

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4194**

**FISCAL  
NOTE**

By Delegate Hansen

[Introduced January 14, 2026; referred to the

Committee on Energy and Public Works]

1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new  
2 section, designated §22-5-21, relating to community air monitoring programs; establishing  
3 the right of individuals to know in real-time about their exposures to pollutants; permitting  
4 the West Virginia Department of Environmental Protection to install and monitor air quality  
5 using fenceline monitors near facilities that emit air pollution; providing technical  
6 assistance to individuals and groups that wish to monitor the air quality in their  
7 communities; encouraging the Department of Environmental Protection to use the  
8 collected data; permitting individuals to submit the data collected regarding air pollution to  
9 the secretary; and enabling the secretary to follow up on any data found from fenceline air  
10 quality monitoring.

*Be it enacted by the Legislature of West Virginia:*

<b>ARTICLE</b>	<b>5.</b>	<b>AIR</b>	<b>POLLUTION</b>	<b>CONTROL.</b>
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<b><u>§22-5-21.</u></b>	<b><u>Community</u></b>	<b><u>air</u></b>	<b><u>monitoring</u></b>	<b><u>programs.</u></b>
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1 (a) The Legislature finds that:

2 (1) West Virginia communities located downwind from facilities that emit air pollution may  
3 be disproportionately affected by air pollution;

4 (2) People in West Virginia communities have a right to know about exposures to air  
5 pollution in real time;

6 (3) Air pollution resulting from facilities permitted under this article may have negative  
7 health impacts;

8 (4) Real-time air monitoring, including both fenceline monitoring and community air  
9 monitoring systems, can provide valuable air quality data, including identifying changes in air  
10 pollution levels over time;

11 (5) Fenceline monitoring documents pollution levels close to emission sources and is  
12 useful for detecting or estimating leaks, the quantity of fugitive emissions, and other air emissions  
13 from a certain facility, while community air monitoring documents pollution levels in downwind

14 communities and is useful for documenting unhealthy levels of air pollution where people live,  
15 work, go to school, and participate in outdoor recreation;

16 (6) While fenceline monitoring may already be required by air pollution permits issued  
17 pursuant to this article, community air monitoring is not required;

18 (7) It is in the public interest for community air monitoring to be conducted in communities  
19 downwind from facilities that emit air pollution so that air pollution data is collected not just at  
20 fencelines, but also where West Virginians live, work, go to school, and participate in outdoor  
21 recreation; and

22 (8) It is in the public interest for the West Virginia Department of Environmental Protection  
23 to consider community air monitoring data, consistent with state and federal law.

24 (b) Community air monitoring programs are measurement systems, testing equipment,  
25 tools, and processes used or developed for the purpose of collecting ambient air data: *Provided,*  
26 That community air monitoring data programs do not include such systems, testing equipment,  
27 tools, or processes that are used or operated by the secretary, the United States Environmental  
28 Protection Agency, or a stationary source, or that are required by a permit issued pursuant to this  
29 article.

30 (c) The secretary shall encourage and facilitate the establishment of community air  
31 monitoring programs in communities downwind from facilities that emit air pollution by:

32 (1) Providing technical support to organizations and individuals wishing to establish a  
33 community air monitoring program; and

34 (2) Providing funding to organizations and individuals wishing to establish a community air  
35 monitoring program, should sufficient funding be available.

36 (d) Any person may submit community air monitoring data to the secretary, and the  
37 secretary shall accept and evaluate the submitted data. When evaluating such data, the secretary  
38 shall consider all of the following: Evidence that the monitoring equipment was installed, operated,  
39 and maintained, and that all samples were managed and analyzed, in accordance with the

40 manufacturer's guidance and all applicable state and federal quality control guidance and rules; all  
41 results of monitoring generated by each device; type of monitoring device, including model  
42 number, on which the results were obtained; location of monitors when results were obtained, and  
43 how long at that location; the device's error range; dates and times results were recorded; device  
44 calibration history; name of the laboratory, if any, at which results were determined and reported;  
45 name(s) and identifying information of device operator(s); and any other information the secretary  
46 determines relevant and proper. Upon request, each device that generated the qualifying  
47 community air monitoring data shall be provided to the secretary for evaluation.

48 (e) Based on the secretary's evaluation of submitted community air monitoring data, the  
49 secretary may initiate the collection of follow-up air monitoring data in the community. The follow-  
50 up air monitoring data may be collected by the West Virginia Department of Environmental  
51 Protection or other state or federal agencies or their contractors or by upwind facilities that hold or  
52 have applied for permits under this article.

NOTE: The purpose of this bill is to permit the West Virginia Department of Environmental Protection to install and monitor air quality using fenceline monitors near facilities that emit air pollution, provide technical assistance to individuals and groups that wish to monitor the air quality in their communities, encourage the Department of Environmental Protection to use the collected data; permit individuals to submit the data collected regarding air pollution to the secretary, and enable the secretary to follow up on any data found from fenceline air quality monitoring.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.