



FILED

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

2003 OCT 23 AM 10:53

Senator Mike Ross, Cochair
Delegate Virginia Mahan, Cochair
Debra A. Graham, Counsel
Joseph A. Altizer, Associate Counsel

OFFICE WEST VIRGINIA
SECRETARY OF STATE
Rita A. Pauley, Associate Counsel
Connie A. Bowling, Associate Counsel
Daniel E. Kimble, Associate Counsel
Teri Anderson, Administrative Assistant

October 23, 2003

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

TO: Joe Manchin, Secretary of State, State Register

TO: John Benedict
DEP-Air Quality, Office of
7012 MacCorkle Ave, S.E.
Charleston, WV 25304

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60, 45CSR16**

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 Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.