WEST VIRGINIA CODE: §5B-2N-3

§5B-2N-3. Identification of suitable sites for coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation projects.

(a) The Director of the Office of Energy is authorized and directed to identify economically viable sites within the state that are:

(1) Located near a convenient and sufficient supply of coal, geothermal, hydrogen, hydropower, natural gas, or nuclear energy; and

(2) Likely to create economically viable coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation projects that provide economic benefits to the local and state governmental units and the citizens of the state; and

(3) Optimally located to provide a convenient supply of the generated electricity to consumers; and

(b) The Director of the Office of Energy shall use the following criteria in identifying economically viable sites for electric generation projects:

(1) Geographic locations near coal deposits, geothermal resources, hydrogen projects, hydropower resources, producing natural gas wells, or pipelines carrying natural gas or hydrogen produced in the state, or nuclear electric generation facilities, capable of supplying and sustaining one or more electric generation facilities for the economic life of the facilities;

(2) Geographic locations near existing electric transmission infrastructure capable of transmitting the generated electricity to wholesale markets by one or more coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation facilities for the economic life of the facilities;

(3) Geographic locations that fulfill the air quality conditions imposed by the Division of Air Quality of the West Virginia Department of Environmental Protection the electric generation facilities; and

(4) Geographic locations that can demonstrate that allowable emission increases from one or more generation facilities, in conjunction with all other applicable emission increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(A) Any national or West Virginia ambient air quality standard in any air quality control region; or

(B) Any applicable maximum allowable increase over the baseline concentration in any area.

WV Legislature