

FILED

2005 MAY -3 P 4: 06

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 2723**

(By Delegates Mahan, Palumbo,  
Cann, Pino, Armstead and Overington)



Passed April 8, 2005

In Effect from Passage

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**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 2723**

(BY DELEGATES MAHAN, PALUMBO,  
CANN, PINO, ARMSTEAD AND OVERINGTON)

[Passed April 8, 2005; in effect from passage.]

AN ACT to amend and reenact article three, chapter sixty-four of the Code of West Virginia, 1931, 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 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 certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recom-

mended by the legislative rule-making review committee and as amended by the legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for the construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants pursuant to 40 CFR Part 61; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for the construction and major modification of major stationary sources of air pollution which cause or contribute to nonattainment; authorizing the Department 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 Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants for source categories pursuant to 40 CFR Part 63; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground storage tank fee assessments; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to surface mining blasting; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the national pollutant discharge elimination system (NPDES) program; and authorizing the Environmental Quality Board to promulgate a legislative rule relating to requirements governing water quality standards.

*Be it enacted by the Legislature of West Virginia:*

That article Three, chapter Sixty-four of the code of West Virginia, 1931, 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 twenty-fifth day of August, two thousand four, under the  
3 authority of section four, article five, chapter twenty-two, of  
4 this code, relating to the Department of Environmental Protec-  
5 tion (permits for construction and major modification of major  
6 stationary sources of air pollution for the prevention of signifi-  
7 cant deterioration, 45 CSR 14), is authorized.

8 (b) The legislative rule filed in the state register on the  
9 twenty-fifth day of August, two thousand four, under the  
10 authority of section four, article five, chapter twenty-two, of  
11 this code, relating to the Department of Environmental Protec-  
12 tion (emission standards for hazardous air pollutants pursuant  
13 to 40 CFR Part 61, 45 CSR 15), is authorized.

14 (c) The legislative rule filed in the state register on the  
15 twenty-fifth day of August, two thousand four, under the  
16 authority of section four, article five, chapter twenty-two, of  
17 this code, relating to the Department of Environmental Protec-  
18 tion (standards of performance for new stationary sources, 45  
19 CSR 16), is authorized.

20 (d) The legislative rule filed in the state register on the  
21 twenty-fifth day of August, two thousand four, under the  
22 authority of section four, article five, chapter twenty-two, of  
23 this code, relating to the Department of Environmental Protec-

24 tion (permits for the construction and major modification of  
25 major stationary sources of air pollution which cause or  
26 contribute to nonattainment, 45 CSR 19), is authorized.

27 (e) The legislative rule filed in the state register on the  
28 twenty-fifth day of August, two thousand four, under the  
29 authority of section four, article five, chapter twenty-two, of  
30 this code, relating to the Department of Environmental Protec-  
31 tion (to prevent and control air pollution from hazardous waste  
32 treatment, storage or disposal facilities, 45 CSR 25), is autho-  
33 rized.

34 (f) The legislative rule filed in the state register on the  
35 twenty-fifth day of August, two thousand four, under the  
36 authority of section four, article five, chapter twenty-two, of  
37 this code, relating to the Department of Environmental Protec-  
38 tion (emission standards for hazardous air pollutants for source  
39 categories pursuant to 40 CFR Part 63, 45 CSR 34), is autho-  
40 rized.

41 (g) The legislative rule filed in the state register on the  
42 twenty-seventh day of August, two thousand four, under the  
43 authority of section four, article three-a, chapter twenty-two, of  
44 this code, relating to the Department of Environmental Protec-  
45 tion (West Virginia surface mining reclamation, 38 CSR 2), is  
46 authorized.

47 (h) The legislative rule filed in the state register on the  
48 fifteenth day of June, two thousand four, under the authority of  
49 section twenty, article seventeen, chapter twenty-two, of this  
50 code, relating to the Department of Environmental Protection  
51 (underground storage tank fee assessments, 33 CSR 31), is  
52 authorized.

53 (i) The legislative rule filed in the state register on the  
54 twenty-seventh day of August, two thousand four, under the  
55 authority of section four, article three-a, chapter twenty-two, of

56 this code, modified by the Department of Environmental  
57 Protection to meet the objections of the legislative rule-making  
58 review committee and refiled in the state register on the tenth  
59 day of December, two thousand four, relating to the Department  
60 of Environmental Protection (surface mining blasting, 199 CSR  
61 1), is authorized.

62 (j) The legislative rule filed in the state register on the  
63 twenty-seventh day of August, two thousand four, under the  
64 authority of section six, article eighteen, chapter twenty-two, of  
65 this code, modified by the Department of Environmental  
66 Protection to meet the objections of the legislative rule-making  
67 review committee and refiled in the state register on the twenty-  
68 ninth day of December, two thousand four, relating to the  
69 Department of Environmental Protection (hazardous waste  
70 management, 33 CSR 20), is authorized.

71 (k) The legislative rule filed in the state register on the  
72 twenty-seventh day of August, two thousand four, under the  
73 authority of section four, article eleven, chapter twenty-two, of  
74 this code, modified by the Department of Environmental  
75 Protection to meet the objections of the legislative rule-making  
76 review committee and refiled in the state register on the  
77 sixteenth day of February, two thousand five, relating to the  
78 Department of Environmental Protection (national pollutant  
79 discharge elimination system(NPDES) Program, 47 CSR 10),  
80 is authorized.

### **§64-3-2. Environmental Quality Board.**

1 The legislative rule filed in the state register on the twenty-  
2 ninth day of September, two thousand four, under the authority  
3 of section four, article three, chapter twenty-two-b, of this code,  
4 modified by the Environmental Quality Board to meet the  
5 objections of the legislative rule-making review committee and  
6 refiled in the state register on the ninth day of February, two

7 thousand five, relating to the Environmental Quality Board  
8 (requirements governing water quality standards, 46 CSR 1), is  
9 authorized with the following amendment:

10 “On page six of the rule by deleting subsection 4.1.c.2. in  
11 its entirety.”

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

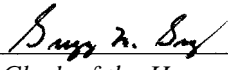
  
Chairman Senate Committee

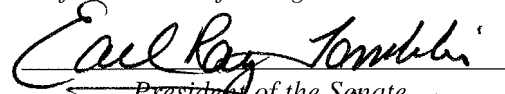
  
Chairman House Committee

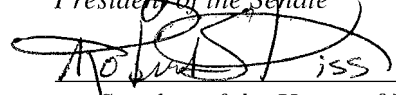
Originating in the House.

In 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 is appended this the 3rd  
day of May, 2005.

  
Governor



PRESENTED TO THE  
GOVERNOR

APR 22 2005

Time 2:05 pm