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.

WV Legislature