

WEST VIRGINIA CODE: §64-3-2

§64-3-2. Department of Environmental Protection - Secretary's Office.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §22-32-7 of this code, relating to the Department of Environmental Protection - Secretary's Office (reclamation of solar and wind electricity generating facilities, 60 CSR 11), is authorized with the following amendments:

On page 5, subparagraph 4.1.d.iii after the word, 'slabs' by inserting the words "to a minimum depth of 36 inches below the surface";

On page 5, subsection 4.4 after the word "receipt" by adding the following:

"The department shall only deny an alternative decommissioning agreement if they determine that it will not result in the restoration of the property to a condition in which it can be used towards the same or a similar use as its use prior to the onset of the alternative decommissioning agreement.";

And,

On page 7, by striking out subdivision 6.2.a and inserting in lieu thereof subdivision 6.2.a to read as follows:

"6.2.a. Estimated costs of decommissioning and salvage value as submitted by the owner in the decommissioning plan and in accordance with these rules with such costs estimated by the department using current machinery production handbooks and publications or other documented or substantiated cost estimates acceptable to the department."