

# WEST VIRGINIA REGISTER

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| CHRONOLOGICAL INDEX, VOLUME XXXII ISSUE 6 | | | |
|---|---|---|---|
| **NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK** | | | |
| **AGENCY** | **RULE/TYPE** | **AUTHORITY** | **HEARING/COMMENT PERIOD/LOCATION** |
| Community and Technical College Education, WV Council for (135-25) | Residency Classification for Admission and Fee Purposes<br>Procedural | §§18B-10 and 18B-2B-6 | Written Comments Only<br>March 6, 2015, 12:00 pm<br>James L. Skidmore, Chancellor<br>WV Council for Comm. & Tech. College Education<br>1018 Kanawha Blvd, East, Suite 700<br>Charleston, WV 25301 |
| Water Resources, Div. of Water and Waste Mgmt. (47-64) | Aboveground Storage Tank Fee Assessments<br>Legislative | §§22-30-12 and 22-30-13 | Public Hearing:<br>March 10, 2015, 6:00 pm<br>WVDEP Headquarters<br>601 57th Street SE<br>Charleston, WV 25304<br>Written Comments:<br>march 10, 2015, 6:00 pm<br>WVDEP – PIO<br>AST Fee Rule Comments<br>601 57th Street SE<br>Charleston, WV 25304 |

| NO NEW EMERGENCY RULES WERE FILED THIS WEEK | | | | |
|---|---|---|---|---|
| **AGENCY** | **RULE/TYPE** | **AUTHORITY** | **EFFECTIVE DATE** | **DATE NOTICE FOR HEARING** |
| | | | | |

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## GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

| | | |
|---|---|---|
| Column | 1. | Agency Name, (Title and Series Number) |
| Column | 2. | Rule Title, Price and Type |
| Column | 3. | Date Notice of Public Hearing or Comment Period Filed |
| Column | 4. | Date of Public Hearing or Last Date Comments Will Be Received |
| Column | 5. | Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule) |
| Column | 6. | Date Agency Approved Legislative Rules Filed. |
| Column | 7. | Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee |
| Column | 8. | Legislative Action |
| Column | 9. | Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules |
| Column | 10. | Date Rule is Effective |

- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
- Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
- If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
- Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

## CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

| TITLE NUMBER | | NAME OF AGENCY |
|---|---|---|
| TITLE | 3 | BARBERS AND COSMETOLOGISTS |
| TITLE | 7 | PROFESSIONAL ENGINEERS |
| TITLE | 10 | LICENSED PRACTICAL NURSES |
| TITLE | 11 | MEDICINE |
| TITLE | 13 | OCCUPATIONAL THERAPY |
| TITLE | 14 | OPTOMETRY |
| TITLE | 15 | PHARMACY |
| TITLE | 16 | PHYSICAL THERAPY |
| TITLE | 17 | PSYCHOLOGISTS |
| TITLE | 20 | SANITARIANS |
| TITLE | 24 | OSTEOPATHY |
| TITLE | 25 | SOCIAL WORK EXAMINERS |
| TITLE | 26 | VETERINARY MEDICINE |
| TITLE | 27 | COUNSELING |
| TITLE | 29 | SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY |
| TITLE | 33 | OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47) |
| TITLE | 35 | OFFICE OF OIL AND GAS |
| TITLE | 36 | COAL MINE HEALTH & SAFETY |
| TITLE | 38 | MINING & RECLAMATION |
| TITLE | 42 | LABOR |
| TITLE | 45 | OFFICE OF AIR QUALITY |
| TITLE | 47 | OFFICE OF WATER RESOURCES |
| TITLE | 48 | MINES TRAINING EDUCATION & CERTIFICATION |
| TITLE | 56 | MINERS' HEALTH, SAFETY AND TRAINING |
| TITLE | 58 | NATURAL RESOURCES |
| TITLE | 60 | ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE |
| TITLE | 61 | AGRICULTURE |
| TITLE | 63 | CONSERVATION AGENCY |
| TITLE | 64 | HEALTH |
| TITLE | 65 | HEALTH CARE AUTHORITY |
| TITLE | 69 | HEALTH & HUMAN RESOURCES |
| TITLE | 76 | SENIOR SERVICES |
| TITLE | 78 | HUMAN SERVICES |
| TITLE | 81 | STATE POLICE |
| TITLE | 82 | CULTURE AND HISTORY |
| TITLE | 85 | WORKERSCOMPENSATION BY THE INSURANCE COMMISSION |
| TITLE | 86 | VETERANS AFFAIRS |
| TITLE | 87 | FIRE COMMISSION |
| TITLE | 90 | CORRECTIONS |
| TITLE | 91 | MOTOR VEHICLES |
| TITLE | 94 | REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY |
| TITLE | 96 | WORKFORCE WEST VIRGINIA |
| TITLE | 110 | TAX DEPARTMENT |
| TITLE | 112 | TREASURER |
| TITLE | 113 | HEALTH INSURANCE PLAN |
| TITLE | 114 | INSURANCE |
| TITLE | 126 | EDUCATION |
| TITLE | 127 | SECONDARY SCHOOLS ACTIVITIES COMM. |
| TITLE | 133 | HIGHER EDUCATION POLICY COMMISSION |
| TITLE | 135 | COMMUNITY & TECHNICAL COLLEGE EDUCATION |
| TITLE | 143 | PERSONNEL |
| TITLE | 144 | TOURISM |
| TITLE | 146 | STATE ELECTION COMMISSION |
| TITLE | 148 | ADMINISTRATION |
| TITLE | 149 | CRIME, DELINQUENCY AND CORRECTION |
| TITLE | 150 | PUBLIC SERVICE COMMISSION |
| TITLE | 153 | SECRETARY OF STATE |
| TITLE | 157 | DIVISION OF HIGWAYS |
| TITLE | 158 | ETHICS COMMISSION |
| TITLE | 162 | CONSOLIDATED PUBLIC RETIREMENT BOARD |
| TITLE | 172 | STATE RAIL AUTHORITY |
| TITLE | 175 | ALCOHOL BEVERAGE CONTROL COMMISSION |
| TITLE | 176 | ALCOHOL BEVERAGE CONTROL COMMISSION – BEER |
| TITLE | 177 | ATHLETIC COMMISSION |
| TITLE | 178 | RACING COMMISSION |
| TITLE | 179 | LOTTERY |
| TITLE | 184 | PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY |
| TITLE | 190 | REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD |
| TITLE | 191 | FAMILY PROTECTION SERVICES BOARD |
| TITLE | 199 | EXPLOSIVES & BLASTING |
| TITLE | 204 | HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY |
| TITLE | 205 | OUTDOOR HERITAGE CONSERVATION FUND |
| TITLE | 207 | COALFIELD COMMUNITY DEVELOPMENT |
| TITLE | 210 | GOHELP |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Administration (148-1) | Purchasing Division Legislative | 6/18/2014 | 7/21/2014 | | 7/30/2014 | Modified & Approved 9/11/2014 Filed 9/16/2014 | SB 142 HB 2302 | | |
| Administration (148-3) | State Owned Vehicles Legislative | 6/18/2014 | 7/18/2014 | | 7/29/2014 | Modified & Approved 9/11/2014 Filed 9/16/2014 | SB 148 HB 2303 | | |
| Administration (148-4) | State Plan for the Operation of the WV State Agency for Surplus Property Legislative | 6/26/2014 | 7/28/2014 | | 7/30/2014 | Modified & Approved 9/11/2014 Filed 9/16/2014 | SB 143 HB 2304 | | |
| Administrative Hearings (105-1) | Appeal Procedures Legislative | 7/1/2014 | 7/31/2014 | | 7/31/2014 | Modified & Approved 12/17/2014 Filed 12/23/2014 | SB 193 HB 2305 | | |
| Agriculture (61-1) | Animal Disease Control Legislative | 7/2/2014 | 8/1/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/19/2014 12/15/2014 | SB 211 HB 2306 | | |
| Agriculture (61-4B) | Frozen Desserts and Imitation Frozen Desserts Legislative | 6/27/2014 | 7/282014 | | 7/29/2014 | Modified & Approved 10/23/2014 Filed 10/30/2014 | SB 210 HB 2315 | | |
| Agriculture (61-11B) | Auctioneers Legislative | 7/1/2014 | 7/31/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/19/2014 | SB 212 HB 2307 | | |
| Agriculture (61-12) | Fee Structure for the Pesticide Control Act of 1990 Legislative | 6/27/2014 | 7/28/2014 | | 7/29/2014 | Modified & Approved 10/23/2014 Filed 10/30/2014 | SB 213 HB 2308 | | |
| Agriculture (61-14) | WV Plant Pest Act Legislative | 7/1/2014 | 7/31/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 10/30/2014 | SB 214 HB 2309 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Agriculture (61-16) | Inspection of Meat and Poultry Legislative | 5/15/2014 | 7/3/2014 | | 7/22/2014 | Approved 10/23/2014 | SB 215 HB 2276 | | |
| Agriculture (61-24) | WV Spay Neuter Assistance Program Legislative | 6/25/2014 | 7/25/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/19/2014 12/15/2014 | SB 216 HB 2310 | | |
| Agriculture (61-29) | Industrial Hemp Legislative | 7/2/2014 | 8/1/2014 | | 8/1/2014 | Recommend Withdrawal 11/20/2014 Modified Filed 12/10/2014 Modified & Approved 12/17/2014 Filed 12/23/2014 12/30/2014 | SB 221 HB 2311 | | |
| Agriculture (61-30) | Dangerous Wild Animal Rule Legislative | 7/2/2014 | 8/1/2014 | | 8/1/2014 | Modified with certain amendments & Approved 11/20/2014 Filed 11/20/2014 12/15/2014 | SB 222 HB 2361 | | |
| Agriculture (61-31) | Livestock Care Standards Legislative | 7/1/2014 | 7/31/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/19/2014 12/15/2014 | SB 217 HB 2312 | | |
| Agriculture (61-32) | Equine Rescue Facilities Legislative | 7/1/2014 | 7/31/2014 | | 8/1/2014 | Modified & Approved 12/17/2014 Filed 12/12/2014 Filed 12/23/2014 | SB 218 HB 2313 | | |
| Agriculture (61-33) | Rural Rehabilitation Loan Program Legislative | 7/1/2014 | 7/31/2014 | 7/8/2014 Approved 7/10/2014 | 8/1/2014 | Modified with certain amendments & Approved 11/20/2014 Filed 11/20/2014 12/15/2014 | SB 219 HB 2362 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Agriculture (61-35) | Aquaculture Importation Legislative | 7/1/2014 | 7/31/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/19/2014 | SB 220 HB 2314 | | |
| Air Quality (45-14) | Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality Legislative | 6/4/2014 | 7/7/2014 | | 7/23/2014 | Approved 9/11/2014 | SB 164 HB 2282 | | |
| Air Quality (46-16) | Standards of Performance for New Stationary Sources Legislative | 6/4/2014 | 7/7/2014 | | 7/23/2014 | Approved 9/11/2014 | SB 163 HB 2283 | | |
| Air Quality (45-25) | Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative | 6/4/2014 | 7/7/2014 | | 7/23/2014 | Approved 9/11/2014 | SB 162 HB 2284 | | |
| Air Quality (45-30) | Requirements for Operating Permits Legislative | 6/4/2014 | 7/7/2014 | | 7/23/2014 | Approved 9/11/2014 | SB 169 HB 2285 | | |
| Air Quality (45-34) | Emission Standards for Hazardous Air Pollutants Legislative | 6/4/2014 | 7/7/2014 | | 7/25/2014 | Approved 9/11/2014 | SB 168 HB 2286 | | |
| Alcohol Beverage Control Comm. (175-2) | Private Club Licensing Legislative | 6/13/2014 | 7/13/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 10/29/2014 | SB 191 HB 2316 BUNDLED SB 187 | | |
| Alcohol Beverage Control Comm-Beer (176-1) | Nonintoxicating Beer Licensing and Operations Procedures Legislative | 6/24/2014 | 7/24/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 10/29/2014 11/6/2014 | SB 190 HB 2317 SB 187 | | |
| Community & Technical College Ed. (135-12) | Capital Project Management Legislative | 12/16/2013 | 1/16/2014 | | 1/28/2014 | | | | |
| Community & Technical College Ed. (135-17) | Transferability of Credits and Grades at WV Public College and Universities Procedural | 1/6/2015 | 2/6/2015 | | | | | | |
| Community & Technical College Ed. (135-23) | Basic Guidelines and Standards for Admissions at Comm. & Tech. Colleges Procedural | 1/6/2015 | 2/6/2015 | | | | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Community & Technical College Ed. (136-25) | Residency Classification for Admission and Fee Purposes Procedural | 2/3/2015 | 3/6/2015 | | | | | | |
| Conservation Committee (63-2) | WV Conservation Agency Financial Assistance Programs Legislative | 6/13/2014 | 7/14/2014 | | 7/28/2014 | Modified & Approved 11/20/2014 Filed 11/21/2014 | SB 195 HB 2358 | | |
| Consolidated Public Retirement Board (162-7) | Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors Legislative | 6/24/2014 | 7/24/2014 | | 7/31/2014 | Approved 9/11/2014 | SB 144 HB 2278 | | |
| Consolidated Public Retirement Board (162-8) | Service Credit for Accrued and Unused Sick and Annual Leave Legislative | 6/24/2014 | 7/24/2014 | | 7/31/2014 | Approved 9/11/2014 | SB 229 HB 2279 | | |
| Consolidated Public Retirement Board (162-10) | Deputy Sheriff Retirement System Legislative | 6/24/2014 | 7/24/2014 | | 7/31/2014 | Approved 9/11/2014 | SB 145 HB 2277 | | |
| Crime, Delinquency and Correction (149-2) | Law Enforcement Training and Certification Standards Legislative | 8/4/2014 | 9/5/2014 | | 9/9/2014 | Modified & Approved 10/23/2014 Filed 10/29/2014 | SB 194 HB 2327 | | |
| Dentistry (5-1) | Rule for the WV Bd. of Dentistry Legislative | 5/14/2014 | 6/13/2014 | | 7/25/2014 | Modified & Approved 12/17/2014 Filed 12/17/2014 | SB 207 HB 2318 | | |
| Dentistry (5-2) | Formation and Approval of Professional Limitied Liability Companies Legislative | 5/14/2014 | 6/13/2014 | | 7/25/2014 | Approved 12/17/2014 | SB 206 HB 2280 | | |
| Dentistry (5-6) | Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative | 5/14/2014 | 6/13/2014 | | 7/25/2014 | Approved 12/17/2014 | SB 209 HB 2281 | | |
| Dentistry (5-9) | Application Procedures for Licensure or Certificate Procedural | 12/17/2014 | 1/16/2014 | | | | | | |
| Dentistry (5-15) | Dental Recovery Networks Legislative | 6/11/2014 | 7/11/2014 | 6/11/2014 Approved 7/10/2014 | 7/25/2014 | Modified & Approved 12/17/2014 Filed 12/17/2014 | SB 208 HB 2319 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Education (126-32) | Issuance of the State of WV High School Equivalency Diploma Legislative Exempt | 4/11/2013 | 5/13/2013 | | | | | | |
| Education (126-44CC) | Next Generation Content Standards and Objectives for Science in West Virginia Schools (2520.3C) Legislative Exempt | 1/15/2015 | 2/17/2015 | | | | | | |
| Education (126-44M) | Common Core Content Standards for Career and Technical Education in WV Schools (2520.13) Legislative Exempt | 12/11/2014 | 1/12/2015 | | | | | | |
| Education (126-94) | Procedures for the Collection, Maintenance and Disclosure of Student Data (4350) Legislative Exempt | 1/15/2015 | 2/27/2015 | | | | | | |
| Enterprise Resource Planning Board (213-1) | Enterprise Resouce Planning System User Fee Legislative | 4/7/2014 | 5/9/2014 | 4/7/2014 Approved 4/22/2014 | 6/26/2014 | Approved 10/23/2014 | SB 198 HB 2291 | | |
| Environmental Protection – Secretary's Office (60-4) | Awarding of WV Stream Partners Program Grants Rule Legislative | 6/26/2014 | 7/25/2014 | | 7/29/2014 | Approved 11/20/2014 | SB 160 HB 2287 | | |
| Family Protection Services Board (191-1) | Operation of the Family Protection Advisory Board Legislative | 6/27/2014 | 7/28/2014 | | 7/30/2014 | Modified & Approved 12/17/2014 Filed 12/30/2014 | SB 180 HB 2320 | | |
| Family Protection Services Board (191-2) | Family Protection Programs, Outreach Services and Shelter Legislative | 6/27/2014 | 7/28/2014 | | 7/30/2014 | Modified & Approved 12/17/2014 Filed 12/17/2014 | SB 178 HB 2321 | | |
| Family Protection Services Board (191-3) | Perpetrator Intervention Programs Licensure Legislative | 6/27/2014 | 7/28/2014 | | 7/30/2014 | Modified & Approved 12/17/2014 Filed 12/17/2014 | SB 228 HB 2322 | | |
| Family Protection Services Board (191-4) | Monitored Parenting and Exchange Program Certification Legislative | 6/27/2014 | 7/28/2014 | | 7/30/2014 | Modified & Approved 12/17/2014 Filed 12/17/2014 | SB 179 HB 2323 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Family Protection Services Board (191-5) | Perpetrator Intervention Programs Licensure for Correctional Institutions Legislative | 6/27/2014 | 7/28/2014 | | 7/30/2014 | Modified & Approved 12/17/2014 Filed 12/17/2014 | SB 181 HB 2324 | | |
| Fire Commission (87-8) | Volunteer Firefighters' Training, Equipment and Operating Standards Legislative | 5/23/2014 | 6/24/2014 | 7/1/2014 Approved 8/11/2014 | 7/1/2014 | Approved 12/17/2014 Filed 12/31/2014 Modified Withdrawn 1/6/2015 | SB 184 HB 2292 | | |
| Fire Marshal (103-3) | Supervision of Fire Protection Work Legislative | 5/29/2014 | 6/30/2014 | | 7/1/2014 | Modified & Approved 12/17/2014 Filed 12/31/2014 | SB 185 HB 2325 | | |
| Forestry (22-1) | Ginseng Regulations Legislative | 6/27/2014 | 7/31/2014 | | 8/1/2014 | Modified & Approved 9/11/2014 Filed 9/18/2014 | SB 159 HB 2326 | | |
| Health (64-3) | Public Water Systems Legislative | 7/1/2014 | 7/31/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 10/23/2014 | SB 175 HB 2333 | | |
| Health (64-13) | Nursing Home Licensure Rule Legislative | 6/27/2014 | 7/28/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/6/2014 | SB 176 HB 2328 | | |
| Health (64-27) | Statewide Trauma/Emergency Care System Legislative | 6/27/2014 | 7/28/2014 | | 7/31/2014 | Modified & Approved 9/11/2014 Filed 10/14/2014 | SB 177 HB 2331 | | |
| Health (64-29) | Fatality and Mortality Review Team Legislative | 6/27/2014 | 7/28/2014 | | 7/31/2014 | Modified & Approved 9/11/2014 Filed 10/14/2014 | SB 172 HB 2332 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Health (64-60) | Medication Administered and Performance of Health Maintenance Tasks by Unlicensed Personnel Legislative | 6/27/2014 | 7/28/2014 | | 7/31/2014 | Modified & Approved 10/23/2014 Filed 11/5/2014 | SB 173 HB 2329 | | |
| Health & Human Resources (69-6) | Nurse Aide Abuse Registry Legislative | 6/27/2014 | 7/28/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/6/2014 | SB 174 HB 2330 | | |
| Health & Human Resources (69-8) | Chronic Pain Management Clinic Licensure Legislative | 6/18/2014 | 7/18/2014 | 5/20/2014 Approved 6/30/2014 | 7/31/2014 | Approved 10/23/2014 | SB 171 HB 2293 | | |
| Higher Education Policy Comm. (133-12) | Capital Project Management Legislative | 12/12/2013 | 1/13/2014 | | 1/24/2014 | | | | |
| Higher Education Policy Comm. (133-17) | Transerability of Credits and Grades at the Undergraduate Level Procedural | 12/1/2014 | 12/31/2014 | | | | | 1/13/2015 | 2/13/2015 |
| Higher Education Policy Comm. (133-23) | Standards and Procedures for Undergraduate Admission at Four-Year Colleges and Universities Procedural | 12/1/2014 | 12/31/2014 | | | | | 1/15/2015 | 2/13/2014 |
| Higher Education Policy Comm. (133-26) | Underwood-Smith Teacher Scholarship Program Legislative | 2/24/2014 | 3/26/2014 | 2/24/2014 Effective 2/24/2014 | 4/4/2014 | Approved 6/2/2014 | | | |
| Higher Education Policy Comm. (133-41) | Health Sciences Scholarship Program Procedural | 12/1/2014 | 12/31/2014 | | | | | 1/13/2015 | 2/13/2015 |
| Higher Education Policy Comm. (133-58) | Nursing Scholarship Program Legislative | 8/4/2014 | 9/4/2014 | 8/1/2014 Effective 8/1/2014 | | | | | |
| Information Services and Communications Division (161-3) | Procedures for Sanitization, Retirement and Disposition of Information Technology Equipment Legislative | 6/24/2014 | 7/24/2014 | | 7/30/2014 | Modified & Approved 9/11/2014 | | | |
| **THE ABOVE RULE HAS BEEN REASSIGNED TO "OFFICE OF TECHNOLOGY" 163-1** | | | | | | | | | |
| Insurance Commission (114-11E) | Annuity Disclosure Legislative | 6/24/2014 | 7/24/2014 | | 8/1/2014 | Modifed & Approved 9/11/2014 Filed 9/15/2014 | SB 189 HB 2334 BUNDLED SB 187 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Insurance Commission (114-45) | Recognizing Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities Legislative | 6/24/2014 | 7/24/2014 | | 8/1/2014 | Approved 9/11/2014 | SB 188 HB 2294 BUNDLED SB 187 | | |
| Labor (42-9) | Child Labor Legislative | 6/23/2014 | 7/23/2014 | | 7/30/2014 | Modified & Approved 11/20/2014 Filed 12/2/2014 | SB 154 HB 2340 | | |
| Labor (42-17) | Amusement Rides and Amusement Attractions Safety Act Legislative | 6/18/2014 | 7/18/2014 | | 7/30/2014 | Modified & Approved 11/20/2014 Filed 12/2/2014 | SB 153 HB 2335 | | |
| Labor (42-26) | Weights and Measures Calibration Fees Legislative | 6/18/2014 | 7/18/2014 | | 7/30/2014 | Modified & Approved 11/20/2014 Filed 12/2/2014 | SB 158 HB 2336 | | |
| Labor (42-31) | Verifying the Legal Employment Status of Workers Legislative | 6/18/2014 | 7/18/2014 | | 7/30/2014 | Modified & Approved 12/17/2014 Filed 12/29/2014 | SB 156 HB 2337 | | |
| Labor (42-32) | Supervision of Plumbing Work Legislative | 6/18/2014 | 7/18/2014 | | 7/30/2014 | Modified & Approved 11/20/2014 Filed 12/2/2014 | SB 155 HB 2338 | | |
| Labor (42-34) | Regulation of Heating, Ventilating and Cooling Work Legislative | 6/18/2014 | 7/18/2014 | | 7/30/2014 | Modified & Approved 11/20/2014 Filed 12/2/2014 | SB 157 HB 2339 | | |
| Medicine (11-1B) | Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative | 4/30/2014 | 5/30/2014 | 4/30/2014 Approved 6/6/2014 Amendment 6/12/2014 Approved 6/17/2014 | 7/22/2014 | Modified & Approved 11/20/2014 Filed 11/20/2014 | SB 197 HB 2341 | | |
| Miners' Health, Safety and Training (56-20) | Rules Governing the Safety of Those Employed In and Around Quarries in WV Legislative | 6/25/2014 | 7/25/2014 | | 7/29/2014 | Modified & Approved 9/11/2014 Filed 9/16/2014 | SB 270 HB 2342 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Motor Vehicles (91-4) | Examination and Issuance of Driver's License Legislative | 6/26/2014 | 7/27/2014 | | 8/1/2014 | Modified & Approved 12/17/2014 Filed 12/31/2014 | SB 192 HB 2343 | | |
| Natural Resources (58-12) | Commercial Whitewater Outfitters Legislative | 7/2/2014 | 8/1/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 11/21/2014 | SB 152 HB 2344 | | |
| Natural Resources (58-26) | Special Boating Rules Legislative | 6/23/2014 | 7/23/2014 | | 7/30/2014 | Approved 10/23/2014 | SB 151 HB 2295 | | |
| Natural Resources (58-41) | Wildlife Damage Control Agents Legislative | 6/23/2014 | 7/23/2014 | | 7/30/2014 | Modified & Approved 9/11/2014 Filed 9/29/2014 | SB 150 HB 2345 | | |
| Natural Resources (58-46) | Defining the Terms Used In All Hunting and Trapping Legislative | 6/23/2014 | 7/23/2014 | | 7/30/2014 | Approved 9/11/2014 | SB 146 HB 2296 | | |
| Natural Resources (58-49) | General Hunting Legislative | 6/23/2014 | 7/23/2014 | | 7/30/2014 | Modified & Approved 10/23/2014 Filed 11/7/2014 | SB 148 HB 2346 | | |
| Natural Resources (58-67) | Lifetime Hunting, Trapping and Fishing Licenses Legislative | 6/23/2014 | 7/23/2014 | | 7/30/2014 | Approved 9/11/2014 | SB 149 HB 2297 | | |
| Natural Resources (58-71) | Hunting, Trapping and Fishing License and Stamp Fees Legislative | 6/23/2014 | 7/23/2014 | | 7/30/2014 | Approved 9/11/2014 | SB 147 HB 2298 | | |
| Office of Technology (163-1,formerly 161-3) | Procedures for Sanitization, Retirement and Disposition of Information Technology Equipment Legislative | 6/24/2014 | 7/24/2014 | | 7/30/2014 | Modified & Approved 9/11/2014 Filed 10/3/2014 | SB 183 HB 2347 | | |
| Osteopathic Medicine (24-2) | Osteopathic Physician Assistants Legislative | 6/3/2014 | 7/3/2014 | 5/12/2014 Approved 6/6/2014 | 7/31/2014 | Modified & Approved 11/20/2014 Filed 11/25/2014 | SB 202 HB 2348 | | |
| Osteopathic Medicine (24-5) | Fees for Services Rendered by the Board of Osteopathy Legislative | 6/3/2014 | 7/3/2014 | 5/12/2014 Approved 6/6/2014 | 7/31/2014 | Approved 11/20/2014 | SB 201 HB 2299 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Pharmacy (15-1) | Licensure and Practice of Pharmacy Legislative | 6/27/2014 | 7/27/2014 | | 8/1/2014 | Modified & Approved 11/20/2014 Filed 1/8/2015 | SB 223 HB 2349 | | |
| Pharmacy (15-7) | Registration of Pharmacy Technicians Legislative | 6/25/2014 | 7/26/2014 | | 8/1/2014 | Modified & Approved 11/20/2014 Filed 1/8/2015 | SB 204 HB 2351 | | |
| Pharmacy (15-8) | Controlled Substances Monitoring Legislative | 6/27/2014 | 7/27/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 1/8/2015 | SB 205 HB 2352 | | |
| Pharmacy (15-12) | Immunizations Administered by Pharmacists Legislative | 6/25/2014 | 7/26/2014 | | 8/1/2014 | Modified & Approved 10/23/2014 Filed 1/8/2015 | SB 203 HB 2350 | | |
| Physical Therapy (16-4) | Fees for Physical Therapist and Physical Therapists Assistant Legislative | 3/31/2014 | 5/1/2014 | | 5/9/2014 | Approved 10/23/2014 | SB 200 HB 2300 | | |
| Professional Engineers (7-1) | Examination, Licensure and Practice of Professional Engineers Legislative | 1/27/2014 10/15/2014 | 3/3/2014 11/17/2014 | 12/27/2013 Approved 1/2/2014 | 3/27/2014 Withdrawn 12/3/2014 Filed 12/3/2014 Recommend Withdraw 12/17/2014 | | SB 199 HB 2364 | | |
| Public Service Comm. (150-6) | The Government of Telephone Utilities Legislative Exempt | 1/7/2015 | 3/6/2015 | | | | | | |
| Racing Commission (178-1) | Thoroughbred Racing Legislative | 6/24/2014 | 7/24/2014 | | 7/29/2014 | Approved 9/11/2014 | SB 187 HB 2301 BUNDLED SB 187 | | |
| Real Estate Appraiser Licensing & Cert. Bd. (190-5) | Requirements for Registration and Renewal of Appraisal Management Companies Legislative | 6/6/2014 | 7/9/2014 | 6/6/2014 Approved 7/10/2014 | 8/1/2014 | Modified & Approved 12/17/2014 Filed 12/23/2014 | SB 197 HB 2353 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Secretary of State (153-20) | Procedures for Recount of Election Results Legislative | 6/16/2014 | 7/21/2014 | | 7/22/2014 | Modified & Approved 9/11/2014 Filed 9/9/2014 | SB 224 HB 2354 | | |
| Secretary of State (153-45) | Standards and Guidelines for Electronic Notarization Legislative | 5/28/2014 | 6/26/2014 | 5/20/2014 Approved 6/30/2014 | 8/1/2014 | Modified & Approved 9/11/2014 Filed 9/9/2014 | SB 225 HB 2355 | | |
| Secretary of State (153-46) | Notaries Public Legislative | 5/28/2014 | 6/26/2014 | 5/20/2014 Approved 6/30/2014 | 8/1/2014 | Modified & Approved 9/11/2014 Filed 9/9/2014 | SB 226 HB 2356 | | |
| Secretary of State (153-50) | Schedule of Fees Legislative | 5/28/2014 | 6/26/2014 | 5/20/2014 Approved 6/30/2014 | 8/1/2014 | Modified & Approved 9/11/2014 Filed 9/9/2014 | SB 227 HB 2357 | | |
| Senior Services (76-3) | WV State Plan for Aging – Title V Interpretive | 10/17/2014 | 11/17/2014 | | | | | | |
| State Police (81-9) | WV DNA Databank Legislative | 6/25/2014 | 7/25/2014 | | 7/25/2014 | Modified & Approved 12/17/2014 Filed 12/30/2014 | SB 182 HB 2359 | | |
| Tax Department (110-1Q) | Appointment of Special Assessors by the State Tax Commissioner | 6/24/2014 | 7/24/2014 | | 7/31/2014 | Modified & Approved 9/11/2014 Filed 9/26/2014 | SB 186 HB 2360 BUNDLED SB 187 | | |
| Veterans' Assistance (86-2) | State Home for Veterans-Fiscal Legislative | 5/29/2014 | 6/28/2014 | 5/28/2014 Approved 6/2/2014 | 8/1/2014 | | | | |
| Veterans' Assistance (86-4) | VA Headstones or Markers Legislative | 5/28/2014 | 6/28/2014 | | 8/1/2014 | | | | |
| Waste Management, Div. of Water & Wast Mgmt. (33-1) | Solid Waste Management Rule Legislative | 6/30/2014 | 7/30/2014 | 6/30/2014 Approved 7/10/2014 | | Modified & Approved 10/23/2014 Filed 10/22/2014 Modified w/certain amendments & Approved 12/17/2014 | SB 165 HB 2363 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Waste Management, Div. of Water & Waste Mgmt. (33-20) | Hazardous Waste Management System Legislative | 6/24/2014 | Hearing 7/24/2014 Written Comments 7/28/2014 | | 7/30/2014 | Approved 11/20/2014 | SB 161 HB 2288 | | |
| Water Resources, Div. of Water & Waste Mgmt. (47-2) | Requirements Governing Water Quality Standards Legislative | 6/4/2014 | Hearing 7/1/2014 Written Comments 7/21/2014 | | 8/1/2014 | Approved 12/17/2014 | SB 167 HB 2289 | | |
| Water Resources, Div. of Water & Waste Mgmt. (47-30) | WV/NPDES Rule for Coal Mining Facilities Legislative | 6/24/2014 | 7/24/2014 | | 7/25/2014 | Approved 12/17/2014 | SB 166 HB 2290 | | |
| Water Resources, Div. of Water & Waste Mgmt. (47-63) | Aboveground Storage Tanks Legislative | 12/22/2014 | 1/21/2015 | | | | | | |
| Water Resources, Div. of Water & Waste Mgmt. (47-64) | Aboveground Storage Tank Fee Assessments Legislative | 2/5/2015 | 3/10/2015 | | | | | | |

