Enrolled Committee Substitute
for
Senate Bill 163

Senator Maynard, original sponsor

[Passed March 5, 2019; in effect from passage]
Enrolled
Committee Substitute for
Senate Bill 163

Senator Maynard, original sponsor

[Passed March 5, 2019; in effect from passage]
AN ACT to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing agencies under the Department of Environmental Protection to promulgate rules; authorizing the rules as filed, as modified 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 emission standards for hazardous air pollutants; 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 standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities; authorizing the Department 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 Department of Environmental Protection to promulgate a legislative rule relating to provisions for determination of compliance with air quality management rules; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PROMULGATE LEGISLATIVE RULES.
§64-3-1. Department of Environmental Protection.

(a) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission standards for hazardous air pollutants, 45 CSR 34), is authorized.

(b) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient air quality standards, 45 CSR 8), is authorized.

(c) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 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 July 24, 2018, authorized under the authority of §22-5-4 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.

(e) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (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), 45 CSR 36), is authorized.

(f) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (provisions for determination of compliance with air quality management rules, 45 CSR 38), is authorized.

(g) The legislative rule filed in the State Register on July 24, 2018, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (cross-
state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions, 45 CSR 43), is authorized.

(h) The legislative rule filed in the State Register on July 27, 2018, authorized under the authority of §22-11-4 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 10, 2018, relating to the Department of Environmental Protection (requirements governing water quality standards, 47 CSR 2), is authorized with the following amendment:

On page 18, after subdivision 8.5.a., by adding a new subdivision 8.6. to read as follows:

"8.6. On or before April 1, 2020, the Secretary shall propose updates to the numeric human health criteria found in Appendix E., subsection 8.23. Organics and subsection 8.25 Phenolic Materials to be presented to the 2021 Legislative Session. The Secretary shall allow for submission of proposed human health criteria until October 1, 2019, and for public comment and agency review for an appropriate time thereafter."
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 of the House of Delegates

The within .............. this the .......... Day of .......... , 2019.

Governor
PRESENTED TO THE GOVERNOR

MAY 20, 2019

Time 3:55 P.M.