

HB 2533

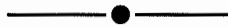
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OFFICE OF ASSISTANT CLERK
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

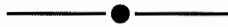
FIRST REGULAR SESSION, 1999



SECOND ENROLLMENT

Com. Sub. for House Bill No. 2533

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



Passed March 21, 1999

In Effect from Passage

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OFFICE OF THE CLERK
SECRETARY OF STATE

SECOND ENROLLMENT

COMMITTEE SUBSTITUTE

FOR

H. B. 2533

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

[Passed March 21, 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 ambient air quality standards for sulfur oxides and particulate matter; 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 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; 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.

1 (a) The legislative rule filed in the state register on the
2 thirty-first day of July, one thousand nine hundred ninety-eight,
3 authorized under the authority of section four, article five,
4 chapter twenty-two of this code, modified by the division of
5 environmental protection to meet the objections of the legisla-
6 tive rule-making review committee and refiled in the state
7 register on the fifth day of January, one thousand nine hundred
8 ninety-nine, relating to the division of environmental protection
9 (ambient air quality standards for carbon monoxide and ozone,
10 45 CSR 9), is authorized.

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

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

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

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

48 (f) The legislative rule filed in the state register on the
49 thirty-first day of July, one thousand nine hundred ninety-eight,
50 authorized under the authority of section four, article five,
51 chapter twenty-two of this code, modified by the division of
52 environmental protection to meet the objections of the legisla-
53 tive rule-making review committee and refiled in the state
54 register on the twenty-second day of January, one thousand nine
55 hundred ninety-nine, relating to the division of environmental
56 protection (ambient air quality standards for sulfur oxides and
57 particulate matter, 45 CSR 8), is authorized.

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

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

78 (i) The legislative rule filed in the state register on the
79 thirtieth day of July, one thousand nine hundred ninety-eight,
80 authorized under the authority of section three, article one,
81 chapter twenty-two of this code, modified by the division of
82 environmental protection to meet the objections of the legisla-
83 tive rule-making review committee and refiled in the state
84 register on the twenty-second day of January, one thousand nine
85 hundred ninety-nine, relating to the division of environmental
86 protection (surface mining and reclamation regulations, 38 CSR
87 2), is authorized.

88 (j) The legislative rule filed in the state register on the
89 thirty-first day of July, one thousand nine hundred ninety-eight,
90 authorized under the authority of section five, article fifteen,
91 chapter twenty-two of this code modified by the division of
92 environmental protection to meet the objections of the legisla-
93 tive rule-making review committee and refiled in the state
94 register on the seventh day of October, one thousand nine
95 hundred ninety-eight, relating to the division of environmental
96 protection (solid waste management, 33 CSR 1), is authorized.

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

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

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

123 (n) The legislative rule filed in the state register on the
124 thirty-first day of July, one thousand nine hundred ninety-eight,
125 authorized under the authority of section six, article one,
126 chapter twenty-two of this code, modified by the division of
127 environmental protection to meet the objections of the legisla-
128 tive rule-making review committee and refiled in the state
129 register on the twenty-second day of January, one thousand nine
130 hundred ninety-nine, relating to the division of environmental
131 protection (pollution prevention and compliance assistance rule,
132 47 CSR 3), is authorized.

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

143 (p) The legislative rules filed in the state register on the
144 seventh day of October, one thousand nine hundred ninety-

145 eight, relating to the division of environmental protection
146 (underground storage tank insurance trust fund, 33 CSR 32) are
147 authorized.

§64-3-2. Environmental quality board.

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

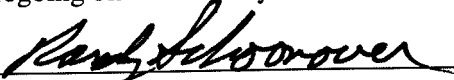
15 On page fourteen, subsection 7.2.b., by following the words
16 “contrary provision,” by striking the word “numeric”;

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

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

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

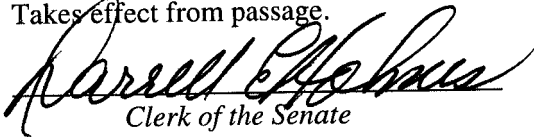
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

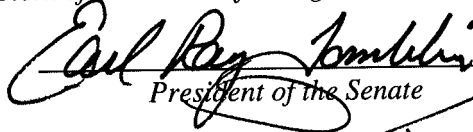

Chairman House Committee

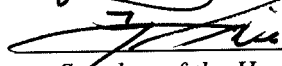
Originating in the House.

Takes effect from passage.

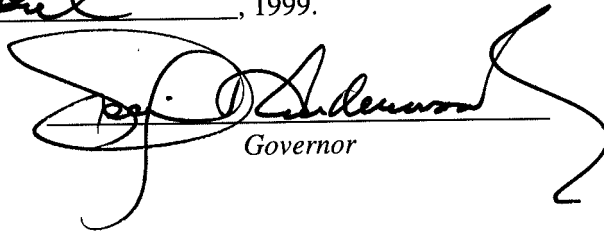

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 2nd
day of April, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 3:30 pm