**Division of Corrections' Policy Directives**
**Additions/Revisions**
**01 February 2015**

| Policy Directive | Issue Date |
|---|---|
| 129.10 | 01 February 2015 |
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LEGISLATIVE

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SECRETARY OF STATE

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John C. Musgrave
Director

February 2, 2015

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SECRETARY OF STATE

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Ocean's Glory" and "Titantic" manufactured by Bally Technologies for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: Ocean's Glory
Titantic

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

LEGISLATIVE

Earl Ray Tomblin
Governor

John C. Musgrave
Director

February 2, 2015

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Gold Gold Gold" and "Diamonds of Dublin" manufactured by WMS Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: Gold Gold Gold
Diamonds of Dublin



P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John C. Musgrave
Director

February 2, 2015

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "China Dragon", "Treasure Tree Triple Shot", and "Double Dragons" games manufactured by Ainsworth Game Technology for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: China Dragon
Treasure Tree Triple Shot
Double Dragons

www.wvlottery.com

**WEST VIRGINIA SECRETARY OF STATE**
NATALIE E. TENNANT
**ADMINISTRATIVE LAW DIVISION**

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LEGISLATIVE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE (Page 1)**

AGENCY **Water Resources Division Of Water And Waste Management**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **47-64**
RULE NAME **Aboveground Storage Tank Fee Assessments**

CITE AUTHORITY **22-30-12 and 22-30-13**

COMMENTS LIMITED TO
**Oral And Written**

DATE OF PUBLIC HEARING
**Tuesday, March 10, 2015 6:00 PM**

LOCATION OF PUBLIC HEARING
**WVDEP Headquarters**
**601 57th Street, SE**
**Charleston, WV 25304**

DATE WRITTEN COMMENT PERIOD ENDS
**Tuesday, March 10, 2015 6:00 PM**

WRITTEN COMMENTS MAY BE MAILED TO
**WVDEP - PIO**
**AST Fee Rule Comments**
**601 57th Street, SE**
**Charleston, WV 25304**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.
**Yes**
**Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

**WEST VIRGINIA SECRETARY OF STATE**
NATALIE E. TENNANT
**ADMINISTRATIVE LAW DIVISION**

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PROCEDURAL

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE (Page 1)**

AGENCY **WV Council for Community And Technical College Education**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **135-25**
RULE NAME **Residency Classification for Admission and Fee Purposes**

CITE AUTHORITY **§18B-10 and §18B-2B-6**

COMMENTS LIMITED TO
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
**Friday, March 06, 2015 12:00 PM**

WRITTEN COMMENTS MAY BE MAILED TO
**James L. Skidmore, Chancellor**
**WV Council for Community & Technical College Education**
**1018 Kanawha Blvd., East, Suite 700**
**Charleston, WV 25301**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.
**Yes**
**Angela S Kerns -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

# Orders Report

| Docket Number | Agency | Respondent | Date Rendered |
|---|---|---|---|
| **14-AP-FINCON-02009** | **Insurance Commission** | Red Rock Insurance Company | 1/27/2015 |
| **14-THP-02028/14-AP-THP-02028** | **Insurance Commission** | Nationwide Mutual Fire Insurance Company | 1/30/2015 |
| **14-AP-FINCON-02011** | **Insurance Commission** | Polish Women's Alliance of America | 1/29/2015 |
| **14-AP-FP-02013** | **Insurance Commission** | Travelers Casualty Insurance Company of America | 1/28/2015 |
| **14-AP-FP-02014** | **Insurance Commission** | State Farm Mutual Automobile Insurance Company | 1/28/2015 |
| **14-AP-FP-02021** | **Insurance Commission** | Erie Insurance Property and Casualty Company | 2/2/2015 |
| **P-14-042, P-14-043** | **Real Estate Commission** | Greg Allman | 1/30/2015 |
| **P-14-042, P-14-043** | **Real Estate Commission** | Alisha Patterson | 1/30/2015 |

# Grievances Report

| Docket Number | Grievants Name | Respondents Name | Date Decision |
|---|---|---|---|
| 2014-1590-CONS | James Lewis | Kanawha County Board Of Education | 1/4/2015 |
| | William Koenig | Kanawha County Board Of Education | 1/4/2015 |
| 2014-0158-DHHR | Christy Hull | Health And Human Resources | 1/6/2015 |
| | | William R. Sharpe, Jr. Hospital | 1/6/2015 |
| 2014-1682-MerED | Bridget Burton | Mercer County Board Of Education | 1/7/2015 |
| 2013-0987-DHHR | Kim Morris | Health And Human Resources | 1/7/2015 |
| | | William R. Sharpe, Jr. Hospital | 1/7/2015 |
| 2014-1683-MerED | Gwendolen Tyree | Mercer County Board Of Education | 1/7/2015 |
| 2014-0560-RalED | Brenda Kay Gray | Raleigh County Board Of Education | 1/8/2015 |
| 2014-0562-DOT | Barry Jividen | Highways | 1/8/2015 |
| 2013-2085-GraED | Melissa Conrad | Grant County Board Of Education | 1/9/2015 |
| 2014-1094-MAPS | John D. Trenton Leonard | Corrections | 1/12/2015 |
| | | Lakin Correctional Center | 1/12/2015 |
| 2014-0229-DHHR | Peter Dean Samosky | Health And Human Resources | 1/14/2015 |
| | | Children And Families | 1/14/2015 |
| 2014-0385-CONS | Paul Smith, et al. | Randolph County Board Of Education | 1/14/2015 |
| 2015-0073-DHHR | Barbara Hatfield | Health And Human Resources | 1/15/2015 |
| 2014-1699-DOT | Jason S. Stoneking | Highways | 1/15/2015 |
| 2014-0499-MrnED | Joyce F. Thomas | Marion County Board Of Education | 1/20/2015 |
| 2015-0378-DOT | Derrick Morgan | Highways | 1/22/2015 |
| 2014-1503-McDED | Ruben C. Wright | McDowell County Board Of Education | 1/22/2015 |
| 2014-0855-FayED | Billy Joe Chapman, Jr. | Fayette County Board Of Education | 1/23/2015 |
| 2014-1659-JefCH | Peter Resh | Jefferson County Health Department | 1/26/2015 |
| 2014-1764-CONS | Krystle Kirk | Highways | 1/27/2015 |

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| | | | |
|---|---|---|---|
| **2014-0810-DOT** | **Larry Gene Hoskins** | Highways | 1/28/2015 |
| **2014-1148-DOC** | **Charles Adkins** | Natural Resources | 1/30/2015 |

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OFFICE WEST VIRGINIA SECRETARY OF STATE

# DRAFT

**July 1, 2015 – June 30, 2016**

# INTENDED USE PLAN

**For the**
**WEST VIRGINIA DRINKING WATER STATE REVOLVING FUND**

**State of West Virginia**

**Department of Health and Human Resources**
**Bureau for Public Health**
**Office of Environmental Health Services**
**Environmental Engineering Division**

**February 2015**

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## 1. INTRODUCTION

The *Safe Drinking Water Act* (SDWA) amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems to finance the cost of the infrastructure needed to achieve or maintain compliance with SDWA requirements and protect public health. This Intended Use Plan (IUP) details the intended use for the State Fiscal Year 2016 (FFY 2015) Capitalization Grant funds estimated to be $8,845,000. The total federal grant amount requested is $8,845,000 and will require a twenty-percent state match of $1,769,000. The State Program Match (1:1) is $442,250. The West Virginia Infrastructure and Jobs Development Council (Infrastructure Council) will commit the funds for the required 20 percent match at one of its 2015 meetings when the final federal allotment for West Virginia is established.

From the FFY 2015 Capitalization Grant, $6,633,750 (along with the state match, projected earned interest and loan repayments) shall be used to construct projects. These funds are the Drinking Water Treatment Revolving Fund (DWTRF). The 2% Technical Assistance is used to contract a Continuing Education Training program for water operator training and certification. The 4% Administration funding is used to manage the DWTRF program. The 10% Program Management funding is used for enhancing the Public Water Supply Supervision Program (PWSS). The 15% Local Assistance funding is used in implementing the required state Source Water Protection Program, assessing, and assisting in the technical, managerial and financial capacity of small systems. In-Kind Services are also being requested for the 15% set-aside.

## 2. PROJECTS

### A. Project Funding Requirements

Approval from the Infrastructure Council is required for any project to receive DWTRF assistance. The Infrastructure Council with recommendations from its Water Technical Review Committee and the Funding Committee must approve all projects. Both of the following requirements must be considered for funding of projects:

1) At least 15% of the funds in the DWTRF must go to systems serving less than 10,000 total persons. Federal code allows crediting prior year's excess above the 15% for the annual requirement. Seventy percent of this year's funding will go to systems with less than 10,000 population.

2) West Virginia legislation authorizes the DWTRF requirement for disadvantaged communities. *"The division of health shall, in accordance with the provisions of the safe drinking water act, establish a program for loan subsidies to disadvantaged communities. Thirty percent of the federal capitalization grants made to this state shall be dedicated to the funding of projects for disadvantaged communities"* (Authority §16-13C-3). This requirement is not a federal requirement. At least thirty percent of the cumulative federal

funds will be used for disadvantaged communities. The 30% requirement will be calculated on a cumulative basis of awarded grants. All planned funds will go to disadvantaged systems.

**B. The Project Priority List (PPL) Process**

The PPL process uses an application that the water system must complete to be considered for DWTRF funding. This application process has improved the DWTRF program by listing only those systems that are truly interested in using low interest loan funds. This eliminates the need to bypass many projects that are not interested in using the DWTRF low interest loan money.

After each water system submits an application through the Infrastructure Council it:

1) Has its project scored using DWTRF criteria;

2) May be contacted concerning its interest in DWTRF funding; and

3) If the water system is interested in DWTRF, it submits a form to be included on the next priority list that is put out for public comment.

