



FILED

WEST VIRGINIA LEGISLATURE 2009 FEB 18 AM 10:34
Legislative Rule-Making Review Committee

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Delegate Bonnie Brown, Cochair
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Charles Roskovensky, Associate Counsel
Jay Lazell, Associate Counsel

February 10, 2009

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 - Air Quality
601 - 57th Street, SE
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 Electric Generating Units,
45CSR26

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 Recommends that the Legislature rule be withdrawn; a statement of reasons for such recommendation is attached.