

VETO HB 2533

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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



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COMMITTEE SUBSTITUTE
FOR

House Bill No. 2533

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



Passed March 13, 1999

In Effect from Passage

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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.

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 ruled 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 fifth day of January, one thousand nine hundred
55 ninety-nine, relating to the division of environmental protection
56 (requirements for determining conformity of transportation
57 plans, programs and projects developed, funded or approved
58 under title 23 U.S.C. or the federal transit laws to applicable air
59 quality implementation plans (transportation conformity), 45
60 CSR 36), is authorized.

61 (g) The legislative rule filed in the state register on the
62 thirty-first day of July, one thousand nine hundred ninety-eight,
63 authorized under the authority of section four, article five,
64 chapter twenty-two of this code, modified by the division of

65 environmental protection to meet the objections of the legisla-
66 tive rule-making review and refiled in the state register on the
67 fifth day of January, one thousand nine hundred ninety-nine,
68 relating to the division of environmental protection (emission
69 standards for hazardous air pollutants pursuant to 40 CFR Part
70 63, 45 CSR 34), is authorized.

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

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

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

100 (k) The legislative rule filed in the state register on the
101 thirty-first day of July, one thousand nine hundred ninety-eight,

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

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

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

126 (n) The legislative rule filed in the state register on the
127 thirty-first day of July, one thousand nine hundred ninety-eight,
128 authorized under the authority of section six, article one,
129 chapter twenty-two of this code, modified by the division of
130 environmental protection to meet the objections of the legisla-
131 tive rule-making review committee and refiled in the state
132 register on the twenty-second day of January, one thousand nine
133 hundred ninety-nine, relating to the division of environmental
134 protection (pollution prevention and compliance assistance rule,
135 47 CSR 3), is authorized.

136 (o) The legislative rule filed in the state register on the
137 thirty-first day of July, one thousand nine hundred ninety-eight,
138 authorized under the authority of section three, article two,

139 chapter twenty-two-c of this code, modified by the division of
140 environmental protection to meet the objections of the legisla-
141 tive rule-making review committee and refiled in the state
142 register on the second day of November, one thousand nine
143 hundred ninety-eight, relating to the division of environmental
144 protection (state water pollution control revolving fund pro-
145 gram, 47 CSR 31), is authorized.

146 (p) The legislative rules filed in the state register on the
147 seventh day of October, one thousand nine hundred ninety-
148 eight, relating to the division of environmental protection
149 (underground storage tank insurance trust fund, 33CSR32) are
150 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”;

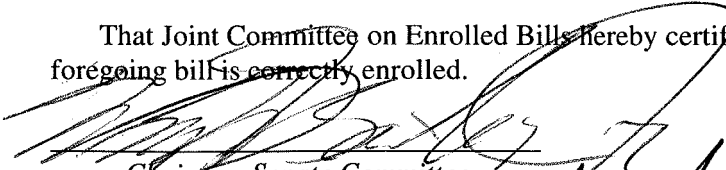
17 And, on page twenty, by striking-out all of subsection 8.5..

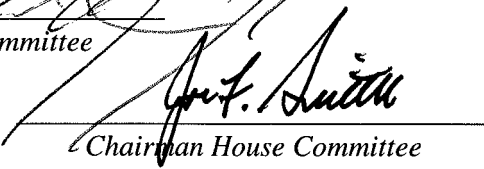
18 On page 14, at the end of paragraph 7.2.a.2 after the word
19 “headwaters.” by inserting the following:

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.”

Enr. Com. Sub. for H. B. 2533] 8

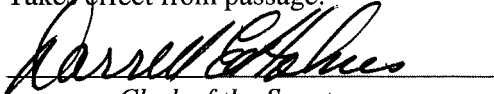
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

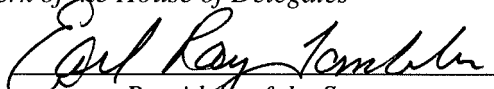

Chairman House Committee

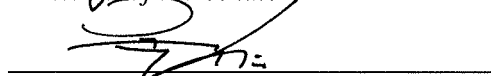
Originating in the House.

Takes effect from passage.

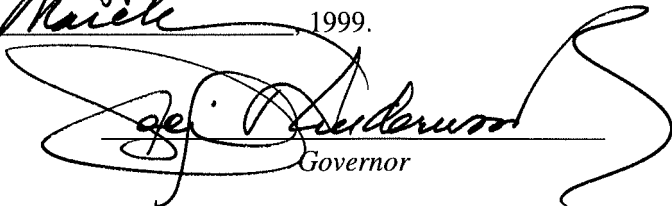

Clerk of the Senate


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

PRESENTED TO THE

GOVERNOR

Date 3/19/99

Time 3:01pm