Water systems that are the closest to going to bid, (e.g., the project design is complete and a PSC application has been submitted, etc.) are given top priority when giving out binding commitment letters, thus, some projects which have not received other funding or have not been designed will be bypassed in accordance with our IUP.

In order to fund more projects with DWTRF funds, the PPL may be issued for public comment several times a year so that projects approved by the Infrastructure Council and have been scored and ranked, can be given binding letter of commitments sooner.

Also, prior to putting the PPL out for public comment, water systems that have been on the prior PPL, but have not received a funding commitment, will be contacted about the status of their project(s) and if they still potentially wish to be funded by the DWTRF.

Projects requesting DWTRF funding assistance are prioritized using the DWTRF Project Priority Ranking System (Attachment 1). Three categories (public health, regulatory compliance, and affordability) are used to determine project scoring. Projects that apply for DWTRF funding are ranked on a PPL and are listed in the Project Priority List/Comprehensive List (Attachment 2). The PPL includes the name of the public water system, description of the project, priority assigned, expected financial terms, size of community served, and whether or not the system is disadvantaged. The highest ranked projects on the PPL are contacted concerning their project status to determine if funding from the DWTRF is appropriate and the project is ready to proceed. The PPL ranking system allows for higher public health ranking for utilities that have multiple violations as reflected in the Electric Tracking Tool (ETT). It is the ultimate responsibility of the water system to inform DWTRF staff of changes to their readiness to proceed status.



OTHER



Projects expecting to receive assistance from the DWTRF FFY 2015 Capitalization Grant Funds are on the Funding List Detailed Description (Attachment 3). Projects that rank lower on the PPL may still receive funding should one or more of the higher ranked projects be bypassed using the bypass procedure described below. Projects on the most recent PPL are also eligible to receive funding from previously awarded capitalization grants or repayments.

**C. Bypass Procedure**

Prior to implementing the bypass procedure, water system projects listed on the PPL will be reviewed to determine their project status as compared to the ready to proceed project awaiting a funding commitment for their project. Based on the review, DWTRF staff will determine whether to bypass the project and select another project for funding commitment consideration. The following provisions will be used to bypass a project on the PPL:

1) Even though the project is for a system with significant non-compliance of the Safe Drinking Water Act, it is determined the proposed project will not ensure compliance.

2) The project is for a system that would not have operators properly certified to operate and maintain the system by the time the project is to receive funding.

3) The project changes significantly in scope and requires re-evaluation of the proposal using the DWTRF ranking system.

4) The project is unable to proceed in a timely manner.

5) Other project funding is not committed. Should the bypassed project be within the fundable range, it may be funded at a later date.

6) The project costs significantly exceed the anticipated loan amounts. The project scope could be reduced to within the available DWTRF loan amount provided the ranking does not change.

7) The system declines the assistance.

8) The project is not determined as technically and financially feasible by the Infrastructure Council.

9) The project is unable to meet the schedule developed and agreed upon by the project sponsor and the DWTRF staff.

10) A lower ranked project attains a higher rating due to revised information, such as an environmental or public health emergency.

11) The water system is not considered as having the managerial, financial, and technical capacity, even after project completion, based upon a Capacity Development Assessment by the Office of Environmental Health Services (OEHS) staff.

12) If one or more Green Infrastructure Projects are required to be funded from the Capitalization Grant further down the list in grants that require Green Infrastructure Projects to be funded. For this specific IUP, this is not a grant requirement. OEHS does not have any requirements for Green Infrastructure Projects.

When OEHS bypasses a project, the project will remain on the PPL for consideration at a future time. If the project no longer needs or wants DWTRF funding, it is removed from future PPLs. OEHS will provide technical assistance (as needed) with bypassed projects to assist them in being eligible for the future funding. OEHS will provide low interest design loans to increase the project pace, where needed.

In cases where a project is bypassed, the next project on the list (not being bypassed) will be funded within the funds available through the criteria outlined in this section. If a funded project comes in under cost, the remaining funds may be used to fund additional project work that can be associated with the project scope; to fund the next project on the PPL (if the cost does not exceed the available funds); or to fund other water system project needs as deemed appropriate by OEHS.

**D. Emergency Projects**

Projects to remediate an imminent significant hazard to a community's public health may be considered an "Emergency" project if approved by OEHS. An emergency project may not be required to be on the approved PPL if the evaluation by OEHS verifies the urgency of the project execution to avoid a major impact to the water system's customers. All emergency projects must be reviewed at the Infrastructure Council and approved by it.

**E. Loan Terms and Fees**

Eligible public water systems use the DWTRF assistance to fund the cost of infrastructure needed to achieve or maintain compliance with the SDWA and other drinking water regulations. OEHS proposes to use $8,402,750 ($6,633,750 of federal funds and $1,769,000 state matching funds) to provide loans to public water systems for infrastructure improvements.

*Interest Rate*

*a)* The affordability standard for annual water user rates is set at 1.25% of Median Household Income (MHI) for 4,000 gallon monthly usage as defined by the Infrastructure Council rules or 3.400 gallons if approved by Infrastructure Council after September 20, 2014. Projects previously reviewed by Infrastructure Council will be 'grandfathered' for up to three years from the date of the change at Infrastructure Council. The DWTRF program will use the same data and criteria for medium household income and typical residential usage rates as the Infrastructure Council to achieve consistency in affordability and financial evaluations by state funding agencies. The threshold of 1.25% may be lower than the rate the Infrastructure Council



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uses for its determination of disadvantaged rates. Water rates equal to or greater than this affordability standard will be considered disadvantaged. Water rates below this affordability standard will be considered non-disadvantaged.

Principal forgiveness funding assistance will typically be provided in combination with a DWTRF repayment loan funding at a 0.5% loan for disadvantaged public water systems. Principal forgiveness may be provided to water systems for a design loan or for construction if special circumstances occur for the project. Non-disadvantaged water systems will be eligible for 2.5 % loans. These rates will be effective for any water system project approved at the Infrastructure Council after July 15, 2011.

*b)* If DWTRF funding replaces another agency's grantor loan funds on a previously approved Infrastructure Council project, additional subsidization can be provided to maintain the approved level of affordability.

*Loan Terms*

Terms are given up to 20 years for non-disadvantaged loans and up to 30 years for disadvantaged community water systems loans.

*Administrative Fees*

The OEHS administrative fee for projects approved by the Infrastructure Council after July 15, 2011is 0.5% of the loan amount to be repaid and the fee is paid evenly over the life of the loan. This administrative fee may be adjusted to make the project affordable. Administrative fees for principal forgiveness loans will be waived.

*Design Loans*

The DWTRF provides design loans to eligible public water systems for projects on the PPL. The purpose of design loans is to make the projects more attractive for outside additional funding and to decrease the time between project design and construction. The loans will be offered at the same terms as those determined for the full project infrastructure improvements as approved at IJDC or principal forgiveness, if eligible and necessary. Design loan payback will begin within 9 months following the design scheduled completion.

*Graduated Loan Repayment*

The DWTRF loan program can provide graduated loan repayment schedules to make projects more affordable to water systems. In this case, the water system will start repayments following construction completion, but the initial payments will be reduced until one or more existing debts are paid in full. Then, the water system will make accelerated DWTRF payments within the loan period. This will allow a level debt service payment for water systems to make infrastructure projects more affordable. The repayment of loans will still be completed in the same time period of the project's eligibility.

**F. Project Selection and Loan Activities**

The PPL was developed from the projects on prior PPLs but did not receive fund commitments and new applications. Project representatives of prior listed projects were contacted

to determine if they still desired DWTRF funding. Those projects who indicated they still desired to be considered for funding were kept on the list and any other project recently submitting an application to OEHS or applying for DWTRF funding through the Infrastructure Council was added to the list.

The PPL will be finalized after the public comment period. The Funding List Detailed Description (Attachment 3) describes the projects most likely to be funded from this Capitalization Grant.

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**G. Additional Subsidization**

The Capitalization Grant requires that not less than 20% but not more than 30% of assistance provided is in the form of additional subsidies. OEHS has the authority to offer principal forgiveness loans in an amount up to 100% of a loan made by the State's DWSRF program. The intent of this program is to provide principal forgiveness to those water systems that have significantly higher user rates versus those that may barely meet the disadvantaged criteria. The Funding List Detailed Description includes four projects that are eligible to receive $2,000,000 in subsidization for disadvantaged water systems. The 20% to 30% amount of the capitalization grant funds is $1,769,000 to $2,653,500 so OEHS has a plan to meet the requirement for additional subsidization.

**H. Green Infrastructure (Green Project Reserve – GPR)**

The Capitalization Grant does not require any of the funds provided for projects to be used for water efficiency, energy efficiency, green infrastructure, or other environmentally innovative activities. OEHS does not have any requirements for green project reserve.

**I. Davis Bacon Wage Rates (DB)**

The Capitalization Grant requires all loan recipients to pay applicable DB or state prevailing wages (whichever is higher) for all construction contracts. All loan recipients must also follow all federal Davis Bacon Wage Rate requirements.

**3. FINANCIAL STATUS**

The DWTRF will be managed by OEHS with assistance (through a contract agreement) from the West Virginia Water Development Authority (WDA). The WDA maintains the financial records and insures bond conditions and audit requirements are met. OEHS manages the DWSRF set-aside funds.

**A. Total Amount of Funds in the DWSRF (Construction & Set-Asides)**

The amounts available for the DWSRF Program are as shown in Tables 1, 2, and 3. Table 4 summarizes all incoming funds through June 2015 and shows the projected disbursed and obligated amounts through 2014.





