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.

WV Legislature