



WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Patricia Rucker, Co-Chair

Delegate Jonathan Kyle, Co-Chair

Jennifer McPherson, Director

October 13, 2026

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

To: Kris Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers, 45-02

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 the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ☐
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ☐
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ☐
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ☐

FILED
2026 OCT 13 P 2:25
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE