

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 262

BY Senator Rucker

[Introduced January 15, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to
2 authorizing the Department of Environmental Protection to promulgate a legislative rule
3 relating to cross-state air pollution to control annual nitrogen oxides emissions, annual
4 sulfur dioxide emissions, and ozone season nitrogen oxides emissions.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL
PORTECTION TO PROMULGATE LEGISLATIVE RULES.**

§64-3-1. Department of Environmental Protection.

1 The legislative rule filed in the State Register on July 23, 2025, authorized under the
2 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (cross-
3 state air pollution to control annual nitrogen oxides emissions, annual sulfur dioxide emissions,
4 and ozone season nitrogen oxides emissions, [45 CSR 43](#)), is authorized.

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution to control annual nitrogen oxides emissions, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions.

This section is new; therefore, strike-throughs and underscoring have been omitted.