

## WEST VIRGINIA CODE: §22-23A-2

### **§22-23A-2. Requiring Department of Environmental Protection to refrain from implementing or adopting rules or making certain commitments absent legislative approval; reporting required.**

- (a) The Division of Environmental Protection may not enter into any legally enforceable commitments related to the implementation of any recommendation which results from the mountaintop mining/valley fill environmental impact statement with any agency of the federal government unless the terms of the commitment are reported to the Legislature.
- (b) The Division of Environmental Protection may not adopt or modify any rule, in whole or in part, to implement a recommendation resulting from the mountaintop mining/valley fill environmental impact statement except by legislative rule promulgated pursuant to article three, chapter twenty-nine-a of this code.
- (c) Within ninety days of receipt of any final recommendation from any agency of the federal government related to the mountaintop mining/valley fill environmental impact statement, the director of the West Virginia Division of Environmental Protection shall forward such recommendation, embodied in a report, along with all scientific facts or technical evidence relating to and substantiating such recommendation, to the Governor, President of the Senate and the Speaker of the House of Delegates.