

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4028**

BY Delegate Smith

[Introduced on January 10, 2024; Referred to  
Committee on Energy and Manufacturing then 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 control of particulate matter air pollution from the combustion of fuel in indirect  
4 heat exchangers.

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

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

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

1 The legislative rule filed in the State Register on July 28, 2023, authorized under the  
2 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet  
3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
4 on September 14, 2023, relating to the Department of Environmental Protection (control of  
5 particulate matter air pollution from the combustion of fuel in indirect heat exchangers, [45 CSR](#)  
6 [02](#)), is authorized.

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from the combustion of in indirect heat exchangers.

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