## **WEST VIRGINIA CODE: §5D-1-5C**

## §5D-1-5c. Approval of decommissioning or deconstructing an existing power plant.

- (a) No existing coal, oil, or natural gas fueled power plant shall undertake any decommissioning or deconstructing activities prior to obtaining approval from the authority: *Provided*, That such approval may not be unreasonably withheld.
- (b) The authority may approve the decommissioning or deconstructing of an existing coal, oil, or natural gas fueled power plant upon the submission of a petition containing, at a minimum, the following information:
- (1) An analysis by an authority approved third party that evaluates the social, environmental, and economic impact at a local and statewide level of such decommissioning and deconstruction; and
- (2) Potential alternatives to the decommissioning and deconstruction, including the reconstruction that make use of other technologies, including novel technologies and green technologies as alternative fuel sources.
- (c) The authority shall propose rules for legislative approval and promulgate emergency rules in accordance with the provisions of §29A-3-1 *et seq*. of this code to implement this section, including exempting power plants that have been non-producing for at least five years prior to the effective date of this section.