

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **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.

*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 information:

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

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

11 (c) The authority shall propose rules for legislative approval in accordance with the  
12 provisions of §29A-3-1 et seq. of this code to implement this section.