**TABLE 1. FUNDS AWARDED PRIOR TO STATE FISCAL YEAR 2015 (Construction & Set-Asides)**

| | |
|---|---|
| U.S. Environmental Protection Agency (Total from 1998 through and including 2014)* | $176,916,782 |
| WV State Match – Infrastructure Council (Total from 1998 through and including 2014) | $31,469,757 |
| WVDHHR: 10% Set-Aside State Match (Total from 1998 through and including 2014) | $11,642,250 |
| SUB-TOTAL | $220,028,789 |
| | |
| Loan Repayments** | $43,202,768 |
| Admin. Fee (typ. 1%)/Fee Invest Interest | $4,439,987 |
| Interest on Loans** | $1,113,509 |
| Interest Earnings WV DWTRF** | $3,584,337 |
| TOTAL | $272,369,390 |

* Table 1 does not include the in-kind services for the following grants:
FS-99390003 - $10,000 for Northbridge Environmental Program Manager Support (4%)
FS-99390006 - $134,176 for AWOP/PBT Contractor Support (10%)
2F-99390009 - $250,000 for Admin Support of ARRA Projects (4%)
FS-99390010-1 - $250,000 for Admin Support of Projects (4%)
FS-99390010-1 - $200,000 for Compliance/Enforcement Contractor Support (10%)
FS-99390011 - $150,000 for Administration Support of Projects (4%)
FS-99390011 - $74,458 for Compliance/Enforcement Contractor Support (4%)
FS-99390011 - $25,542 for Compliance/Enforcement Contractor Support (10%)
FS-99390011 - $100,000 for AWOP/PBT Contractor Support (15%)
FS-99390012 - $125,000 for Project Administration Contractor Support (4%)
FS-99390012 - $20,000 for AWOP/PBT Support (15%)
FS-99390013 - $175,000 for project administration supports (4%)

** Includes loans and investment interest earnings (not including interest on administrative fee).

**TABLE 2. FUNDS AWARDED DURING STATE FISCAL YEAR 2015 (Construction & Set-Asides)**

| | |
|---|---|
| U.S. Environmental Protection Agency (FS-99390014) (Grant ) | $8,913,000 |
| WV State Match - Infrastructure Council (FS-993900014) | $1,769,000 |
| WVDHHR: 10% Set-Aside State Match (FS-993900014) (Approp) | $442,250 |
| TOTAL | $11,124,250 |

Table 2 includes the following in-kind services:
FS-99390014 - $400,000 for Source Water Protection (15%)
FS-99390014 - $200,000 for Capacity and Development (15%)

**TABLE 3. FUNDS REQUESTED DURING STATE FISCAL YEAR 2016**
**(Construction & Set-Asides)**

| | |
|---|---|
| U.S. Environmental Protection Agency (FS-99390015) (Grant ) | $8,845,000 |
| WV State Match - Infrastructure Council (FS-993900015) | $1,769,000 |
| WVDHHR: 10% Set-Aside State Match (FS-993900015) (Approp) | $442,250 |
| TOTAL | $11,056,250 |

Table 3 includes the following in-kind services:
FS-99390015 - $300,000 for Source Water Protection (15%)
FS-99390015 - $200,000 for Capacity and Development (15%)

**TABLE 4. SET-ASIDE FUNDS DISBURSED OR PROJECTED THROUGH STATE FISCAL YEAR 2014 & CONSTRUCTION LOANS AND COMMITMENTS THROUGH JUNE 2016**
**(Construction & Set-Asides)**

| Set-Aside Funds | Grant Funds Received Thru SFY 2014* | Additional Funds From FS-99390015* | Minus In-Kind Services | Total Incoming Funds | Funds Disbursed as of 06/30/2014 | Funds Remaining |
|---|---|---|---|---|---|---|
| Administration (4%) | $5,911,896 | $353,800 | $1,013,137 | $5,252,559 | $4,524,824 | $727,735 |
| Small Systems Technical Assistance (2%) | $3,042,621 | $88,450 | | $3,131,071 | $2,620,083 | $510,988 |
| Program Management Federal (10%) | $13,428,802 | $442,250 | $359,718 | $13,511,334 | $11,633,161 | $1,878,173 |
| Program Management State Match (10%) | $11,642,250 | $442,250 | | $12,084,500 | $10,095,372 | $1,989,128 |
| Total Program Management | $25,071,052 | $884,500 | $359,718 | $25,595,834 | $21,728,533 | $3,867,301 |
| Local Assistance (15%) | $20,508,280 | $1,326,750 | $1,220,000 | $20,615,030 | $17,548,644 | $3,066,386 |
| Total Set-Aside Funds | $54,533,849 | $2,653,500 | $2,592,855 | $54,594,494 | $46,422,085 | $8,172,409 |
| Construction Assistance Funds | $134,025,183 | $6,633,750 | | $140,658,933 | | |
| 20% State Match | $31,469,757 | $1,769,000 | | $33,238,757 | | |
| Loan Repayments | $34,253,251 | $8,949,517 | | $43,202,768 | | |
| Interest On Loans | $1,083,519 | $29,990 | | $1,113,509 | | |
| Interest Earnings | $3,562,993 | $21,344 | | $3,584,337 | | |
| Total Funds For Loans | $204,394,703 | $17,403,602 | | $221,798,305 | | |
| Closed Loans | | | | | $188,615,324 | |
| Letters of Commitment | | | | | $5,066,427 | |
| Planned Future Letters of Commitment | | | | | $28,116,554 | |
| Total Committed/Planned Funds | | | | | $221,798,305 | |
| Funds Remaining To Be Committed | | | | | | $0 |
| Fees on DWTRF Assistance (Including Interest Earnings) | $3,652,242 | $787,745 | | $4,439,987 | $0 | $4,439,987 |
| Total Program Funds | $262,580,794 | $20,844,846 | $2,592,855 | $280,832,786 | $268,220,390 | $12,612,396 |

*Table 4 "Funds Received" includes the in-kind services for the following capitalization grants:
FS-99390003 - $10,000 for Northbridge Environmental Program Manager Support (4%)
FS-99390006 - $134,176 for AWOP/PBT Contractor Support (10%)
2F-99390009 - $250,000 for Admin Support of ARRA Projects (4%)
FS-99390010-1 - $250,000 for Admin Support of Projects (4%)
FS-99390010-1 - $200,000 for Compliance/Enforcement Contractor Support (10%)
FS-99390011 - $150,000 for Administration Support of Projects (4%)
FS-99390011 - $74,458 for Compliance/Enforcement Contractor Support (4%)
FS-99390011 - $25,542 for Compliance/Enforcement Contractor Support (10%)





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FS-99390011 - $100,000 for AWOP/PBT Contractor Support (15%)
FS-99390012 - $125,000 for Project Administration Contractor Support (4%)
FS-99390012 - $20,000 for AWOP/PBT Support (15%)
FS-99390013 - $175,000 for project administration supports (4%)
FS-99390014 - $400,000 for Source Water Protection (15%)
FS-99390014 - $200,000 for Capacity and Development (15%)
FS-99390015 - $300,000 for Source Water Protection (15%)
FS-99390015 - $200,000 for Capacity and Development (15%)

**B. Uses of the New Funds (Construction & Set-Asides)**

Below in Table 5 is a summary of the amounts to be used for each activity. Any funds not used for set-aside activities will be used for construction projects. Please note that the DWTRF interest earnings are utilized to supplement the construction funds, specifically for project overruns, as necessary. Planned disbursement of these funds will be included in the payment schedule included in the grant application.

**TABLE 5. USES OF NEW/REQUESTED FUNDS**
**(Construction & Set-Asides)**

| | Sources and Uses of Funds | | | | | | |
|---|---|---|---|---|---|---|---|
| Uses of Funds | Federal Funds | Infrastructure Council Grant Match | State Program Match | Admin Fee/Admin Interest | Interest Earnings | Loan Repayments | Total |
| Administration | $353,800 | $0 | $0 | $0 | $0 | $0 | $353,800 |
| Technical Assistance | $88,450 | $0 | $0 | $0 | $0 | $0 | $88,450 |
| State Program Management | $442,250 | $0 | $442,250 | $0 | $0 | $0 | $884,500 |
| Local Assistance | $1,326,750 | $0 | $0 | $0 | $0 | $0 | $1,326,750 |
| Construction | $6,633,750 | $1,769,000 | $0 | $0 | $0 | $0 | $8,402,750 |
| Total | $8,845,000 | $1,769,000 | $442,250 | $0 | $0 | $0 | $11,056,250 |

Notes: Administrative Fees, Interest Earnings, and Loan Repayments are included in the grant application.
The Local Assistance set-aside includes $500,000 of in-kind services.

**C. Types of Projects to be Funded**

OEHS is proposing to fund five projects as described in Attachment 3. These projects include distribution system upgrades and extensions to new customers. Projects solely for economic growth or projects solely for fire protection are not eligible for DWTRF assistance.

**D. Project Benefits Reporting (PBR) and National Information Management System (NIMS)**

OEHS will report appropriate information into the PBR and NIMS systems as required by EPA. This IUP will be administered as required by the Operating Agreement between OEHS and EPA.

## 4. GOALS OF THE DWSRF

### A. Short Term Goals

1) OEHS will enter into an eTRAIN ONLINE contract to provide continued maintenance, updates, and support for the online WV Water Operator Training courses available at www.waterhelp.org/wv. Public drinking water systems benefit financially by having more free electronic training options and reduced travel costs associated with traditional classroom courses.

2) Increase source water protection for surface water by further developing a surface source water/early warning detection system: River Alert Information Network (RAIN) in the Monongahela River Basin and examine feasibility of duplicating that system into other drainage basins in West Virginia.

3) Provide operator continuing education hours and certification training using the Mobile Training Unit (MTU). The MTU should be used for 12 hours total (four 3 hour courses within 2 days) in each of the five (5) OEHS District Office areas (60 hours or 10 days total).

4) Enact "Summary of OEHS Action Items" based on comments by the US EPA for the SFY 2013 Site Review. There were no actions identified in the last EPA review.

### B. Long Term Goals

1) Provide the necessary infrastructure replacement, upgrade, and service with the overall goal of upgrading water quality for existing public water customers and providing water to private customers whose water currently does not comply with the SDWA. The DWTRF has a utilization goal of meeting or exceeding the national average and the average of EPA's Region 3 states by achieving 2015 fund utilization goal of 97%.

   OEHS will continue to focus on the following actions:

   - Continue use of an application process for water systems expressing a specific interest in obtaining DWTRF funds.
   - Recommend DWTRF funding for Infrastructure Council applications when the water system could take a DWTRF loan and not exceed a reasonable percent of medium household income (MHI).
   - Generate and advertise a project priority list more frequently than once per year (if needed) to enable water systems more access to the DWTRF fund.
   - Market the DWTRF fund at funding agency meetings and utility system conferences.
   - Commit DWTRF funds to the highest amount possible but not to exceed reasonable federal funding commitments, repayments, and interest.



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   - Provide design loans (or principal forgiveness if appropriate) to water systems to enable them to fund the design stage of the project to move the project forward at a faster pace.

2) Develop the DWTRF to ensure the long term perpetuity of the fund where after the initial capitalization years, the loan repayments in the fund will be used to finance additional projects. Long term funding will be achieved as follows:

   - Conduct financial, managerial, and technical capacity assessments under the Capacity Development Program on potential loan recipients to assure fiscal responsibility.
   - Monitor repayment activity of loan recipients and take aggressive action for collection of delinquent payments from loan recipients.
   - Market the DWTRF through various conferences (WV Rural Water Association Conference, American Water Works Association, Infrastructure Council Meetings, etc.), pamphlets/brochures, and quarterly newsletters on DWSRF program activities.
   - Provide drinking water infrastructure design loans as needed to increase the project completion rate.
   - Evaluate the long term perpetuity of the fund by considering loan interest rates to help mitigate the impact of inflation on the fund. The EPA financial planning model can be used to project the fund viability into the far future. This IUP is consistent with financial planning to maintain the financial health of the fund.

