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
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 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.

(a) The legislative rule filed in the state register on the twenty-fifth day of August, two thousand four, under the authority of section four, article five, chapter twenty-two, of this code, relating to the Department of Environmental Protection (permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration, 45 CSR 14), is authorized.

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

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

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

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

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

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

(i) The legislative rule filed in the state register on the twenty-seventh day of August, two thousand four, under the authority of section four, article three-a, chapter twenty-two, of
this code, modified by the Department of Environmental Protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the tenth day of December, two thousand four, relating to the Department of Environmental Protection (surface mining blasting, 199 CSR 1), is authorized.

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

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

§64-3-2. Environmental Quality Board.

The legislative rule filed in the state register on the twenty-ninth day of September, two thousand four, under the authority of section four, article three, chapter twenty-two-b, of this code, modified by the Environmental Quality Board to meet the objections of the legislative rule-making review committee and refiled in the state register on the ninth day of February, two
thousand five, relating to the Environmental Quality Board (requirements governing water quality standards, 46 CSR 1), is authorized with the following amendment:

"On page six of the rule by deleting subsection 4.1.c.2. in 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 approved this the 3rd day of May, 2005.