate a legislative rule relating to acid rain provisions and permits; authorizing the division of environmental protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants pursuant to 40 CFR Part 63; authorizing the division of environmental protection to promulgate a legislative rule relating to requirements for determining conformity of transportation plans, programs and projects developed, funded or approved under title 23 U.S.C. or the federal transit laws to applicable air quality implementation plans (transportation conformity); authorizing the division of environmental protection to promulgate a legislative rule relating to the awarding of West Virginia stream partners program grants; authorizing the division of environmental protection to promulgate a legislative rule relating to West Virginia surface mining and reclamation; authorizing the division of environmental protection to promulgate a legislative rule relating to solid waste management; authorizing the division of environmental protection to promulgate a legislative rule relating to sewage sludge management; authorizing the division of environmental protection to promulgate a legislative rule relating to hazardous waste management; authorizing the division of environmental protection to promulgate a legislative rule relating to the state construction grants program; authorizing the division of environmental protection to promulgate a legislative rule relating to the pollution prevention and compliance assistance rule; authorizing the division of environmental protection to promulgate a legislative rule relating to the state water pollution control revolving fund program; authorizing the division of environmental protection to promulgate a legislative rule relating to underground storage tank insurance trust fund; and authorizing the environmental quality
board to promulgate a legislative rule relating to the requirements governing water quality standards.

Be it enacted by the Legislature of West Virginia:

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

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

§64-3-1. Division of environmental protection.

(a) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section four, article five, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of January, one thousand nine hundred ninety-nine, relating to the division of environmental protection (ambient air quality standards for carbon monoxide and ozone, 45 CSR 9), is authorized.

(b) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section four, article five, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of January, one thousand nine hundred ninety-nine, relating to the division of environmental protection (standards of performance for new stationary sources, 45 CSR 16), is authorized.

(c) The legislative rule filed in the state register on the third day of August, one thousand nine hundred ninety-eight, authorized under the authority of section four, article five, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of January, one thousand nine hundred
ninety-nine, relating to the division of environmental protection (to prevent and control emissions from hospital, medical, and infectious waste incinerators, 45 CSR 24), is authorized.

(d) The legislative rule filed in the state register on the third day of August, one thousand nine hundred ninety-eight, authorized under the authority of section four, article five, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of January, one thousand nine hundred ninety-nine, relating to the division of environmental protection (to prevent and control air pollution from hazardous waste treatment, storage or disposal facilities, 45 CSR 25), is authorized.

(e) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the division of environmental protection (acid rain provisions and permits, 45 CSR 33), is authorized.

(f) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section four, article five, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifth day of January, one thousand nine hundred ninety-nine, relating to the division of environmental protection (requirements for determining conformity of transportation plans, programs and projects developed, funded or approved under title 23 U.S.C. or the federal transit laws to applicable air quality implementation plans (transportation conformity), 45 CSR 36), is authorized.

(g) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section four, article five, chapter twenty-two of this code, modified by the division of
environmental protection to meet the objections of the legislative rule-making review and refiled in the state register on the fifth day of January, one thousand nine hundred ninety-nine, relating to the division of environmental protection (emission standards for hazardous air pollutants pursuant to 40 CFR Part 63, 45 CSR 34), is authorized.

(h) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section fourteen, article thirteen, chapter twenty of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the second day of November, one thousand nine hundred ninety-eight, relating to the division of environmental protection (awarding of West Virginia stream partners program grants, 60 CSR 4) is authorized.

(i) The legislative rule filed in the state register on the thirtieth day of July, one thousand nine hundred ninety-eight, authorized under the authority of section three, article one, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of January, one thousand nine hundred ninety-nine, relating to the division of environmental protection (surface mining and reclamation regulations, 38 CSR 2), is authorized. (j) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section five, article fifteen, chapter twenty-two of this code modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the seventh day of October, one thousand nine hundred ninety-eight, relating to the division of environmental protection (solid waste management, 33 CSR 1), is authorized.

(k) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight,
authorized under the authority of section twenty, article fifteen, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of November, one thousand nine hundred ninety-eight, relating to the division of environmental protection (sewage sludge management, 33 CSR 2), is authorized.

(l) The legislative rule filed in the state register on the third day of August, one thousand nine hundred ninety-eight, authorized under the authority of section six, article eighteen, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the second day of October, one thousand nine hundred ninety-eight, relating to the division of environmental protection (hazardous waste management, 33 CSR 20), is authorized.

(m) The legislative rule filed in the state register on the thirtieth day of July, one thousand nine hundred ninety-eight, authorized under the authority of section six, article two, chapter twenty-two-c of this code, relating to the division of environmental protection (state construction grants program, 47 CSR 33), is authorized.

(n) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section six, article one, chapter twenty-two of this code, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of January, one thousand nine hundred ninety-nine, relating to the division of environmental protection (pollution prevention and compliance assistance rule, 47 CSR 3), is authorized.

(o) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-eight, authorized under the authority of section three, article two,
chapter twenty-two-c of this code, modified by the division of
environmental protection to meet the objections of the legisla-
tive rule-making review committee and refilled in the state
register on the second day of November, one thousand nine
hundred ninety-eight, relating to the division of environmental
protection (state water pollution control revolving fund pro-
gram, 47 CSR 31), is authorized.

(p) The legislative rules filed in the state register on the
seventh day of October, one thousand nine hundred ninety-
eight, relating to the division of environmental protection
(underground storage tank insurance trust fund, 33CSR32) are
authorized.

§64-3-2. Environmental quality board.

The legislative rule filed in the state register on the third
day of August, one thousand nine hundred ninety-eight,
authorized under the authority of section four, article three,
chapter twenty-two-b, of this code, relating to the environmen-
tal quality board (requirements governing water quality
standards, 46 CSR 1), is authorized until the thirtieth day of
October, 1999: Provided, That the environmental quality board
shall review, revise and propose, within this statutory deadline,
and in accordance with the provisions of chapter twenty-nine-a
of this code, emergency and legislative rules to address the
interpretive differences regarding the designation of category A
waters and analyze the need for distance prohibitors for the
policies of public drinking water intake, with the amendments
set forth below:

On page fourteen, subsection 7.2.b., by following the words
“contrary provision,” by striking the word “numeric”;

And, on page twenty, by striking-out all of subsection 8.5..

On page 14, at the end of paragraph 7.2.a.2 after the word
“headwaters.”)” by inserting the following:

“Until June 30, 2003, the one-half mile zone described in
this section shall not apply to the Ohio River main channel
(between Brown’s Island and the left descending bank) between
river mile points 61.0 and 63.5.”
That 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 disapproved this the 20th day of March, 1999.

Governor