WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

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.]
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.
(b) The legislative rule filed in the State Register on August 29, 2008, authorized 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 October 24, 2008, relating to the Department of Environmental Protection (hazardous waste management systems, 33 CSR 20), is authorized.

(c) The legislative rule filed in the State Register on August 28, 2008, authorized under the authority of section fifteen, article fifteen, 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 November 21, 2008, relating to the Department of Environmental Protection (assessment of civil administrative penalties, 33 CSR 22), is authorized.

(d) The legislative rule filed in the State Register on August 26, 2008, authorized under the authority of section twenty-two, 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 October 24, 2008, relating to the Department of Environmental Protection (hazardous waste management fee, 33 CSR 24), is authorized.

(e) The legislative rule filed in the State Register on August 29, 2008, authorized under the authority of section four, article three, 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 February 17, 2009, relating to the Department of Environ-
mental Protection (surface mining reclamation, 38 CSR 2), is authorized.

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

(g) The legislative rule filed in the State Register on August 29, 2008, authorized under the authority of section four, article five, 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 November 21, 2008, relating to the Department of Environmental Protection (ambient air quality standards, 45 CSR 8), is authorized.

(h) The legislative rule filed in the State Register on August 29, 2008, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the Department of Environmental Protection (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, 45 CSR 13), is authorized.

(i) The legislative rule filed in the State Register on August 29, 2008, authorized under the authority of section four, article five, 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 January 16, 2009, relating to the Department of Environmental Protection (permits for construction and major modifica-
tion of major stationary sources of air pollution for the prevention of significant deterioration, 45 CSR 14), is authorized.

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

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

(l) The legislative rule filed in the State Register on August 29, 2008, authorized 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, 45 CSR 34), is authorized.

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

(n) The legislative rule filed in the State Register on August 28, 2008, authorized 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
February 17, 2009, relating to the Department of Environmental Protection (WV/NPDES rules for coal mining facilities, 47 CSR 30), is authorized.

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

(p) The legislative rule filed in the State Register on August 28, 2008, authorized under the authority of section fifteen, article one, 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 December 12, 2008, relating to the Department of Environmental Protection (environmental laboratories certification and standards of performance, 47 CSR 32), is authorized.

(q) The legislative rule filed in the State Register on August 28, 2008, authorized 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 January 22, 2009, relating to the Department of Environmental Protection (dam safety, 47 CSR 34), is authorized.

(r) The legislative rule filed in the State Register on August 28, 2008, authorized under the authority of section ten, article twelve, 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 November 21, 2008, relating to the Department of Environ

144 Environmental 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR

APR 27 2009

Time 2:18 pm