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WEST VIRGINIA LEGISLATURE

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SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 153

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND FACEMYER, *original sponsor*)

[Passed April 8, 2009; in effect from passage.]

SB 153

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 153

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND FACEMYER, *original sponsors*)

[Passed April 8, 2009; in effect from passage.]

AN ACT to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules; 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 rule with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; repealing certain legislative rules; 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 hazardous waste management systems; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the assessment of civil administrative penalties; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management fee; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to surface mining reclamation; authorizing the Department of Environmental Protection to repeal a legislative rule relating to the control and reduction of nitrogen oxides from nonelectric-generating units as a means of mitigate transport of ozone precursors; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, administrative updates, temporary permits, general permits, permission to commence construction and procedures for evaluation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for 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 the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to repeal a legislative rule relating to the Nox budget trading program as a means of control and reduction of nitrogen oxides from electric-generating units; authorizing the Department of Environmental Protection

to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to a mercury budget training program to reduce mercury emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES rules for coal mining facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the State Water Pollution Control Revolving Fund; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to environmental laboratories' certification and standards of performance; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to dam safety; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the assessment of civil administrative penalties; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

Be it enacted by the Legislature of West Virginia:

That article 3, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PROMULGATE LEGISLATIVE RULES.

§64-3-1. Department of Environmental Protection.

1 (a) The legislative rule filed in the State Register on
2 August 28, 2008, authorized under the authority of section
3 four, article five, chapter twenty-two of this code, relating
4 to the Department of Environmental Protection (standards
5 of performance for new stationary sources, 45 CSR 16), is
6 authorized.

7 (b) The legislative rule filed in the State Register on
8 August 29, 2008, authorized under the authority of section
9 six, article eighteen, chapter twenty-two of this code,
10 modified by the Department of Environmental Protection
11 to meet the objections of the legislative rule-making
12 review committee and refiled in the State Register on
13 October 24, 2008, relating to the Department of Environ-
14 mental Protection (hazardous waste management systems,
15 33 CSR 20), is authorized.

16 (c) The legislative rule filed in the State Register on
17 August 28, 2008, authorized under the authority of section
18 fifteen, article fifteen, chapter twenty-two of this code,
19 modified by the Department of Environmental Protection
20 to meet the objections of the legislative rule-making
21 review committee and refiled in the State Register on
22 November 21, 2008, relating to the Department of Envi-
23 ronmental Protection (assessment of civil administrative
24 penalties, 33 CSR 22), is authorized.

25 (d) The legislative rule filed in the State Register on
26 August 26, 2008, authorized under the authority of section
27 twenty-two, article eighteen, chapter twenty-two of this
28 code, modified by the Department of Environmental
29 Protection to meet the objections of the legislative rule-
30 making review committee and refiled in the State Register
31 on October 24, 2008, relating to the Department of Envi-
32 ronmental Protection (hazardous waste management fee,
33 33 CSR 24), is authorized.

34 (e) The legislative rule filed in the State Register on
35 August 29, 2008, authorized under the authority of section
36 four, article three, chapter twenty-two of this code,
37 modified by the Department of Environmental Protection
38 to meet the objections of the legislative rule-making
39 review committee and refiled in the State Register on
40 February 17, 2009, relating to the Department of Environ-

41 mental Protection (surface mining reclamation, 38 CSR 2),
42 is authorized.

43 (f) The legislative rule filed in the State Register on
44 August 29, 2008, authorized under the authority of section
45 four, article five, chapter twenty-two of this code, relating
46 to the Department of Environmental Protection (control
47 and reduction of nitrogen oxides from nonelectric-gener-
48 ating units as a means of mitigate transport of ozone
49 precursors, 45 CSR 1), is authorized.

50 (g) The legislative rule filed in the State Register on
51 August 29, 2008, authorized under the authority of section
52 four, article five, chapter twenty-two of this code, modi-
53 fied by the Department of Environmental Protection to
54 meet the objections of the legislative rule-making review
55 committee and refiled in the State Register on November
56 21, 2008, relating to the Department of Environmental
57 Protection (ambient air quality standards, 45 CSR 8), is
58 authorized.

59 (h) The legislative rule filed in the State Register on
60 August 29, 2008, authorized under the authority of section
61 four, article five, chapter twenty-two of this code, relating
62 to the Department of Environmental Protection (permits
63 for construction, modification, relocation and operation of
64 stationary sources of air pollutants, notification require-
65 ments, administrative updates, temporary permits, general
66 permits, permission to commence construction and
67 procedures for evaluation, 45 CSR 13), is authorized.