3) Close the DWTRF loans to recipients within twelve months of a letter of binding commitment.

4) Continue implementation of the Capacity Development Strategy including assisting existing public water supplies in acquiring and maintaining the technical, managerial, and financial capacity to comply with the federal SDWA. Provide assistance to ensure that all new community water supplies and new non-transient non-community supplies have the technical, managerial, and financial capacity to comply with current regulations and those regulations likely to be in effect, when the system initiates operations.

5) Continue development, enhancement, and improvement of the Public Water Supply Supervision (PWSS) through improved methodology and consistency of the sanitary surveys. This includes completion of a full complement of staffing in the district offices and final development of an automated data collection system for private laboratories to forward results of total organic compounds.

6) Protect source water from future contamination through Source Water Assessment and Protection (SWAP) and WHP programs:

   - Continue developing and implementing SWAP/WHP programs.

- Determine if water sources are groundwater under the direct influence (GWUDI) of surface water.

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- Continue collaborating with West Virginia Department of Environmental Protection's (WVDEP) Underground Injection Control (UIC) Program.
- Collaborating with West Virginia Department of Environmental Protection's (WVDEP) River Alert Information Network (RAIN) Program.
- Update and expand Geographic Information System (GIS) capabilities.

7) Continue to implement an operator training continuing education program focusing on training course/instructor criteria and operator training requirements.

8) Continue to strive to minimize unliquidated obligations (ULOs) by expeditiously disbursing both set-aside and construction funds in a timely manner. The goal is to attain a half year or less balance for the 2%, 10% and 15% set-asides at the time a new grant is awarded.

## 5. SET-ASIDE ACTIVITIES

In addition to the DWTRF construction fund, there are four "set-aside" or non-project accounts to be administered by OEHS. These separate accounts include Administration of the Loan Program, Technical Assistance, State Program Management, and Local Assistance. In addition to funding for staff expenses, there are also programs being undertaken to improve the health and safety of state water systems. These activities are described in more detail in the associated grant application work plan.

The different set-aside accounts are specified in the SDWA to enable the state to finance the cost of administering and managing the DWTRF program and supporting local public water systems. These accounts are described in more detail below.

The goals, objectives, methods, outputs, and outcomes for these set-asides are located in the work plan.

### A. Administration ($353,800)

The SDWA authorizes the state to use 4% of the Capitalization Grant for administration of the DWTRF program. The full 4% is being requested for this activity (no reserve requested). The state plans to use 4% of the Capitalization Grant solely for administration costs of the program. Administrative tasks include but are not limited to:

1) Developing legislation regarding issues related to the DWSRF.
2) Preparing the Capitalization Grant agreement.
3) Developing memorandums of understanding between federal and state agencies.





4) Reviewing West Virginia Infrastructure Council applications.
5) Preparing the IUP.
6) Providing project review, priority ranking procedures, environmental reviews, and required DWTRF project information coordination (project scheduling, advertisements, loan closure).
7) Providing project inspections, administration of the funds.
8) Tracking and accounting of the funds.
9) Auditing of the funds.
10) Processing payment requests, and managing loan repayments.
11) Assisting Compliance & Enforcement staff in providing monitoring.
12) Provide grants as available for planning and evaluation of proposed projects.

The DWTRF program will fully utilize the WDA, which already administers state-funded construction loans to public wastewater and water systems.

OEHS, WDA, Infrastructure Council, State Treasurer, and Auditor's Offices have been involved in coordinating efforts to expedite disbursing construction funds to the state's public water systems and meeting critical construction needs.

### B. State Program Management ($442,250– Federal; $442,250)

The SDWA authorizes the state to use up to 10% from the federal Capitalization Grant to support the Public Water Supply Supervision (PWSS), Data Information System Management, and PWS operator certification and programs. It will support the Interstate Commission on the Potomac River Basin (ICPRB), and water systems needing to improve their facilities and security. This year only half of the funds are being requested ($442,250 reserve requested). These funds require a dollar-for-dollar match and this match is made through state appropriations.

### C. Technical Assistance ($88,450)

The SDWA authorizes the state to use up to 2% of each capitalization grant to provide technical assistance to small water systems. Half of the 2% is being requested for this activity ($88,450 reserve requested). Small water systems are defined as those that serve less than 10,000 persons. These set-aside funds will be used for technical, financial, and managerial continuing education training to water system operators to meet their certification and training requirements. A contractor, meeting the state requirements, will coordinate the technical assistance program.

### D. Local Assistance and Other State Activities ($1,326,750; Includes $500,000 In-Kind Services Request)

The SDWA authorizes the state to use up to fifteen percent (15%) of the federal capitalization grant for this set-aside, but no more than ten percent (10%) may be used for any

one activity. The full amount of the available funds is being requested for this set-aside which includes the in-kind services. These set-aside funds will be used for the Capacity Development Program, the Wellhead Protection (WHP) Program, Data Information System Management, improving Geographical Information System (GIS) capabilities, and an internet website for GIS support. Working in conjunction with the Compliance and Enforcement Program, the Capacity Development Program will provide support to non-compliant systems not needing infrastructure investment. Grants provided to sub-recipients for capacity improvement or compliance will have selection criteria including need, compliance, effect on public health, and affordability. This set-aside requests $300,000 for in-kind services to support the Source Water Assessment activity and $200,000 for support of the Capacity Development activities.

**6. PUBLIC COMMENT PROCESS**

The public comment for this IUP will be during the period of February 6, 2015 through March 11, 2015. OEHS will post the IUP on the web site and make it available at all district offices and the central office. The draft IUP will be sent to key stakeholders for comment. A public notice will be published in the West Virginia Register (State Register) on February 6, 2015 concerning the web posting and public comment period. A public meeting will be held on February 25, 2015 in the OEHS central office to receive public comments.



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**ATTACHMENT 1**

**DWTRF Project Priority Ranking System**

System: _____ County: _____ Date_____

Project#:_____Project:_____

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## DWTRF Project Priority Ranking System

(1) _____ **PUBLIC HEALTH** (0 to 50 points - 50 points maximum)

Up to fifty points may be given to a project for public health. The public health categories are listed below. A particular project may apply to several categories. In such cases, the project will be given the highest rating.

(A) _____ **Projects to correct acute health hazards** - (50 points) Fifty points will be given to projects that propose to eliminate a problem that poses an acute, ongoing health hazard to the consumer. Violations should be included in the Enforcement Tracking Tool (ETT). Examples are listed below.

- Projects that address documented nitrate or nitrite violations.
- Projects that address documented exceedances of primary inorganic MCL's
- Projects that address a problem where a system has significant turbidity violations. The project must ensure compliance in order to receive DWTRF assistance.
- Projects that address a problem where a system has significant microbiological violations. The project must ensure compliance in order to receive DWTRF assistance.
- Projects that propose filtration for surface water source that currently do not have filtration.
- Projects that propose disinfection for a system that currently do not have disinfection.
- Projects that address documented water outages for extended periods (1 week) due to system or design deficiencies.

(B) _____ **Correct chronic health hazards** - (40 points) Forty points will be given to projects that propose to eliminate a chronic health hazard to the consumer. Examples are listed below.

- Projects that address occasional turbidity violations for a system that has a moderate ETT score.
- Projects that address occasional microbiological violations for a system that has a moderate ETT score.
- Projects that address exceedances of the Lead and Copper Rule.
- Projects that address documented exceedances of primary organic MCL's.
- Projects that address documented exceedances of radiological MCL's.
- Projects that address treatment technologies for the SWTR.
- Projects that address documented water outages due to system or design deficiencies.

(C). _____ **Correct periodic health hazards** - (30 points) Thirty points will be awarded to projects that propose to eliminate a documented health hazard which has occurred periodically. Examples are listed below.

- Projects that address low chlorine residuals.
- Projects that address periodic exceedances of a primary MCL.
- Projects that address periodic water outages to some customers for at least a day due to design or system deficiency.
- Projects to bring existing facilities to current design standards which affect water quality: treatment, chemical application, pumping facilities, finished storage and distribution systems.

(D) _____ **Correct potential health hazards** - (20 points) Twenty points will be given to projects that propose to eliminate potential health hazards. Examples are listed below.

- Projects for line extensions to areas with poor water quality or limited quantity.
- Projects to develop new source to augment existing sources where there is no other health hazard associated with the project. Dams and reservoirs are not eligible.
- Projects for installation / upgrade of waste disposal facilities.

(E) _____ **System Improvements** - (10 points) Ten points will be given to projects that propose general system improvements. Examples are listed below.

- Projects to replace / repair old, undersized, or malfunctioning equipment.
- Projects to replace leaking water line.
- Projects to improve aesthetic quality of the water such as iron, manganese, taste and odor.

(2) _____ **REGULATORY COMPLIANCE** (0 to 20 points, 20 points maximum)

(A)_____ Correction of chronic non-compliance - 20 points
Compliance with administrative orders, agreements, statutes, or regulatory deadlines.

(B)_____ Compliance with periodic and potential non-compliance - 10 points
Compliance with sanitary survey recommendations, NPDES permits, new regulations, or design standards.

(C)_____ Protection against non-compliance -5 points
Compliance with proposed regulations.

(D)_____ Line extensions with documented cases of fecal coliform - 3 points

(3) ____ **AFFORDABILITY** (0 to 30 points) (Based on post-project user rates)

Rates = 0% to 0.49% MHI (0 points)
Rates = 0.50% to 0.99% MHI (5 points)
Rates = 1.00% to 1.24% MHI (10 points)
Rates = 1.25% to 1.49% MHI(15 points)
Rates = 1.50% to 1.74% MHI (20 points)
Rates = 1.75% to 1.99% MHI (25 points)
Rates ≥ 2.0% MHI (30 points)

Note: MHI = median household income by county or municipality as published by the West Virginia Infrastructure and Jobs Development Council (IJDC) at time of approval for funding by IJDC.
Rates based on 4,000 gallons if approved by IJDC prior to September 20, 2014 or 3,400 gallons if approved by IJDC after September 20, 2014.

| | |
|---|---|
| Public Health | |
| Compliance | |
| Affordability | |
| Total Points | |

**Tie Breaker**:
In the event that two or more systems have the same score, the following will be used as the tie-breaker.

