

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Engrossed

Senate Bill 609

BY SENATORS SMITH, AZINGER, BOLEY, PHILLIPS,

SWOPE, AND TAYLOR

[Introduced February 13, 2023; referred
to the Committee on Energy, Industry, and Mining]

1 A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5D-1-5c, relating to the approval of decommissioning or deconstructing an
3 existing power plant; providing for rule-making authority; and exempting certain power
4 plants from approval requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PUBLIC ENERGY AUTHORITY OF THE STATE OF WEST VIRGINIA.

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

1 (a) No existing power plant shall undertake any decommissioning or deconstructing
2 activities prior to obtaining approval from the authority.

3 (b) The authority may approve the decommissioning or deconstructing of an existing
4 power plant upon the submission of a petition containing, at a minimum, the following
5 information:

6 (1) An analysis by an authority approved third party that evaluates the social,
7 environmental, and economic impact at a local and statewide level of such decommissioning
8 and deconstruction; and

9 (2) Potential alternatives to the decommissioning and deconstruction, including the
10 reconstruction that make use of other technologies, including novel technologies and green
11 technologies as alternative fuel sources.

12 (c) The authority shall propose rules for legislative approval and promulgate emergency
13 rules in accordance with the provisions of §29A-3-1 et seq. of this code to implement this
14 section, including exempting power plants that have been non-producing for at least five years
15 prior to the effective date of this section.