68 (i) The legislative rule filed in the State Register on
69 August 29, 2008, authorized under the authority of section
70 four, article five, chapter twenty-two of this code, modi-
71 fied by the Department of Environmental Protection to
72 meet the objections of the legislative rule-making review
73 committee and refiled in the State Register on January 16,
74 2009, relating to the Department of Environmental
75 Protection (permits for construction and major modifica-

76 tion of major stationary sources of air pollution for the
77 prevention of significant deterioration, 45 CSR 14), is
78 authorized.

79 (j) The legislative rule filed in the State Register on
80 August 29, 2008, authorized under the authority of section
81 four, article five, chapter twenty-two of this code, relating
82 to the Department of Environmental Protection (control of
83 air pollution from hazardous waste treatment, storage and
84 disposal facilities, 45 CSR 25), is authorized.

85 (k) The legislative rule filed in the State Register on
86 August 29, 2008, authorized under the authority of section
87 four, article five, chapter twenty-two of this code, relating
88 to the Department of Environmental Protection (Nox
89 budget trading program as a means of control and reduc-
90 tion of nitrogen oxides from electric-generating units, 45
91 CSR 26), is authorized.

92 (l) The legislative rule filed in the State Register on
93 August 29, 2008, authorized under the authority of section
94 four, article five, chapter twenty-two of this code, relating
95 to the Department of Environmental Protection (emission
96 standards for hazardous air pollutants, 45 CSR 34), is
97 authorized.

98 (m) The legislative rule filed in the State Register on
99 August 29, 2008, authorized under the authority of section
100 four, article five, chapter twenty-two of this code, relating
101 to the Department of Environmental Protection (mercury
102 budget training program to reduce mercury emissions, 45
103 CSR 37), is authorized.

104 (n) The legislative rule filed in the State Register on
105 August 28, 2008, authorized under the authority of section
106 four, article eleven, chapter twenty-two of this code,
107 modified by the Department of Environmental Protection
108 to meet the objections of the legislative rule-making
109 review committee and refiled in the State Register on

110 February 17, 2009, relating to the Department of Environ-
111 mental Protection (WV/NPDES rules for coal mining
112 facilities, 47 CSR 30), is authorized.

113 (o) The legislative rule filed in the State Register on
114 August 28, 2008, authorized under the authority of section
115 three, article two, chapter twenty-two-c of this code,
116 relating to the Department of Environmental Protection
117 (state water pollution control revolving fund, 47 CSR 31),
118 is authorized.

119 (p) The legislative rule filed in the State Register on
120 August 28, 2008, authorized under the authority of section
121 fifteen, article one, chapter twenty-two of this code,
122 modified by the Department of Environmental Protection
123 to meet the objections of the legislative rule-making
124 review committee and refiled in the State Register on
125 December 12, 2008, relating to the Department of Envi-
126 ronmental Protection (environmental laboratories certifi-
127 cation and standards of performance, 47 CSR 32), is
128 authorized.

129 (q) The legislative rule filed in the State Register on
130 August 28, 2008, authorized under the authority of section
131 six, article eighteen, chapter twenty-two of this code,
132 modified by the Department of Environmental Protection
133 to meet the objections of the legislative rule-making
134 review committee and refiled in the State Register on
135 January 22, 2009, relating to the Department of Environ-
136 mental Protection (dam safety, 47 CSR 34), is authorized.

137 (r) The legislative rule filed in the State Register on
138 August 28, 2008, authorized under the authority of section
139 ten, article twelve, chapter twenty-two of this code,
140 modified by the Department of Environmental Protection
141 to meet the objections of the legislative rule-making
142 review committee and refiled in the State Register on
143 November 21, 2008, relating to the Department of Envi-

Enr. Com. Sub. for S. B. No. 153] 8

144 ronmental Protection (assessment of civil administrative
145 penalties, 47 CSR 56), is authorized.

146 (s) The legislative rule filed in the State Register on
147 August 25, 2008, authorized under the authority of section
148 three, article twenty-two, chapter twenty-two of this code,
149 relating to the Department of Environmental Protection
150 (voluntary remediation and redevelopment, 60 CSR 3), is
151 authorized.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within *is appended* this the *30th*
Day of *April*, 2009.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 27 2009

Time 2:15 pm