1. Whichever system has the highest public health rating will be ranked highest.

2. In the event there is still a tie, then the system with the smaller population served will be ranked higher.

**Definitions**

EPA -- Environmental Protection Agency
MCL -- Maximum Contaminant Level
MHI -- Median Household Income
ETT -- Enforcement Tracking Tool
SWTR -- Surface Water Treatment Rule

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**ATTACHMENT 2**

**Project Priority List/Comprehensive List**

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## ATTACHMENT 3

**Funding List Detailed Description With**
- **Green Project Reserve**
- **Principal Forgiveness**

## 2015 Funding List Detailed Description

| RANKING | SYSTEM | PROJECT DESCRIPTION | DWTRF TERMS | POPULATION | ESTIMATED DATE OF CONSTRUCTION | GREEN PROJECT DESIGNATION | GREEN PROJECT RESERVE | PRINCIPAL FORGIVENESS | TOTAL DWTRF ASSISTANCE FROM GRANT | TOTAL PROJECT COST |
|---|---|---|---|---|---|---|---|---|---|---|
| 2 | Claywood Park PSD | Consists of some water system improvements to enhance hydraulic capacity in 2 separate parts of the system, provide emergency preparedness through addition of power generators and additional storage; replacement of old lines; repainting of 3 tanks and replacement of 2 tanks; small waterline extension to serve 11 new customers; new equipment at 2 booster stations | 0.5%, 0.5%, 30 years; Princ Forgive | 15,358 | October-15 | N/A | $0 | $500,000 | $2,522,000 | $5,044,000 |
| 5 | Salt Rock PSD | This project will extend water to 84 new customers in the Upper Tom's Creek, Big Cabell Creek, Lower Heath Creek, Raccoon Creek, and the Dale Woodrum/Jack Chapman areas. Project will consist of approx. 8 miles of waterline, 23 fire hydrants and all necessary valves and appurtenances | 0.5%, 0.5%, 30 years; Princ Forgive | 9,062 | July-15 | N/A | $0 | $500,000 | $1,988,000 | $2,271,000 |
| 6 | Richwood, City of | This project will extend water service to approx. 152 residents of Hinkle Mountain and Little Laurel Creek. To do this, the Richwood WTP and distribution will need to repaired and/or refurbished. Project will consist of replacement of settling tubes, flocculators and filter media at the WTP. All storage tanks will be inspected including telemetry. Tanks will be painted and fenced. Installation of approx. 10 miles of waterline, one booster station, and on 100,000 gallon elevated storage tank. | 0.5%, 0.5%, 30 years; Princ Forgive | 3070 | September-15 | N/A | $0 | $500,000 | $1,500,000 | $7,972,000 |
| 7 | Hartford, Town of | The project proposes to replace the entire Town of Hartford's water distribution system (constructed in 1964) and abandon their existing water treatment plant including their Sliding Hill Creek Storage Tank and Calvford Street groundwater well and begin purchasing water from the Town of New Haven. The project will consist of the replacement of approximately 10 miles (51,400 LF) of 8-inch and smaller diameter waterline, 22 fire hydrants, 59 gate valves, one master meter and vault, 336 new touch read meters and settings. | 0.5%, 0.5%, 30 years; Princ Forgive | 612 | October-15 | N/A | $0 | $500,000 | $1,500,000 | $3,133,000 |
| 9 | New Haven, Town of | This project will include the replacement of the entire distribution system and storage tanks and installing an interconnection for the Town of Hartford. The project will consist of a new booster pump station, approximately eleven (11) miles of 2", 6" & 8" water line, demolition of two (2) 150,000 gallon water storage tanks [Downtown Tank (1936) and Haven Heights Tank (1962) which were both painted in 2004], a 500,000 gallon water storage tank, forty-six (46) fire hydrants, twenty-five (25) blow-off assemblies and all necessary service lines, flow meters, telemetry, valves and appurtenances. | 0.5%, 0.5%, 30 years | 1,615 | November-15 | N/A | $0 | $0 | $892,750 | $5,794,000 |
| Total | | | | | | | $0 | $2,000,000 | $8,402,750 | $19,170,000 |

**2015 Capitalization Grant Amount: $8,845,000**

| | | |
|---|---|---|
| $0 | $1,769,000 to $2,653,500 | $8,402,750 |
| Green Project Reserve Required | 20% to 30% Principal Forgiveness Required | Total Amount of Grant Construction Funds Available |

OTHER

**ATTACHMENT 4**

**Legal Notice/Public Meeting Summary/Response to Comments**

# Bureau for Public Health
# Office of Environmental Health Services
# 2015 Intended Use Plan Review
# Notice of Public Meeting and Public Comment Period

OTHER

The Bureau for Public Health, Office of Environmental Health Services, will hold a public meeting on February 25, 2015 from 3:00 p.m. to 3:30 p.m. to accept written or oral comments on the proposed July 1, 2015 through June 30, 2016 Draft Intended Use Plan (IUP) for the West Virginia Drinking Water State Revolving Fund program, including the construction loan fund. The meeting will be held at the West Virginia Bureau for Public Health, Environmental Engineering Division, Room 345, 350 Capitol Street, Charleston, WV and is open to the public.

A copy of the proposed IUP will be available for public review on or before February 6, 2015 at the following locations:

| | |
|---|---|
| Charleston Central Office | (304) 356-4301 |
| Wheeling District Office | (304) 238-1145 |
| Philippi District Office | (304) 457-2296 |
| Kearneysville District Office | (304) 725-9453 |
| Beckley District Office | (304) 256-6666 |
| St. Albans District Office | (304) 722-0611 |

A copy of the proposed IUP will also be available for public review on the Bureau for Public Health website at http://www.wvdhhr.org/oehs/eed/i&cd/

The public may submit written comments by mail, e-mail, facsimile (304-558-0691) or other delivery to:

Robert W. DeCrease
Bureau for Public Health
Office of Environmental Health Services
Environmental Engineering Division
350 Capitol Street, Room 313
Charleston, WV 25301-3713
Email: robert.w.decrease@wv.gov

All comments must be received by 12:00 noon, March 11, 2015.

Please include your name, return address, e-mail address, daytime telephone number and indicate any organization that you may represent. Prior to any final action on this IUP, the Bureau for Public Health will address only comments relevant to IUP issues.

Earl Ray Tomblin
Governor

Karen L. Bowling, Cabinet Secretary
West Virginia Department of
Health and Human Resources

HEALTH CARE AUTHORITY

James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

## *NOTICE OF REVIEW*

FOR IMMEDIATE RELEASE

**February 2, 2015**

**NEWS ITEM**

FILED
2015 FEB -4 A 11:
OFFICE OF THE SECRETARY OF STATE

The Health Care Authority (Authority), James L. Pitrolo, Jr., Chairman, pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

January 28, 2015 – St. Joseph's Hospital of Buckhannon, Inc., Buckhannon, Upshur County, CON File #15-7-10388-P, for the development of an ambulatory health care facility in Elkins, Randolph County, for the provision of pre and post-obstetrical care and gynecological services in an office-based certified nurse mid-wife practice to the residents of Pocahontas, Randolph and Tucker counties; capital expenditure: $25,000.

January 28, 2015 – United Hospital Center, Bridgeport, Harrison County, CON File #15-6-10383-P, for the employment of a physician who will continue to provide office-based services relating to general surgery one day a week in Marion County; capital expenditure: $50,000.

January 29, 2015 – Oak Health and Rehabilitation Centers, Inc., Bala Cynwyd, Pennsylvania, and Oak HRC Fairmont LLC, Fairmont, Marion County, Oak HRC 2 LLC, Bala Cynwyd, Pennsylvania, CON File #14-6-10367-A, for the acquisition of the licensed operations of the Arbors at Fairmont, a nursing home located in Fairmont, Marion County; capital expenditure: $60,000.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

On or before **February 17, 2015**, any affected person may present reasons to the Authority as to why the applicants of the projects should complete a standard application.

If the Authority concludes that the standard application should be used on any project, the review will be stopped and a new one begun using the standard application.

Also, by **March 9, 2015**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a "Notice of Public Hearing", specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **March 10, 2015**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications, and no further contact with the Authority regarding the substance of the applications will be permitted.

The decisions on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the applications, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the decisions will be issued on or before **April 13, 2015**.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the decisions should submit a written request to Timothy E. Adkins, Director, Certificate of Need, Health Care Authority, ~~100 Dee~~ Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

2/2/15
Date

**James L. Pitrolo, Jr., Chairman**
Health Care Authority

OTHER

**WEST VIRGINIA HEALTH CARE AUTHORITY**
**CERTIFICATE OF NEED**
**100 Dee Drive**
**Charleston, West Virginia 25311-1600**

FILED
2015 FEB -2 P 4: 19
OFFICE WEST VIRGINIA SECRETARY OF STATE

February 2, 2015

***LEGAL NOTICE***

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **January 30, 2015**.

**APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW**

An application declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

**EXPEDITED APPLICATIONS**

The review cycle for the above-referenced projects is as follows:

January 28, 2015 – St. Joseph's Hospital of Buckhannon, Inc., Buckhannon, Upshur County, CON File #15-7-10388-P, for the development of an ambulatory health care facility in Elkins, Randolph County, for the provision of pre and post-obstetrical care and gynecological services in an office-based certified nurse mid-wife practice to the residents of Pocahontas, Randolph and Tucker counties; capital expenditure: $25,000.

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January 29, 2015 – Oak Health and Rehabilitation Centers, Inc., Bala Cynwyd, Pennsylvania, and Oak HRC Fairmont LLC, Fairmont, Marion County, Oak HRC 2 LLC, Bala Cynwyd, Pennsylvania, CON File #14-6-10367-A, for the acquisition of the licensed operations of the Arbors at Fairmont, a nursing home located in Fairmont, Marion County; capital expenditure: $60,000.

February 7, 2015 – Review cycle begins;

February 17, 2015 – Last date for an affected person to present reasons why the applicant should complete a standard application to the Authority;

March 9, 2015 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of time and place will be given in the Saturday editions of the Charleston Gazette and the Charleston Daily Mail, as well as the

State Register;

March 10, 2015 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority and no further contact with the Authority regarding the substance of the application will be permitted;

April 13, 2015 – Decision on the project will be issued by the Authority.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.

OTHER

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2015 JAN 30 A 8:25

OFFICE WEST VIRGINIA SECRETARY OF STATE

Date: January 29, 2015

**NOTICE OF COMMENT PERIOD ON A PROPOSED AUTOMOBILE LIABILITY INSURANCE RATE INCREASE**

Pursuant to West Virginia Code Section §33-20-4(l), a comment period has been established during which any interested person may submit written comments on the following proposed automobile liability insurance rate increase.

Insurance Company: Hartford Accident and Indemnity Company
Twin City Fire Insurance Company

Proposed Rate Increase: 17.2 % to Liability

Insureds Affected: 4,303

The comment period will end on March 2, 2015 at 4:30 p.m.

Only written comments will be accepted, our mailing address is:

Rob Grishaber
Rates & Forms Division
West Virginia Insurance Commission
P. O. Box 50540
Charleston, WV 25305-0540