



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 Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations
and Coal Refuse Disposal Areas, 45-05

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

1. Authorize the agency to promulgate the Legislative rule:

(A) as originally filed

X

(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 Recommends that the Legislative rule be withdrawn; a statement of reasons for the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