



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Joseph Minard, Cochair
Delegate Virginia Mahan, Cochair
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May 16, 2005

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Betty Ireland, Secretary of State, State Register

TO: John A. Benedict, Director
DEP - Division of Air Quality
601 57th Street, S.E.
Charleston, WV 25304

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Nox Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides from Non-Electric Generating Units as a Means of Mitigate Transport of Ozone Precursors, 45CSR1

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule:
 - (a) as originally filed
 - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislature rule be withdrawn; a statement of reasons for such recommendation is attached.

FILED
2005 MAY 18 A 8:51
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA