WEST VIRGINIA CODE: §16-27B-16

§16-27B-16. Administrative procedure and judicial review.

(a) In any proceeding for the denial of an application for license or for revocation, suspension, or modification or a license, the department shall provide to the applicant or licensee an opportunity for a hearing on the record.

(b) Whenever the department finds that an emergency exists requiring immediate action to protect the environment and the public health and safety, the department may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provision of this article, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the department shall be afforded a hearing within five business days. On the basis of such hearing, the emergency regulation or order shall be continued, modified, or revoked within 30 days after such hearing.

(c) Any final department action or order entered in any proceeding under subsections (a) or (b) of this section shall be subject to appeal to the Board of Review, set forth in §16B-2-2 of this code, within 30 days after receipt of written notice of a final action or order. The provisions of §29A-5-1 *et seq*. of this code shall apply to such appeals.

WV Legislature